

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 11—Missouri Plant Law Quarantines**

PROPOSED RULE

2 CSR 70-11.060 Thousand Cankers Disease of Walnut Exterior Quarantine

PURPOSE: This rule prevents the introduction into Missouri of a newly described destructive pest complex known as Thousand Cankers Disease of Walnut, consisting of an insect pest, the Walnut Twig Beetle, *Pityophthorus juglandis*, and a fungal pathogen, *Geosmithia morbida* sp. nov.

(1) It has been determined that Thousand Cankers Disease of Walnut, a lethal insect-fungal pathogen pest complex of walnut (*Juglans* spp.) has been detected in at least eight (8) western states (Arizona,

California, Colorado, Idaho, New Mexico, Oregon, Utah, and Washington). The Walnut Twig Beetle is known from several western states and Mexico; however, the fungus is a newly described fungus with a proposed name of *Geosmithia morbida* sp. nov. Thousand Cankers Disease has not yet been found in Missouri or other states in the general native range of Black Walnut, but its introduction could cause an estimated \$851 million in losses over a twenty (20)-year period to the state economy, as well as inestimable, long-term ecological and sociological impacts. As such, the state entomologist, under the authority of section 263.140, RSMo, of the Missouri Plant Law does now establish a quarantine to prevent the introduction of this pest complex into Missouri and now sets forth the name of this pest complex against which the quarantine is established, the quarantined area, the articles regulated, and the penalty.

(2) The following definitions shall apply to this quarantine:

(A) Bark means the natural bark of a tree, including the ingrown bark around the knots and bark pockets between rings of annual growth and an additional one-half (½)-inch of wood, including the vascular cambium;

(B) Compliance agreement is a written agreement between the state entomologist and a person or entity moving regulated articles from or through a quarantined area into Missouri;

(C) Firewood for the purposes of this quarantine shall be defined as wood, either split or unsplit, in sections less than four feet (4') in length;

(D) State entomologist refers to the Missouri Department of Agriculture Plant Pest Control Bureau Administrator; and

(E) State plant regulatory official refers to the National Plant Board member of the state of origin.

(3) The following is a list of articles, the movement of which is regulated:

(A) The Walnut Twig Beetle, *Pityophthorus juglandis*, in any living stage of development;

(B) The fungal pathogen, *Geosmithia morbida* sp. nov.;

(C) Firewood of any non-coniferous (hardwood) species;

(D) All plants and plant parts of the genus *Juglans* including but not limited to nursery stock, budwood, scionwood, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips. Specific exceptions are nuts, nut meats, hulls, processed lumber (one hundred percent (100%) bark-free, kiln-dried with squared edges), and finished wood products without bark, including walnut furniture, instruments, and gun stocks; and

(E) Any article, product, or means of conveyance when it is determined by the state entomologist to present the risk of spread of the Walnut Twig Beetle, *Pityophthorus juglandis*, or the fungal pathogen, *Geosmithia morbida* sp. nov.

(4) Regulated articles from the areas listed below are prohibited entry into Missouri under any circumstances.

(A) Arizona.

(B) California.

(C) Colorado.

(D) Idaho.

(E) Nevada.

(F) New Mexico.

(G) Oregon.

(H) Utah.

(I) Washington.

(J) Any other areas of the United States as determined by the state entomologist to have Thousand Cankers Disease of Walnut.

(5) The following are conditions of movement of regulated articles:

(A) All regulated articles are prohibited movement into or transiting through the state of Missouri;

(B) Articles listed in section (3) originating in an area not known to have Thousand Cankers Disease but transiting through an area known to have Thousand Cankers Disease will be considered to be regulated articles; and

(C) Regulated articles to be used for research purposes, at the discretion of the state entomologist, may move under a compliance agreement between the state entomologist and the Missouri recipient. At minimum, the compliance agreement shall require inspection of the regulated articles at the point of origin, a state phytosanitary certificate issued by the state plant regulatory official in the state of origin, and at least twenty-four (24) hours pre-shipment notification.

(6) Regulated articles transported in violation of this quarantine may be destroyed, or returned to the point of origin, at the discretion of the state entomologist. Common carriers or other carriers, persons, firms, or corporations who transport or move regulated articles in violation of this quarantine and these rules will be subject to the penalties named in section 263.180, RSMo, of the Missouri Plant Law.

(7) These rules are distinct from, and in addition to, any federal statute, regulation, or quarantine order addressing the interstate movement of articles from the known infested areas.

AUTHORITY: sections 263.040, 263.050, and 263.180, RSMo 2000. Emergency rule filed April 2, 2010, effective April 12, 2010, expires Jan. 19, 2011. Original rule filed April 13, 2010.

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 Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

cies or political subdivisions forty-eight thousand six hundred eighty-two dollars and twenty-nine cents (\$48,682.29) in reduced fees based on currently reported fertilizer products for the period 2008–09.

PRIVATE COST: This proposed rule will cost private entities approximately four thousand nine hundred fifty dollars (\$4,950) in the aggregate. This assumes that the thirty-three (33) current distributors with permits will perform two (2) quality control chemical analyses of their product per year at an approximate cost of seventy-five dollars (\$75) per sample or one hundred fifty dollars (\$150) per location per year.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director, Fertilizer/Ag Lime Control Service, University of Missouri, Columbia, MO 65211-8080. 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 6—DEPARTMENT OF HIGHER EDUCATION
Division 250—University of Missouri
Chapter 11—Administration of Missouri Fertilizer Law**

PROPOSED RULE

6 CSR 250-11.041 Inspection Fee on Manipulated Animal or Vegetable Manure Fertilizers

PURPOSE: This rule establishes the inspection fee on manipulated animal or vegetable manure fertilizers sold in the state.

(1) The fee provided to be established by rule under section 266.331, RSMo, for manipulated animal or vegetable manure fertilizers. Manipulated manure fertilizers shall be guaranteed. The fee is established at two cents (2¢) per ton per percent nitrogen for nitrogen levels less than five percent (5%), or four cents (4¢) per ton per percent nitrogen for nitrogen levels of five percent (5%) but less than ten percent (10%), or six cents (6¢) per ton per percent nitrogen for nitrogen levels of ten percent (10%) or greater.

AUTHORITY: section 266.331, RSMo Supp. 2009. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule is estimated to cost state agen-

**FISCAL NOTE
PUBLIC ENTITY COST**

RULE NUMBER 6 CSR 250-11.041Title: **Title 6—DEPARTMENT OF HIGHER EDUCATION**Division: **Division 250—University of Missouri**Chapter: **Chapter 11—Administration of Mo. Fertilizer Law**Type of Rulemaking: **Proposed Rule**Rule Number and Name: **6 CSR 250-11.041 Inspection fee on manipulated animal or vegetable manures fertilizers****SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Agricultural Experiment Station	-\$48,682.29 inspection fees collected, based on tonnage and guaranteed analysis of product reported in the July 2008 through June 2009.
4 cities	Net saving over current inspection fee

WORKSHEET

There are currently no state agencies and 4 political subdivisions with a valid permit to sell commercial fertilizer. The new fee structure reduces the tonnage inspection fee; however, estimating savings is not easily calculated without prior knowledge of how many tons of fertilizer products will be distributed during the reporting period. The Missouri agricultural experiment station administers the Missouri Fertilizer law utilizing the fees collected to administer the program. Fees in excess of administration are utilized for the benefit of agricultural producers in the state by funding basic research on fertilizer use and education.

WORKSHEET

2008-09 reported tons

Distributor Permit #	Tonnage	Product N% Guarantee	Old Fee based on tonnage @ 50¢/T	New Fee based on % N contained in product	Fee @ 2¢/T % N < 5%	Fee @ 4¢/T % N > 5% < 10%	Fee @ 6¢/T % N > 10%
00690	116	0.5	\$58.00	\$1.16			
00985	164.4	0.5	\$82.20	\$1.64			
01385	1282.25	3	\$641.13	\$76.94			
02010	46.38	4	\$23.19	\$3.71		\$7.40	
02020	37	5	\$18.50				
02125	1.31	1	\$0.66	\$0.03			
02125	0.16	0.5	\$0.08	\$0.00			
02620	76.14	8	\$38.07			\$24.36	
02660	0.08	0.06	\$0.04	\$0.00			
02700	1395.6	0.5	\$697.80	\$13.96			
02880**	0		\$0.00				
03160	69.76	3	\$34.88	\$4.19			
03250	296.4	0.05	\$148.20	\$0.30			
04140	437.75	4	\$218.88	\$35.02			
05610	153.9	0.1	\$76.95	\$0.31			
05640	348.67	4	\$174.34	\$27.89			
05620	0.925	0.5	\$0.46	\$0.01		\$108.72	
05690**	453	6	\$226.50				
05950**	1323.5	1	\$661.75	\$26.47			
06000**	644.033	0.05	\$322.02	\$0.64			
06104	69.76	3	\$34.88	\$4.19			
06320	630	0.002	\$315.00	\$0.03			
06440	99.27	4	\$49.64	\$7.94			
06480	68.85	3	\$34.43	\$4.13			
06480	12515.26	8.55	\$6,257.63		\$4,280.22		
06480	311.91	8.83	\$155.96		\$110.17		
06330	99	4	\$49.50	\$7.92			
06817	25.04	0.05	\$12.52	\$0.03			
07290	42	5	\$21.00			\$8.40	
06890	1869.6	0.5	\$934.80	\$18.70			
07515	75	4	\$37.50	\$6.00			
07735	10	5	\$5.00			\$2.00	
09240	7.5	0.1	\$3.75	\$0.02			
09230	2.4	0.1	\$1.20	\$0.00			
07920	74704.25	0.3	\$37,352.13	\$448.23			
08070	10575.8	0.3	\$5,287.90	\$63.45			
Total	107952.9		\$53,976.45	\$752.89			\$4,541.27
Total Combined new fee			\$5,294.16				
Difference in Fees			-\$48,682.29				

** Designates municipality with permit

IV. ASSUMPTIONS

Based on reported tonnages and guaranteed analysis for the July 2008 to June 2009 reporting period, political subdivisions will realize a reduction in tonnage inspection fees from the current fifty cents (50¢) per ton to two (2¢) or four cents (4¢) per ton per percent nitrogen guaranteed.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER 6 CSR 250-11.041

Title: Title 6—DEPARTMENT OF HIGHER EDUCATION

Division: Division 250—University of Missouri

Chapter: Chapter 11—Administration of Mo. Fertilizer Law

Type of Rulemaking: Proposed Rule

Rule Number and Name: 6 CSR 250-11. 041 Inspection fee on manipulated animal or vegetable manures fertilizers

SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Corporate	Thirteen sites	\$1,950.00 per year
Company	Eight sites	\$1,200.00 per year
Limited Liability Company	Seven sites	\$ 1,050.00 per year
Municipalities	Four sites	\$ 600.00 per year
Cooperative Organizations	One sites	\$ 150.00 per year

WORKSHEET

Current breakdown of distributors holding valid permits to sell commercial fertilizers in Missouri are as follows:

- Corporate: one site 13, three sites 1.
- Company: one site 8.
- Limited Liability Companies: one site 7.
- Municipalities: one site 4.
- Cooperative organizations: one site 1.

IV. ASSUMPTIONS

It is possible that with the reduction in tonnage inspection fees on manipulated manure or manipulated vegetable manure fertilizers, more distributors will be identified requiring registration. The summary of fiscal impact assumes a minimum of two independent sample analyses per year per location to verify product quality prior to shipment.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 250—University of Missouri
Chapter 11—Administration of Missouri Fertilizer Law**

PROPOSED RULE

6 CSR 250-11.042 Guaranteed Analysis When Tonnage Inspection Fee is Based on Product Constituent

PURPOSE: This rule establishes tolerance for under guaranteeing a nutrient when inspection fee is based on specific nutrient content of a fertilizer product.

(1) When the tonnage inspection fee authorized in section 266.331, RSMo, is based on nutrient constituent component(s) contained in the fertilizer, the guaranteed analysis will accurately represent the nutrient content of the product within one hundred fifty percent (150%) value. Value will be determined by chemical analysis and calculated by dividing the found nutrient level by the guaranteed level. Product analysis that are found to exceed one hundred fifty percent (150%) of the guarantee shall be subject to the prescribed inspection fee multiplied by the factor which the product was under guaranteed.

AUTHORITY: sections 266.291–266.351, RSMo 2000 and RSMo Supp. 2009. Original rule filed April 15, 2010.

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 cost private entities approximately one thousand nine hundred fifty dollars (\$1,950) in the aggregate. This assumes that the twenty-nine (29) entities perform a minimum of one (1) chemical analysis annually at an approximate cost of seventy-five dollars (\$75) per sample.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director, Fertilizer/Ag Lime Control Service, University of Missouri, Columbia, MO 65211-8080. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER 6 CSR 250-11.042

Title: Title 6—DEPARTMENT OF HIGHER EDUCATION

Division: Division 250—University of Missouri

Chapter: Chapter 11—Administration of Mo. Fertilizer Law

Type of Rulemaking: Proposed Rule

Rule Number and Name: 6 CSR 250-11.042 Guaranteed analysis when tonnage inspection fee is based on product constituent.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
29 private entities	Corporate (13)	\$ 975.00 minimum
	Company (8)	\$ 525.00 minimum
	Limited Liability (7)	\$ 375.00 minimum
	Cooperative (1)	\$ 75.00 minimum

III. WORKSHEET

It is difficult to estimate the number of entities that might be affected by this proposed rule. In order for financial impact to exceed \$500.00, a distributor would have to have intentionally under-guarantee their product. The estimated minimum cost would be arrived at on a per sample basis for the producer to verify the quality of the product being sold.

IV. ASSUMPTIONS

The assumption is that requiring proper chemical analysis of the materials prior to transfer will benefit the distributor selling the product, the purchaser receiving the product and the environment by avoiding over application of supplied nutrients.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.010 Definitions. The Missouri Highways and Transportation Commission is amending subparagraph (1)(A)30.B. and adding subparagraph (1)(A)30.C.

PURPOSE: This proposed amendment will amend the definition of “violations reset” to mirror the standards and specifications in 7 CSR 60-2.030 that outline when a violations reset message will occur.

(1) Definitions.

(A) The following words and terms as used in these requirements shall have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition for the rolling retest;

2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the nominal lock point at which the ignition interlock device is set at the time of calibration;

3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;

4. Authorized service provider—A person, company, or authorized franchise who is certified by the state of Missouri to provide breath alcohol ignition interlock devices under sections 577.600–577.614, RSMo;

5. Bogus breath sample—Any gas sample other than an undiluted, undiluted, and unfiltered alveolar air sample from a driver;

6. Breath alcohol concentration (BAC)—The number of grams of alcohol (% weight/volume) per two hundred ten (210) liters of breath;

7. Breath alcohol ignition interlock device (BAIID)—A mechanical unit that is installed in a vehicle which requires the taking of a BAC test prior to the starting of the vehicle and at periodic intervals after the engine has been started. If the unit detects a BAC test result below the alcohol setpoint, the unit will allow the vehicle’s ignition switch to start the engine. If the unit detects a BAC test result at or above the alcohol setpoint, the vehicle will be prohibited from starting;

8. Breath sample—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Circumvention—An unauthorized, intentional, or overt act or attempt to start, drive, or operate a vehicle equipped with a breath alcohol ignition interlock device without the driver of the vehicle providing a pure breath sample;

11. Device—Breath alcohol ignition interlock device (BAIID);

12. Download—The transfer of information from the interlock device’s memory onto disk or other electronic or digital transfer protocol;

13. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

14. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

15. Independent laboratory—A laboratory which is properly equipped and staffed to conduct laboratory tests on ignition interlock devices;

16. Initial breath test—A breath test required to start a vehicle to ensure that the driver’s BAC is below the alcohol setpoint;

17. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by installers;

18. Installer—A dealer, distributor, supplier, individual, or service center who provides device calibration, installation, and other related activities as required by the authorized service provider;

19. Lockout—The ability of the device to prevent a vehicle’s engine from starting unless it is serviced or recalibrated;

20. NHTSA—Federal agency known as the National Highway Traffic Safety Administration;

21. Operator—Any person who operates a vehicle that has a court-ordered or Department of Revenue required breath alcohol ignition interlock device installed;

22. Permanent lockout—A feature of a device in which a vehicle will not start until the device is reset by a device installer;

23. Pure breath sample—Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

24. Reinstallation—Replacing a breath alcohol ignition interlock device in a vehicle by an installer after it has been removed for service;

25. Retest—Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the rolling retest;

26. Rolling retest—A subsequent breath test that must be conducted five (5) minutes after starting the vehicle and randomly during each subsequent thirty (30)-minute time period thereafter while the vehicle is in operation;

27. Service lockout—A feature of the breath alcohol ignition interlock device which will not allow a breath test and will not allow the vehicle to start until the device is serviced and recalibrated as required;

28. Tampering—An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test;

29. Temporary lockout—A feature of the device which will not allow the vehicle to start for fifteen (15) minutes after three (3) failed attempts to blow a pure breath sample; and

30. Violations reset—A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen (15)-minute temporary lockouts within a thirty (30)-day period; *[or]*

B. Any *[two (2)]* **three (3)** refusals to provide a retest sample within a thirty (30)-day period*[/]; or*

C. Any three (3) breath samples above the alcohol setpoint within a thirty (30)-day period.

AUTHORITY: sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] 2009 and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.010. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.010, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expires Nov. 30, 2010. Amended: Filed April 8, 2010.

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

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

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

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

PROPOSED AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending paragraph (1)(C)2.

PURPOSE: This proposed amendment will require an ignition interlock device to be programmed to include a violations reset message when the device registers three (3) refusals to submit to a rolling retest of the person's breath within a thirty (30)-day period.

(1) Standards and Specifications.

(C) A retest feature is required for all devices.

1. A device shall be programmed to require a rolling retest five (5) minutes after the start of the vehicle and randomly during each subsequent thirty (30)-minute time period thereafter as long as the vehicle is in operation.

2. Any breath sample above the alcohol retest setpoint of twenty-five thousandths (.025) or any failure to provide a retest sample within five (5) minutes shall activate the vehicle's horn or other installed alarm and/or cause the vehicle's emergency lights to flash until the engine is shut off by the operator. Three (3) breath samples above the alcohol setpoint or three (3) [consecutive] refusals by the driver to provide a retest sample **within a thirty (30)-day period** will result in a violations reset message.

3. The violations reset message shall instruct the operator to return the device to the installer for servicing within five (5) working days.

A. As the result of a reset message, the installer must download and calibrate the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

4. If the vehicle is not returned to the installer within five (5) working days, the device shall cause the vehicle to enter a permanent lockout condition.

AUTHORITY: sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] 2009 and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.030, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expires Nov. 30, 2010. Amended: Filed April 8, 2010.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in

support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair
Housing Sections of the Missouri Human Rights Act**

PROPOSED RULE

8 CSR 60-4.040 Costs of Travel to Hearing

PURPOSE: This rule indicates that when a complainant has to travel for a hearing regarding a complaint of housing discrimination, the commission will cover the complainant's travel expenses.

(1) When a complainant files a complaint pursuant to sections 213.040, 213.041, 213.045, or 213.050, RSMo, or pursuant to section 213.070, RSMo, only as it relates to housing, and the respondent requests that a hearing be held in the county where he or she resides or does business, then, in the event that county is not the county of complainant's residence, the commission will cover the costs associated with the complainant's travel to the hearing pursuant to the state of Missouri's policies and limits in place for state employees at the time the travel occurs.

AUTHORITY: sections 213.030 and 213.075, RSMo 2000. Original rule filed April 14, 2010.

PUBLIC COST: This proposed rule will not cost 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 Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. 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 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair
Housing Sections of the Missouri Human Rights Act**

PROPOSED RULE

8 CSR 60-4.045 Complainant's Testimony at Hearing

PURPOSE: This rule indicates that a complainant may testify at a hearing even if he or she has not intervened in the action.

(1) When a case is at hearing pursuant to section 213.075, RSMo, then the complainant may testify at the hearing whether or not he or she has intervened in the proceeding.

AUTHORITY: sections 213.030 and 213.075, RSMo 2000. Original rule filed April 14, 2010.

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 Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. 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 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area

PROPOSED RESCISSION

10 CSR 10-2.070 Restriction of Emission of Odors. This rule restricted the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. If the commission adopts this rule action, it will be the Department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency from the Missouri part of 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 restricts the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 26, 1970, effective April 5, 1970. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006, effective July 30, 2007. Rescinded: Filed April 14, 2010.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, 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., July 1, 2010. 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 3—Air Pollution Control Rules Specific to the
Outstate Missouri Area

PROPOSED RESCISSION

10 CSR 10-3.090 Restriction of Emission of Odors. This rule restricted the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. If the commission adopts this rule action, it will be the Department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency from the Missouri part of 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 restricts the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed July 13, 1971, effective July 23, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006, effective July 30, 2007. Rescinded: Filed April 14, 2010.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, 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., July 1, 2010. 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 4—Air Quality Standards and Air Pollution
Control Regulations for the Springfield-Greene County
Area**

PROPOSED RESCISSION

10 CSR 10-4.070 Restriction of Emission of Odors. This rule restricted the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. If the commission adopts this rule action, it will be the Department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency from the Missouri part of 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 restricts the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006, effective July 30, 2007. Rescinded: Filed April 14, 2010.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, 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., July 1, 2010. 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 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area**

PROPOSED RESCISSION

10 CSR 10-5.160 Control of Odors in the Ambient Air. This rule restricted the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. If the commission adopts this rule action, it will be the Department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency from the Missouri part of 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 restricts the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006, effective July 30, 2007. Rescinded: Filed April 14, 2010.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, 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., July 1, 2010. 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 RULE

10 CSR 10-6.165 Restriction of Emission of Odors. If the commission adopts this rule action, it will be the Department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. 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 restricts the emission of excessive odorous matter. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

(1) Applicability. This rule shall apply to any person that causes, permits, or allows emission of odorous matter throughout the state of Missouri, except—

(A) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the pyrolysis of wood in the production of charcoal in a Missouri-type charcoal kiln;

(B) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the raising and harvesting of crops nor from the feeding, breeding, and management of livestock or domestic animals or fowl with the exception of Class IA Concentrated Animal Feeding Operations; and

(C) The provisions of this rule shall not apply to emissions of odorized natural gas, or the chemicals used to achieve the regulated odorization of natural gas, inherent to the operations of a natural gas utility.

(2) Definitions.

(A) Modification—Any changes to the sources of odor emissions or the odor control options to be implemented to reduce odor emissions from those identified in an odor control plan.

(B) Class IA concentrated animal feeding operation—Any concentrated animal feeding operation with a capacity of seven thousand (7,000) animal units or more and corresponding to the following number of animals by species listed below:

Class IA concentrated animal feeding operation 7,000 animal unit equivalents		
Animal species	Animal unit equivalent	Number of animals
Beef feeder or slaughter animal	1.0	7,000
Horse	0.5	3,500
Dairy cow	0.7	4,900
Swine weighing > 55 lbs.	2.5	17,500
Swine weighing < 55 lbs.	10	70,000
Sheep	10	70,000
Laying hens	30	210,000
Pullets	60	420,000
Turkeys	55	385,000
Broiler chickens	100	700,000

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

(3) General Provisions. No person may cause, permit, or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one (1) volume of odorous air is diluted with seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the peri-

od of one (1) hour. This odor evaluation shall be taken at a location outside of the installation's property boundary.

(A) Control of Odors from Class IA Concentrated Animal Feeding Operations. Notwithstanding any provision in any other regulation to the contrary, all Class IA concentrated animal feeding operations shall operate under an odor control plan describing measures to be used to control odor emissions. All new Class IA concentrated animal feeding operations and any operation that expands to become a Class IA concentrated animal feeding operation shall obtain approval from the department for an odor control plan at least sixty (60) days prior to commencement of operation.

1. The odor control plan shall contain the following:

A. A listing of all sources of odor emissions and description of how odors are currently being controlled;

B. A listing of all potentially innovative and proven odor control options for reducing odor emissions. Odor control options may include odor reductions achieved through: odor prevention, odor capture and treatment, odor dispersion, add-on control devices, management practices, modifications to feed-stock or waste handling practices, or process changes;

C. A detailed discussion of feasible odor control options for odor emissions. The discussion shall include options determined to be infeasible. Determination of infeasibility should be well documented and based on physical, chemical, and engineering principles demonstrating that technical difficulties would preclude the success of the control option;

D. A ranking of feasible odor control options from most to least effective. Ranking factors shall include odor control effectiveness, expected odor reduction, energy impacts, and economic impacts;

E. An evaluation of the most effective odor control options. Energy, environmental, and economic impacts shall be evaluated on a case-by-case basis;

F. Description of the odor control options to be implemented to reduce odor emissions;

G. A schedule for implementation. The schedule shall establish interim milestones in implementing the odor control plan prior to the implementation deadline if the plan is not implemented at one time; and

H. An odor monitoring plan.

2. The Missouri Department of Natural Resources' Air Pollution Control Program shall review and approve or disapprove the odor control plan.

A. After the program receives an odor control plan, they shall perform a completeness review. Within thirty (30) days of receipt, the program shall notify the plan originator if the plan contains all the elements of a complete odor control plan. If found incomplete, the program shall provide the originator a written explanation of the plan's deficiencies.

B. Within sixty (60) days after determining an odor control plan submittal is deemed complete, the program shall approve or disapprove the plan. During this sixty (60)-day technical review period, the program may request additional information needed for review. If the plan is disapproved, the program shall give the plan originator a written evaluation explaining the reason(s) for disapproval.

(B) Existing odor control plans shall be amended within thirty (30) calendar days of either—

1. A determination by the staff director that there has been a violation of any requirement of this rule; or

2. A determination by the staff director that an amended odor control plan is necessary to address recurring odor emissions.

(4) Reporting and Record Keeping. Odor control plans shall be updated at a minimum of every five (5) years from the date last approved or when a modification occurs. This update shall be due to the department six (6) months before the current odor control plan expires or at least thirty (30) days prior to the modification occurring with the following provisions:

(A) All existing odor control plans shall be updated by December

31, 2010; and

(B) Any person may petition the department to be removed from the odor control plan requirement if there have been no odor notifications, notices of excess emissions, or notices of violation for a period of sixty (60) consecutive months and based on documentation that the odor source has been removed.

(5) Test Methods. Measurements shall be made with a Nasal Ranger as manufactured by St. Croix Sensory Inc. or by a similar instrument or technique that will give substantially similar results, or as approved by the department.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed April 14, 2010.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, 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., July 1, 2010. 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 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring**

PROPOSED RULE

10 CSR 60-4.025 Ground Water Rule Monitoring and Treatment Technique Requirements

PURPOSE: This rule sets standards for public water systems using ground water, including requirements for monitoring, treatment techniques, and corrective actions where significant deficiencies are found. The rule is based on the requirements in the federal Ground Water Rule found in subpart S of 40 CFR part 141, July 1, 2008.

(1) General Requirements and Applicability.

(A) Scope of This Rule. The requirements of this rule constitute National Primary Drinking Water Regulations.

(B) Applicability. This rule applies to all public water systems that use ground water except that it does not apply to public water systems that combine all of their ground water with surface water or with ground water under the direct influence of surface water prior to treatment. Also, it does not apply to ground water systems under the direct influence of surface water. For the purposes of this rule, ground water system is defined as any public water system meeting this applicability statement, including consecutive systems receiving finished ground water.

(C) General Requirements.

1. Systems subject to this rule must comply with sanitary survey information requirements described in section (2) of this rule.

2. Wherever it is used in this rule, the term "4-log treatment of viruses" shall mean treatment to at least ninety-nine and ninety-nine

hundredths percent (99.99%) (4-log) treatment of viruses using inactivation, removal, or a department-approved combination of 4-log virus inactivation and removal before or at the first customer.

3. The department will use the *Missouri Guidance Manual for Inactivation of Viruses in Ground Water* to determine inactivation of viruses.

4. Systems subject to this rule must comply with microbial source water monitoring requirements for ground water systems that do not treat all of their ground water to at least ninety-nine and ninety-nine hundredths percent (99.99%) (4-log) treatment of viruses before or at the first customer as described in section (3) of this rule.

5. Systems subject to this rule must comply with treatment technique requirements, described in section (4) of this rule, that apply to ground water systems that have fecally contaminated source waters, as determined by source water monitoring conducted under section (3) of this rule, or that have significant deficiencies that are identified by the department, or that are identified by the U.S. Environmental Protection Agency under section 1445 of the Safe Drinking Water Act. For the purposes of this rule, significant deficiencies include but are not limited to defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the department determines are causing, or have the potential for causing, the introduction of contamination into the water delivered to consumers. A ground water system with fecally contaminated source water or with significant deficiencies subject to the treatment technique requirements of this rule must implement one (1) or more of the following corrective action options under the direction and approval of the department:

- A. Correct all significant deficiencies;
- B. Provide an alternate source of water;
- C. Eliminate the source of contamination; or
- D. Provide treatment that reliably achieves at least 4-log

treatment of viruses before or at the first customer.

6. Ground water systems that provide at least 4-log treatment of viruses before or at the first customer are required to conduct compliance monitoring to demonstrate treatment effectiveness, as described in subsection (4)(B) of this rule.

7. If requested by the department, ground water systems must provide any existing information that will enable the department to perform a hydrogeologic sensitivity assessment. For the purposes of this rule, a hydrogeologic sensitivity assessment is a determination of whether ground water systems obtain water from hydrogeologically sensitive settings.

(2) Sanitary Surveys and Inspections for Ground Water Systems.

(A) Ground water systems must provide, at the department's request, any existing information that will enable the department to conduct a sanitary survey or inspection.

(B) For the purposes of this rule, a sanitary survey or inspection includes, but is not limited to, an onsite review of the water source(s) (identifying sources of contamination by using results of source water assessments or other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations, and the distribution of safe drinking water.

(C) The sanitary survey or inspection must include an evaluation of the water system's:

1. Source;
2. Treatment;
3. Distribution system;
4. Finished water storage;
5. Pumps, pump facilities, and controls;
6. Monitoring, reporting, and data verification;
7. System management and operation; and
8. Operator compliance with department requirements.

(3) Ground Water Source Microbial Monitoring.

(A) Triggered Source Water Monitoring.

1. General requirements. A ground water system must conduct triggered source water monitoring if the following conditions exist:

A. The system does not provide at least 4-log treatment of viruses before or at the first customer for each ground water source; and

B. The system is notified that a sample collected under 10 CSR 60-4.020(1) is total coliform-positive and the sample is not invalidated under 10 CSR 60-4.020(3).

2. Sampling requirements. A ground water system must collect, within twenty-four (24) hours of notification of the total coliform-positive sample, at least one (1) ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under 10 CSR 60-4.020(1), except as provided in subparagraph (3)(A)2.B. of this rule.

A. The department may extend the twenty-four (24)-hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within twenty-four (24) hours due to circumstances beyond its control. In the case of an extension, the department will specify how much time the system has to collect the sample.

B. If approved by the department, systems with more than one (1) ground water source may meet the requirements of this subparagraph by sampling a representative ground water source or sources. If directed by the department, systems must submit for department approval a triggered source water monitoring plan that identifies one (1) or more ground water sources that are representative of each monitoring site in the system's sample siting plan under 10 CSR 60-4.020(1) and that the system intends to use for representative sampling for triggered source water monitoring.

C. A ground water system serving one thousand (1,000) people or fewer may use a repeat sample collected from a ground water source to meet both the requirements of 10 CSR 60-4.020(2) and to satisfy the monitoring requirements of this section (3) for that ground water source only if the department approves the use of *E. coli* as a fecal indicator for source water monitoring under this subsection (3)(A). If the repeat sample collected from the ground water source is *E. coli* positive, the system must comply with the additional requirements in paragraph (3)(A)3. of this rule.

3. Additional requirements. If the department does not require corrective action under paragraph (4)(A)2. of this rule for a fecal indicator-positive source water sample collected under paragraph (3)(A)2. of this rule that is not invalidated under subsection (3)(D) of this rule, the system must collect five (5) additional source water samples from the same source within twenty-four (24) hours of being notified of the fecal indicator-positive sample.

4. Consecutive systems. In addition to the other requirements of this subsection (3)(A), a consecutive ground water system that has a total coliform-positive sample collected under 10 CSR 60-4.020(1) must notify the wholesale system(s) within twenty-four (24) hours of being notified of the total coliform-positive sample.

5. Wholesale systems. In addition to the other requirements of this subsection (3)(A), a wholesale ground water system that receives notice from a consecutive system it serves that a sample collected under 10 CSR 60-4.020(1) is total coliform-positive must, within twenty-four (24) hours of being notified, collect a sample from its ground water source(s) under paragraph (3)(A)2. of this rule and analyze it for a fecal indicator under subsection (3)(C) of this rule. If this sample is fecal indicator-positive, the system must notify all consecutive systems served by that ground water source of the fecal indicator source water positive within twenty-four (24) hours of being notified of the monitoring result and must meet the requirements of paragraph (3)(A)3. of this rule.

6. Exceptions to triggered source water monitoring requirements. A ground water system is not required to comply with the source water monitoring requirements of this subsection (3)(A) if either of the following conditions exists:

A. The department determines, and documents in writing, that the total coliform-positive sample collected under 10 CSR 60-

4.020(1) is caused by a distribution system deficiency; or

B. The total coliform-positive sample collected under 10 CSR 60-4.020(1) is collected at a location that meets department criteria for distribution system conditions that will cause total coliform-positive samples.

(B) Assessment Source Water Monitoring. If directed by the department, ground water systems must conduct assessment source water monitoring that meets department-determined requirements. A ground water system conducting assessment source water monitoring may use a triggered source water sample collected under paragraph (3)(A)2. of this rule to meet the requirements of this subsection. The department may require any combination of—

1. Collection of a total of twelve (12) ground water source samples that represent each month the system provides ground water to the public;

2. Collection of samples from each well unless the system obtains written department approval to conduct monitoring at one (1) or more wells within the ground water system that are representative of multiple wells used by that system and that draw water from the same hydrogeologic setting;

3. Collection of a standard sample volume of at least one hundred milliliters (100 mL) for fecal indicator analysis regardless of the fecal indicator or analytical method used;

4. Analysis of all ground water source samples using one (1) of the analytical methods listed in paragraph (3)(C)2. of this rule for the presence of *E. coli*, enterococci, or coliphage;

5. Collection of ground water source samples at a location prior to any treatment of the ground water source unless the department approves a sampling location after treatment; or

6. Collection of ground water source samples at the well itself unless the system's configuration does not allow for sampling at the well itself and the department approves an alternate sampling location that is representative of the water quality of that well.

(C) Analytical Methods.

1. A ground water system subject to the source water monitoring requirements of subsection (3)(A) of this rule must collect a standard sample volume of at least one hundred milliliters (100 mL) for fecal indicator analysis regardless of the fecal indicator or analytical method used.

2. A ground water system must analyze all ground water source samples collected under subsection (3)(A) of this rule using one (1) of the analytical methods listed in 40 CFR 141.402.

(D) Invalidation of a Fecal Indicator-Positive Ground Water Source Sample.

1. A ground water system may obtain department invalidation of a fecal indicator-positive ground water source sample collected under subsection (3)(A) of this rule only under the following conditions:

A. The system provides the department with written notice from the laboratory that improper sample analysis occurred; or

B. The department determines and documents in writing that there is substantial evidence that a fecal indicator-positive ground water source sample is not related to source water quality.

2. If the department invalidates a fecal indicator-positive ground water source sample, the ground water system must collect another source water sample under subsection (3)(A) of this rule within twenty-four (24) hours of being notified by the department of its invalidation decision and have it analyzed for the same fecal indicator listed in 40 CFR 141.402. The department may extend the twenty-four (24)-hour time limit on a case-by-case basis if the system cannot collect the source water sample within twenty-four (24) hours due to circumstances beyond its control. In the case of an extension, the department will specify how much time the system has to collect the sample.

(E) Sampling Location.

1. Any ground water source sample required under subsection (3)(A) of this rule must be collected at a location prior to any treatment of the ground water source unless the department approves a sampling location after treatment.

2. If the system's configuration does not allow for sampling at the well itself, the system may collect a sample at a department-approved location to meet the requirements of subsection (3)(A) of this rule if the sample is representative of the water quality of that well.

(F) New Sources. If directed by the department, a ground water system that places a new ground water source into service after November 30, 2009, must conduct assessment source water monitoring under subsection (3)(B) of this rule. If directed by the department, the system must begin monitoring before the ground water source is used to provide water to the public.

(G) Public Notification. A ground water system with a ground water source sample collected under subsection (3)(A) or (3)(B) of this rule that is fecal indicator-positive and that is not invalidated under subsection (3)(D) of this rule, including consecutive systems served by the ground water source, must conduct Tier 1 public notification under 10 CSR 60-8.010.

(H) Monitoring Violations. Failure to meet the requirements of subsections (3)(A)–(F) of this rule is a monitoring violation and requires the ground water system to provide Tier 3 public notification under 10 CSR 60-8.010.

(4) Treatment Technique Requirements.

(A) Ground Water Systems with Significant Deficiencies or Source Water Fecal Contamination.

1. The treatment technique requirements of this rule must be met by ground water systems when a significant deficiency is identified or when a ground water source sample collected under paragraph (3)(A)3. of this rule is fecal indicator-positive.

2. If directed by the department, a ground water system with a ground water source sample collected under paragraph (3)(A)3., paragraph (3)(A)4., or subsection (3)(B) that is fecal indicator-positive must comply with the treatment technique requirements of this section (4).

3. When a significant deficiency is identified at a public water system that uses both ground water and surface water or ground water under the direct influence of surface water, the system must comply with provisions of this subsection (4)(A) except in cases where the department determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or ground water under the direct influence of surface water.

4. Unless the department directs the ground water system to implement a specific corrective action, the ground water system must consult with the department regarding the appropriate corrective action within thirty (30) days of receiving written notice from the department of a significant deficiency, written notice from a laboratory that a ground water source sample collected under paragraph (3)(A)3. of this rule was found to be fecal indicator-positive, or direction from the department that a fecal indicator-positive sample collected under paragraph (3)(A)2., paragraph (3)(A)4., or subsection (3)(B) of this rule requires corrective action. For the purposes of this rule, significant deficiencies include but are not limited to defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the department determines are causing, or have potential for causing, the introduction of contamination into the water delivered to consumers. Such significant deficiencies may include, but may not be limited to, the following:

A. For the source, any improperly constructed, sealed, or inadequately screened opening in the well head;

B. For treatment—

(I) Failure to perform and record the results of sufficient analyses to maintain control of treatment process or water quality;

(II) Systems required to provide 4-log virus inactivation or removal that do not meet disinfection concentration and detention time requirements; or

(III) Systems that are required to disinfect that do not have standby redundant disinfection facilities;

C. For distribution systems—

(I) The existence of a known unprotected cross-connection;

(II) Widespread or persistent low pressure events as defined in 10 CSR 60-4.080(9);

(III) Submerged automatic air release valves or uncapped manual air release valves; or

(IV) Failure to properly disinfect new or newly-repaired water mains;

D. For finished water storage—

(I) The existence of any unprotected, inadequately protected, or improperly constructed opening in a storage facility; or

(II) Evidence that the water in the storage facility has been contaminated (for example, feathers or nesting materials in an overflow pipe or positive bacteria samples);

E. For pumps or pump facilities and controls, repeated or persistent low pressures caused by pump or pump control problems or inadequate pump capacity;

F. For monitoring, reporting, or data verification—

(I) Falsification of monitoring or reporting records; or

(II) Failure to maintain system records required under 10 CSR 60-9.010;

G. For water system management or operations, failure to address significant deficiencies listed in the most recent inspection or sanitary survey report; and

H. For operator compliance—

(I) Lack of properly certified chief operator in responsible charge of the treatment facility as required under 10 CSR 60-14.010(4); or

(II) Lack of properly certified chief operator in responsible charge of the distribution facility as required under 10 CSR 60-14.010(4).

5. Within one hundred twenty (120) days (or earlier if directed by the department) of receiving written notification from the department of a significant deficiency, written notice from a laboratory that a ground water source sample collected under paragraph (3)(A)3. of this rule was found to be fecal indicator-positive, or direction from the department that a fecal indicator-positive sample collected under paragraph (3)(A)2., paragraph (3)(A)4., or subsection (3)(B) of this rule requires corrective action, the ground water system must either—

A. Have completed corrective action in accordance with applicable department plan review processes or other department guidance or direction, if any, including department-specified interim measures; or

B. Be in compliance with a department-approved corrective action plan and schedule subject to the following conditions:

(I) Any subsequent modifications to a department-approved corrective action plan and schedule must be approved by the department; and

(II) If the department specifies interim measures for protection of the public health pending department approval of the corrective action plan and schedule or pending completion of the corrective action plan, the system must comply with these interim measures as well as with any schedule specified by the department.

6. Corrective action alternatives. Ground water systems that meet the conditions of paragraph (4)(A)1. or (4)(A)2. of this rule must implement one (1) or more of the following corrective action alternatives under the direction and approval of the department:

A. Correct all significant deficiencies;

B. Provide an alternate source of water;

C. Eliminate the source of contamination; or

D. Provide treatment that reliably achieves at least 4-log treatment of viruses before or at the first customer for the ground water source.

7. Special notice to the public of significant deficiencies or source water fecal contamination.

A. In addition to the applicable public notification requirements of 10 CSR 60-8.010(2), a community ground water system

that receives notice from the department of a significant deficiency or notification of a fecal indicator-positive ground water source sample that is not invalidated by the department under subsection (3)(D) of this rule must inform the public served by the water system under 10 CSR 60-8.030(2)(H)6. of the fecal indicator-positive source sample or of any significant deficiency that has not been corrected. The system must continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the ground water source is determined by the department to be corrected under paragraph (4)(A)5. of this rule.

B. In addition to the applicable public notification requirements of 10 CSR 60-8.010, a non-community ground water system that receives notice from the department of a significant deficiency must inform the public served by the water system in a manner approved by the department of any significant deficiency that has not been corrected within twelve (12) months of being notified by the department, or earlier if directed by the department. The system must continue to inform the public annually until the significant deficiency is corrected.

(I) The information must include:

(a) The nature of the significant deficiency and the date the significant deficiency was identified by the department;

(b) The department-approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed; and

(c) For systems with a large proportion of non-English speaking consumers, as determined by the department, information in the appropriate language(s) regarding the importance of the notice or a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

(II) If directed by the department, a non-community water system with significant deficiencies that have been corrected must inform its customers of the significant deficiencies, how the deficiencies were corrected, and the dates of correction.

(B) Compliance Monitoring.

1. Existing ground water sources. A ground water system that is not required to meet the source water monitoring requirements of this rule for any ground water source because it provides at least 4-log treatment of viruses before or at the first customer for any ground water source before December 1, 2009, must notify the department in writing that it provides at least 4-log treatment of viruses before or at the first customer for the specified ground water source and begin compliance monitoring in accordance with paragraph (4)(B)3. of this rule by December 1, 2009. Notification to the department must include engineering, operational, or other information that the department requests to evaluate the submission. If the system subsequently discontinues 4-log treatment of viruses before or at the first customer for a ground water source, the system must conduct ground water source monitoring as required under section (3) of this rule.

2. New ground water sources. A ground water system that places a ground water source in service after November 30, 2009, that is not required to meet the source water monitoring requirements of this rule because the system provides at least 4-log treatment of viruses before or at the first customer for the ground water source must comply with the following:

A. The system must notify the department in writing that it provides at least 4-log treatment of viruses before or at the first customer for the ground water source. Notification to the department must include engineering, operational, or other information that the department requests to evaluate the submission;

B. The system must conduct compliance monitoring as required under paragraph (4)(B)3. of this rule within thirty (30) days of placing the source in service; and

C. The system must conduct ground water source monitoring under section (3) of this rule if the system subsequently discontinues 4-log treatment of viruses before or at the first customer for the ground water source.

3. Monitoring requirements. A ground water system subject to the requirements of subsection (4)(A), or paragraph (4)(B)1. or (4)(B)2. of this rule must monitor the effectiveness and reliability of treatment for that ground water source before or at the first customer as follows:

A. Chemical disinfection.

(I) A ground water system that serves greater than three thousand three hundred (3,300) people must continuously monitor the residual disinfectant concentration using analytical methods specified in 10 CSR 60-5.010(5) at a location approved by the department and must record the lowest residual disinfectant concentration each day that water from the ground water source is served to the public. The ground water system must maintain the department-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. If there is a failure in the continuous monitoring equipment, the ground water system must conduct grab sampling every four (4) hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within fourteen (14) days.

(II) A ground water system that serves three thousand three hundred (3,300) or fewer people must monitor the residual disinfectant concentration using analytical methods specified in 10 CSR 60-5.010(5) at a location approved by the department and record the residual disinfection concentration each day that water from the ground water source is served to the public. The ground water system must maintain the department-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. The ground water system must take a daily grab sample during the hour of peak flow or at another time specified by the department. If any daily grab sample measurement falls below the department-determined residual disinfectant concentration, the ground water system must take follow-up samples every four (4) hours until the residual disinfectant concentration is restored to the department-determined level. Alternatively, a ground water system that serves three thousand three hundred (3,300) or fewer people may monitor continuously and meet the requirements in part (I) of this subparagraph (4)(B)3.A.

B. Membrane filtration. A ground water system that uses membrane filtration to meet the requirements of this rule must monitor the membrane filtration process in accordance with all department-specified monitoring requirements and must operate the membrane filtration in accordance with all department-specified compliance requirements. The department will consider the manufacturer's recommendations and guidelines as well as standard industry practices in setting monitoring and compliance requirements. A ground water system that uses membrane filtration is in compliance with the requirement to achieve at least 4-log removal of viruses when—

(I) The membrane has an absolute molecular weight cut-off, or an alternate parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses;

(II) The membrane process is operated in accordance with department-specified compliance requirements; and

(III) The integrity of the membrane is intact.

C. Alternative treatment. A ground water system that uses a department-approved alternative treatment to meet the requirements of this rule by providing at least 4-log treatment of viruses before or at the first customer must monitor the alternative treatment in accordance with all department-specified monitoring requirements and operate the alternative treatment in accordance with all compliance requirements that the department determines to be necessary to achieve at least 4-log treatment of viruses. The department will consider the manufacturer's recommendations and guidelines as well as standard industry practices in setting monitoring and compliance requirements for the approved alternative treatment.

(C) Discontinuing Treatment. A ground water system may discontinue 4-log treatment of viruses before or at the first customer for a

ground water source if the department determines and documents in writing that 4-log treatment of viruses is no longer necessary for that ground water source. A system that discontinues 4-log treatment of viruses is subject to the source water monitoring and analytical methods requirements of section (3) of this rule.

(D) Failure to meet the monitoring requirements of this section is a monitoring violation and requires the ground water system to provide public notification under section 10 CSR 60-8.010(4) (Tier 3 notice).

(5) Treatment Technique Violations for Ground Water Systems.

(A) A ground water system with a significant deficiency is in violation of the treatment technique requirement if, within one hundred twenty (120) days (or earlier if directed by the department) of receiving written notice from the department of the significant deficiency, the system—

1. Does not complete corrective action in accordance with any applicable department plan review processes or other department guidance and direction, including department-specified interim actions and measures; or

2. Is not in compliance with a department-approved corrective action plan and schedule.

(B) Unless the department invalidates a fecal indicator-positive ground water source sample under subsection (3)(D) of this rule, a ground water system is in violation of the treatment technique requirement if, within one hundred twenty (120) days (or earlier if directed by the department) of meeting the conditions of paragraph (4)(A)1. or (4)(A)2. of this rule, the system—

1. Does not complete corrective action in accordance with any applicable department plan review processes or other department guidance and direction, including department-specified interim measures; or

2. Is not in compliance with a department-approved corrective action plan and schedule.

(C) A ground water system subject to the requirements of paragraph (4)(B)3. of this rule that fails to maintain at least 4-log treatment of viruses before or at the first customer for a ground water source is in violation of the treatment technique requirement if the failure is not corrected within four (4) hours of determining the system is not maintaining at least 4-log treatment of viruses before or at the first customer.

(D) Ground water system must give public notification under section 10 CSR 60-8.010(3) (Tier 2 notice) for the treatment technique violations specified in this section.

(6) Reporting Requirements. Reporting requirements are in 10 CSR 60-7.010 Reporting Requirements.

(7) Record-Keeping Requirements. Record-keeping requirements are in 10 CSR 60-9.010 Requirements for Maintaining Public Water System Records.

AUTHORITY: section 640.100, RSMo Supp. 2009. Original rule filed April 14, 2010.

PUBLIC COST: This proposed rule is anticipated to cost the Missouri Department of Natural Resources approximately one hundred sixteen thousand six hundred eighty-one dollars (\$116,681) in one (1)-time costs and \$1,104,322 in ongoing annual costs and publicly-owned public water systems approximately \$2,413,950 in one (1)-time costs and three hundred thirty-two thousand five hundred dollars (\$332,500) in ongoing annual costs each year the rule is in effect.

PRIVATE COST: This proposed rule is anticipated to cost one thousand six hundred fifty-seven (1,657) privately-owned public water systems approximately \$4,483,500 in one (1)-time costs and six hun-

dred seventeen thousand five hundred dollars (\$617,500) annually each year the rule is in effect.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed rule. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102, or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Natural Resources
 Division Title: Safe Drinking Water Commission
 Chapter Title: Contaminant Levels and Monitoring

Rule Number and Name:	10 CSR 60-4.025 Ground Water Rule Monitoring and Treatment Technique Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources (MDNR)	Estimated annual cost each year the rule is in effect = \$1,104,322 Estimated one-time costs = \$116,681
Publicly-owned public water systems using ground water	Estimated annual cost = \$332,500 Estimated one-time costs = \$2,413,950

III. WORKSHEETMDNR Costs:

- 9 FTEs - \$1,094,322 (annual cost)
- Electronic Sanitary Survey software - \$10,000 (annual cost)
- Computer system upgrade – SDWIS - \$174,151 X 67% = \$116,681 (one time cost)

Costs to publicly-owned ground water systems:

- Capital costs and one-time administrative costs
\$6,897,000 x 35% of public water systems = \$2,413,950 (one time cost)
- Annual costs of compliance
\$950,000 x 35% of public water systems = \$332,500 (annual cost)

IV. ASSUMPTIONSMDNR Costs:

- MDNR estimates that it will take nine additional FTEs located in both the Regional Offices and the Public Drinking Water Branch (PDWB) to implement the GWR. This includes three FTE for the PDWB and six FTE for the regional offices. The FTE for the PDWB includes:
 - One Environmental Specialist III (ESIII) in the Monitoring Section to develop criteria for identifying which ground water systems have sources that are hydrogeologically sensitive to potential fecal contamination, a sampling program for sensitive wells, and guidance for water systems; providing technical assistance and training; tracking data to identify systems that will be required to disinfect; coordinating entry of sample results; tracking sanitary survey information and compliance monitoring data; reporting violations to SDWIS and coordinating with the Compliance and Enforcement Section on NOVs; assist non-compliant water systems in understanding complex regulatory requirements; and provide information and technical assistance regarding available treatment or other compliance alternatives.
 - One ESIII in the Compliance and Enforcement Section to coordinate with non-compliant water suppliers to establish schedules for returning to compliance; assisting non-compliant water systems in understanding complex regulatory requirements; review and process variance and exemption applications; initiate formal enforcement actions as necessary; coordinate with and

consistent manner. Customizing the ESS for Missouri has also required a separate contract with the firm that developed the ESS software for EPA. The contract cost is \$10,000 per year.

Publicly owned public water system costs

9. There are a total of 2,543 public water systems in Missouri that either have their own ground water source(s) or purchase ground water. Of that total, 886 or 35% are publicly owned and 1,657 or 65% are privately owned.
10. The nature and magnitude of the impact of the GWR on Missouri's public water systems can be expected to range from minimal costs associated with source water sample collection, assisting with sanitary surveys, record keeping and reporting to more extensive costs to implement corrective actions (installing/operating treatment, drilling a new well), installing compliance monitoring equipment and performing the monitoring. The flexibility in the GWR makes it extremely difficult to estimate how many of Missouri's systems will be impacted by the GWR. Some systems that do not currently have a 4-log inactivation barrier in place and have a good bacteriological monitoring record under the Total Coliform Rule may opt to forego the expense of installing treatment and compliance monitoring equipment and to take triggered source water samples if the need arises. EPA did an extensive, detailed, nation-wide cost analysis for the GWR entitled: "Economic Analysis for the Ground Water Rule" (EPA 815-06-014). EPA summarized the cost presented in the Economic Analysis in the Final GWR published November 8, 2006 and published in the Federal Register, Volume 71, No. 216. EPA calculated how many water systems and their associated wells and entry points would be impacted by the various requirements in the GWR. They developed compliance forecast estimates using a Monte Carlo simulation model designed specifically for the GWR. MDNR used the national cost estimates developed by EPA and calculated a cost to Missouri systems using the ratio of Missouri's population of 5.9 million people to the national population of 304 million or 1.9%. In Table VII-6 on page 65623 of the aforementioned Federal Register EPA lists their total annualized cost estimate of approximately \$50 million (mean value in 90% bound confidence limits) for systems nation-wide. This represents annual costs to water systems for assisting with sanitary surveys, performing source water and compliance monitoring and performing corrective actions. Since there is no way to know when exactly a given system may have to take corrective actions, EPA averaged the cost of significant deficiencies over a 25-year period which is the estimated life span of equipment. Applying the 1.9% ratio to the national costs yields an annual cost to Missouri systems of \$950,000. EPA also presents an estimate of the capital costs associated with the GWR in Table VII-7, "Total Initial Capital and One-Time Costs" on page 65624 of the Federal Register. The majority of the costs will be capital costs associated with taking corrective actions for significant deficiencies or fecal positive source water samples (installing treatment, drilling a new well, hooking onto another system, installing compliance monitoring equipment). There are some administrative costs also that are one-time like water system staff learning the implementation requirements in the new rule. Once again MDNR used the median value in EPA's 90% confidence bound limits, which was total nationally of \$363 million. Using the 1.9% ratio to estimate Missouri public water systems' capital costs would equate to \$6,897,000.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Natural Resources
 Division Title: Safe Drinking Water Commission
 Chapter Title: Contaminant Levels and Monitoring

Rule Number and Name:	10 CSR 60-4.025 Ground Water Rule Monitoring and Treatment Technique Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule	Classification by types of the business entities which would likely be affected	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
1,657	Privately-owned public water systems using ground water of a source of supply	One time costs = \$4,483,500 Annual costs = \$617,500

III. WORKSHEET

1. Capital and one-time administrative costs
 $\$6,897,000 \times 65\%$ privately owned public water systems = \$4,483,050
2. Annual costs of compliance
 $\$950,000 \times 65\%$ privately owned public water systems = \$617,500

IV. ASSUMPTIONS

1. There are a total of 2,543 public water systems in Missouri that either have their own ground water source(s) or purchase ground water. Of that total, 886 or 35% are publicly owned and 1,657 or 65% are privately owned.
2. The nature and magnitude of the impact of the GWR on Missouri's public water systems can be expected to range from minimal costs associated with source water sample collection, assisting with sanitary surveys, record keeping and reporting to more extensive costs to implement corrective actions (installing/operating treatment, drilling a new well), installing compliance monitoring equipment and performing the monitoring. The flexibility in the GWR makes it extremely difficult to estimate how many of Missouri's systems will be impacted by the GWR. Some systems that do not currently have a 4-log inactivation barrier in place and have a good bacteriological monitoring record under the Total Coliform Rule may opt to forego the expense of installing treatment and compliance monitoring equipment and to take triggered source water samples if the need arises. EPA did an extensive, detailed, nation-wide cost analysis for the GWR entitled: "Economic Analysis for the Ground Water Rule" (EPA 815-06-014). EPA summarized the cost presented in the Economic Analysis in the Final GWR published November 8, 2006 and published in the Federal Register, Volume 71, No. 216. EPA calculated how many water systems and their associated wells and entry points would be impacted by the various requirements in the GWR. They developed compliance forecast estimates using a Monte Carlo simulation model designed specifically for the GWR. MDNR used the national cost estimates developed by EPA and calculated a cost to Missouri systems using the ratio of Missouri's population of 5.9 million people to the national population of 304 million or 1.9%. In Table VII-6 on page 65623 of the aforementioned Federal Register EPA lists their total annualized cost estimate of approximately

\$50 million (mean value in 90% bound confidence limits) for systems nation-wide. This represents annual costs to water systems for assisting with sanitary surveys, performing source water and compliance monitoring and performing corrective actions. Since there is no way to know when exactly a given system may have to take corrective actions, EPA averaged the cost of significant deficiencies over a 25-year period which is the estimated life span of equipment. Applying the 1.9% ratio to the national costs yields an annual cost to Missouri systems of \$950,000. EPA also presents an estimate of the capital costs associated with the GWR in Table VII-7, "Total Initial Capital and One-Time Costs" on page 65624 of the Federal Register. The majority of the costs will be capital costs associated with taking corrective actions for significant deficiencies or fecal positive source water samples (installing treatment, drilling a new well, hooking onto another system, installing compliance monitoring equipment). There are some administrative costs also that are one-time like water system staff learning the implementation requirements in the new rule. Once again MDNR used the median value in EPA's 90% confidence bound limits, which was total nationally of \$363 million. Using the 1.9% ratio to estimate Missouri public water systems' capital costs would equate to \$6,897,000.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 5—Laboratory and Analytical Requirements**

PROPOSED AMENDMENT

10 CSR 60-5.010 Acceptable and Alternate Procedures for Analyses. The commission is amending section (3) and adding section (9).

PURPOSE: This amendment updates the incorporation by reference of analytical methods as published in the July 1, 2008, Code of Federal Regulations.

(3) Microbiological Contaminants and Turbidity. Unless substitute methods are approved by the department, analysis shall be conducted in accordance with the microbiological contaminant and turbidity analytical methods in 40 CFR 141.21(f) [and], 40 CFR 141.74(a)(1), and 40 CFR 141.704(a) of the July 1, [2003] 2008, Code of Federal Regulations, which are incorporated by reference. This does not include later amendments or additions. The Code of Federal Regulations is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to <http://bookstore.gpo.gov>.

(9) Analytical Methods for Source Water Monitoring. Unless substitute methods are approved by the department, analysis shall be conducted in accordance with the analytical methods in 40 CFR 141.402(c) of the July 1, 2008, Code of Federal Regulations, which are incorporated by reference. This does not include later amendments or additions. The Code of Federal Regulations is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to <http://bookstore.gpo.gov>.

AUTHORITY: section 640.100, RSMo Supp. [2008] 2009 and section 640.125.1, RSMo 2000. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 14, 2010.

PUBLIC COST: This proposed amendment will cost state agencies and political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102, or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 7—Reporting**

PROPOSED AMENDMENT

10 CSR 60-7.010 Reporting Requirements. The commission is adding section (11).

PURPOSE: This amendment adopts without variance the reporting requirements in the federal Ground Water Rule found in subpart S of 40 CFR part 141, July 1, 2008.

(11) Reporting Requirements for the Ground Water Rule.

(A) In addition to any other applicable reporting requirements of this rule, a ground water system regulated under 10 CSR 60-4.025 must provide the following information to the department:

1. A ground water system conducting compliance monitoring under 10 CSR 60-4.025(4)(B) must notify the department any time the system fails to meet any department-specified requirements including, but not limited to, minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four (4) hours. The ground water system must notify the department as soon as possible, but in no case later than the end of the next business day;

2. After completing any corrective action under 10 CSR 60-4.025(4)(A), a ground water system must notify the department within thirty (30) days of completion of the corrective action; and

3. If a ground water system subject to the requirements of 10 CSR 60-4.025(3)(A) does not conduct source water monitoring under subparagraph (3)(A)5.B. of that rule, the system must provide documentation to the department within thirty (30) days of the total coliform-positive sample that the system met the department criteria.

AUTHORITY: section 640.100, RSMo Supp. [2008] 2009. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 14, 2010.

PUBLIC COST: This proposed amendment is anticipated to cost publicly-owned public water systems using ground water as a source of supply approximately twelve thousand seven hundred twenty dollars (\$12,720) in aggregate annual costs.

PRIVATE COST: This proposed amendment is anticipated to cost ninety-seven (97) privately-owned public water systems using ground water as a source of supply approximately twenty-three thousand two hundred eighty dollars (\$23,280) in aggregate annual costs.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102, or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Natural Resources
Division Title: Safe Drinking Water Commission
Chapter Title: Reporting**

Rule Number and Name:	10 CSR 60-7.010 Reporting Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Publicly owned public water systems using ground water as a source of supply	\$12,720 total annual cost for all systems

III. WORKSHEET

20 systems x 35 percent = 7 systems
40 systems x 35 percent = 14 systems
200 systems x 35 percent = 70
53 systems x 1 hour per monthly report x 12 months = 636 hours annually
636 hours x \$20.00 per hour = \$12,720 annual cost for all systems

IV. ASSUMPTIONS

1. MDNR estimates this rule will affect 150 public water systems. Thirty-five percent of the systems affected by this rule are publicly owned and 65% are privately owned.
2. MDNR assumes it will take water system staff approximately one hour to complete the report at an average cost of approximately \$20.00 per hour.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Natural Resources**
Division Title: Safe Drinking Water Commission
Chapter Title: Reporting

Rule Number and Name:	10 CSR 60-7.010 Reporting Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule	Classification by types of the business entities which would likely be affected	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
97	Privately-owned public water systems using ground water as a source of supply	\$23,280 total annual cost for all systems

III. WORKSHEET

150 systems x 65 percent = 97 affected privately owned public water systems
 97 systems x 1 hour per monthly report x 12 months = 1164 hours annually
 1164 hours x \$20.00 per hour = \$23,280 annual cost for all systems

IV. ASSUMPTIONS

1. MDNR estimates this rule will affect 150 public water systems. Thirty-five percent of the systems affected by this rule are publicly owned and 65% are privately owned.
2. MDNR assumes it will take water system staff approximately one hour to complete the report at an average cost of approximately \$20.00 per hour.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 8—Public Notification**

PROPOSED AMENDMENT

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply. The commission is amending subsections (2)(A) and (3)(A) and section (11).

PURPOSE: This amendment adopts new public notice requirements required by the Ground Water Rule found in 40 CFR part 141, July 1, 2008. The requirements are adopted from the federal rule without variance.

(2) Tier 1 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 1 Public Notice.

1. Tier 1 public notice is required for violations or other situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.

2. Specific violations and other situations requiring Tier 1 notice include:

A. Violation of the MCL for total coliforms when fecal coliform or *E. coli* are present in the water distribution system, or when the water system fails to test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform;

B. Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, or when the water system fails to take a confirmation sample within twenty-four (24) hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL;

C. Exceedance of the nitrate MCL by noncommunity water systems where permitted by the department to exceed the MCL;

D. Violation of the MRDL for chlorine dioxide, when one (1) or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system, exceed the MRDL, or when the water system does not take the required samples in the distribution system;

E. Violation of the maximum turbidity level where the sample results exceed five (5) nephelometric turbidity units (NTU);

F. Violation of a treatment technique requirement pursuant to 10 CSR 60-4.050 resulting from a single exceedance of the maximum allowable turbidity limit, where the department determines after consultation that the violation has significant potential to have serious adverse effects on human health or where the system fails to consult with the department within twenty-four (24) hours after the system learns of the violation;

G. Occurrence of a waterborne disease outbreak or other waterborne emergency (such as failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

H. Detection of *E. coli*, enterococci, or coliphage in source water samples as specified in 10 CSR 60-4.025(3)(A) and 10 CSR 60-4.025(3)(B); and

[H./I.] Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the department either in regulation or on a case-by-case basis.

(3) Tier 2 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 2 Public Notice.

1. Tier 2 public notice is required for violations and other situations with potential to have serious adverse effects on human health.

2. Specific violations and other situations requiring Tier 2 notice.

A. Tier 2 notice is required for violations of MCL, MRDL, or treatment technique requirements, except where a Tier 1 notice is required or where the department determines that a Tier 1 notice is required, for the following: microbiological contaminants; inorganic contaminants (IOCs); synthetic organic contaminants (SOCs); volatile organic contaminants (VOCs); radiological contaminants; disinfection byproducts, byproduct precursors, and disinfectant residuals; treatment techniques for acrylamide, epichlorohydrin, lead, and copper; and other situations determined by the department to require Tier 2 notice. Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under 10 CSR 60-4.050 must initiate consultation with the department within twenty-four (24) hours of learning of the violation. Based on this consultation the department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the department in the twenty-four (24)-hour period, the violation is automatically elevated to Tier 1.

B. Failure to comply with the terms and conditions of a variance or exemption; *and*.

C. Violations of the monitoring and testing procedure requirements where the department determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation. This includes but is not limited to collecting no total coliform samples during the applicable monitoring period at the discretion of the department.

D. Failure to take corrective action or failure to maintain at least 4-log treatment of viruses (using inactivation, removal, or a department-approved combination of 4-log virus inactivation and removal) before or at the first customer under 10 CSR 60-4.025(4)(A).

(11) Standard Health Effects Language for Public Notification.

(A) Microbiological Contaminants.

1. Total coliform. "Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems."

2. Fecal coliform/*E. coli*. "Fecal coliforms and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems."

3. Fecal indicators under the Ground Water Rule (*E. coli*, enterococci, coliphage). "Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems."

4. Treatment technique violations under the Ground Water Rule. "Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches."

[3./5.] Turbidity. "Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

AUTHORITY: section 640.100, RSMo Supp. [2008] 2009. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 14, 2010.

PUBLIC COST: This proposed amendment is anticipated to cost publicly-owned public water systems using ground water as a source of supply approximately one thousand five hundred dollars (\$1,500) in aggregate annual costs.

PRIVATE COST: This proposed amendment is anticipated to cost one hundred sixty-nine (169) privately-owned public water systems using ground water as a source of supply approximately two thousand seven hundred fifty dollars (\$2,750) in aggregate annual costs.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Department of Natural Resources
Division Title: Safe Drinking Water Commission
Chapter Title: Public Notification

Rule Number and Name:	10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Publicly owned public water systems using ground water as a source of supply	\$1,500 total annual cost for 30 systems

III. WORKSHEET

20 systems failing to maintain 4-log x 35 percent = 7 systems
 40 systems with *E. coli* positive source samples x 35 percent = 14 systems
 25 systems with significant deficiencies requiring public notice x 35 percent = 9 systems

(7+14+9 systems) x 50 connections per system x \$1.00 per public notice = \$1,500 annual cost for all systems

IV. ASSUMPTIONS

1. Of the systems affected by this rule, 35% are publicly owned and 65% are privately owned.
2. Most of the systems affected this rule will be small systems. MDNR assumes an average of 50 connections per system. In most cases, the rule require mailing the public notice to each connection.
3. Based on monitoring data, MDNR estimates that 40 systems annually will need to perform public notice due to having *E. coli* positive source water samples.
4. Based on monitoring data, MDNR estimates that 20 systems annually will need to perform public notice due to failure to maintain 4-log.
5. MDNR assumes 200 systems may have significant deficiencies requiring corrective actions. MDNR estimates that 25 of these systems will fail to perform the corrective action or enter into an agreement specifying a timeline to correct the deficiency, thereby requiring public notice.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Natural Resources**
Division Title: Safe Drinking Water Commission
Chapter Title: Public Notification

Rule Number and Name:	10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule	Classification by types of the business entities which would likely be affected	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
55	Privately-owned public water systems using ground water as a source of supply	\$2,750 total annual cost

III. WORKSHEET

20 systems failing to maintain 4-log x 65 percent = 13 systems
 40 systems with *E. coli* positive source samples x 65 percent = 26 systems
 25 systems with significant deficiencies x 65 percent = 16 systems

(13+26+16 systems) x 50 connections per system x \$1.00 per public notice = \$2,750 annual cost for all systems

IV. ASSUMPTIONS

1. Of the systems affected by this rule, 35% are publicly owned and 65% are privately owned.
2. Most of the systems affected this rule will be small systems. MDNR assumes an average of 50 connections per system. In most cases, the rule require mailing the public notice to each connection.
3. Based on monitoring data, MDNR estimates that 40 systems annually will need to perform public notice due to having *E.coli* positive source water samples.
4. Based on monitoring data, MDNR estimates that 20 systems annually will need to perform public notice due to failure to maintain 4-log.
5. MDNR assumes 200 systems may have significant deficiencies requiring corrective actions. MDNR estimates that 25 of these systems will fail to perform the corrective action or enter into an agreement specifying a timeline to correct the deficiency, thereby requiring public notice.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 8—Public Notification**

PROPOSED AMENDMENT

10 CSR 60-8.030 Consumer Confidence Reports. The commission is amending subsection (2)(H) and Appendices A and B.

PURPOSE: This amendment adopts without variance consumer confidence report requirements included in the Ground Water Rule as published in the July 1, 2008, Code of Federal Regulations.

(2) Content of the Reports.

(H) Additional Information.

1. The report must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water, including bottled water. The report must include the language of subparagraph (2)(H)1.A. of this rule. This explanation must also include the information contained in subparagraphs (2)(H)1.B.–D. of this rule using this language or comparable language.

A. “Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency’s Safe Drinking Water Hotline (800-426-4791).”

B. “The sources of drinking water^{/,J} (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.”

C. “Contaminants that may be present in source water include:

(I) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(II) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(III) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses.

(IV) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

(V) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.”

D. “In order to ensure that tap water is safe to drink, the Department of Natural Resources prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Department of Health and Senior Services regulations establish limits for contaminants in bottled water which must provide the same protection for public health.”

2. The report must include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report.

3. In communities with a large proportion of non-English speaking residents, as determined by the department, the report must contain information in the appropriate language(s) regarding the importance of the report. The report may use a notice based on the following wording: “This report contains very important information about your drinking water. Translate it or speak with someone who understands it.” The report may also contain a telephone number or

address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

4. The report must include information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.

5. The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

6. Systems required to comply with the Ground Water Rule.

A. Any ground water system that receives notice from the department of a significant deficiency or notice from a laboratory of a fecal indicator-positive ground water source sample that is not invalidated by the department under 10 CSR 60-4.025 (3)(D) must inform its customers of any significant deficiency that is uncorrected or of any fecal indicator-positive ground water source sample in the next report. The system must continue to inform the public annually until the department determines that the significant deficiency is corrected or the fecal contamination in the ground water source is addressed under 10 CSR 60-4.025(4)(A). Each report must include the following:

(I) The nature of the particular significant deficiency or the source of the fecal contamination (if the source is known) and the date the significant deficiency was identified by the department or the dates of the fecal indicator-positive ground water source samples;

(II) If the fecal contamination in the ground water source has been addressed under 10 CSR 60-4.025(4)(A) and the date of such action;

(III) For each significant deficiency or fecal contamination in the ground water source that has not been addressed under 10 CSR 60-4.025(4)(A), the department-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(IV) If the system receives notice of a fecal indicator-positive ground water source sample that is not invalidated by the department under 10 CSR 60-4.025 (3)(D), the potential health effects using the health effects language of Appendix C of this rule.

B. If directed by the department, a system with significant deficiencies that have been corrected before the next Consumer Confidence Report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction under subparagraph (2)(H)6.A. of this rule.

Appendix A to 10 CSR 60-8.030
Converting MCL Compliance Values for Consumer Confidence Reports

Key

AL = Action Level
MCL = Maximum Contaminant Level
MCLG = Maximum Contaminant Level Goal
MFL = million fibers per liter
mrem/year = millirems per year (a measure of radiation absorbed by the body)

NTU = Nephelometric Turbidity Units
pCi/l = picocuries per liter (a measure of radioactivity)
ppm = parts per million, or milligrams per liter (mg/l)
ppb = parts per billion, or micrograms per liter ($\mu\text{g/l}$)
ppt = parts per trillion, or nanograms per liter
ppq = parts per quadrillion, or picograms per liter
TT = Treatment Technique

Contaminant	MCL in compliance units (mg/ll/L)	multiply by	MCL in CCR units	MCLG in CCR units
Microbiological Contaminants				
1. Total Coliform Bacteria	(Systems that collect 40 or more samples per month) $\geq 5\%$ of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.		(Systems that collect 40 or more samples per month) $\geq 5\%$ of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	0
2. Fecal coliform and <i>E. coli</i>	0		A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or <i>E. coli</i> positive.	0
3. Total organic carbon (ppm)	TT		TT	n/a
4. Turbidity	TT		TT (NTU)	n/a
5. Fecal TT Indicators (enterococci or coliphage)	TT			N/A
Radioactive Contaminants				
/5./6. Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
/6./7. Alpha emitters	15 pCi/l		15 pCi/l	0
/7./8. Combined radium	5 pCi/l		5 pCi/l	0
/8./9. Uranium (pCi/l)	30 $\mu\text{g/l}$		30	0
Inorganic Contaminants				
/9./10. Antimony	.006	1000	6 ppb	6
/10./11. Arsenic	0.05* 0.010**	1000	50 ppb* 10 ppb**	n/a* 0**
*These arsenic values are effective until Jan. 23, 2006.				
**These arsenic values are effective Jan. 23, 2006.				
/11./12. Asbestos	7 MFL		7 MFL	7
/12./13. Barium	2		2 ppm	2
/13./14. Beryllium	0.004	1000	4 ppb	4
/14./15. Bromate (ppb)	0.010	1000	10	0
/15./16. Cadmium	0.005	1000	5 ppb	5
/16./17. Chloramines (ppm)	MRDL=4		MRDL=4	4
/17./18. Chlorine (ppm)	MRDL=4		MRDL=4	4
/18./19. Chlorine dioxide (ppb)	MRDL=.8	1000	MRDL=.8	800
/19./20. Chlorite (ppm)	1		1	0.8
/20./21. Chromium	0.1	1000	100 ppb	100
/21./22. Copper	AL=1.3		AL=1.3 ppm	1.3
/22./23. Cyanide	0.2	1000	200 ppb	200
/23./24. Fluoride	4		4 ppm	4
/24./25. Lead	AL=.015	1000	AL=15 ppb	0
/25./26. Mercury (inorganic)	0.002	1000	2 ppb	2
/26./27. Nitrate (as Nitrogen)	10		10 ppm	10
/27./28. Nitrite (as Nitrogen)	1		1 ppm	1
/28./29. Selenium	0.05	1000	50 ppb	50
/29./30. Thallium	0.002	1000	2 ppb	0.5

Synthetic Organic Contaminants Including Pesticides and Herbicides				
/30./31. 2,4-D	0.07	1000	70 ppb	70
/31./32. 2,4,5-TP [Silvex]	0.05	1000	50 ppb	50
/32./33. Acrylamide			TT	0
/33./34. Alachlor	0.002	1000	2 ppb	0
/34./35. Atrazine	0.003	1000	3 ppb	3
/35./36. Benzo(a)pyrene [PAH]	0.0002	1,000,000	200 ppt	0
/36./37. Carbofuran	0.04	1000	40 ppb	40
/37./38. Chlordane	0.002	1000	2 ppb	0
/38./39. Dalapon	0.2	1000	200 ppb	200
/39./40. Di(2-ethylhexyl)adipate	0.4	1000	400 ppb	400
/40./41. Di(2-ethylhexyl)phthalate	0.006	1000	6 ppb	0
/41./42. Dibromochloropropane	0.0002	1,000,000	200 ppt	0
/42./43. Dinoseb	0.007	1000	7 ppb	7
/43./44. Diquat	0.02	1000	20 ppb	20
/44./45. Dioxin [2,3,7,8-TCDD]	0.00000003	1,000,000,000	30 ppq	0
/45./46. Endothall	0.1	1000	100 ppb	100
/46./47. Endrin	0.002	1000	2 ppb	2
/47./48. Epichlorohydrin	TT		TT	0
/48./49. Ethylene dibromide	0.00005	1,000,000	50 ppt	0
/49./50. Glyphosate	0.7	1000	700 ppb	700
/50./51. Heptachlor	0.0004	1,000,000	400 ppt	0
/51./52. Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
/52./53. Hexachlorobenzene	0.001	1000	1 ppb	0
/53./54. Hexachloro-cyclopentadiene	0.05	1000	50 ppb	50
/54./55. Lindane	0.0002	1,000,000	200 ppt	200
/55./56. Methoxychlor	0.04	1000	40 ppb	40
/56./57. Oxamyl [Vydate]	0.2	1000	200 ppb	200
/57./58. PCBs [Polychlorinated biphenyls]	0.0005	1,000,000	500 ppt	0
/58./59. Pentachlorophenol	0.001	1000	1 ppb	0
/59./60. Picloram	0.5	1000	500 ppb	500
/60./61. Simazine	0.004	1000	4 ppb	4
/61./62. Toxaphene	0.003	1000	3 ppb	0
Volatile Organic Contaminants				
/62./63. Benzene	0.005	1000	5 ppb	0
/63./64. Carbon tetrachloride	0.005	1000	5 ppb	0
/64./65. Chlorobenzene	0.1	1000	100 ppb	100
/65./66. o-Dichlorobenzene	0.6	1000	600 ppb	600
/66./67. p-Dichlorobenzene	0.075	1000	75 ppb	75
/67./68. 1,2-Dichloroethane	0.005	1000	5 ppb	0
/68./69. 1,1-Dichloroethylene	0.007	1000	7 ppb	7
/69./70. cis-1,2-Dichloroethylene	0.07	1000	70 ppb	70
/70./71. trans-1,2-Dichloroethylene	0.1	1000	100 ppb	100
/71./72. Dichloromethane	0.005	1000	5 ppb	0
/72./73. 1,2-Dichloropropane	0.005	1000	5 ppb	0
/73./74. Ethylbenzene	0.7	1000	700 ppb	700
/74./75. Haloacetic Acids (HAA) (ppb)	0.060	1000	60	n/a
/75./76. Styrene	0.1	1000	100 ppb	100
/76./77. Tetrachloroethylene	0.005	1000	5 ppb	0
/77./78. 1,2,4-Trichlorobenzene	0.07	1000	70 ppb	70
/78./79. 1,1,1-Trichloroethane	0.2	1000	200 ppb	200
/79./80. 1,1,2-Trichloroethane	0.005	1000	5 ppb	3
/80./81. Trichloroethylene	0.005	1000	5 ppb	0

/81./82. TTHMs [Total trihalomethanes]	0.10/.080	1000	100/80 ppb	n/a
/82./83. Toluene	1		1 ppm	1
/83./84. Vinyl Chloride	0.002	1000	2 ppb	0
/84./85. Xylenes	10		10 ppm	10

**Appendix B to 10 CSR 60-8.030
Regulated Contaminants**

Key

AL= Action Level
MCL=Maximum Contaminant Level
MCLG=Maximum Contaminant Goal
MFL=million fibers per liter
mrem/year=millirems per year (a measure of radiation absorbed by the body)

NTU=Nephelometric Turbidity Units
pCi/l=picocuries per liter (a measure of radioactivity)
ppm=parts per million, or milligrams per liter (mg/l)
ppb=parts per billion, or micrograms per liter ($\mu\text{g/l}$)
ppt=parts per trillion, or nanograms per liter
ppq=parts per quadrillion, or picograms per liter
TT=Treatment Technique

Contaminant (units)	MCLG	MCL	Major sources in drinking water
Microbiological Contaminants			
1. Total Coliform Bacteria	0	(Systems that collect 40 or more samples per month) $\geq 5\%$ of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	Naturally present in the environment.
2. Fecal coliform and <i>E. coli</i>	0	A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or <i>E. coli</i> positive.	Human and animal fecal waste.
3. Total organic carbon (ppm)	n/a	TT	Naturally present in the environment.
4. Turbidity	n/a	TT	Soil runoff.
5. Fecal N/A Indicators (enterococci or coliphage)	TT		Human and animal fecal waste.
Radioactive Contaminants			
/5./6. Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man-made deposits.
/6./7. Alpha emitters (pCi/l)	0	15	Erosion of natural deposits.
/7./8. Combined radium (pCi/l)	0	5	Erosion of natural deposits.
/8./9. Uranium	0	30	Erosion of natural deposits.
Inorganic Contaminants			
/9./10. Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
/10./11. Arsenic (ppb)	n/a ¹ 0 ²	50 ¹ 10 ²	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.
¹ These arsenic values are effective until Jan. 23, 2006. ² These arsenic values are effective Jan. 23, 2006.			
/11./12. Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits.

/12./13. Barium (ppm)	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
/13./14. Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.
/14./15. Bromate (ppb)	0	10	By-product of drinking water disinfection.
/15./16. Cadmium (ppb)	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints.
/16./17. Chloramines (ppm)	MRDLG=4	MRDL=4	Water additive used to control microbes.
/17./18. Chlorine (ppm)	MRDL=4	MRDL=4	Water additive used to control microbes
/18./19. Chlorine dioxide (ppb)	MRDLG=800	MRDL=800	Water additive used to control microbes
/19./20. Chlorite (ppm)	0.8	1	By-product of drinking water disinfection.
/20./21. Chromium (ppb)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits.
/21./22. Copper (ppm)	1.3	AL=1.3	Corrosion of household plumbing systems; Erosion of natural deposits.
/22./23. Cyanide (ppb)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.
/23./24. Fluoride (ppm)	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.
/24./25. Lead (ppb)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits.
/25./26. Mercury [inorganic] (ppb)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.
/26./27. Nitrate [as Nitrogen] (ppm)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
/27./28. Nitrite [as Nitrogen] (ppm)	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
/28./29. Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.
/29./30. Thallium (ppb)	0.5	2	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.
Synthetic Organic Contaminants Including Pesticides and Herbicides			
/30./31. 2,4-D (ppb)	70	70	Runoff from herbicide used on row crops.
/31./32. 2,4,5-TP [Silvex] (ppb)	50	50	Residue of banned herbicide.
/32./33. Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
/33./34. Alachlor (ppb)	0	2	Runoff from herbicide used on row crops.
/34./35. Atrazine (ppb)	3	3	Runoff from herbicide used on row crops.
/35./36. Benzo(a)pyrene [PAH] (nanograms/l)	0	200	Leaching from linings of water storage tanks and distribution lines.
/36./37. Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.
/37./38. Chlordane (ppb)	0	2	Residue of banned termiticide.
/38./39. Dalapon (ppb)	200	200	Runoff from herbicide used on rights of way.
/39./40. Di(2-ethylhexyl)adipate (ppb)	400	400	Discharge from chemical factories.
/40./41. Di(2-ethylhexyl)phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
/41./42. Dibromochloropropane (ppt)	0	200	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
/42./43. Dinoseb (ppb)	7	7	Runoff from herbicide used on soybeans and vegetables.

/43./44. Diquat (ppb)	20	20	Runoff from herbicide use.
/44./45. Dioxin [2,3,7,8-TCDD] (ppq)	0	30	Emissions from waste incineration and other combustion; Discharge from chemical factories.
/45./46. Endothall (ppb)	100	100	Runoff from herbicide use.
/46./47. Endrin (ppb)	2	2	Residue of banned insecticide.
/47./48. Epichlorohydrin	0	TT	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.
/48./49. Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.
/49./50. Glyphosate (ppb)	700	700	Runoff from herbicide use.
/50./51. Heptachlor (ppt)	0	400	Residue of banned termiticide.
/51./52. Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
/52./53. Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories.
/53./54. Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
/54./55. Lindane (ppt)	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.
/55./56. Methoxychlor (ppb)	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, and livestock.
/56./57. Oxamyl [Vydate](ppb)	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes.
/57./58. PCBs [Polychlorinated biphenyls] (ppt)	0	500	Runoff from landfills; Discharge of waste chemicals.
/58./59. Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
/59./60. Picloram (ppb)	500	500	Herbicide runoff.
/60./61. Simazine (ppb)	4	4	Herbicide runoff.
/61./62. Toxaphene (ppb)	0	3	Runoff/leaching from insecticide used on cotton and cattle.
Volatile Organic Contaminants			
/62./63. Benzene (ppb)	0	5	Discharge from factories; Leaching from gas storage tanks and landfills.
/63./64. Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
/64./65. Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
/65./66. o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
/66./67. p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
/67./68. 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
/68./69. 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.
/69./70. cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
/70./71. trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
/71./72. Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
/72./73. 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.
/73./74. Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
/74./75. Haloacetic Acids (HAA) (ppb)	n/a	60	By-product of drinking water disinfection.
/75./76. Styrene (ppb)	100	100	Discharge from rubber and plastic factories; Leaching from landfills.
/76./77. Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.

/77./78. 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
/78./79. 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
/79./80. 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
/80./81. Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
/81./82. TTHMs [Total trihalomethanes] (ppb)	n/a	100/80	By-product of drinking water disinfection.
/82./83. Toluene (ppm)	1	1	Discharge from petroleum factories.
/83./84. Vinyl Chloride (ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories.
/84./85. Xylenes (ppm)	10	10	Discharge from petroleum factories; Discharge from chemical factories.

AUTHORITY: section 640.100, RSMo Supp. [2008] 2009 and section 640.125.1, RSMo 2000. Original rule filed July 1, 1999, effective March 30, 2000. Amended: Filed March 17, 2003, effective Nov. 30, 2003. Amended: Filed Feb. 27, 2009, effective Oct. 30, 2009. Amended: Filed April 14, 2010.

PUBLIC COST: This proposed amendment is anticipated to cost state agencies or political subdivisions one thousand nine hundred fifty-five dollars (\$1,955) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Natural Resources**
Division Title: Safe Drinking Water Commission
Chapter Title: Public Notification

Rule Number and Name:	10 CSR 60-8.030 Consumer Confidence Reports
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources (MDNR)	\$1,955

III. WORKSHEET

MDNR Contract Costs = (20 hours x \$74 per hour) + (5 hours x \$95 per hour) = \$1,955

IV. ASSUMPTIONS

Upgrading the MDNR Consumer Confidence Report builder will require 20 hours of computer programming work from the contractor at \$74 per hour and 5 hours of work by the contractor's Safe Drinking Water Information System expert at \$95 per hour.