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SALUS POPULI SUPREMA LEX ESTO

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

JASON KANDER

SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

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

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

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

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

RSMo—The most recent version of the statute containing the section number and the date.

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

Entirely new rules are printed without any special symbology under the heading of 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 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 3—Higher Educational Residency Determination

PROPOSED AMENDMENT

6 CSR 10-3.010 Determination of Student Residency. The department is adding new subsections (6)(C) and (6)(D) to implement section 173.1150, RSMo.

PURPOSE: This amendment sets forth the criteria and requirements for decisions by institutions of higher education relating to the residency status of individuals in the process of separating from the United States military.

(6) Members of the Military Forces.

(C) Any individual who is in the process of separating from any branch of the military forces of the United States with an honorable or a general discharge shall have resident status for purposes of admission and—

1. In-state tuition at any public college or university, if the individual—

A. Demonstrates presence within the state; and

B. Declares residency within the state; or

2. In-state, in-district tuition at any public community college, if the individual—

A. Demonstrates presence within the taxing district; and

B. Declares residency within the taxing district.

(D) The following criteria shall be used by an institution for purposes of determining an individual's status under 6 CSR 10-3.010(6)(C):

1. An individual shall be considered to be in the process of separating from any branch of the military forces at any time after receipt of formal separation orders but prior to one (1) year after receiving an honorable or general discharge;

2. An individual may demonstrate presence and declare residency within the state and/or taxing district through a signed statement indicating the individual currently resides within the state and/or taxing district and intends to make the state of Missouri and/or the taxing district a permanent home; and

3. Discharge status shall be determined based on information contained in the Certificate of Release or Discharge from Active Duty (DD 214).

*AUTHORITY: sections 173.005.2(7) **and 173.1150.3**, RSMo Supp. [2012] **2013**. Original rule filed Aug. 7, 1978, effective March 17, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 16, 2015.*

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 submit a statement in support of or in opposition to this proposed amendment to the attention of General Counsel, Missouri Department of Higher Education, PO Box 1469, 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 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 5—Intervention Fee

PROPOSED AMENDMENT

14 CSR 80-5.010 Definitions for Intervention Fee. The board is amending subsection (1)(E).

PURPOSE: The board is adding "all household income" to subsection (1)(E).

(1) For the purpose of 14 CSR 80-5—

(E) The term "income" refers to gross earnings, unemployment compensation, worker's compensation, Social Security, Supplemental Security Income, public assistance, veteran's payments, survivor benefits, pension and retirement income, interest, dividends, rents, royalties, income from estates, trusts, educational assistance, alimony, child support, assistance from outside the household, **all household**

income, and other miscellaneous sources. Non-cash benefits, such as food stamps and housing subsidies, are not considered income;

AUTHORITY: sections 217.040 and 217.755, RSMo 2000, and section 217.690, RSMo Supp. 2013. Emergency rule filed Oct. 6, 2005, effective Nov. 1, 2005, expired April 29, 2006. Original rule filed Oct. 6, 2005, effective April 30, 2006. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Sept. 28, 2015.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in 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 Department of Corrections, State Board of Probation and Parole, Ellis McSwain Jr., Chairman, 3400 Knipp Drive, Jefferson City, MO 65109. 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 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 5—Intervention Fee

PROPOSED AMENDMENT

14 CSR 80-5.020 Intervention Fee Procedure. The board is amending subsections (1)(F) and (G).

PURPOSE: The board is updating the language in subsection (1)(F) and changing thirty (30) days to ninety (90) days in subsection (1)(G).

(1) The following procedures apply to the collection of an offender intervention fee.

(F) If the case is an interstate transfer, once the offender departs Missouri *[for the receiving state]* **and is accepted by the receiving state** collection of intervention fees will be terminated.

(G) If an offender on probation, parole, or conditional release is subsequently confined in a jail or correctional facility for *[thirty (30) days]* **ninety (90) days** or longer, the fee is suspended effective the thirty-first day of confinement. Fees shall resume on the first day of the month following release.

AUTHORITY: sections 217.040 and 217.755, RSMo 2000, and section 217.690, RSMo Supp. 2013. Emergency rule filed Oct. 6, 2005, effective Nov. 1, 2005, expired April 29, 2006. Original rule filed Oct. 6, 2005, effective April 30, 2006. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Sept. 28, 2015.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in 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 Department of Corrections, State Board of Probation and Parole, Ellis McSwain Jr., Chairman, 3400 Knipp Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 1—Organization

PROPOSED AMENDMENT

20 CSR 2030-1.010 General Organization. The board is amending the division title and sections (1) and (4).

PURPOSE: This amendment adds the word "professional" in front of landscape architect(s) due to changes made to section 327.031, RSMo, effective August 28, 2014. It also updates the reference to professional land surveying to make it consistent with statutory language.

(1) The intent and purpose of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects is to protect the inhabitants of this state in the enjoyment of life, health, peace**,** and safety, and to protect their property from damage or destruction through dangerous, dishonest, incompetent**,** or unlawful architectural, professional engineering, **professional** land surveying**,** or **professional** landscape architectural practice and generally to conserve the public welfare.

(4) Any person may contact the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects, PO Box 184, Jefferson City, MO 65102, (573) 751-0047 for information and/or application forms or to register a complaint involving the architectural, professional engineering, **professional** land surveying, or **professional** landscape architectural professions.

AUTHORITY: sections 327.031 and 327.041, RSMo Supp. [2005] 2014. This rule originally filed as 4 CSR 30-1.010. Original rule filed Dec. 10, 1975, effective Jan. 10, 1976. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

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

PROPOSED AMENDMENT

20 CSR 2030-2.010 Code of Professional Conduct. The board is

amending the division title, purpose statement, and sections (1), (2), (3), (4), (5), and (7).

PURPOSE: This amendment adds the word "professional" in front of landscape architect(s) due to changes made to section 327.031, RSMo, effective August 28, 2014. It also updates the reference to professional land surveying to make it consistent with statutory language.

PURPOSE: This rule establishes a professional code of conduct for architects, professional engineers, professional land surveyors, and ***professional*** *landscape architects.*

(1) Definitions.

(A) Board—The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects.

(B) Licensee—Any person licensed as an architect, professional engineer, professional land surveyor**,** or **professional** landscape architect under the provisions of Chapter 327, RSMo.

(2) The Missouri Rules of Professional Conduct for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects Preamble reads as follows: Pursuant to section 327.041.2, RSMo, the board adopts the following rules, referred to as the rules of professional conduct. These rules of professional conduct are binding for every licensee. Each person licensed pursuant to Chapter 327, RSMo**,** is required to be familiar with Chapter 327, RSMo**,** and the rules of the board. The rules of professional conduct will be enforced under the powers vested in the board. Any act or practice found to be in violation of these rules of professional conduct will be grounds for a complaint to be filed with the Administrative Hearing Commission.

(3) In practicing architecture, professional engineering, **professional** land surveying**,** or **professional** landscape architecture, a licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by architects, professional engineers, professional land surveyors**,** or **professional** landscape architects of good standing, practicing in Missouri. In the performance of professional services, licensees shall be cognizant that their primary responsibility is to the public welfare, and this shall not be compromised by any self-interest of the client or the licensee.

(4) Licensees shall undertake to perform architectural, professional engineering, **professional** land surveying, and **professional** landscape architectural services only when they are qualified by education, training, and experience in the specific technical areas involved.

(5) Licensees, in the conduct of their practice, shall not knowingly violate any state or federal criminal law. Licensees shall comply with state laws and regulations governing their practice. In the performance of architectural, professional engineering, **professional** land surveying**,** or **professional** landscape architectural services within a municipality or political subdivision that is governed by laws, codes**,** and ordinances relating to the protection of life, health, property**,** and welfare of the public, a licensee shall not knowingly violate these laws, codes**,** and ordinances.

(7) Licensees shall not assist non-licensees in the unlawful practice of architecture, professional engineering, **professional** land surveying**,** or **professional** landscape architecture. Licensees shall not assist in the application for licensure of a person known by the licensee to be unqualified in respect to education, training, experience**,** or other relevant factors.

AUTHORITY: section 327.041, RSMo Supp. [2008] ***2014****. This rule originally filed as 4 CSR 30-2.010. Original rule filed Dec. 10, 1975, effective Jan. 10, 1976. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

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

PROPOSED AMENDMENT

20 CSR 2030-2.040 Evaluation Criteria for Building Design. The board is amending the division title and section (1).

PURPOSE: This rule is being amended to reflect the 2015 edition of the International Building Code.

(1) For building design, the board shall use, in the absence of any local building code, the *[2012]* **2015** edition of the *International Building Code*, as the evaluation criteria in determining the appropriate conduct for any professional licensed or regulated by this chapter and being evaluated under section 327.441.2(5), RSMo. The *International Code Council*, *[2012]* **2015** Edition is incorporated herein by reference and may be obtained by contacting 500 New Jersey Ave NW, 6th Floor, Washington, DC 20001, by phone at (888) ICC-SAFE (422-7233), by fax at (202) 783-2348, or by their direct website at http://www.iccsafe.org. This rule does not incorporate any subsequent amendments or additions to the manual.

AUTHORITY: section 327.041, RSMo Supp. [2013] ***2014****. Original rule filed June 14, 2007, effective Dec. 30, 2007. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 3—Seals

PROPOSED AMENDMENT

20 CSR 2030-3.010 Official Seal of Board. The board is amending the division title and section (1).

PURPOSE: This rule is being amended to add the word "professional" in front of landscape architects due to changes made to section 327.031, RSMo, effective August 28, 2014.

(1) The official seal of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects shall consist of the Great Seal of the State of Missouri, minus the words The Great Seal of the State of Missouri and in substitution for which words shall be the words Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects, divided by the word Missouri, all the words engraved and surrounded by a cord-like circle within a fringed circle and of the dimensions of two and one-quarter inches (2 1/4") in diameter.

*AUTHORITY: section 327.041, RSMo Supp. [2001] **2014**. This rule originally filed as 4 CSR 30-3.010. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Oct. 30, 2002, effective April 30, 2003. Moved to 20 CSR 2030-3.010, effective Aug. 28, 2006. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 5—Examinations

PROPOSED AMENDMENT

20 CSR 2030-5.020 NCARB Examinations—Architects. The board is amending the division title and section (1).

PURPOSE: This rule is being amended to add the word "professional" in front of landscape architects due to the passage of SB 809 and changes made to section 327.041, RSMo, effective August 28, 2014.

(1) The architectural division of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects, having reviewed past examinations of the National Council of Architectural Registration Boards (NCARB) on architecture, finds that the examinations meet the requirements of section 327.151, RSMo, and, pursuant to the discretion vested by this statute, does adopt the examination prepared by that organization as that of the division as fully as if the division had prepared the examination, with the modifications as the division deems proper. The division reserves the right to revoke this approval at any time and to prepare and administer the examination as it deems proper.

*AUTHORITY: section 327.041, RSMo Supp. [2005] **2014**. This rule originally filed as 4 CSR 30-5.020. Original rule filed Aug. 27, 1974, effective Sept. 27, 1974. Amended: Filed Dec. 1, 2005, effective June 30, 2006. Moved to 20 CSR 2030-5.020, effective Aug. 28, 2006. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 5—Examinations

PROPOSED AMENDMENT

20 CSR 2030-5.070 NCEES Examinations—*Professional* Engineers. The board is amending the division title, rule title, and section (1).

PURPOSE: This rule is being amended to add the word "professional" in front of landscape architects due to changes made to section 327.031, RSMo, effective August 28, 2014. It also adds the word "professional" in front of engineer in the title to be consistent with statute.

(1) The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects, having reviewed past examinations of the National Council of Examiners for Engineering and Surveying (NCEES) on engineering, finds that the examination meets the requirements of section 327.241, RSMo, and, pursuant to the discretion vested by this statute, does adopt the examination prepared by that organization as that of the board as fully as if the board had prepared the examination, with modifications as the board deems proper. The board reserves the right to revoke this approval at any time and to prepare and administer the examination as it deems proper.

*AUTHORITY: section 327.041, RSMo Supp. [2005] **2014**. This rule*

originally filed as 4 CSR 30-5.070. Original rule filed Aug. 27, 1974, effective Sept. 27, 1974. Amended: Filed Dec. 1, 2005, effective June 30, 2006. Moved to 20 CSR 2030-5.070, effective Aug. 28, 2006. Amended: Filed Sept. 29, 2015.

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 5—Examinations

PROPOSED AMENDMENT

20 CSR 2030-5.110 Standards for Admission to Examination—Professional Land Surveyors. The board is amending the division title and section (2).

PURPOSE: This amendment ensures applicants will receive more experience in land surveying than design or construction surveying work which should make them better experienced to pass the Professional Surveying examinations.

(2) For professional field and office experience in land surveying to be deemed satisfactory, the applicant shall have obtained at least *[one-third (1/3)]* **twenty-four (24) months** of the required experience as field experience and at least *[one-third (1/3)]* **sixteen (16) months** of the required experience as office experience. Furthermore, all professional field and office experience in land surveying shall be completed under the immediate personal supervision of a licensed professional land surveyor as defined in 20 CSR 2030-13.020. In evaluating satisfactory professional field and office experience in land surveying, credit shall be given as follows:

(D) *[Engineering]* **Design** or construction surveying work experience **in the field or office** will receive no more than *[twenty-five percent (25%) credit (the maximum credit given shall be no more than twenty-five percent (25%) of the total experience required)]* **eight (8) months credit**.

*AUTHORITY: sections 327.041, **327.312,** and 327.314, RSMo Supp. [2006] **2014** [and 327.312, RSMo 2000]. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 7—Nonresidents

PROPOSED AMENDMENT

20 CSR 2030-7.010 Nonresidents. The board is proposing to amend the division title and section (1).

PURPOSE: This rule is being amended to add the word "professional" in front of landscape architects due to changes made to section 327.031, RSMo, effective August 28, 2014.

(1) An applicant for licensure as an architect, professional engineer, professional land surveyor**,** or **professional** landscape architect who is a nonresident of this state shall not be denied licensure in this state solely for the reason s/he is not licensed in the state of his/her residence. Before any such nonresident shall be licensed in this state, s/he shall submit to the board a satisfactory explanation of his/her lack of licensure in the state of his/her residence.

*AUTHORITY: section 327.041, RSMo Supp. [2005] **2014**. This rule originally filed as 4 CSR 30-7.010. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Dec. 1, 2005, effective June 30, 2006. Moved to 20 CSR 2030-7.010, effective Aug. 28, 2006. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 8—Land Surveying

PROPOSED AMENDMENT

20 CSR 2030-8.010 *Professional* Land Surveying Matters. The

board is proposing to amend the division title, rule title, purpose statement, and the text of the rule.

PURPOSE: This rule is being amended to add the word "professional" in front of land surveyors and land surveying to make it consistent with statutory language.

*PURPOSE: This rule requires all land surveying matters to be handled by the **professional** land surveying division.*

All matters pertaining to **professional** land surveyors shall be handled by the **professional** land surveying division of the board.

*AUTHORITY: section 327.041, RSMo Supp. [1993] **2014**. This rule originally filed as 4 CSR 30-8.010. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 8—Land Surveying

PROPOSED AMENDMENT

20 CSR 2030-8.020 Professional Land Surveyor—Professional Development Units. The board is amending the division title and sections (1), (2), (4), (5), and (7).

PURPOSE: This rule is being amended to provide more clarification on acceptable units of professional development for the renewal of a professional land surveyor's license.

(1) Each licensed professional land surveyor, as a condition for renewal of his/her license, shall complete a minimum of twenty (20) professional development units (PDU) each two- (2-)*[-]* year period immediately preceding renewal, except as provided in section (2) of this rule.

(A) Of the required professional development units, licensed professional land surveyors shall complete a minimum of *[four (4)]* **two (2)** professional development units in *[Minimum]* **Surveying** Standards (20 CSR 2030, Chapters 16*[,]* **and** 17**,** *[and 19]* **and/or Chapters 60 and 327, RSMo**) during the *[four (4)-]* **two- (2-)** year period immediately preceding renewal.

(2) The following are exceptions to the requirement that licensees successfully complete twenty (20) PDUs prior to renewal:

(B) *[The licensee received his/her initial licensure during the preceding two (2)-year period. The licensee will be required to complete an average of one (1) PDU per month for each month of licensure; provided however that the licensee will not be required to complete more than twenty (20) PDUs]* **A professional land surveyor who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure, shall not be required to report PDUs at the first license renewal**; or

(C) If the licensee served *[honorably]* on full-time active duty in the military, the licensee may renew his/her license without completing the PDU requirement for the renewal period during which the licensee served.

(4) In evaluating PDUs for licensure renewal, the board will be guided by the following standards and guidelines:

(C) Activities.

1. PDU activities must be relevant to the practice of land surveying and may include technical, ethical**,** or business related content.

2. PDUs may be earned at locations outside Missouri, so long as the activity qualifies as acceptable PDU credit pursuant to this rule.

3. Assuming they otherwise qualify as acceptable PDU credit pursuant to this rule, the following activities are acceptable sources of PDU credits:

A. Successful completion of college or university course earns thirty (30) PDUs per semester hour and twenty (20) PDUs per quarter hour. Auditing or "hearing" a course qualifies for one-third (1/3) PDU credit of that stated herein*[.]***;**

B. Active participation and successful completion of seminars, tutorials, workshops, short courses, correspondence courses, or televised or videotaped courses. **Attending program presentations at related technical or professional meetings. A correspondence course must require the participant to show evidence of achievement with a final graded test;**

[C. Attending program presentations at related technical or professional meetings.

*[D.]***C.** Authoring a paper or article earns five (5) PDUs upon actual publication in a regionally or nationally circulated technical journal or trade magazine. **Credit cannot be claimed until that article or paper is actually published. Licensees shall not earn more than ten (10) PDUs per two- (2-) year renewal period for authoring a paper or article;**

*[E.]***D.** Teaching or instructing a course or seminar that satisfies the PDU criteria described in this rule, or making a presentation at a technical meeting or convention. For the original instruction or presentation, a licensee shall earn two (2) PDUs for each PDU a participant could earn pursuant to this rule. *[For subsequent instructions or presentations, a licensee shall earn only one (1) PDU for each PDU a participant could earn pursuant to this rule. Licensees shall not earn more than ten (10) PDUs per two (2)-year renewal period for teaching, instruction, or making presentations.]*

E. Notwithstanding the provisions above, PDUs will only be awarded for the first occurrence of attending or teaching a qualifying course or seminar per every two- (2-) year renewal period.

(5) All licensees shall maintain and retain records of PDU activities completed for a period of four (4) years after the reporting period in which the PDU was completed **and copies must be furnished to the board for audit verification purposes if requested. If these records get lost or destroyed the licensee must inform the board, in writing, within thirty (30) days**. The board may randomly audit a portion of licensees each renewal period, or a specific licensee if a complaint has been filed against the licensee, to verify compliance with the PDU requirements. Licensees shall assist the board in any audit by providing timely and complete responses to the board's inquiries. At a minimum, licensees must keep the following records:

(B) Attendance verification records such as certificates of attendance **which identify the participant by name**, signed attendance receipts, *[paid receipts,]* a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance.

(7) The board will review all PDUs claimed in support of a renewal application. If **audited and** it is determined that a portion of the claimed PDUs fail to meet PDU requirements, the licensee will be notified in writing of the denied PDUs. **The licensee shall have three (3) months from the license renewal date in which to substantiate the original claim or to earn other credits to meet the minimum requirements.** If PDUs are denied to the extent that the licensee has failed to obtain the required number of PDUs for renewal, then the board will deny issuance of the renewal *[and will notify the licensee in writing of their right to appeal the board's decision to the Administrative Hearing Commission]*.

*AUTHORITY: section 327.041, RSMo Supp. [2007] **2014**. This rule originally filed as 4 CSR 30-8.020. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 29, 2015.*

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 save private entities approximately four hundred twenty-five dollars ($425) to five thousand one hundred dollars ($5,100) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2030 - Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects
Chapter 8 - Land Surveying
Proposed Amendment to 20 CSR 2030-8.020 - Professional Land Surveyor - Professional Development Units

II. SUMMARY OF FISCAL IMPACT

Annual

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	**Classification by type of the business entities which would likely be affected:**	**Estimated cost of compliance with the amendment by affected entities:**
17	Professional Land Surveyors Professional Development Hours (1 to 12 Hours @ $25)	$425 to $5,100
	Estimated Annual Savings for the Life of the Rule	**$425 to $5,100**

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

1. The board anticipates 17 licensees per year. An average professional development unit hour costs $25. The professional land surveyors would be exempt from having to obtain one professional development unit per month for each month during the first year of licensure.

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

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and *Professional* Landscape Architects
Chapter 12—Complaints

PROPOSED AMENDMENT

20 CSR 2030-12.010 Public Complaint Handling and Disposition Procedure. The board is amending the division title and sections (1) and (2).

PURPOSE: This rule is being amended to add the word "professional" in front of landscape architects due to changes made to section 327.031, RSMo, effective August 28, 2014.

(1) The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects shall receive and process each complaint made against any licensee or certificate holder of the board or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 327, RSMo. Any member of the public or the profession or any federal, state**,** or local official*[,]* may make and file a complaint with the board. Complaints shall be received from sources without the state of Missouri and processed in the same manner as those originating within Missouri. No member of the Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects shall file a complaint with this board while s/he holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. The executive director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and **Professional** Landscape Architects, PO Box 184, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaint**s** may be made based upon personal knowledge or upon information and belief, reciting information received from other sources.

*AUTHORITY: section 327.041 [and 620.010.14(7)], RSMo Supp. [2004] **2014**. This rule originally filed as 4 CSR 30-12.010. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 29, 2015.*

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 Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

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

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

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-2.061 Filing Requirements for Applications for Expanded Local Calling Area Plans Within a Community of Interest **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 520). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it is outdated and unnecessary.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, and section 392.420, RSMo Supp. 2013, the commission rescinds a rule as follows:

4 CSR 240-2.062 Required and Permitted Notices for Telecommunications Companies and IVoIP or Video Service Providers that Reorganize or Change Names **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 520). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it has been clarified and moved to a new Chapter 28 of the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.500 Definitions Pertaining Specifically to Telecommunication Company Rules **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 520–521). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it has been modified and moved to a new Chapter 28 of the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.505 Filing Requirements for Telecommunications Company Applications for Certificates of Interexchange Service Authority to Provide Customer-Owned Coin Telephone Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 521). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it has been modified and moved to a new Chapter 28 of the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange, or Basic Local Exchange **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 521). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it has been modified and moved to a new Chapter 28 of the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.513 Filing and Submission Requirements for Telecommunications Company Applications for Approval of Interconnection Agreements, Amendments to Interconnection Agreements, and for Notices of Adoptions of Interconnection Agreements or Statements of Generally Available Terms **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 521–522). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it has been modified and moved to a new Chapter 28 of the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.515 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Shared Tenant Services **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 522). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it has been modified and moved to a new Chapter 28 of the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.520 Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 522–523). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it is outdated and no longer needed.
RESPONSE: The commission thanks Staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.530 Filing Requirements for Telecommunications Company Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 523). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

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Division 240—Public Service Commission
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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.525 Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 523). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
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Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 523–524). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule should be rescinded because it is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.540 Annual Report Submission Requirements for Telecommunications Companies **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 524). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks Staff for its comment and agrees the rule should be rescinded.

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Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.545 Filing Requirements for Telecommunications Company Tariffs **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 524). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.550 Telecommunications Company Records and Reports **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 524–525). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.555 Telecommunications Company Residential Customer Inquiries **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 525). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.560 Telecommunications Procedure for Ceasing Operations **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 525–526). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.565 Procedure for Telecommunications Companies That File Bankruptcy **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 526). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

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Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 555). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: The proposed definition of "access line" in section 28.010(1) indicates it applies to lines used to provide either basic local telecommunications service or IVoIP service. Verizon contends the definition of "access line" should exclude IVoIP services because IVoIP services can be provided wirelessly and do not need to use a physical access line. In response, staff explained the definition of "access line" applies to the term's usage in section 28.050(3), which concerns requirements for the Relay Missouri assessment, for which IVoIP providers are responsible. Staff advises the commission to not change the definition.
RESPONSE: The commission agrees with its staff and will not make the proposed change.

COMMENT #2: The definition of "Intrastate" in section 28.010(9) refers to both telecommunications and IVoIP services. Verizon contends the definition should not include IVoIP service, as all IVoIP services are inherently interstate, and therefore subject to exclusive federal jurisdiction. Staff explains that the term "intrastate" is used in the rule to describe assessments and revenue reporting requirement that do apply to IVoIP services. Staff advises the commission not to change the definition.
RESPONSE: The commission agrees with its staff and will not make the proposed change.

COMMENT #3: The definition of "net jurisdictional revenue" section 28.010(10) refers to the definition found in 4 CSR 240-31.010(17). Staff explains that the term "telecommunications" was inadvertently left out of the Chapter 31 definition when that rule was revised a few years ago. The commission cannot correct section 31.010 in this rulemaking and staff recommends the commission leave the citation to the Chapter 31 definition unchanged. The Chapter 31 definition will ultimately need to be changed in a separate rulemaking. No other comments addressed this definition.
RESPONSE: The commission agrees with its staff and will not change the proposed definition.

COMMENT #4: MTIA proposes a revision to section 28.010(11)'s definition of "non-switched local exchange telecommunications service" to clarify that such service can be purchased to connect multiple customer locations. Staff supports that revision.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the suggested revision to the definition and will incorporate it into the rule.

COMMENT #5: MCTA points out a typographical error in section 28.010(13)'s definition of "Registration." There is an extraneous "the" in the proposed definition.

RESPONSE AND EXPLANATION OF CHANGE: The commission will correct the error in the definition.

COMMENT #6: Staff recommends that section 28.010(14)'s definition of "retail service" be deleted as unnecessary because the defined term is not used in the rule.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and will delete the definition from the rule. All subsequent sections will be renumbered accordingly.

COMMENT #7: MTIA proposes to remove section 28.010(16)'s definition of "switched access service" and to remove the only reference to "switched access service" in the rules, and instead refer to exchange access services in that section of the rule, 28.070(1). Staff also recommends this definition be removed.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment and will remove the definition from this rule. The commission will address the suggested change in section 28.070(1) in that rulemaking. All subsequent sections in this rule will be renumbered accordingly.

COMMENT #8: MTIA comments that section 28.010(17)'s definition of "tariff" refers to tariff documents being "submitted to" the commission. MTIA believes such documents are "filed with" the commission and would change the definition accordingly. Staff replied that it such documents are "submitted to", rather than "filed with" the commission and recommends the definition not be changed.
RESPONSE: This comment concerns a semantical disagreement that has no real effect on the definition. Since staff prefers "submitted to", the commission will not change the definition.

4 CSR 240-28.010 Definitions

(11) Non-switched local exchange telecommunications service—Service connecting customer locations within an exchange to other points within the exchange provisioned by facilities dedicated to these locations and points, and which facilities to not switch the service to other locations and points.

(13) Registration—The granting of a registration to provide interconnected voice over Internet protocol service or video service by the commission.

(14) Shared tenant service—Generally the provisioning of a commercially shared telecommunications service provided to residents in a building or a common limited geographic area.

(15) Tariff—A document submitted to the commission identifying the telecommunications services offered by a company and also identifying the rates, terms, and conditions for the use of such services.

(16) Total Missouri Jurisdictional Operating Revenue—A company's total revenue associated with the provisioning of intrastate telecommunications and IVoIP services. This revenue includes a company's net jurisdictional revenue, wholesale revenues, and any revenue received from the Missouri Universal Service Fund minus wholesale uncollectibles. Total Missouri jurisdictional operating revenue is annually reported and is used for the commission assessment.

(17) Wholesale service—Telecommunications or IVoIP services provided to other telecommunications or IVoIP service providers.

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 555–556). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: Section 28.020(3) requires all phone companies to provide current contact information. It then says that "any company with telecommunications or IVoIP service certification or registration is subject to additional reporting requirements." MCTA asks the commission to clarify that section to make it clear that the "additional reporting requirements" are those established in 28.040, and not some future additional reporting requirements. Staff concurs with MCTA's comment.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment and will make the recommended change.

COMMENT #2: Level 3 expresses its support for section 28.020(5), which clearly states that interconnection agreements that are not filed with the commission are not effective.
RESPONSE: The commission thanks Level 3 for its comment.

4 CSR 240-28.020 General Provisions

(3) All companies receiving certification or registration from the commission shall maintain updated contact information. Any company with telecommunications service certification or registration or IVoIP service registration is subject to additional reporting requirements as set forth in 4 CSR 240-28.040.

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Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 556–558). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: Section 28.030(1) lists the forms of certification or registration the commission grants, and says a company may be granted "one or all" of these certifications. MTIA asks the commission to clarify the rule to indicate a company may be granted "one or more" certificates or registrations rather than "one or all." Staff concurs in that recommendation.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees the clarification is appropriate and will modify the section accordingly.

COMMENT #2: Staff advises the commission to insert the word "exchange" into subsection 28.030(1)(B) so it reads "non-switched local exchange telecommunications service."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees the change is necessary and will modify the subsection accordingly.

COMMENT #3: Staff advises the commission to insert the word "exchange" into section 28.030(4) so it reads "non-switched local exchange telecommunications service."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees the change is necessary and will modify the section accordingly.

COMMENT #4: MCTA notes a typographical error in paragraph 28.030(9)(A)2.
RESPONSE: The error that MCTA noted appears in the proposed rule document that the commission initially sent to the secretary of state, and which was included in the commission's case file. However, that error was corrected before the proposed rule was published in the *Register*. The proposed rule as it was published in the *Register* is correct and no change is needed.

4 CSR 240-28.030 Certification or Registration Requirements

(1) The commission grants the following forms of certification or registration:

(B) Certificate of service authority to provide non-switched local exchange telecommunications service;

A company may be granted one (1) or more of these certifications or registrations, in a single application or in multiple applications.

(4) An application to provide basic local telecommunications service, non-switched local exchange telecommunications service, interexchange telecommunications service, and IVoIP service shall include the following requirements:

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 558–559). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: MCTA asks the commission to revise the procedures for requesting an extension of time to file an annual report described in subsection 28.040(2)(B). MCTA says its changes are designed to avoid confusion regarding the application of the rule to requests for extension submitted after April 15, or for more than thirty (30) days. Staff replied that it believes the language included in the proposed rule is sufficient.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with MCTA that the proposed revised language appropriately clarifies the procedure for requesting an extension. The commission will make the proposed modification.

COMMENT #2: MTIA asks the commission to correct a reference in subsection 28.040(3)(A) from "annual report" to "statement of revenue."
RESPONSE AND EXPLANATION OF CHANGE: MTIA is correct. The reference should be to the statement of revenue form. The commission will make the proposed modification.

COMMENT #3: Staff advises the commission to delete paragraph 28.040(4)(C)3. because it duplicates the provisions of subsection 28.040(4)(B), and is, therefore, unnecessary.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment and will delete the paragraph.

COMMENT #4: In its written comments, AT&T objects to section 28.040(5), which requires telecommunications companies to notify the commission of any major service outage and describes detailed information that such companies must submit about such outages. AT&T argues there is no need for such a rule, as the commission no longer has authority to deal with such outages. At the hearing, staff announced compromise language, to which AT&T agreed.
RESPONSE AND EXPLANATION OF CHANGE: The compromise language appropriately recognizes the commission's limited need to be informed about service outages. The commission will modify the section to adopt the compromise language.

COMMENT #5: In its written comments, AT&T objects to section 28.040(6), which requires telecommunications companies to file a disaster recovery plan with the commission. AT&T argues there is no need for such a rule, as the commission no longer has authority in that area. At the hearing, staff announced compromise language, to which AT&T agreed.
RESPONSE AND EXPLANATION OF CHANGE: The compromise language appropriately recognizes the commission's authority in this area. The commission will modify the section to adopt the compromise language.

COMMENT #6: AT&T objects to section 28.040(7), which requires companies to notify the commission if they file for bankruptcy. It argues there is no need for such a rule because the commission no longer has authority in that area. Staff replied to that comment by explaining that the bankruptcy notification requirement described in the rule is needed to allow staff to manage the process by which it collects required financial assessments from companies. Staff says the requirement should not be burdensome on the companies and should be retained.
RESPONSE: The commission believes staff has adequately explained the need to require notification when a company has filed for bankruptcy. The commission will not make the change requested by AT&T.

4 CSR 240-28.040 Reporting Requirements

(2) Annual Report. A company certificated to provide telecommunications service or registered to provide IVoIP service shall submit an annual report to the commission. A company providing shared tenant services or payphone services is not required to submit an annual report. Annual report requirements are listed below:

(B) The deadline for a company to submit a completed annual report is April 15.

1. A company that is unable to meet the April 15 submission date deadline may request an extension of this deadline by filing a letter through EFIS. The letter shall include an explanation for failing to meet the deadline and the date by which the annual report will be filed.

A. If a request for extension is made prior to the filing deadline, a thirty- (30-) day extension will automatically be granted.

B. Requests for an extension greater than thirty (30) days or requests after the filing deadline for an extension will be handled on a case-by-case basis depending on the explanation contained in the request.

2. A company that misses the filing deadline and has not requested an extension shall be considered delinquent and appropriate actions may be pursued;

(3) Statement of Revenue Report. All IVoIP providers and companies certificated to provide telecommunications services, including payphone providers and shared tenant service providers, shall submit a statement of revenue. Statement of revenue requirements are listed below:

(A) All companies shall use the statement of revenue report form provided by the commission on the commission's website.

1. A Notary Public shall witness and sign the form;

(4) Net Jurisdictional Revenue Report. A company certificated to provide telecommunications service or registered to provide IVoIP service shall submit a net jurisdictional revenue report to the Missouri universal service fund administrator. This report requires a company to identify its net jurisdictional revenue as that term is defined in this chapter. Listed below are clarifications about net jurisdictional revenue and the net jurisdictional report:

(C) A company applying a bundled rate for a telecommunications or IVoIP service with a package of services that are not considered to be telecommunications or IVoIP services may report net jurisdictional revenue by applying either of the following two (2) methods:

1. Report revenue based on the unbundled service offering price for telecommunications or IVoIP service; or

2. Elect to report all bundled revenues as net jurisdictional revenue;

(5) A telecommunications company shall support the commission in its role with the State Emergency Management Agency by reporting the status of the company's telecommunications services when requested.

(6) A telecommunications company shall maintain a disaster recovery plan and shall make such plan available to the commission's staff upon request. Each telecommunications company shall provide the manager of the commission's telecommunications unit updated commission contact information for emergency response or disaster recovery efforts.

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.050 Assessment Requirements **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 559–560). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: Staff filed a written comment explaining that the new rule identifies all assessment requirements applicable to companies offering telecommunications service or IVoIP service. Specifically, it pertains to the commission's operating assessment, the Missouri Universal Service Fund (USF) assessment, and the Relay Missouri assessment. No one else commented about this rule.
RESPONSE: The commission thanks staff for its comment and will adopt the rule as proposed.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 560–561). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: AT&T objects to the provision in section 28.060(1) that would require telecommunications companies providing intrastate service to comply with the commission's safety standards identified in 4 CSR 240-18.010. It argues the state safety standards are duplicative of federal standards and thus unnecessary. Further, AT&T argues that state safety standards are beyond the commission's authority to impose per section 392.611, RSMo. Staff contends the safety standards are needed to ensure the telecommunications network functions properly, and thus are authorized by section 392.611.3 RSMo.
RESPONSE: Among other things, section 392.611.3 RSMo Supp. 2014, preserves the commission's authority to regulate intercarrier issues, including network configuration issues. The commission agrees with staff that the minimum safety requirements described in 4 CSR 240-18.010 are necessary to ensure the proper functioning of the network. Further, those requirements are not burdensome on the companies. The commission will not make the change requested by AT&T.

COMMENT #2: AT&T and Verizon object to the provision in section 28.060(2) that would require telecommunications companies to ensure calls are being completed, and would forbid intentional actions to "frustrate, delay, impede, or prevent the completion of any intrastate call." They argue such a requirement is duplicative of federal standards and is therefore unnecessary and beyond the commission's authority to impose. Staff contends the call completion requirement is necessary and complements the enforcement power of the FCC.

Verizon and MCTA also object that under section 392.611, RSMo, the commission has no authority to impose call completion requirements on IVoIP providers.
RESPONSE: Section 392.611, RSMo Supp. 2014, restricts the commission's authority to regulate telecommunications carriers. But subsection 392.611.3 preserves the commission's authority to deal with intercarrier issues. Call completion requirements are related to intercarrier compensation issues and thus are an appropriate area for continued commission involvement under that subsection. Subsection 392.611.2 RSMo Supp. 2014, restricts the commission's authority to regulate IVoIP providers, but it also indicates the limitations on the regulation of IVoIP providers do not extend, modify, or restrict the provisions of subsection 3 of that statute. The commission has authority under subsection 3 of the statute to deal with intercarrier issues including call completion issues. That authority also applies to IVoIP providers. The commission will not modify its rule as requested in the comment.

COMMENT #3: Section 28.060(5) imposes a state requirement to comply with federal anti-slamming regulations. AT&T asks the commission to make compliance with the anti-slamming regulation optional; applying only to those companies electing to be subject to those requirements. Staff replies that section 392.540, RSMo 2000, requires the commission to have an anti-slamming rule.
RESPONSE: Staff's reading of the section 392.540, RSMo 2000, is correct. The statute clearly requires the commission to promulgate such a rule, and requires that rule to be consistent with federal rules. The commission will not modify its rule as requested in the comment.

COMMENT #4: Subsection 28.060(6)(A) sets procedures for resolving customer disputes. AT&T asks the commission to extend the response time for companies to respond to staff inquiries about denial or discontinuance of service issues from thirty (30) to forty-five (45) days. Staff replies that thirty (30) days for an initial response from the company is sufficient.
RESPONSE: The rule's allowance of thirty (30) days to give an initial response to an inquiry from staff is sufficient. The rule does not require that such inquires be fully resolved in thirty (30) days. It merely requires a response. That is not a burdensome requirement. The commission will not modify the rule as requested in the comment.

COMMENT #5: In a separate comment about subsection 28.060(6)(A), MCTA asks the commission to add language to clarify that the obligations concerning customer disputes apply only to end-use customers and services of the phone company, not to customers and services of interconnected companies.
RESPONSE: The commission does not believe that the clarification proposed by MCTA is necessary and will not modify the rule as requested in the comment.

COMMENT #6: Subsection 28.060(6)(B) requires staff to advise a customer of their right to file a formal complaint under the commission's rules if their dispute with the company is not otherwise resolved. AT&T asks the commission to add language requiring staff to also inform customers of their right to "invoke binding arbitration if available under the service's terms and conditions." Staff replied that it does not support AT&T's proposal because it would be impractical to determine whether binding arbitration is available to a particular customer.

RESPONSE AND EXPLANATION OF CHANGE: AT&T's proposal to inform customers of binding arbitration rights does not require staff to determine whether a particular customer's contract with its carrier contains an arbitration provision. It would merely require that such customer be advised that such an arbitration provision might exist. The commission agrees with AT&T's comment, and will modify the rule accordingly.

4 CSR 240-28.060 Service Requirements

(6) The following procedure will be used if the commission staff contacts a telecommunications company in order to help resolve a customer's dispute:

(B) If the matter remains unresolved after the company's final response, the commission staff shall advise the customer of his/her right to file a formal complaint with the commission pursuant to commission rule 4 CSR 240-2.070(4), or to invoke binding arbitration, if available, under the service's terms and conditions.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 561–562). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: MTIA asks the commission to modify section 28.070(1) to change a reference from "switched access service" to "exchange access service", which is consistent with a comment related to the definition of "tariff" in 4 CSR 240-28.010. MTIA also suggest the commission further modify this section to limit the requirement to maintain tariffs relating to exchange access service, by removing the requirement to maintain tariffs for other commission regulated wholesale services. Staff opposes the second suggested modification.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that MTIA's suggested elimination of the requirement to maintain a tariff for commission-regulated wholesale service other than exchange access service is inappropriate. The commission will change "switched access service" to "exchange access service," but will not otherwise modify the rule.

4 CSR 240-28.070 Tariffs

(1) A telecommunications company shall maintain a tariff for any commission-regulated wholesale service such as exchange access service.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.080 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 562–563). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: Section 28.080(2) addresses the adoption of an approved interconnection agreement. CenturyLink objects to a provision in the rule that would remove the ability of an Incumbent Local Exchange Carrier (ILEC) to object to a third-party-Competitive Local Exchange Carrier's (CLEC's) adoption of an existing interconnection agreement after the agreement has been in effect for more than a reasonable amount of time. CenturyLink wants to prevent the adoption of interconnection agreements that have become outdated, and argues the commission's rule would be contrary to federal requirements. CenturyLink would set a "reasonable" period for adoption at six (6) months before the agreement would expire, not including any extension agreements.

AT&T shares CenturyLink's concerns about allowing for the adoption of expiring interconnection agreements. It would allow for the consideration of such adoptions on a case-by-case basis.

MCTA opposes AT&T's comments and strongly supports the language in the proposed rule that would clarify when an interconnection agreement can be adopted. Level 3 also strongly supports the

language in the proposed rule. MCTA and Level 3 explain that the language of the rule does not allow for the adoption of expired agreements, rather it ensures that all agreements that are currently in effect, can be adopted by other competitors.

MTIA specifically takes no position on this question.

RESPONSE: The commission finds that the language of the proposed rule appropriately protects the interests of all carriers. CenturyLink's rigid six- (6-) month-before-expiration rule would unreasonably deny carriers the right to compete on level ground with another carrier who might be operating under a more favorable interconnection agreement that could remain in effect for an extended period after its expiration date. AT&T's proposal to consider such adoptions on a case-by-case basis is more reasonable, but in fact, that is what the language in the proposed rule would allow. If one (1) of the parties objects to the proposed adoption, they would still have an opportunity to obtain a determination from the commission pursuant to section 28.080(2)(D). The commission will not modify the provisions of the rule in response to these comments.

COMMENT #2: In a separate comment about section 28.080(2), CenturyLink proposes new language to make it clear that adoptions of interconnection agreements are subject to the notice and objection provisions of subsection 20.080(2)(D) before they become effective. MTIA offers slightly different language for the same purpose. No other comment responded to the CenturyLink and MTIA proposals.

RESPONSE AND EXPLANATION OF CHANGE: Some modification is necessary to clarify that adoption notices are subject to the objection provisions of subsection (2)(D). But recognition that the notice and objection provision of subsection (2)(D) applies to all adoption notices also requires adjustment to the provision in the subsection that says adoptions will become effective on the date they are properly submitted to the commission. An adoption notice cannot be allowed to be effective on the date it is submitted and still be subject to objection because it cannot go in and out of effect depending upon whether an objection is filed. As a result, the commission will modify the rule to provide that the adoption will be effective on the date allowed by the commission in its order approving the adoption.

COMMENT #3: AT&T urges the commission to modify section 28.080(2) to prevent third parties from adopting an amendment to an interconnection agreement without the consent of both parties to the adoption. AT&T says change is needed to conform to recent changes to federal law that would eliminate the "pick and choose" option in favor of an "all or nothing" approach that requires the adopting party to take the entire interconnection agreement without grabbing parts from other agreements. To accomplish this modification, AT&T asks the commission to strike "or amendment" from the first sentence of the section so that it would apply only to approved interconnection agreements. MTIA supports the same modification.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that an interconnecting carrier cannot pick and choose only portions of an interconnection agreement and the proposed rule is intended to comply with that requirement. The commission will clarify the rule to make it clear that adoption of an interconnection agreement is all or nothing. Rather than delete "or agreement" from the rule, that purpose can be accomplished by changing the "or" to "any" so that the rule will allow for the adoption of an interconnection agreement and any amendments to that agreement, without implying that amendments could be adopted apart from the interconnection agreement as a whole.

COMMENT #4: AT&T and MTIA propose to modify subsection 28.080(2)(B), which establishes the procedure the commission will follow when an adoption request signed by two (2) parties is received. The rule, as proposed, allows such agreements to be filed in Electronic Filing and Information System (EFIS) as an informal submission, which would not open a case file. AT&T and MTIA believe that competing companies need to receive notice of such agreements and would add language to the section to require the commission to open a new file to either approve or reject the adoption, just as it would if only one (1) party to the agreement had filed an application for approval of the adoption under subsection 28.080(2)(C).

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment and will modify the rule to establish a case for consideration of such interconnection agreements.

COMMENT #5: MTIA proposes a new section 28.080(3) that would require the incumbent local exchange carrier that is a party to an interconnection agreement to file a notice of the termination of the agreement in the case file in which the agreement was approved.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment and will add the new section.

4 CSR 240-28.080 Interconnection Agreements

(2) An adoption of an approved interconnection agreement and any amendment that has been previously approved by the commission can be requested by either company by submitting a letter to the secretary of the commission. Approved interconnection agreements whose original term has expired, but which remain in effect pursuant to term renewal or extension provisions, will be subject to adoption for as long as the interconnection agreement remains subject to the renewal or extension provision. Any adoption is subject to objection pursuant to subsection (2)(D). The adoption will be effective on the date allowed by the commission in its order approving the adoption.

(B) If both parties have signed the signature page to the adoption the request shall be electronically filed in EFIS. Upon receipt of an adoption request signed by both parties, the commission shall open a new file and issue notice of the filing of the request. Thereafter, the commission shall expeditiously approve or reject the adoption.

(3) Termination of Interconnection Agreements—The incumbent local exchange telecommunications company that is a party to any interconnection agreement that is terminated shall notify the secretary of the commission of its termination by filing a letter in the case in which the agreement was approved.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014, the commission adopts a rule as follows:

4 CSR 240-28.090 211 Service **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 563–564). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the staff of the commission (staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a

CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schifman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for staff.

COMMENT #1: Staff filed a written comment explaining that the new rule streamlines the commission's existing rule on 211 informational and referral services. No one else commented about this rule.
RESPONSE: The commission thanks staff for its comment and will adopt the rule as proposed.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 30—Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-30.020 Residential Telephone Underground Systems **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 564). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 30—Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-30.040 Uniform System of Accounts—Class A and Class B Telecommunications Companies **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 564). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.010 General Provisions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 564–565). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.020 Definitions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 565). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely

written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.040 Metering, Inspections and Tests **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 565–566). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.050 Customer Services **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 566). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.060 Engineering and Maintenance **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 566). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.070 Quality of Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 566–567). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.080 Service Objectives and Surveillance Levels **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 567). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed. Certain elements of the rule have been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.090 Connection of Equipment and Inside Wiring to the Telecommunications Network **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 567). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.100 Provision of Basic Local and Interexchange Telecommunications Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 567–568). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.120 Snap-Back Requirements for Basic Local Telecommunications Companies **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 568). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 568–569). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling Services **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 569). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.150 Qualifications for and Responsibilities of the Prepaid Calling Services **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 569). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.160 Customer Disclosure Requirements **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 569–570). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.170 Standards for Prepaid Calling Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 570). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.180 Definitions—Caller Identification Blocking Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 570). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 570–571). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 386.310, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.200 General Provisions for the Assignment, Provision and Termination of 211 Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 571). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the provisions of the rule have been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.010 General Provisions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg

571–572). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.020 Definitions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 572). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.040 Billing and Payment Standards for Residential Customers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 572). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.045 Requiring Clear Identification and Placement of Separately Identified Charges on Customer Bills **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 572–573). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.050 Deposits and Guarantees of Payment for Residential Customers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 573). No changes have been made in the proposed rescission, so it is

not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.060 Residential Customer Inquiries **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 573). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.070 Discontinuance of Service to Residential Customers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 574). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.080 Disputes by Residential Customers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 574). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.090 Settlement Agreements with Residential Customers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 574–575). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.100 Variance **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 575). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed. Simplified variance procedures have been moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.110 Commission Complaint Procedures **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 575). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed. Simplified complaint procedures have been moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.120 Payment Discounts for Schools and Libraries that Receive Federal Universal Service Fund Support **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 575–576). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is no longer needed because federal regulations accomplish the same purpose.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.130 Operator Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 576). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.140 Pay Telephone **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 576–577). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and no longer needed.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 577). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.160 Customer Proprietary Network Information **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 577). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule is outdated and unnecessary.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

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

4 CSR 240-33.170 Relay Missouri Surcharge Billing and Collections Standards **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2015 (40 MoReg 577–578). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 29, 2015, and the commission held a public hearing on the proposed rescission on July 6, 2015. The commission received a timely written comment from the staff of the commission. No one addressed the proposed rescission at the hearing.

COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.
RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 600—Office of Early and Extended Learning

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2014, and sections 178.691–178.699, RSMo 2000 and RSMo Supp. 2013, the board amends a rule as follows:

5 CSR 20-600.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2015 (40 MoReg 834). Those sections with changes are reprinted here; however, changes have been made in the incorporated by reference, *Early Childhood Development Act Administrative Manual*. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment from one (1) individual regarding the proposed amendment and grammatical changes for consistency from the department staff.

COMMENT #1: Received one (1) comment from Colleen Ratcliff, Lamar School District, noted a duplication of the term "Affiliate Quality Assessment" in section 2.5.
RESPONSE AND EXPLANATION OF CHANGE: The Department of Elementary and Secondary Education (department) reviewed the comment and will amend subsection (1)(B) to reflect the revision date change and the incorporated by reference material, specifically section 2.5 using the terms "Parent Questionnaire" and "Affiliate Quality Assessment" once.

5 CSR 20-600.110 General Provisions Governing Programs Authorized Under the Early Childhood Development Act

(1) All programs and projects carried out by school districts under the Early Childhood Development Act (ECDA) shall be conducted in conformity with—

(B) The state *Early Childhood Development Act Administrative Manual*, revised August 2015, which is incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education (department) and is available at the Early Learning Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 or on the department's website. This rule does not incorporate any subsequent amendments or additions. The *Early Childhood Development Act Administrative Manual* interprets state statutory requirements for the programs and establishes program management procedures consistent with state law and practice.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission adopts a rule as follows:

10 CSR 10-6.372 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2015 (40 MoReg 753–764). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received four (4) comments from one (1) source; the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that the purpose statement for this rule should be revised to clarify that the methodologies for reallocating allowances are not being changed, but that the rule is simply reallocating allowances for use with EPA's Cross-State Air Pollution Rule (CSAPR) trading program. Additionally, EPA commented that the purpose statement be modified to more clearly state that this rule only reallocates allowances under the federal CSAPR program and that EPA will continue to administer the federal CSAPR program.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the rule purpose statement has been changed to more accurately state the objective of the rule.

COMMENT #2: EPA commented that subparagraphs (3)(B)2.C. and (3)(B)3.I. refer to an "entity", yet this term is not defined in the definition section of this rule or in 10 CSR 10-6.020. The term "entity", as it is used in subparagraphs (3)(B)2.C and (3)(B)3.I., refers to the individual that may request allowances set aside for newly affected units. EPA recommends that it can be the owner, operator, or designated representative (as defined in 40 CFR 97.402) of a newly affected unit that can make such a request. EPA recommends that the department provide a definition for this term in order to provide clarity.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the term "entity" has been removed and replaced with the phrase "facility owner, operator, or designated representative" in subparagraph (3)(B)2.C., part (3)(B)2.C.(II), and part (3)(B)3.I.(I) to clarify individuals that are eligible to request allowances for newly affected units.

COMMENT #3: EPA commented that subsection (2)(A) indicates that definitions for key words and phrases used in this rule may be found in 40 CFR 97.402 and 40 CFR 97.403 promulgated as of June 30, 2014, and section (3) indicates that this rule replaces 40 CFR 97.411(a), 40 CFR 97.411(b)(1) and 40 CFR 97.412(a) as promulgated as of June 30, 2014. EPA recommends that the June 30, 2014 date be replaced with July 1, 2014, since that is the date of publication of the CFR.
RESPONSE AND EXPLANATION OF CHANGE: As recommended, subsection (2)(A) has been changed from June 30, 2014 to July 1, 2014 to reflect the annual publication of the *Code of Federal Regulations*.

COMMENT #4: EPA commented that part (3)(B)3.I.(I) includes a citation to subparagraph (3)(B)2.B. It appears that this may be a typo and should reference subparagraph (3)(B)2.C.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, part (3)(B)3.I.(I) has been revised to correct the reference to subparagraph (3)(B)2.C.

10 CSR 10-6.372 Cross-State Air Pollution Rule Annual NO_x Trading Allowance Allocations

PURPOSE: The purpose of this rule is to reallocate annual nitrogen oxides (NO_x) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) annual NO_x regional emission reduction program as established in the federal Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The federal CSAPR program will continue to be administered by EPA. The state rule only redistributes annual NO_x allowances. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the September 13, 2011, December 16, 2014, and March 24, 2015 affected industry meeting summaries indicating general agreement to reallocate unused NO_x allowances to municipalities that received zero (0) allowances.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.402 and 40 CFR 97.403 promulgated as of July 1, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.411(a), 40 CFR 97.411(b)(1) and 40 CFR 97.412(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(B) New Units.

1. Annual Submittal. For the TR NO_x Annual control period in 2017 and each control period thereafter, the director must submit to EPA, in a format prescribed by the administrator, the TR NO_x Annual allowances as determined under this subsection by July 1 of the applicable control period.

2. New Unit Set-Asides.

A. Allowance Calculation. Every year, the director will calculate the TR NO_x Annual allowance allocation to each TR NO_x Annual unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period has any TR NO_x Annual allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed, then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If a facility owner, operator, or designated representative wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the facility owner, operator, or designated representative must submit information to the director confirming that a TR NO_x Annual unit commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR NO_x Annual unit that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR NO_x Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the submission includes the correct calculations for eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the review, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with this paragraph, the director may request additional information from the facility owner, operator, or designated representative that made the submission. If additional information is requested, the facility owner, operator, or designated representative must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR NO_x Annual allowance allocation to each TR NO_x Annual unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.406(b)(2) and 40 CFR 97.430 through 40 CFR 97.435. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in which the notification is made.

(I) For each notification required in part (3)(B)2.D.(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR NO_x Annual allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR NO_x Annual allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Annual Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR NO_x Annual units in Missouri, the director will allocate TR NO_x Annual allowances to the TR NO_x Annual units as follows:

A. Units Eligible to Receive Allowances. The TR NO_x Annual allowances will be allocated to the following TR NO_x Annual units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR NO_x Annual units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR NO_x Annual units whose allocation of an amount of TR NO_x Annual allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.411(c)(2) or (3);

(III) TR NO_x Annual units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR NO_x Annual units under 40 CFR 97.411(c)(1)(ii) whose allocation of an amount of TR NO_x Annual allowances for such control period under paragraph (3)(B)2. of this rule is covered by 40 CFR 97.411(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR NO_x Annual allowances in an amount equal to the difference between the Missouri TR NO_x Annual trading budget for 2017 and thereafter, as set forth

in 40 CFR 97.410(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR NO_x Annual allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.411(c)(5);

C. Eligible Control Periods. The director will determine, for each TR NO_x Annual unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR NO_x Annual allowances for the later of the following control periods and for each subsequent control period:

(I) The control period in 2017;

(II) The first control period after the control period in which the TR NO_x Annual unit commences commercial operation;

(III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR NO_x Annual unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR NO_x Annual allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR NO_x Annual unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of NO_x emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR NO_x Annual allowances determined for all such TR NO_x Annual units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR NO_x Annual allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR NO_x Annual allowances determined for each such TR NO_x Annual unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR NO_x Annual allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR NO_x Annual unit the amount of the TR NO_x Annual allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR NO_x Annual allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR NO_x Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR NO_x Annual unit eligible for such allocation;

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subparagraphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR NO_x Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR NO_x Annual allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.C. of this rule, the submitting facility owner, operator, or designated representative may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the calculation of eligible allowances under this part by the April 5 deadline, or if the facility owner, operator, or designated representative fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline, then no allowances will be awarded to such unit in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR NO_x Annual allowances for a specific control period for TR NO_x Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

$$EA = \frac{(ER)(HR)(NP_{Cap})(CP_{Tot})(CF)(24^{hours}/_{day})(1{,}000^{kW}/_{MW_e})}{(2{,}000^{lb}/_{ton})(1{,}000{,}000^{BTU}/_{mmBTU})}$$

Where:

EA = eligible TR NO_x Annual Allowances

ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)

HR = the heat rate efficiency for the generator that the unit serves (BTU/KW-hr)

NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)

CP_{Tot} = number of days in the control period

CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO_2 & NO_x Programs	Ozone Season NO_x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR NO_x Annual allowances as calculated under part (3)(B)3.I.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.I.(IV) of this rule;

(VI) If the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.I.(V) of this rule, then the director will allocate the amount of TR NO_x Annual allowances determined for each such TR NO_x Annual unit under part (3)(B)3.I.(IV) of this rule; and

(VII) If the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.I.(V) of this rule, then the director will allocate to each such TR NO_x Annual unit the amount of the TR NO_x Annual allowances determined under part (3)(B)3.I.(IV) of this rule for the unit, multiplied by the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.I.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.I. and (3)(B)3.L. of this rule for such control period, any unallocated TR NO_x Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR NO_x Annual unit that is in the state, is allocated an amount of TR NO_x Annual allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR NO_x Annual allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR NO_x Annual allowances equal to the following: the total amount of such remaining unallocated TR NO_x Annual allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state NO_x Annual trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications as described in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR NO_x Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR NO_x Annual unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.I.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR NO_x Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will reduce each unit's allocation under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, by one (1) TR NO_x Annual allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs (3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR NO_x Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR NO_x Annual allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission adopts a rule as follows:

10 CSR 10-6.374 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2015 (40 MoReg 765–776). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received five (5) comments from one (1) source; the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that the purpose statement for this rule should be revised to clarify that the methodologies for reallocating allowances are not being changed, but that the rule is simply reallocating allowances for use with EPA's Cross-State Air Pollution Rule (CSAPR) trading program. Additionally, EPA commented that the purpose statement be modified to more clearly state that this rule only reallocates allowances under the federal CSAPR program and that EPA will continue to administer the federal CSAPR program.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the rule purpose statement has been changed to more accurately state the objective of the rule.

COMMENT #2: EPA commented that subparagraphs (3)(B)2.C. and (3)(B)3.I. refer to an "entity", yet this term is not defined in the definition section of this rule or in 10 CSR 10-6.020. The term "entity", as it is used in subparagraphs (3)(B)2.C and (3)(B)3.I., refers to the individual that may request allowances set aside for newly affected units. EPA recommends that it can be the owner, operator, or designated representative (as defined in 40 CFR 97.502) of a newly affected unit that can make such a request. EPA recommends that the department provide a definition for this term in order to provide clarity.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the term "entity" has been removed and replaced with the phrase "facility owner, operator, or designated representative" in subparagraph (3)(B)2.C., part (3)(B)2.C.(II), and part (3)(B)3.I.(I) to clarify individuals that are eligible to request allowances for newly affected units.

COMMENT #3: EPA commented that subsection (2)(A) indicates that definitions for key words and phrases used in this rule may be found in 40 CFR 97.502 and 40 CFR 97.503 promulgated as of June 30, 2014, and section (3) indicates that this rule replaces 40 CFR 97.511(a), 40 CFR 97.511(b)(1) and 40 CFR 97.512(a) as promulgated as of June 30, 2014. EPA recommends that the June 30, 2014

date be replaced with July 1, 2014, since that is the date of publication of the CFR.
RESPONSE AND EXPLANATION OF CHANGE: As recommended, subsection (2)(A) has been changed from June 30, 2014 to July 1, 2014 to reflect the annual publication of the *Code of Federal Regulations*.

COMMENT #4: EPA commented that part (3)(B)3.I.(I) includes a citation to subparagraph (3)(B)2.B. It appears that this may be a typo and should reference subparagraph (3)(B)2.C.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, part (3)(B)3.I.(I) has been revised to correct the reference to subparagraph (3)(B)2.C.

COMMENT: #5: EPA commented that the total at the end of Table 1 in paragraph (3)(A)2. should be 19,831 tons rather than 19,830 tons. EPA recommends that the department recalculate the total provided in the proposed rule to determine if it has been correctly calculated.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the total at the end of Table 1 has been updated to 19,831 tons.

10 CSR 10-6.374 Cross-State Air Pollution Rule Ozone Season NO_x Trading Allowance Allocations

PURPOSE: The purpose of this rule is to reallocate ozone season nitrogen oxides (NO_x) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) ozone season NO_x regional emission reduction program as established in the federal Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The federal CSAPR program will continue to be administered by EPA. The state rule only redistributes ozone season NO_x allowances. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the September 13, 2011, December 16, 2014, and March 24, 2015 affected industry meeting summaries indicating general agreement to reallocate unused NO_x allowances to municipalities that received zero (0) allowances.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.502 and 40 CFR 97.503 promulgated as of July 1, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.511(a), 40 CFR 97.511(b)(1) and 40 CFR 97.512(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(A) Existing Units.

1. Annual Submittal. The director must submit to the U.S. Environmental Protection Agency (EPA), in a format prescribed by the administrator, the TR NO_x Ozone Season allowances listed in Table I taking into account any modifications necessary in accordance with paragraph (3)(A)2. of this rule. This submittal must meet the following schedule:

A. By June 1, 2016, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2017 and 2018;

B. By June 1, 2017, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2019 and 2020;

C. By June 1, 2018, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2021 and 2022; and

D. By June 1, 2019, and June 1 of each year thereafter, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in the fourth year after the year in which the submission is made.

2. Non-operating Units. If a unit in Table I of this rule does not operate during two (2) consecutive control periods after 2014, the submittal made under paragraph (3)(A)1. of this rule will show zero (0) TR Ozone Season NO_x allowances for such unit for the control period in the fifth year after these two (2) such years and in each year after that fifth year. All TR NO_x Ozone Season allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the state for the respective years involved. If this subsection is applicable, any resulting changes to the submittal under paragraph (3)(A)1. of this rule will be determined in accordance with the following:

A. Every year, the director will review the operation of each unit listed in Table I and issue a notification that lists any unit in Table I that has not operated during two (2) consecutive control periods after 2014. Any notification made under this subparagraph will specify the first year in which allowances listed in Table I will be terminated for the applicable unit(s) under paragraph (3)(A)2. of this rule;

B. For each notification required in subparagraph (3)(A)2.A. of this rule, the director will provide an opportunity for submission of objections to the units referenced in such notice that must be submitted by the deadline specified in such notification in order to be considered; and

C. If there are objections, the director will review them and issue a notification responding to objections received along with any adjustments made to the list.

Table I

Source Name	Source ID	Unit ID	TR NO_x Ozone Season unit allowances (tons) for 2017 and thereafter
Asbury	2076	1	394
Audrain Power Plant	55234	CT1	1
Audrain Power Plant	55234	CT2	1
Audrain Power Plant	55234	CT3	1
Audrain Power Plant	55234	CT4	1
Audrain Power Plant	55234	CT5	1
Audrain Power Plant	55234	CT6	1
Audrain Power Plant	55234	CT7	1
Audrain Power Plant	55234	CT8	1
Blue Valley	2132	3	65
Chamois Power Plant	2169	2	101
Chillicothe	2122	GT1A	1
Chillicothe	2122	GT1B	0
Chillicothe	2122	GT2A	0
Chillicothe	2122	GT2B	0
Columbia	2123	6	18
Columbia	2123	7	26
Columbia	2123	8	0
Columbia Energy Center (MO)	55447	CT01	1
Columbia Energy Center (MO)	55447	CT02	1
Columbia Energy Center (MO)	55447	CT03	1
Columbia Energy Center (MO)	55447	CT04	0
Dogwood Energy Facility	55178	CT-1	23
Dogwood Energy Facility	55178	CT-2	18
Empire District Elec Co Energy Ctr	6223	1	1
Empire District Elec Co Energy Ctr	6223	2	1
Empire District Elec Co Energy Ctr	6223	3A	6
Empire District Elec Co Energy Ctr	6223	3B	6
Empire District Elec Co Energy Ctr	6223	4A	6
Empire District Elec Co Energy Ctr	6223	4B	6
Essex Power Plant	7749	1	7
Fairgrounds	2082	CT01	0
Greenwood Energy Center	6074	1	2
Greenwood Energy Center	6074	2	2
Greenwood Energy Center	6074	3	3

Greenwood Energy Center	6074	4	3
Hawthorn	2079	5A	1,082
Hawthorn	2079	6	1
Hawthorn	2079	7	6
Hawthorn	2079	8	7
Hawthorn	2079	9	21
Higginsville Municipal Power Plant	2131	4A	1
Higginsville Municipal Power Plant	2131	4B	0
Holden Power Plant	7848	1	3
Holden Power Plant	7848	2	4
Holden Power Plant	7848	3	3
Howard Bend	2102	CT1A	0
Howard Bend	2102	CT1B	0
Iatan	6065	1	1,374
James River	2161	GT1	6
James River	2161	GT2	12
James River	2161	3	87
James River	2161	4	102
James River	2161	5	186
John Twitty Energy Center	6195	1	351
John Twitty Energy Center	6195	CT1A	1
John Twitty Energy Center	6195	CT1B	1
John Twitty Energy Center	6195	CT2A	1
John Twitty Energy Center	6195	CT2B	1
Labadie	2103	1	986
Labadie	2103	2	1,038
Labadie	2103	3	1,115
Labadie	2103	4	1,100
Lake Road	2098	6	178
Lake Road	2098	GT5	1
McCartney Generating Station	7903	MGS1A	9
McCartney Generating Station	7903	MGS1B	9
McCartney Generating Station	7903	MGS2A	8
McCartney Generating Station	7903	MGS2B	8
Meramec	2104	1	255
Meramec	2104	2	250
Meramec	2104	3	483
Meramec	2104	4	632
Meramec	2104	CT01	0
Meramec	2104	CT2A	0
Meramec	2104	CT2B	0
Mexico	6650	CT01	0
Moberly	6651	CT01	0
Montrose	2080	1	311

Montrose	2080	2	295
Montrose	2080	3	307
Moreau	6652	CT01	0
New Madrid Power Plant	2167	1	989
New Madrid Power Plant	2167	2	994
Nodaway Power Plant	7754	1	4
Nodaway Power Plant	7754	2	5
Northeast Generating Station	2081	11	0
Northeast Generating Station	2081	12	0
Northeast Generating Station	2081	13	0
Northeast Generating Station	2081	14	0
Northeast Generating Station	2081	15	0
Northeast Generating Station	2081	16	0
Northeast Generating Station	2081	17	0
Northeast Generating Station	2081	18	0
Peno Creek Energy Center	7964	CT1A	8
Peno Creek Energy Center	7964	CT1B	7
Peno Creek Energy Center	7964	CT2A	7
Peno Creek Energy Center	7964	CT2B	6
Peno Creek Energy Center	7964	CT3A	7
Peno Creek Energy Center	7964	CT3B	8
Peno Creek Energy Center	7964	CT4A	8
Peno Creek Energy Center	7964	CT4B	8
Ralph Green Station	2092	3	1
Rush Island	6155	1	885
Rush Island	6155	2	916
Sibley	2094	1	91
Sibley	2094	2	94
Sibley	2094	3	611
Sikeston	6768	1	548
Sioux	2107	1	773
Sioux	2107	2	690
South Harper Peaking Facility	56151	1	12
South Harper Peaking Facility	56151	2	16
South Harper Peaking Facility	56151	3	20
St. Francis Power Plant	7604	1	19
St. Francis Power Plant	7604	2	18
State Line (MO)	7296	1	5
State Line (MO)	7296	2-1	28
State Line (MO)	7296	2-2	29
Thomas Hill Energy Center	2168	MB1	366
Thomas Hill Energy Center	2168	MB2	557
Thomas Hill Energy Center	2168	MB3	1,166
Viaduct	2096	CT01	0
Total			19,831

Note: Being included or excluded on the list of sources in Table I does not constitute a determination that such source is or is not a TR NO_x Ozone Season unit. The determination of applicability for TR NO_x Ozone Season units is in 40 CFR 97.504.

(B) New Units.

1. Annual Submittal. For the TR NO_x Ozone Season control period in 2017 and each control period thereafter, the director must submit to EPA, in a format prescribed by the administrator, the TR NO_x Ozone Season allowances as determined under this subsection by July 1 of the applicable control period.

2. New unit set-asides.

A. Allowance Calculation. Every year, the director will calculate the TR NO_x Ozone Season allowance allocation to each TR NO_x Ozone Season unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period contains TR NO_x Ozone Season allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed, then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If a facility owner, operator, or designated representative wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the facility owner, operator, or designated representative must submit information to the director confirming that a TR NO_x Ozone Season unit commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR NO_x Ozone Season unit that commenced operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR NO_x Ozone Season units that commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the submission includes the correct calculations for eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the reviews, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with the paragraph, the director may request additional information from the facility owner, operator, or designated representative that made the submission. If additional information is requested, the facility owner, operator, or designated representative must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR NO_x Ozone Season allowance allocation to each TR NO_x Ozone Season unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.506(b)(2) and 40 CFR 97.530 through 40 CFR 97.535. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in which the notification is made.

(I) For each notification required in part (3)(B)2.D.(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR NO_x Ozone Season allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR NO_x Ozone Season allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Ozone Season Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR NO_x Ozone Season units in Missouri, the director will allocate TR NO_x Ozone Season allowances to the TR NO_x Ozone Season units as follows:

A. Units Eligible to Receive Allowances. The TR NO_x Ozone Season allowances will be allocated to the following TR NO_x Ozone Season units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR NO_x Ozone Season units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR NO_x Ozone Season units whose allocation of an amount of TR NO_x Ozone Season allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.511(c)(2) or (3);

(III) TR NO_x Ozone Season units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR NO_x Ozone Season units under 40 CFR 97.511(c)(1)(ii) whose allocation of an amount of TR NO_x Ozone Season allowances for such control period under subparagraph (3)(B)2. of this rule is covered by 40 CFR 97.511(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR NO_x Ozone Season allowances in an amount equal to the difference between the Missouri TR NO_x Ozone Season trading budget for 2017 and thereafter, as set forth in 40 CFR 97.510(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR NO_x Ozone Season allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.511(c)(5);

C. Eligible Control Periods. The director will determine, for each TR NO_x Ozone Season unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR NO_x Ozone Season allowances for the later of the following control periods and for each subsequent control period:

(I) The control period in 2017;

(II) The first control period after the control period in which the TR NO_x Ozone Season unit commences commercial operation;

(III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR NO_x Ozone Season unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR NO_x Ozone Season allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR NO_x Ozone

Season unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of NO_x emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR NO_x Ozone Season allowances determined for all such TR NO_x Ozone Season units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR NO_x Ozone Season allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR NO_x Ozone Season allowances determined for each such TR NO_x Ozone Season unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR NO_x Ozone Season allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR NO_x Ozone Season unit the amount of the TR NO_x Ozone Season allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR NO_x Ozone Season allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities, as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR NO_x Ozone Season allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR NO_x Ozone Season unit eligible for such allocation;

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subparagraphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR NO_x Ozone Season allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR NO_x Ozone Season allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.C. of this rule, the submitting facility owner, operator, or designated representative may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the calculation of eligible allowances under this part by the April 5 deadline, or if the facility owner, operator, or designated representative fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline, then no allowances will be awarded to such unit in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR NO_x Ozone Season allowances for a specific control period for TR NO_x Ozone Season units that commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

$$EA = \frac{(ER)(HR)\left(NP_{Cap}\right)(CP_{Tot})(CF)\left(24^{hours}/_{day}\right)\left(1{,}000^{kW}/_{MW_e}\right)}{\left(2{,}000^{lb}/_{ton}\right)\left(1{,}000{,}000^{BTU}/_{mmBTU}\right)}$$

Where:

EA = eligible TR NO_x Ozone Season Allowances

ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)

HR = the heat rate efficiency for the generator that the unit serves (BTU/kW-hr)

NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)

CP_{Tot} = number of days in the control period

CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO_2 & NO_x Programs	Ozone Season NO_x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR NO_x Ozone Season allowances as calculated under part (3)(B)3.I.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.I.(IV) of this rule;

(VI) If the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.I.(V) of this rule, then the director will allocate the amount of TR NO_x Ozone Season allowances determined for each such TR NO_x Ozone Season unit under part (3)(B)3.I.(IV) of this rule; and

(VII) If the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.I.(V) of this rule, then the director will allocate to each such TR NO_x Ozone Season unit the amount of the TR NO_x Ozone Season allowances determined under part (3)(B)3.I.(IV) of this rule for the unit, multiplied by the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.I.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.I. and (3)(B)3.L. of this rule for such control period, any unallocated TR NO_x Ozone Season allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR NO_x Ozone Season unit that is in the state, is allocated an amount of TR NO_x Ozone Season allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR NO_x Ozone Season allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR NO_x Ozone Season allowances equal to the following: the total amount of such remaining unallocated TR NO_x Ozone Season allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state NO_x Ozone Season

trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR NO_x Ozone Season allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR NO_x Ozone Season unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.I.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR NO_x Ozone Season units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will reduce each unit's allocation under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, by one (1) TR NO_x Ozone Season allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs (3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR NO_x Ozone Season units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR NO_x Ozone Season allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission adopts a rule as follows:

10 CSR 10-6.376 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2015 (40 MoReg 777–783). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received six (6) comments from one (1) source; the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that the purpose statement be revised to clarify that this rule only reallocates allowances under the federal Cross-State Air Pollution Rule (CSAPR) program and that EPA will continue to administer the federal CSAPR program.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the rule purpose statement has been changed to more accurately state the objective of the rule.

COMMENT #2: EPA commented that subparagraphs (3)(B)2.C. and (3)(B)3.I. refer to an "entity", yet this term is not defined in the definition section of this rule or in 10 CSR 10-6.020. The term "entity", as it is used in subparagraphs (3)(B)2.C and (3)(B)3.I., refers to the individual that may request allowances set aside for newly affected units. EPA recommends that it can be the owner, operator, or designated representative (as defined in 40 CFR 97.602) of a newly affected unit that can make such a request. EPA recommends that the department provide a definition for this term in order to provide clarity.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the term "entity" has been removed and replaced with the phrase "facility owner, operator, or designated representative" in subparagraph (3)(B)2.C., part (3)(B)2.C.(II), and part (3)(B)3.I.(I) to clarify individuals that are eligible to request allowances for newly affected units.

COMMENT #3: EPA commented that subsection (2)(A) indicates that definitions for key words and phrases used in this rule may be found in 40 CFR 97.602 and 40 CFR 97.603 promulgated as of June 30, 2014, and section (3) indicates that this rule replaces 40 CFR 97.611(a), 40 CFR 97.611(b)(1) and 40 CFR 97.612(a) as promulgated as of June 30, 2014. EPA recommends that the June 30, 2014 date be replaced with July 1, 2014, since that is the date of publication of the CFR.
RESPONSE AND EXPLANATION OF CHANGE: As recommended, subsection (2)(A) has been changed from June 30, 2014 to July 1, 2014 to reflect the annual publication of the *Code of Federal Regulations*.

COMMENT #4: EPA commented that part (3)(B)3.I.(I) includes a citation to subparagraph (3)(B)2.B. It appears that this may be a typo and should reference subparagraph (3)(B)2.C.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, part (3)(B)3.I.(I) has been revised to correct the reference to subparagraph (3)(B)2.C.

COMMENT #5: EPA commented that part (3)(B)2.C.(II) indicates that the director will review any submissions made in accordance with this paragraph "to confirm that the units identified in the submissions are TR SO_2 Annual units that commenced commercial operation during the year of such control period and ending March 31 of the year of such control period." This is not consistent with the language in 10 CSR 10-6.372 and 10 CSR 10-6.374. It appears that there may be an omission in this sentence (as found in 10 CSR 10-6.376 part (3)(B)2.C.(II)) and that the department intended the sentence to read: "director will review any submissions made in accordance with this paragraph", "to confirm that the units identified in the submissions are TR SO_2 Annual units that commenced commercial operation during the period starting January 1 of the year before

the year of such control period and ending March 31 of the year of such control period."
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, part (3)(B)2.C.(II) has been corrected to reflect similar language found in 10 CSR 10-6.372, and 10 CSR 10-6.374.

COMMENT #6: Staff noted that the proposed rule title had a typographical error with two (2) transposed words.
RESPONSE AND EXPLANATION OF CHANGE: The title typographical error has been corrected.

10 CSR 10-6.376 Cross-State Air Pollution Rule Annual SO_2 Trading Allowance Allocations

PURPOSE: The purpose of this rule is to reallocate annual sulfur dioxide (SO_2) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) annual SO_2 regional emission reduction program as established in the federal Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The federal CSAPR program will continue to be administered by EPA. The state rule only redistributes annual SO_2 allowances. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a November 7, 2011 email with agreement between Empire District Electric Co. (Empire) and Kansas City Power and Light (KCP&L) and November 26, 2014 and March 24, 2015 meeting conference call notes.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.602 and 40 CFR 97.603 promulgated as of July 1, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.611(a), 40 CFR 97.611(b)(1) and 40 CFR 97.612(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(B) New Units.

1. Annual Submittal. For the TR SO_2 Annual control period in 2017 and each control period thereafter, the director must submit to EPA, in a format prescribed by the administrator, the TR SO_2 Annual allowances as determined under this subsection by July 1 of the applicable control period.

2. New unit set-asides.

A. Allowance Calculation. Every year, the director will calculate the TR SO_2 Annual allowance allocation to each TR SO_2 Annual unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period has any TR SO_2 Annual allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed, then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If a facility owner, operator, or designated representative wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the facility owner, operator, or designated representative must submit information to the director confirming that a TR SO_2 Annual unit commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR SO_2 Annual unit that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR SO_2 Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the submission includes the correct calculations for eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the review, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with this paragraph, the director may request additional information from the facility owner, operator, or designated representative that made the submission. If additional information is requested, the facility owner, operator, or designated representative must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR SO_2 Annual allowance allocation to each TR SO_2 Annual unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.606(b)(2) and 40 CFR 97.630 through 40 CFR 97.635. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in which the notification is made.

(I) For each notification required in part (3)(B)2.D.(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR SO_2 Annual allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR SO_2 Annual allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Annual Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR SO_2 Annual units in Missouri, the director will allocate TR SO_2 Annual allowances to the TR SO_2 Annual units as follows:

A. Units Eligible to Receive Allowances. The TR SO_2 Annual allowances will be allocated to the following TR SO_2 Annual units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR SO_2 Annual units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR SO_2 Annual units whose allocation of an amount of TR SO_2 Annual allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.611(c)(2) or (3);

(III) TR SO_2 Annual units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR SO_2 Annual units under 40 CFR 97.611(c)(1)(ii) whose allocation of an amount of TR SO_2 Annual allowances for such control period under paragraph (3)(B)2. of this rule is covered by 40 CFR 97.611(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR SO_2 Annual allowances in an amount equal to the difference between the Missouri TR SO_2 Annual trading budget for 2017 and thereafter, as set forth in 40 CFR 97.610(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR SO_2 Annual allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.611(c)(5);

C. Eligible Control Periods. The director will determine, for each TR SO_2 Annual unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR SO_2 Annual allowances for the later of the following control periods and for each subsequent control period:

(I) The control period in 2017;

(II) The first control period after the control period in which the TR SO_2 Annual unit commences commercial operation;

(III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR SO_2 Annual unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR SO_2 Annual allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR SO_2 Annual unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of SO_2 emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR SO_2 Annual allowances determined for all such TR SO_2 Annual units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR SO_2 Annual allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR SO_2 Annual allowances determined for each such TR SO_2 Annual unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR SO_2 Annual allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR SO_2 Annual unit the amount of the TR SO_2 Annual allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR SO_2 Annual allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR SO_2 Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR SO_2 Annual unit eligible for such allocation;

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subparagraphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR SO_2 Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR SO_2 Annual allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.C. of this rule, the submitting facility owner, operator, or designated representative may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the calculation of eligible allowances under this part by the April 5 deadline, or if the facility owner, operator, or designated representative fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline; then no allowances will be awarded to such unit in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR SO_2 Annual allowances for a specific control period for TR SO_2 Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

$$EA = \frac{(ER)(HR)\left(NP_{Cap}\right)(CP_{Tot})(CF)\left(24^{hours}/_{day}\right)\left(1{,}000^{kW}/_{MW_e}\right)}{\left(2{,}000^{lb}/_{ton}\right)\left(1{,}000{,}000^{BTU}/_{mmBTU}\right)}$$

Where:

EA = eligible TR SO_2 Annual Allowances

ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)

HR = the heat rate efficiency for the generator that the unit serves (BTU/kW-hr)

NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)

CP_{Tot} = number of days in the control period

CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO_2 & NO_x Programs	Ozone Season NO_x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR SO_2 Annual allowances as calculated under part (3)(B)3.I.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.I.(IV) of this rule;

(VI) If the amount of unallocated TR SO_2 Annual allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.I.(V) of this rule, then the director will allocate the amount of TR SO_2 Annual allowances determined for each such TR SO_2 Annual unit under part (3)(B)3.I.(IV) of this rule; and

(VII) If the amount of unallocated TR SO_2 Annual allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.I.(V) of this rule, then the director will allocate to each such TR SO_2 Annual unit the amount of the TR SO_2 Annual allowances determined under part (3)(B)3.I.(IV) of this rule for the unit, multiplied by the amount of unallocated TR SO_2 Annual allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.I.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.I. and (3)(B)3.L. of this rule for such control period, any unallocated TR SO_2 Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR SO_2 Annual unit that is in the state, is allocated an amount of TR SO_2 Annual allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR SO_2 Annual allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR SO_2 Annual allowances equal to the following: the total amount of such remaining unallocated TR SO_2 Annual allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state SO_2 Annual trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications as described in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR SO_2 Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR SO_2 Annual unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.I.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR SO_2 Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will reduce each unit's allocation under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, by one (1) TR SO_2 Annual allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs (3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR SO_2 Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR SO_2 Annual allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

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

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 626–629). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.
RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #2: Mr. Perry stated in his oral testimony that the proposed amendment of this rule leaves in place twenty-two (22) definitions that, although allowed, should be moved to other chapters and three (3) definitions that he believes are not allowed because they are different than the federal definition and are therefore prohibited by section 260.373, RSMo. The three (3) definitions he pointed out are the definition of hazardous waste, the definition of transporter, and the definition of universal waste.
RESPONSE: **Definition of hazardous waste—**The department disagrees that a state definition that is different than a federal definition is *per se* stricter. Notwithstanding that, the department believes the statutory authority exists to retain the current regulatory definition of hazardous waste. Section 260.373, RSMo generally limits the commission's authority to promulgate regulations that are stricter than certain corresponding federal regulations; however, that limitation is not absolute. There are a number of exceptions to section 260.373, RSMo including that:

1. "Nothing in [section 260.373] shall be construed to repeal any other provision of law, and the commission and the department shall continue to have the authority to implement and enforce other statutes, and the rules promulgated pursuant to their authority"; and
2. "…[W]here state statutes expressly prescribe standards or requirements that are stricter than or implement requirements prior to any federal requirements, or where state statutes allow the establishment or collection of fees, costs, or taxes, the commission may promulgate rules as necessary to implement such statutes[.]"

The regulatory definition of hazardous waste substantially mirrors the definition found in section 260.360, RSMo thus retention of the regulatory definition does not conflict with the limitations of section 260.373, RSMo. Additionally, section 260.370, RSMo gives the commission the express authority to promulgate:

Rules and regulations establishing criteria and a listing for the determination of whether any waste or combination of wastes is hazardous for the purposes of sections 260.350 to 260.430, RSMo taking into account toxicity, persistence and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

Definition of transporter and universal waste—These definitions relate to the federal regulations on hazardous waste transporters and the federal regulations on universal waste. The federal regulations on transporters are in 40 CFR part 263 and the regulations on universal waste are found in 40 CFR part 273, neither of which is affected by the limitations in section 260.373, RSMo which only limit Missouri's ability to have stricter regulations than those found in specific parts of the federal regulations. Although these definitions are found in Chapter 3, RSMo and Chapter 3, RSMo is one (1) of the chapters listed in section 260.373, RSMo the fact that they relate to other subjects that are not listed in the limitation of the commission's authority means that they may be retained. Moving the definitions to Chapter 6, RSMo and Chapter 16, RSMo respectively would avoid any confusion about whether they are subject to the statutory limitation in section 260.373, RSMo but the department believes it makes more sense to leave them in the rule in which the definitions for all chapters of the hazardous waste rules are found because definitions will be easier to find and definitions used in multiple rules will only have to be defined once.

Remaining definitions—For the twenty-two (22) definitions referenced in the comment that relate to other chapters even though they are in Chapter 3, RSMo it makes more sense to leave those definitions where they are in a rule whose specific purpose is to contain all relevant definitions in one (1) place because definitions will be easier to find and definitions used in multiple rules will only have to be defined once. No change was made in response to this comment.

COMMENT #3: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one (1) facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.
RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those specific rules.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 4—Methods for Identifying Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-4.261 Methods for Identifying Hazardous Waste **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 629–631). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional

federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.
RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #2: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one (1) facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.
RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

COMMENT #3: The department received two (2) comment letters from entities supporting the proposal to adopt the federal rule which establishes a conditional exclusion from hazardous waste regulation for solvent-contaminated wipes. The exclusion is one (1) of the federal rules proposed for adoption in this group of proposed amendments and is the rule referenced by the citation to 78 FR 0, July 31, 2013, found in section 10 CSR 25-4.261(1) of the proposed amendment.

Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Jessica Franken, Director of Government Affairs for INDA, the Association of the Nonwoven Fabrics Industry, both wrote to express the support of their organizations for Missouri's proposed adoption of the solvent wipes rule.

In their letters, they detailed the lengthy process of development for the rule, which has been in development for more than twenty-eight (28) years, and stated that the rule is based on rigorous scientific analysis and was developed with input from a broad range of impacted stakeholders, including both associations. They requested that the department adopt the rule and implement its provisions as soon as possible.
RESPONSE: The department appreciates the letters of support submitted in favor of adoption of the rule. Department staff have been aware of, and involved in, the development of management standards for these materials in Missouri and the rule is a good step forward in establishing uniform management standards for these materials that are protective and appropriately based on the risk that they present. The department has received more inquiries about and support for the adoption of this federal rule than any other federal rule proposed in recent years and agrees that adoption of the rule makes sense for Missouri businesses and generators of the materials that are eligible for the exclusion.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 5—Rules Applicable to Generators of Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-5.262 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 631–638). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.
RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those specific rules. No changes were made in response to this comment.

COMMENT #2: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.
RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those specific rules.

COMMENT #3: Mr. Evan Bryant, a Missouri citizen, commented on the proposed changes to 10 CSR 25-5.262. Mr. Bryant stated that he strongly disagrees with the amendment to 10 CSR 25-5.262(2)(C)3. on p. 634 regarding Satellite Accumulation. The proposed amendment would establish a dual system where generators could choose to operate under the Missouri rule or under the federal rule for satellite accumulation areas. Mr. Bryant stated that in the past, just having Missouri regulations which differed from the federal regulations was confusing to many generators, especially businesses from out of state and generators with a limited working knowledge of the regulations.

He added that the amendment to establish a dual system with two (2) separate sets of regulations depending on the generator's chosen option will add to the confusion, which will make understanding of and compliance with the appropriate regulation more difficult for all but the largest generators.

Mr. Bryant stated that while the requirement that a generator update their generator registration information if they choose to operate under the Missouri satellite accumulation rules attempts to provide clarification for department staff on which set of regulations to apply at a facility, the registration requirement will in fact give generators the ability to claim that, if they fail to update their generator registration, they are not violating satellite accumulation rules but rather that they are only registered inappropriately and that it's only "paperwork violations". Trying to determine the nature of the violation in this situation has the potential to make compliance with two (2) separate systems for the same activity difficult for the regulated community and the regulators.

In aligning with the federal regulations, in the spirit of the "no stricter than" legislation, and to facilitate a smooth transition to new satellite accumulation regulations, Mr. Bryant encouraged the Missouri Hazardous Waste Commission to simply adopt the straight federal regulations as Missouri's only satellite accumulation regulation. This will make it simpler and easier on regulatory staff (both federal and state) as well as interstate businesses and the regulated community which would all then have the same regulations as the rest of the country.
RESPONSE: This comment requests that Missouri abandon the dual regulatory approach and eliminate the Missouri-specific rule language entirely, which would make the requirements for satellite accumulation areas in Missouri identical to the requirements found in the federal regulations. While this would be very simple and easy to understand, it would provide no flexibility to Missouri generators who currently benefit from being able to utilize satellite accumulation areas in a manner which would not be allowed under the federal regulations. Specifically, having to keep the total volume of hazardous waste from all waste streams below fifty-five (55) gallons of total accumulation would result in generators reaching the accumulation limit for individual satellite areas more quickly and, as a result, having to move containers more frequently and also to move containers that are only partially full.

Missouri's current approach to satellite accumulation areas, which the department has proposed to retain as one (1) of the two (2) options, provides more flexibility in the total accumulation of hazardous waste by allowing fifty-five (55) gallons of storage for each waste stream, with the condition that containers can only be in a satellite accumulation area for one (1) year before being moved to storage or shipped off site. Missouri has consistently believed that the length of time containers are stored is more critical from a harm prevention standpoint than the amount of total accumulation. The longer a container is stored, the greater the chance for the container's condition to deteriorate, and the greater the possibility that the generator loses track of the container or its contents.

Retaining the Missouri option will allow Missouri generators who are familiar with the current system and who benefit from the additional flexibility in the amount of waste that can be stored to continue doing so. Taking the Missouri option away will force these generators to manage their satellite areas under the federal option and the department has consistently heard from generators that they prefer the Missouri option over the federal option. While it may be confusing initially to implement the dual regulatory system, the department believes that this confusion can be minimized with training and outreach and that ultimately it will be beneficial to generators to retain the Missouri option. No change is proposed in response to this comment.

Response to comments 4 and 5 will follow 5.
COMMENT #4: Mr. Shanks provided comments on the proposed changes to the requirements for satellite accumulation areas found on page 634 of the proposal at 10 CSR 25-5.262(2)(C)3. His comments relate to the requirement that generators notify the department if they choose to follow the Missouri rule for these areas, and to the requirement that all satellite accumulation areas must operate under the same requirements. The commenter acknowledges that the proposed options for satellite accumulation areas accommodate the reality of different waste generator satellite areas but notes that, at Boeing, some areas are a better fit for one (1) option and other areas are a better fit for the second option.

Mr. Shanks states that, unfortunately, the rule as proposed would require all generators who wish to follow the Missouri option to notify the department of this fact, and would require the generator to follow either option throughout the entire facility that operates under a single generator identification number. He states that he believes notification is not necessary, but if the commission feels that it serves some purpose, he proposes a change to the proposal which would modify the notification requirement to provide for the possibility that a generator can describe specific areas of the plant where the generator intends to use one (1) or the other compliance option.
COMMENT #5: Mr. Perry requested that the commission propose and adopt an amendment to the proposed rule that deletes 10 CSR

25-5.262(2)(C)3.A. This provision requires a generator to notify the state if it chooses to continue to operate under the Missouri rules for satellite accumulation, instead of the federal rules. Elimination of this notification requirement would allow a generator to comply with either the federal interpretation or the state interpretation at any satellite accumulation area in his or her facility without restriction and without notification to the department. Mr. Perry, speaking for REGFORM members, notes that while the department has indicated that this requirement is needed so that inspectors know in advance of an inspection which option the generator had chosen, we believe that determining which system is in use is simple and direct and therefore requires no advance notice. He states that an inspector need only look for a start date on containers within each satellite accumulation area to determine whether the area is operating under the federal option or under the state option.

Mr. Perry noted that the commission is not required to adopt the proposed amendment in 10 CSR 25-5.262(2)(C)3.A. and that, alternatively, if the commission chooses not to eliminate the state-specific requirements proposed in this section of the rule, that additional language be added to the rule to allow the use of both the state interpretation and the federal interpretation at any single facility as long as the generator notifies the department in a narrative fashion which types of satellite accumulation areas (*e.g.*, paint booth waste) will use each interpretation.

If the commission chooses not to eliminate the notification requirement or to allow the use of both the federal and state interpretations at the same facility as described in the above comment. Mr. Perry requested that the commission adopt the proposed rule amendment as is.

COMBINED RESPONSE TO COMMENTS #4 and #5: Mr. Shanks' comments and Mr. Perry's comments above overlap on many of the significant points raised in the comments and in the response requested to those comments. For example, both commenters state that the notification requirement is not needed because determining which system is being utilized in individual satellite areas can be easily done by simple observation of the containers in that area. The need for a notification requirement was discussed by stakeholders at length during the stakeholder meetings that preceded the proposal of this group of rules. While the department acknowledges that some stakeholders, including REGFORM and Boeing, continue to believe that notification is not necessary, the department continues to believe that notification serves a legitimate purpose. The purpose of the notification requirement is to provide information to facility satellite accumulation operators and department inspectors in advance of an inspection of a facility so that there is no possibility for confusion about which option, rules, and conditions apply to the facility's satellite accumulation areas. Clarity on standards should benefit both the satellite accumulation operators in assuring safety and compliance, and the inspector in quickly and accurately assessing compliance with the regulations that apply. It will save both facility managers and inspectors time and effort during and after inspections. The commenters stated that an inspector could easily determine which system was in use within a satellite accumulation area by looking for a date on the containers. They stated that if the containers are dated, the operator of the satellite accumulation area must be using the Missouri option because the federal regulations do not require a date on the containers. However, the fact that a date is displayed on a container does not necessarily mean that the operator is following the Missouri option. While it is not required under the federal option there is nothing that would prohibit a date from being displayed on a container. Therefore the presence of a date alone is not sufficient documentation that the generator has chosen to operate under the Missouri option. The notification requirement will eliminate any confusion about which system is in effect for all satellite accumulation areas at a facility.

Similarly, the requirement for generators to choose a single system to operate under at each facility will ensure that there is no confusion or misunderstanding about which requirements apply in which area. Satellite storage areas are not typically identified by type of waste or area (e.g., paint booth waste), drum labels can vary from "hazardous waste" to any other words that describe the contents, and because both federal and state rules allow multiple waste types to be stored in one (1) satellite area. In addition, there are no specifications for required distance between areas. More than one (1) area can have the same "operator" or each area at a facility may have a different operator. This can lead to confusion if more than one (1) option is allowed within a single facility. Clarity in the interest of safety is important as there is potential for storage of very large quantities of various types of hazardous waste in high-traffic operation areas with higher worker exposure. The federal option allows for smaller quantities of waste to be stored for a longer period of time before they reach the quantity limit while the Missouri option allows larger quantities of waste to be stored but only to a maximum of one (1) year before being moved to the storage area and ultimately moved off site. Each system strikes a balance between the quantity of waste being stored in a single satellite accumulation area and the length of time the waste is allowed to be stored. Since generators have the ability to utilize multiple satellite accumulation areas in the same general area of a facility, allowing both systems to be used in a single facility would disrupt the balance between the quantity of waste being stored and the length of time the waste is stored on which each system is based. Satellite accumulation areas within a facility are not intended to allow for both long term storage and storage of large quantities of waste. Each situation presents an increased risk and limiting generators to one (1) system or the other will ensure that the proper balance is struck between the length of time the waste is stored and the quantity of waste that is being stored. The department believes that requiring facility operators to choose a single system to use for their entire facility will eliminate any confusion about which system is in effect, will ensure that there is a proper balance between the length of storage and the quantity of waste being stored, and ultimately ensure a safer work environment. No change is proposed in response to these comments.

COMMENT #6: Mr. Greg Carrell, Acting State Fire Marshal with the Department of Public Safety, Division of Fire Safety, commented in support of the proposed amendments related to marking of hazardous waste containers and hazardous waste storage tanks. Mr. Carrell stated that the Fire Marshal's Office was involved in the development of a compromise regarding changes to these requirements that lessened the impact on business owners while still providing for the safety of first-in responders. Mr. Carrell stated that the proposed changes to 10 CSR 25-5.262(2)(C)1. and (2)(C)2. reflect the compromise that was made. Mr. Carrell asked the commission to adopt the rule as proposed in order to provide for the continued safety of our fire service, law enforcement, emergency medical, and haz-mat responders.

RESPONSE: The proposed changes to the requirements for what information about the contents of hazardous waste containers and hazardous waste tanks must be displayed, and also where that information must be displayed generated multiple comments. The proposed changes to this section of the rule are found in 10 CSR 25-5.262(2)(C)1. and (2)(C)2., found on pages 632 and 633 of the proposed amendments in the *Missouri Register*. The primary issue with both the proposed requirements for labels on hazardous waste containers and labels for hazardous waste tanks is that the proposal includes Missouri requirements that are in addition to what is required in the federal regulations.

The State Fire Marshal's Office was an active participant in the stakeholder group that developed the compromise language relating to labeling requirements for hazardous waste tanks and hazardous waste containers. The department appreciates the support from the Department of Public Safety for the adoption of the Missouri-specific requirements that were proposed. No change is proposed in response to the comment.

COMMENT #7: Mr. Perry commented on the amendment to the

labeling requirements for hazardous waste containers in 10 CSR 25-5.262(2)(C)1. This amendment requires generators to either follow the current Missouri rule or to label containers with additional words describing the contents of the container. Mr. Perry notes that the current requirement that generators must affix a United States Department of Transportation (DOT) label on hazardous waste containers in storage before the containers are offered for transport, has been required in Missouri for decades but results in Missouri facilities having to label containers even though they will never be offered for shipment. The department maintains that this requirement is necessary to provide information about the contents of the container to those who are near the containers, including emergency responders. Mr. Perry states that both the current Missouri requirement which requires DOT labels and the proposed amendment which requires additional words to identify the contents of a container are not needed and that these additional requirements detract from the actual concern, which is that many generators are failing to comply with federal and state requirements to familiarize local first responders with their facilities and with the types and quantities of substances being stored at their facility. If generators are complying with those requirements, additional information on the container itself is not necessary because first responders will already have the same information because it will be provided in advance during the outreach efforts required by both federal and state regulations.

Mr. Perry requests that the commission propose and adopt an amendment that deletes 10 CSR 25-5.262(2)(C)1. and its subparagraphs A. and B. If adopted, this amendment would leave in place the federal requirement to label each container with the words "hazardous waste" and to affix a DOT label only at the time the container is offered for transport. Alternatively, if the commission chooses not to eliminate these proposed hazard labeling requirements, he requests that the amendment be adopted as proposed.

RESPONSE: The proposed changes to this section of the rule are found in 10 CSR 25-5.262(2)(C)1., found on pages 632 and 633 of the proposed amendments in the *Missouri Register*. The primary issue with the proposed requirements for labels on hazardous waste containers is that the proposal includes Missouri requirements that are in addition to what is required in the federal regulations.

The rules for labeling hazardous waste containers are based on one (1) of the statutory exclusions found in section 260.373.1, RSMo. That exclusion was written into the statute based on concerns expressed by emergency responders in Missouri that additional information about the contents of hazardous waste containers was beneficial because it provided necessary information in the event of a response or release situation. In response to those concerns, compromise language was developed that both reduced the current Missouri requirements for labeling hazardous waste containers and established new requirements for the placement of hazard labels at facilities utilizing hazardous waste tanks. The compromise language was accepted by stakeholders, although the department acknowledges that some stakeholders continued to state that the same information could be made available to emergency responders by enforcing existing regulations that require prior coordination and communication with local emergency responders. The department has updated inspection checklists to include the full text of the regulations for these requirements, and has discussed with inspectors the need to focus on these requirements in consideration of stakeholder concerns and the need to improve compliance with those requirements. However, the department continues to believe that the requirements for labeling hazardous waste containers are justified based on the importance of the information on the labels and its role in providing important detail about container contents (e.g., if waste is hazardous because it is flammable vs. being corrosive), and in preventing accidental mixing of incompatible wastes and the serious harm that can result from the human exposures, fires, explosions, or releases that can occur as a result. For this reason, the department recommends adopting the amendment as proposed and no changes are proposed in response to the comments requesting the elimination of the Missouri requirements for labeling hazardous waste containers.

COMMENT #8: Mr. Perry stated that Missouri has never had a hazardous waste tank hazard labeling regulation and that the proposed amendment would establish a new Missouri specific requirement for labeling these tanks. No additional regulation is needed at this time. The proposed amendment to this regulation will create additional burden, additional costs, and introduces a discrepancy between state regulations and federal regulations. He requests that the commission propose and adopt an amendment to the proposed rule that deletes 10 CSR 25-5.262(2)(C)2. Mr. Perry states that if this amendment is adopted, the result would be no change to current Missouri regulations for labeling hazardous waste tanks. In the alternative, if the commission chooses not to eliminate the proposed new hazard labeling requirements for tanks, he requests that the commission adopt the proposed rule amendment as is.

RESPONSE: This proposed amendment relates to what information about the contents of hazardous waste tanks must be displayed, and where that information must be displayed. The proposed changes to this section of the rule are found in 10 CSR 25-5.262 (2)(C)2., found on page 633 of the proposed amendments in the *Missouri Register*. The primary issue with labels for hazardous waste tanks is that the proposal includes Missouri requirements that are in addition to what is required in the federal regulations.

The rules are based on one (1) of the statutory exclusions found in section 260.373.1, RSMo. That exclusion was written into the statute based on concerns expressed by emergency responders in Missouri that additional information about the contents of hazardous waste tanks was beneficial because it provided necessary information in the event of a response or release situation. In response to those concerns, compromise language was developed in a stakeholder group that both reduced the current Missouri requirements for labeling hazardous waste containers and established new requirements for the placement of hazard labels at facilities utilizing hazardous waste tanks. The compromise language was accepted by stakeholders, although the department acknowledges that some stakeholders continued to state that the same information could be made available to emergency responders by enforcing existing regulations that require prior coordination and communication with local emergency responders. The department has updated inspection checklists to include the full text of the regulations for these requirements, and has discussed with inspectors the need to focus on these requirements in consideration of stakeholder concerns and the need to improve compliance with those requirements. However, the department continues to believe that the requirements for labeling hazardous waste tanks are justified based on the importance of the information on the labels to facility operators and others who place material in tanks on-site, and its role in preventing accidental mixing of incompatible wastes in large volumes and the serious harm that can result from human exposures, fires, explosions, or releases that can occur as a result. For the reasons noted above, no changes are proposed in response to the comments requesting the elimination of the Missouri requirements for the placement of hazard labels in facilities utilizing hazardous waste tanks.

COMMENT #9: Mr. Perry states that in the fiscal note for this rule, the department infers or states directly that generators must place hazard labels on the tank itself to comply with 10 CSR 25-5.262(2)(C)2. The proposed amendment to this section requires generators to comply with NFPA Standard 704. That standard actually requires the signs to be placed on two (2) exterior walls, on each access to a room or area, and on each principal means of access to an exterior storage area. While affixing the NFPA diamond on the tank may be in compliance with the standard, failure to do is not a violation and we request that the department correct the record and clarify what is actually required to be in compliance with NFPA 704.

RESPONSE AND EXPLANATION OF CHANGE: Mr. Perry correctly notes that the NFPA Standard 704 does not require that hazard labels be affixed to a tank, and that in various places the fiscal note infers or states directly that labels be placed "on" the tank. The fiscal

note has been amended to accurately state the requirements to NFPA 704 and to eliminate any inferences that the standard requires labels to be affixed to the tank itself.

COMMENT #10: Mr. Shanks commented in support of the proposed changes to the requirements for manifest exception reporting. These changes are found in two (2) different rules, 10 CSR 25-5.262 and 10 CSR 25-13.010, which are on page 635 and page 667 of the proposed amendments published in the *Missouri Register*.

The proposed change would eliminate the Missouri requirement relating to when generators must prepare and submit an exception report. Mr. Shanks commented that, under the current Missouri rule, reports are sometimes required in situations where the report serves no purpose, since the waste that is the subject of the report has already been determined not to be missing. Eliminating the Missouri requirement means that generators only have to prepare and submit a report in situations where the report is required in the federal rules, as incorporated by the state. The federal rule does not require the report if the completed manifest is received within forty-five (45) days of the shipment. Since the point of the report is to document waste shipments for which a completed manifest has not been received, as long as the completed manifest has been received within forty-five (45) days, there is no need for the report.

RESPONSE: The department appreciates the support for the proposed changes to these two (2) rules, which would eliminate the need to prepare and submit an exception report in situations as long as the completed manifest is received within forty-five (45) days, as stated in the federal rules. Although the department will have less readily available information on which to determine that manifest discrepancies occurred and why, with stakeholder input, the department has determined that these reports are not necessary when the completed manifest is received within the federal regulatory timeframe of forty-five (45) days for large quantity generators and sixty (60) days for small quantity generators. Identifying and eliminating unnecessary state requirements is one (1) of the primary purposes of this group of proposed amendments and the department acknowledges the support of stakeholders for this proposed change. No change is made in response to this comment.

COMMENT #11: A department staff member pointed out an error and unnecessary duplication in the text of the proposed amendment. The error and duplication was found on page 634 of the proposed amendment in 10 CSR 25-5.262(2)(C)3.D. regarding length of storage time in a satellite accumulation area. The words "shall be" were inadvertently included in two (2) places in the version of the proposed amendment published in the *Missouri Register* and the first "shall be" in D. should be deleted from the final rule text for this provision. The second occurrence of the words "shall be" in D. is correct. We are also removing the phrase "for more than one (1) year" from D. as it is essentially duplicated in D.(I). Both have been corrected in this Order of Rulemaking.

RESPONSE AND EXPLANATION OF CHANGE: The department has made the requested changes in the text of the Order of Rulemaking. The revised text is reprinted below as it will be published in the *Code of State Regulations*.

10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste

(2) A generator located in Missouri, except as conditionally exempted in accordance with 10 CSR 25-4.261, shall comply with the requirements of this section in addition to the requirements incorporated in section (1). Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section.)

(C) Pretransport, Containerization, and Labeling Requirements.

1. In addition to labeling containers used to accumulate hazardous waste in accordance with the requirements in 40 CFR 262.34(a)(2), (a)(3), and (d)(4), generators must also comply with either subparagraphs A. or B. below.

A. All containers used to accumulate hazardous waste must be labeled in accordance with applicable United States Department of Transportation labeling requirements in 49 CFR part 172 subpart E during the entire time the waste is accumulated on-site. If a generator determines that labeling a container with a capacity of less than one (1) gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack, or other device used to hold or accumulate any such container; or

B. Clearly label each container with words that correctly identify the hazards of the contents of the container during the entire on-site storage period. Such words shall include one (1) or more of the following as defined in 40 CFR part 261 subparts C and D: Ignitable, Toxic, Corrosive, or Reactive. The label shall be white with black lettering or black with white lettering that is a minimum of one (1) inch in height. If a generator determines that labeling a container with a capacity of less than one (1) gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack, or other device used to hold or accumulate any such container. Note that pursuant to 49 CFR 172.401, "No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part."

2. In addition to labeling requirements for tanks used to accumulate hazardous waste in accordance with the requirements of 40 CFR 262.34(a)(3) and (d)(4), generators must also comply with the 2012 Edition of the *National Fire Protection Association Standard NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response* to identify the hazards of the tank contents. The 2012 edition of *NFPA 704* is hereby incorporated by reference without any subsequent amendments or additions, and is published by the National Fire Protection Association, 1 Battery March Park, Quincy, MA, 02169-7471.

3. Satellite accumulation. As an alternative to compliance with the accumulation limits in 40 CFR 262.34(c)(1), generators who instead wish to store up to fifty-five (55) gallons of each non-acute hazardous waste stream, or up to one (1) quart of each acutely hazardous waste stream in a satellite accumulation area may do so if they comply with the other applicable requirements of 40 CFR 262.34(c) and the following additional requirements:

A. The generator must notify the department that it has chosen to comply with the additional requirements in this section and must also re-notify at any time it changes this decision. Such notification must be made by submitting an updated Notification of Regulated Waste Activity Form. All satellite accumulation areas at the generator's location must operate under the same requirements;

B. The generator may not use more than one (1) container per wastestream;

C. Each container must be marked with its beginning date of satellite storage;

D. A container of hazardous waste stored in a satellite accumulation area pursuant to this paragraph 3. shall be removed from the satellite accumulation area within three (3) calendar days if any of the following occurs:

(I) One (1) year has passed since the accumulation start date;

(II) The container is full; or

(III) The container has reached its volume limit.

E. A container of hazardous waste removed from the satellite accumulation area pursuant to subparagraph D. above must be taken to the generator storage area, shipped off-site for proper hazardous waste management, or managed in accordance with an approved hazardous waste permit or certification at the site.

F. In lieu of 40 CFR 262.34(c)(2), during the three (3) day period referenced in subparagraph D. above, the generator may start

a new satellite container for that wastestream if in compliance with all other requirements of paragraph 3. and 40 CFR 262.34(c)(1) as modified by this paragraph 3.

4. 40 CFR 262.34(a)(1)(iii) is not incorporated in this rule.

5. Generators who accumulate more than six thousand (6000) kilograms of ignitable or reactive hazardous waste may elect to comply with 10 CSR 25-7.264(2)(I) in lieu of 40 CFR 265.176.

REVISED FISCAL NOTE: The department received a comment on the proposed amendment pointing out that the original published fiscal note contained some incorrect statements in the narrative portion of the fiscal note concerning National Fire Protection Association Standard 704 and what that standard specifically requires for hazardous waste tanks. The revised fiscal note included with this Order of Rulemaking has a revised narrative that includes changes made in response to this comment. The revised language in the narrative explains that, as pointed out in the comment, the standard does not require that labels be affixed to the tank itself.

REVISED FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	*10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste*
Type of Rulemaking	*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:
14	*Hazardous waste generators utilizing tanks to store hazardous waste*	*$3472*
21	*Tanks used to store hazardous waste at permitted hazardous waste treatment, storage, and disposal facilities*	$5208
18	*Tanks used to treat hazardous waste at permitted hazardous waste treatment, storage, and disposal facilities*	*$4464*

III. Worksheet

The cost of a new aluminum sign which displays the information required under NFPA standard 704 ranges from $10 for a 7.5 inch diamond to $62 for a 30 inch diamond[1]. The required size for

the sign depends on the facility but for purposes of this fiscal note the department assumed that those affected by the requirement would purchase the largest size. In addition, the requirement can be met by displaying plastic signs or by displaying adhesive labels, both of which would be less expensive than purchasing aluminum signs. Again, for purposes of this fiscal note, the department is assuming the most expensive option for compliance with the rule.

The number of labels for each tank again varies according to the requirements of the rule, but it should be noted that the standard does not require that the labels be affixed to the tank. Rather, the standard actually requires the signs to be placed on two exterior walls, on each access to a room or area, and on each principal means of access to an exterior storage area. While affixing the NFPA diamond on the tank may be in compliance with the standard, failure to do is not a violation, as pointed out in the comments on the original fiscal note that was published with the proposed amendment.

For purposes of this fiscal note, the department assumes that one label will be required for both the front and back of the tank, and for each end of the tank, to ensure that the label is visible from any location around the tank. Therefore, each tank would require approximately 4 signs to comply with the requirements of NFPA 704.

At a cost of $62 for a 30 inch sign, and with each tank requiring the display of four signs to comply with the requirements of the standard, it would cost $248 to purchase the required signs for each tank affected by the rule.

$248 x 14 hazardous waste generators using waste description including the word "tank" = $3472

$248 x 21 tanks used to store hazardous waste at permitted facilities = $5208

$248 x 18 tanks used to treat hazardous waste at permitted facilities = $4464

Total cost of compliance = $3472 + $5208 + $4464 = $13,144

[1]Cost information was obtained from the website www.compliancesigns.com

IV. Assumptions

1. For the 2014 reporting year, a total of 14 generators reported a hazardous waste that used the word "tank" in the description of the waste. While not all of these may involve residue from a tank used by the generator to store or treat hazardous waste, the department believes that it is a reasonable estimate of the number of tanks being used by hazardous waste generators

2. The department used information from the RCRAInfo database to gather information on the number of permitted hazardous waste facilities actively using tanks to store or treat

hazardous waste. Only tanks that are actively being used are included in the total number of tanks in each category.

3. Compliance cost will be a one-time cost because once labels have been purchased and applied to tanks, there will be no ongoing costs to comply with the labeling requirement

The proposed amendment includes a requirement that those storing hazardous waste in tanks comply with the National Fire Protection Association (NFPA) standard *704: Standard System for the Identification of the Hazards of Materials for Emergency Response* to identify the hazards of the tank contents. Tanks are currently only required to be labeled with the words "hazardous waste". Any generator or permitted facility that stores hazardous waste in tanks will have to be in compliance with the NFPA standard, which uses placards to identify the hazards of the material stored in the tanks.

The requirement to label hazardous waste tanks applies to hazardous waste generators and hazardous waste treatment, storage, and disposal facilities (TSDs). A hazardous waste generator is any person or site whose processes and actions create hazardous waste.

The parties affected by the proposed changes to the requirements for labeling tanks include, but are not limited to, various types of businesses; treatment, storage and disposal facilities; industrial and academic laboratories; retail stores; schools; colleges; universities and other academic institutions, and manufacturing facilities.

Specifically, Section 260.373.1(3)(d) allows the department to retain, modify, or rescind rules "*requiring hazardous waste generators to display hazard labels (e.g., Department of Transportation (DOT) labels) on containers and tanks during the time hazardous waste is stored on-site*". The exclusion which established the option to retain rules for the display of hazard labels on tanks was added to the bill based on concerns expressed by emergency responders. Emergency responders preferred to have some additional information on tanks that would assist them in determining the appropriate response in an emergency situation without having to approach the container or tank when it would be unsafe to do so. Based on this exclusion, the department discussed potential changes to the rules for hazardous waste tanks with stakeholders including emergency responders and, after several stakeholder meetings where this topic was discussed, draft rule language was prepared that was both consistent with the statutory limitation and provided emergency responders with sufficient additional information to satisfy their concerns. Stakeholders felt that whatever economic cost generators or permitted facilities would incur to purchase the required labels was justified by the environmental benefit of providing information to facility employees and emergency responders about the contents of individual containers and tanks. The additional information will help to prevent accidental spills and releases, and in the event of a spill or release will provide necessary information to determine the appropriate response to the spill or release.

For hazardous waste tanks, while compliance with the NFPA standard is a new requirement, once the appropriate labels are in place they will not need to be replaced unless the type of waste stored in the tank changes, or the label becomes worn from use and is no longer clearly visible. This should minimize the long term impact of this specific change.

The intent of the proposed amendment for labeling relating to hazardous waste tanks in accordance with NFPA 704 is to prevent accidental releases or spills by making sure that proper containers and tanks are used in storage, and that incompatible wastes are not mixed together in the containers or tanks, which could cause a chemical reaction that would result in a fire, explosion, or the release of toxic fumes or gases. The additional information also provides emergency responders with visual information on the contents of the container or tank in the event of a spill or a release so that they can determine the appropriate response.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 6—Rules Applicable to Transporters of Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-6.263 Standards for Transporters of Hazardous Waste **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 639). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.

RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #2: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.

RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners or Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-7.264 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 639–650). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

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The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri

regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.
RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #2: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.
RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

COMMENT #3: In reviewing the text of the proposed amendment, and specifically the removal of the entirety of subsection (2)(P), staff noted that subsection (2)(P) should be left as (Reserved) in order to maintain the numbering for the remainder of the subsections.
RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(P) will be added back into the rule.

10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

(2) The owner or operator of a permitted hazardous waste treatment, storage, or disposal facility shall comply with this section in addition to the regulations of 40 CFR part 264. In the case of contradictory or conflicting requirements, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 264 subpart E are found in subsection (2)(E) of this rule.)
(P) *(Reserved)*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners or Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 650–655). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.
RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

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RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners or Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 655–656). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.
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RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners or Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-7.268 Land Disposal Restrictions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 656–657). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

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The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

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deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.
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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners or Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 657–662). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 8—Public Participation and General Procedural Requirements

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-8.124 Procedures for Decision Making **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015

(40 MoReg 662–663). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

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RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #2: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one (1) facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.
RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 9—Resource Recovery

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 663–665). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.
RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #2: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other

Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one (1) facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.

RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 11—Used Oil

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-11.279 Recycled Used Oil Management Standards **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 665–666). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Mark Reppond of Safety Kleen, submitted a comment by email on May 26th, 2015. Mr. Reppond commented that in the proposed amendment of 10 CSR 25-11.279, a specific change that was discussed and agreed to during stakeholder meetings discussing the proposed changes to the hazardous waste rules was omitted. Specifically, this change would have amended subparagraph 10 CSR 25-11.279(2)(E)3.A. to remove a Missouri-specific regulation requiring all used oil shipments to be recorded on a state form (the Missouri Transporter's Used Oil Shipment Record).

Mr. Reppond stated that the reason for getting rid of the requirement to use the Missouri form is that it is duplicative because there is an equivalent federal regulation that transporters of used oil must already follow. He notes that the Missouri-specific form is not recognized by states other than Missouri and, when shipping in and to other states, it is common for both the Missouri form and the federal form to be prepared for each shipment. This costs transporters not only for the form, but administrative time preparing two (2) separate shipping papers for each shipment. He also states that the Missouri form is not needed in order to comply with other parts of the regulation (completion of the transport's used oil annual report) as this information is readily available no matter the shipping paper utilized. Because the entire rule package proposed is in keeping with the "no stricter than" law, and discussion on this change occurred during the stakeholder process, the removal of this requirement should be included with the rule package being proposed.

RESPONSE: The Missouri requirement is found in 10 CSR 25-11.279(2)(E)3.A. After considering the comment and further evaluating the nature of the change that is being requested, the department has determined that eliminating the Missouri requirement in this situation is consistent with many of the other changes being made to the Missouri hazardous waste rules in this group of proposed amendments. The Missouri form includes additional information such as a certification statement that facilitates and attests to the validity of oil contents and testing, allows for recording acceptance and delivery on the same form, and makes it possible for the state to more efficiently track and verify compliance on used oil shipments and to better protect citizens by assuring that Polychlorinated Biphenyls (PCBs) and other hazardous wastes are not being shipped as used oil only. Making this change would eliminate a state requirement that while potentially reducing compliance assurance capabilities for the department and used oil transporters will also save shippers of used oil both time and money since they would no longer have to prepare two (2) types of documents when shipping used oil.

However, because the subsection containing this requirement, 10 CSR 25-11.279(2)(E), was not included in the text of the proposed amendment, the department cannot make the requested change in the Order of Rulemaking but will instead need to include this change in a future amendment of this rule. The department agrees to make this change in a future amendment in order to eliminate the requirement to use a Missouri form and make it optional.

COMMENT #2: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.

RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #3: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one (1) facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal

rules, it greatly eases the burden of retraining staff on state-specific rules.
RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 13—Polychlorinated Biphenyls

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-13.010 Polychlorinated Biphenyls **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 666–670). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.
RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #2: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one (1) facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.
RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

COMMENT #3: Mr. Shanks commented in support of the proposed changes to the requirements for manifest exception reporting. These changes are found in two (2) different rules, 10 CSR 25-5.262 and 10 CSR 25-13.010, which are on page 635 and page 667 of the proposed amendments published in the *Missouri Register*.

The proposed change would eliminate the Missouri requirement relating to when generators must prepare and submit an exception report. Mr. Shanks commented that, under the current Missouri rule, reports are sometimes required in situations where the report serves no purpose, since the waste that is the subject of the report has already been determined not to be missing. Eliminating the Missouri requirement means that generators only have to prepare and submit a report in situations where the report is required in the federal rules, as incorporated by the state. The federal rule does not require the report if the completed manifest is received within forty-five (45) days of the shipment. Since the point of the report is to document waste shipments for which a completed manifest has not been received, as long as the completed manifest has been received within forty-five (45) days, there is no need for the report.
RESPONSE: The department appreciates the support for the proposed changes to these two (2) rules, which would eliminate the need to prepare and submit an exception report in situations as long as the completed manifest is received within forty-five (45) days, as stated in the federal rules. With stakeholder input, the department has determined that these reports are not necessary when the completed manifest is received within the federal regulatory timeframe of forty-five (45) days. Identifying and eliminating unnecessary state requirements is one (1) of the primary purposes of this group of proposed amendments and the department acknowledges the support of stakeholders for this proposed change. No change is made in response to this comment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 16—Universal Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management

Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:

10 CSR 25-16.273 Standards for Universal Waste Management **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2015 (40 MoReg 670). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the *Code of State Regulations* would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.

The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDA, Association of the Nonwoven Fabrics Industry.

The department received the following testimony or comments on the changes proposed to this rule. All comments relating to this rule are described below, as well as any change made to the text of the proposed amendment in response to the testimony or comment.

COMMENT #1: Mr. Perry testified and stated in his written comments that REGFORM supports the adoption of the proposed amendments and that the amendments are the culmination of many years of deliberation, negotiation, and legislation aimed at bringing Missouri regulations into closer alignment with federal hazardous regulations, while continuing and enhancing protections to human health and the environment. Mr. Perry noted that the adoption of this package of proposed amendments will reduce confusion, reduce the risk of harm, ensure a more level playing field for Missouri businesses and educational institutions, and make Missouri regulations consistent with recently promulgated federal rules.

RESPONSE: The department appreciates REGFORM's comments in support of the proposed amendments. Mr. Perry and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Perry's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually. No changes were made in response to this comment.

COMMENT #2: Mr. Shanks testified and stated in his written comments that The Boeing Company appreciates the closer alignment to federal rules that are proposed. He stated that Boeing and many other Missouri generators have operations in multiple states and that environmental compliance staff and other personnel commonly move from one (1) facility to another. To the extent that state rules are consistent with federal rules, and are updated regularly to adopt new federal rules, it greatly eases the burden of retraining staff on state-specific rules.

RESPONSE: The department appreciates The Boeing Company's comments in support of the proposed amendments. Mr. Shanks and other stakeholders were involved in the development of the proposed amendments and their support is noted and appreciated. Mr. Shanks's additional comments on specific provisions within individual rules will be addressed in the Orders of Rulemaking for each of those rules individually.

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

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

IN ADDITION

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

PUBLIC NOTICE

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

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

DATES: Comments must be received at the address stated below, on or before, December 1, 2015.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:
• *Email:* Pamela.lueckenotto@modot.mo.gov
• *Mail:* PO Box 270, Jefferson City, MO 65102
• *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65102
• *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

• By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
• *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

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

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

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

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

Qualifications of Applicants

Application #129

Renewal Applicant's Name & Age: Rodman R. Brandt, 47

Relevant Physical Condition: Insulin-treated diabetes mellitus (ITDM). Mr. Brandt's best uncorrected visual acuity is 20/20 Snellen in the right eye and 20/20 Snellen in the left eye. Mr. Brandt has been an insulin treated diabetic since June 1, 1998.

Relevant Driving Experience: Mr. Brandt has approximately twenty-eight (28) years of commercial motor vehicle experience. Mr. Brandt currently has a Class A license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in August 2015, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Brandt has had no tickets or accidents on record for the previous three (3) years.

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

Issued on: September 23, 2015

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

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

IN ADDITION

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

PUBLIC NOTICE

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

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DATES: Comments must be received at the address stated below, on or before, December 1, 2015.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:
• *Email:* Pamela.lueckenotto@modot.mo.gov
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• *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

• By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
• *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

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

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

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

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

Qualifications of Applicants

Application #290

New Applicant's Name & Age: Lance D. Duffie, 39

Relevant Physical Condition: Vision Impaired.
Mr. Duffie has loss of central acuity in the right eye, but his peripheral vision was preserved and uncorrected 20/20 Snellen in the left eye. Mr. Duffie has had this visual impairment since April 1988.

Relevant Driving Experience: Mr. Duffie has approximately eighteen (18) years of commercial motor vehicle experience. Mr. Duffie currently has a Class A license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in September 2015, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Duffie has had no tickets or accidents on record for the previous three (3) years.

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

Issued on: September 29, 2015

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

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

IN ADDITION

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

PUBLIC NOTICE

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

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

DATES: Comments must be received at the address stated below, on or before, December 1, 2015.

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• *Email:* Pamela.lueckenotto@modot.mo.gov
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COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

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FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

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

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

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

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

Qualifications of Applicants

Application #293

New Applicant's Name & Age: Michael D. Scheffel, 47

Relevant Physical Condition: Vision impaired.
Mr. Scheffel lost his left eye due to cancer and his best corrected visual acuity in his right eye is 20/20 Snellen. Mr. Scheffel has had this visual impairment since May 2015.

Relevant Driving Experience: Mr. Scheffel has approximately seventeen (17) years of commercial motor vehicle experience. Mr. Scheffel currently has a Class A license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in September 2015, a board-certified ophthalmologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Scheffel has had no tickets or accidents on record for the previous three (3) years.

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

Issued on: September 23, 2015

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

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

NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for November 24, 2015. These applications are available for public inspection at the address shown below:

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

10/7/15
#5245 HT: Mercy Hospital Jefferson
Festus, MO (Jefferson County)
$3,923,763, Replace Linear Accelerator

#5244 HT: Mercy Hospital St. Louis
St. Louis, MO (St. Louis County)
$1,758,000, Replace robotic surgical system

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by November 13, 2015. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102

For additional information contact
Karla Houchins, (573) 751-6403.

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

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST ASPEN FUND, INC.

ASPEN FUND, INC., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on September 10, 2015. Any and all claims against **ASPEN FUND, INC.** may be sent to Jonathan Goldstein, Advantage Capital Partners, 190 Carondelet Plaza, Suite 1500, St. Louis, Missouri 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against **ASPEN FUND, INC.** will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST SCS 12th STREET FUND, INC.

SCS 12th STREET FUND, INC., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on September 10, 2015. Any and all claims against **SCS 12th STREET FUND, INC.** may be sent to Jonathan Goldstein, Advantage Capital Partners, 190 Carondelet Plaza, Suite 1500, St. Louis, Missouri 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against **SCS 12th STREET FUND, INC.** will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST SCS RICHARDSON FUND, INC.

SCS RICHARDSON FUND, INC., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on September 10, 2015. Any and all claims against **SCS RICHARDSON FUND, INC.** may be sent to Jonathan Goldstein, Advantage Capital Partners, 190 Carondelet Plaza, Suite 1500, St. Louis, Missouri 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against **SCS RICHARDSON FUND, INC.** will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST SCS ROCK RIDGE II FUND, INC.

SCS ROCK RIDGE II FUND, INC., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on September 10, 2015. Any and all claims against **SCS ROCK RIDGE II FUND, INC.** may be sent to Jonathan Goldstein, Advantage Capital Partners, 190 Carondelet Plaza, Suite 1500, St. Louis, Missouri 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against **SCS ROCK RIDGE II FUND, INC.** will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST SCS VILLAGE EAST FUND, INC.

SCS VILLAGE EAST FUND, INC., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on September 10, 2015. Any and all claims against **SCS VILLAGE EAST FUND, INC.** may be sent to Jonathan Goldstein, Advantage Capital Partners, 190 Carondelet Plaza, Suite 1500, St. Louis, Missouri 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against **SCS VILLAGE EAST FUND, INC.** will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST SCS WOODLAND HILLS FUND, INC.

SCS WOODLAND HILLS FUND, INC., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on September 10, 2015. Any and all claims against **SCS WOODLAND HILLS FUND, INC.** may be sent to Jonathan Goldstein, Advantage Capital Partners, 190 Carondelet Plaza, Suite 1500, St. Louis, Missouri 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against **SCS WOODLAND HILLS FUND, INC.** will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

NOTICE TO UNKNOWN CREDITORS OF PRAIRIE PRIDE, INC.

Prairie Pride, Inc. (the "Company"), has been dissolved pursuant to Section 355.681 of the Missouri Nonprofit Company Act by filing its Articles of Dissolution with the Missouri Secretary of State on September 9, 2015. Pursuant to Section 355.701 of the Missouri Nonprofit Company Act, any claims against the Company must be sent to:

Prairie Pride, Inc.
2119 E. Austin Blvd.
Nevada MO 64772
Attention: Kevin Fischer

Claims submitted must include the following information: (1) claimant name, address, and phone number; (2) name of debtor; (3) account or other number by which the debtor may identify the creditor; (4) a brief description of the nature of the debt or the basis of the claim; (5) the amount of the claim; (6) the date the claim was incurred; and (7) supporting documentation for the claim, if any.

NOTICE: CLAIMS OF CREDITORS OF THE CORPORATION WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS OF THE DATE OF THIS NOTICE.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY

1. The name of the limited liability company is SEF Properties I, LLC.

2. The Articles of Organization for SEF Properties I, LLC were filed with the Missouri Secretary of State on July 5, 2005.

3. On September 15, 2015, SEF Properties I, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.

4. Persons with claims against SEF Properties I, LLC should present them in accordance with the following procedure:

   (a) In order to file a claim with SEF Properties I, LLC, you must furnish the following:

      (i) Amount of the claim
      (ii) Basis for the claim
      (iii) Documentation for the claim

   (b) The claim must be mailed to:

      SEF Properties I, LLC c/o David R. Frensley
      11307 Madison Ave.
      Kansas City, MO 64114

5. All claims against SEF Properties I, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY

1. The name of the limited liability company is SEF Properties II, LLC.

2. The Articles of Organization for SEF Properties II, LLC were filed with the Missouri Secretary of State on July 5, 2005.

3. On September 15, 2015, SEF Properties II, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.

4. Persons with claims against SEF Properties II, LLC should present them in accordance with the following procedure:

   (a) In order to file a claim with SEF Properties II, LLC, you must furnish the following:

      (i) Amount of the claim
      (ii) Basis for the claim
      (iii) Documentation for the claim

   (b) The claim must be mailed to:

      SEF Properties II, LLC c/o David R. Frensley
      11307 Madison Ave.
      Kansas City, MO 64114

5. All claims against SEF Properties II, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST OAK COURT BUILDERS, LLC

On September 14, 2015, Oak Court Builders, LLC, filed Notice of Winding Up with the Missouri Secretary of State. The dissolution was effective September 14, 2015. Any claims against Oak Court Builders, LLC, must be submitted to Rick J. Muenks, Attorney at Law, 3041 S. Kimbrough Avenue, Ste. 106, Springfield, Missouri 65807. Each claim must include claimants name, address of claimant and telephone number of claimant; amount of claim; the date on which the event of which the claim is based occurred; and a brief description of the nature of the debt or the basis for the claim. By law, proceedings are barred unless commenced against the Limited Liability Company within three years after the publication of this notice.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS AND POSSIBLE CLAIMAINTS AGAINST URBANA INSUANCE AGENCY, LLC

On August 25, 2015, Urbana Insurance Agency, LLC, a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding Up with the Missouri Secretary of State effective upon filing on August 31, 2015.

Any claims against the Company must be sent to c/o William D. Vaughan, Urbana Insurance Agency, LLC, PO Box 244, Urbana, MO 65767. Each claim must include the following information: the name; address and phone number of the claimant; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

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

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST OAK COURT PLACE, LLC

On September 14, 2015, Oak Court Place, LLC, filed Notice of Winding Up with the Missouri Secretary of State. The dissolution was effective September 14, 2015. Any claims against Oak Court Place, LLC, must be submitted to Rick J. Muenks, Attorney at Law, 3041 S. Kimbrough Avenue, Ste. 106, Springfield, Missouri 65807. Each claim must include claimants name, address of claimant and telephone number of claimant; amount of claim; the date on which the event of which the claim is based occurred; and a brief description of the nature of the debt or the basis for the claim. By law, proceedings are barred unless commenced against the Limited Liability Company within three years after the publication of this notice.

"NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ARROW ROOFING, LLC On August 3, 2015, Arrow Roofing, LLC, a Missouri limited liability company ("Company"), filed its notice of winding up with the Missouri Secretary of State, effective on the filing date. All persons and organizations must submit to Company, Ryan Fletcher, 160 Ivy Lakes Drive, Jacksonville, FL 32259, a written summary of any claims against Company including: 1) claimant's name, address, and telephone number; 2) amount of claim; 3) date(s) claimed accrued (or will accrue); 4) brief description of the nature of the debt or basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security. Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within (3) years after the last of filing or publication of this notice."

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST OAK TREE MEDIA GROUP, LLC

On September 18, 2015, Oak Tree Media Group, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit to Joe Thompson, Manager, c/o Evans & Dixon, LLC, 501 West Cherry Street Suite 200, Columbia, MO 65201, a written summary of any claims against the Company, which shall include the name, address, and telephone numbers of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature and basis for the claim, and any documentation of the claim. Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—39 (2014) and 40 (2015). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR	Office of Administration				40 MoReg 851
1 CSR 10	State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053 39 MoReg 2074
1 CSR 10-15.010	Commissioner of Administration	40 MoReg 1345	40 MoReg 1346		
1 CSR 50-2.015	Missouri Ethics Commission		40 MoReg 1255		
1 CSR 50-2.020	Missouri Ethics Commission		40 MoReg 1256		
1 CSR 50-2.030	Missouri Ethics Commission		40 MoReg 1256		
1 CSR 50-2.040	Missouri Ethics Commission		40 MoReg 1256		
1 CSR 50-2.075	Missouri Ethics Commission		40 MoReg 1257		
1 CSR 50-2.100	Missouri Ethics Commission		40 MoReg 1257		
1 CSR 50-2.110	Missouri Ethics Commission		40 MoReg 1257		
1 CSR 50-2.120	Missouri Ethics Commission		40 MoReg 1258		
1 CSR 50-2.130	Missouri Ethics Commission		40 MoReg 1258		
1 CSR 50-2.140	Missouri Ethics Commission		40 MoReg 1259		
1 CSR 50-4.010	Missouri Ethics Commission		40 MoReg 1259		
	DEPARTMENT OF AGRICULTURE				
2 CSR	Department of Agriculture				40 MoReg 851
2 CSR 80-5.010	State Milk Board		40 MoReg 516	40 MoReg 1045	
2 CSR 80-6.041	State Milk Board		40 MoReg 518	40 MoReg 1045	
2 CSR 90-10	Weights and Measures				38 MoReg 1241 39 MoReg 1399 40 MoReg 1046
2 CSR 100-2.020	Missouri Agricultural and Small Business Development Authority		40 MoReg 1089		
2 CSR 100-2.040	Missouri Agricultural and Small Business Development Authority		40 MoReg 1089		
	DEPARTMENT OF CONSERVATION				
3 CSR	Department of Conservation				40 MoReg 851
3 CSR 10-1.010	Conservation Commission		40 MoReg 1259		
3 CSR 10-5.205	Conservation Commission		40 MoReg 1261		
3 CSR 10-6.505	Conservation Commission		40 MoReg 1261		
3 CSR 10-7.410	Conservation Commission		40 MoReg 1262		
3 CSR 10-7.431	Conservation Commission		40 MoReg 1262		
3 CSR 10-7.434	Conservation Commission		40 MoReg 1263		
3 CSR 10-7.440	Conservation Commission		N.A. N.A.	40 MoReg 1045 40 MoReg 1317	
3 CSR 10-7.455	Conservation Commission		40 MoReg 1263		
3 CSR 10-10.722	Conservation Commission		40 MoReg 1264		
3 CSR 10-11.115	Conservation Commission		40 MoReg 1264		
3 CSR 10-11.130	Conservation Commission		40 MoReg 1265		
3 CSR 10-11.180	Conservation Commission		40 MoReg 1265		
3 CSR 10-11.186	Conservation Commission		40 MoReg 1267		
3 CSR 10-11.205	Conservation Commission		40 MoReg 1268		
3 CSR 10-12.109	Conservation Commission		40 MoReg 1268		
3 CSR 10-12.110	Conservation Commission		40 MoReg 1269		
3 CSR 10-12.115	Conservation Commission		40 MoReg 1269		
3 CSR 10-12.125	Conservation Commission		40 MoReg 1270		
3 CSR 10-12.135	Conservation Commission		40 MoReg 1270		
3 CSR 10-12.140	Conservation Commission		40 MoReg 1274		
3 CSR 10-12.145	Conservation Commission		40 MoReg 1277		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR	Department of Economic Development				40 MoReg 851
4 CSR 85-11.010	Division of Business and Community Services		40 MoReg 871		
4 CSR 85-11.020	Division of Business and Community Services		40 MoReg 871		
4 CSR 240-2.061	Public Service Commission		40 MoReg 520R	This IssueR	
4 CSR 240-2.062	Public Service Commission		40 MoReg 520R	This IssueR	
4 CSR 240-3.500	Public Service Commission		40 MoReg 520R	This IssueR	
4 CSR 240-3.505	Public Service Commission		40 MoReg 521R	This IssueR	
4 CSR 240-3.510	Public Service Commission		40 MoReg 521R	This IssueR	
4 CSR 240-3.513	Public Service Commission		40 MoReg 521R	This IssueR	
4 CSR 240-3.515	Public Service Commission		40 MoReg 522R	This IssueR	
4 CSR 240-3.520	Public Service Commission		40 MoReg 522R	This IssueR	
4 CSR 240-3.525	Public Service Commission		40 MoReg 523R	This IssueR	
4 CSR 240-3.530	Public Service Commission		40 MoReg 523R	This IssueR	
4 CSR 240-3.535	Public Service Commission		40 MoReg 523R	This IssueR	
4 CSR 240-3.540	Public Service Commission		40 MoReg 524R	This IssueR	
4 CSR 240-3.545	Public Service Commission		40 MoReg 524R	This IssueR	
4 CSR 240-3.550	Public Service Commission		40 MoReg 524R	This IssueR	
4 CSR 240-3.555	Public Service Commission		40 MoReg 525R	This IssueR	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.560	Public Service Commission		40 MoReg 525R	This IssueR	
4 CSR 240-3.565	Public Service Commission		40 MoReg 526R	This IssueR	
4 CSR 240-20.065	Public Service Commission		40 MoReg 526	40 MoReg 1486	
4 CSR 240-20.100	Public Service Commission		40 MoReg 538	40 MoReg 1499	
4 CSR 240-28.010	Public Service Commission		40 MoReg 555	This Issue	
4 CSR 240-28.020	Public Service Commission		40 MoReg 555	This Issue	
4 CSR 240-28.030	Public Service Commission		40 MoReg 556	This Issue	
4 CSR 240-28.040	Public Service Commission		40 MoReg 558	This Issue	
4 CSR 240-28.050	Public Service Commission		40 MoReg 559	This Issue	
4 CSR 240-28.060	Public Service Commission		40 MoReg 560	This Issue	
4 CSR 240-28.070	Public Service Commission		40 MoReg 561	This Issue	
4 CSR 240-28.080	Public Service Commission		40 MoReg 562	This Issue	
4 CSR 240-28.090	Public Service Commission		40 MoReg 563	This Issue	
4 CSR 240-30.020	Public Service Commission		40 MoReg 564R	This IssueR	
4 CSR 240-30.040	Public Service Commission		40 MoReg 564R	This IssueR	
4 CSR 240-32.010	Public Service Commission		40 MoReg 564R	This IssueR	
4 CSR 240-32.020	Public Service Commission		40 MoReg 565R	This IssueR	
4 CSR 240-32.040	Public Service Commission		40 MoReg 565R	This IssueR	
4 CSR 240-32.050	Public Service Commission		40 MoReg 566R	This IssueR	
4 CSR 240-32.060	Public Service Commission		40 MoReg 566R	This IssueR	
4 CSR 240-32.070	Public Service Commission		40 MoReg 566R	This IssueR	
4 CSR 240-32.080	Public Service Commission		40 MoReg 567R	This IssueR	
4 CSR 240-32.090	Public Service Commission		40 MoReg 567R	This IssueR	
4 CSR 240-32.100	Public Service Commission		40 MoReg 567R	This IssueR	
4 CSR 240-32.120	Public Service Commission		40 MoReg 568R	This IssueR	
4 CSR 240-32.130	Public Service Commission		40 MoReg 568R	This IssueR	
4 CSR 240-32.140	Public Service Commission		40 MoReg 569R	This IssueR	
4 CSR 240-32.150	Public Service Commission		40 MoReg 569R	This IssueR	
4 CSR 240-32.160	Public Service Commission		40 MoReg 569R	This IssueR	
4 CSR 240-32.170	Public Service Commission		40 MoReg 570R	This IssueR	
4 CSR 240-32.180	Public Service Commission		40 MoReg 570R	This IssueR	
4 CSR 240-32.190	Public Service Commission		40 MoReg 570R	This IssueR	
4 CSR 240-32.200	Public Service Commission		40 MoReg 571R	This IssueR	
4 CSR 240-33.010	Public Service Commission		40 MoReg 571R	This IssueR	
4 CSR 240-33.020	Public Service Commission		40 MoReg 572R	This IssueR	
4 CSR 240-33.040	Public Service Commission		40 MoReg 572R	This IssueR	
4 CSR 240-33.045	Public Service Commission		40 MoReg 572R	This IssueR	
4 CSR 240-33.050	Public Service Commission		40 MoReg 573R	This IssueR	
4 CSR 240-33.060	Public Service Commission		40 MoReg 573R	This IssueR	
4 CSR 240-33.070	Public Service Commission		40 MoReg 574R	This IssueR	
4 CSR 240-33.080	Public Service Commission		40 MoReg 574R	This IssueR	
4 CSR 240-33.090	Public Service Commission		40 MoReg 574R	This IssueR	
4 CSR 240-33.100	Public Service Commission		40 MoReg 575R	This IssueR	
4 CSR 240-33.110	Public Service Commission		40 MoReg 575R	This IssueR	
4 CSR 240-33.120	Public Service Commission		40 MoReg 575R	This IssueR	
4 CSR 240-33.130	Public Service Commission		40 MoReg 576R	This IssueR	
4 CSR 240-33.140	Public Service Commission		40 MoReg 576R	This IssueR	
4 CSR 240-33.150	Public Service Commission		40 MoReg 577R	This IssueR	
4 CSR 240-33.160	Public Service Commission		40 MoReg 577R	This IssueR	
4 CSR 240-33.170	Public Service Commission		40 MoReg 577R	This IssueR	
4 CSR 340-2	Division of Energy				40 MoReg 1046
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR	Department of Elementary and Secondary Education				40 MoReg 851
5 CSR 20-600.110	Division of Learning Services		40 MoReg 834	This Issue	
5 CSR 20-600.140	Division of Learning Services		40 MoReg 394	40 MoReg 1096	
5 CSR 30-4.030	Division of Financial and Administrative Services		40 MoReg 1277		
5 CSR 30-640.200	Division of Financial and Administrative Services		40 MoReg 834		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		40 MoReg 395	40 MoReg 1096	
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR	Department of Higher Education				40 MoReg 851
6 CSR 10-3.010	Commissioner of Higher Education		This Issue		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-25.010	Missouri Highways and Transportation Commission				40 MoReg 1047 40 MoReg 1048 40 MoReg 1049 40 MoReg 1099 40 MoReg 1100 40 MoReg 1221 40 MoReg 1319 40 MoReg 1320 This Issue This Issue This Issue
7 CSR 10-25.030	Missouri Highways and Transportation Commission		40 MoReg 751		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 50-2.025	Division of Workers' Compensation		40 MoReg 930		
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-6.060	Air Conservation Commission		40 MoReg 1142		
10 CSR 10-6.065	Air Conservation Commission		40 MoReg 1155		
10 CSR 10-6.110	Air Conservation Commission		39 MoReg 1509	40 MoReg 138	
10 CSR 10-6.241	Air Conservation Commission		40 MoReg 1013		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 10-6.250	Air Conservation Commission		40 MoReg 1023		
10 CSR 10-6.260	Air Conservation Commission		40 MoReg 621R	40 MoReg 1508R	
10 CSR 10-6.261	Air Conservation Commission		40 MoReg 621	40 MoReg 1508	
10 CSR 10-6.372	Air Conservation Commission		40 MoReg 753	This Issue	
10 CSR 10-6.374	Air Conservation Commission		40 MoReg 765	This Issue	
10 CSR 10-6.376	Air Conservation Commission		40 MoReg 777	This Issue	
10 CSR 25-3.260	Hazardous Waste Management Commission		40 MoReg 626	This Issue	
10 CSR 25-4.261	Hazardous Waste Management Commission		40 MoReg 629	This Issue	
10 CSR 25-5.262	Hazardous Waste Management Commission		40 MoReg 631	This Issue	
10 CSR 25-6.263	Hazardous Waste Management Commission		40 MoReg 639	This Issue	
10 CSR 25-7.264	Hazardous Waste Management Commission		40 MoReg 639	This Issue	
10 CSR 25-7.265	Hazardous Waste Management Commission		40 MoReg 650	This Issue	
10 CSR 25-7.266	Hazardous Waste Management Commission		40 MoReg 655	This Issue	
10 CSR 25-7.268	Hazardous Waste Management Commission		40 MoReg 656	This Issue	
10 CSR 25-7.270	Hazardous Waste Management Commission		40 MoReg 657	This Issue	
10 CSR 25-8.124	Hazardous Waste Management Commission		40 MoReg 662	This Issue	
10 CSR 25-9.020	Hazardous Waste Management Commission		40 MoReg 663	This Issue	
10 CSR 25-11.279	Hazardous Waste Management Commission		40 MoReg 665	This Issue	
10 CSR 25-12.010	Hazardous Waste Management Commission		40 MoReg 872		
10 CSR 25-13.010	Hazardous Waste Management Commission		40 MoReg 666	This Issue	
10 CSR 25-16.273	Hazardous Waste Management Commission		40 MoReg 670	This Issue	
10 CSR 40-10.020	Land Reclamation Commission		40 MoReg 1173		
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11 CSR 45-30.357	Missouri Gaming Commission		40 MoReg 941		
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11 CSR 75-18.020	Peace Officer Standards and Training Program		40 MoReg 233	40 MoReg 973	
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11 CSR 75-18.050	Peace Officer Standards and Training Program		40 MoReg 235	40 MoReg 976	
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13 CSR 5-1.030	Office of the Director		40 MoReg 1090		
13 CSR 10-1.015	Division of Finance and Administrative Services		40 MoReg 719	40 MoReg 1220	
13 CSR 35-31.010	Children's Division		40 MoReg 838	40 MoReg 1511	
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13 CSR 40-2.015	Family Support Division		40 MoReg 949		
13 CSR 40-2.300	Family Support Division	40 MoReg 1244	40 MoReg 1285		
13 CSR 40-2.310	Family Support Division	40 MoReg 1245	40 MoReg 1286		
13 CSR 40-2.315	Family Support Division	40 MoReg 1247	40 MoReg 1299		
13 CSR 40-31.011	Family Support Division *(Changed to 13 CSR 35-31.015)*		40 MoReg 1090		
13 CSR 40-31.012	Family Support Division		40 MoReg 1091R		
13 CSR 65-2.020	Missouri Medicaid Audit and Compliance		40 MoReg 838	40 MoReg 1511	
13 CSR 70-10.110	MO HealthNet Division	40 MoReg 923	40 MoReg 951		
13 CSR 70-15.010	MO HealthNet Division	40 MoReg 923	40 MoReg 956		
13 CSR 70-15.110	MO HealthNet Division	40 MoReg 924	40 MoReg 958		
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13 CSR 70-20.330	MO HealthNet Division		40 MoReg 1091		
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18 CSR 10-5.010	Office of State Public Defender		39 MoReg 1275 40 MoReg 1483		
18 CSR 10-6.010	Office of State Public Defender		40 MoReg 1485		
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 10-33.010	Office of the Director		40 MoReg 239R 40 MoReg 239	40 MoReg 980R 40 MoReg 980	
19 CSR 15-8.410	Division of Senior and Disability Services		40 MoReg 131		
19 CSR 15-9.100	Division of Senior and Disability Services		40 MoReg 1312		
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19 CSR 20-28.010	Division of Community and Public Health		40 MoReg 578	40 MoReg 1097	
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	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Applied Behavior Analysis Maximum Benefit				40 MoReg 280
20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 2149
20 CSR	Sovereign Immunity Limits				39 MoReg 2149
20 CSR	State Legal Expense Fund Cap				39 MoReg 2149
20 CSR 100-9.100	Insurer Conduct		40 MoReg 1032		
20 CSR 200-6.700	Insurance Solvency and Company Regulation		40 MoReg 1036		
20 CSR 400-11.140	Life, Annuities and Health	40 MoReg 1003	40 MoReg 1037		
20 CSR 2030-1.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-2.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-5.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-5.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-5.110	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-7.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-8.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
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20 CSR 2085-12.010	Board of Cosmetology and Barber Examiners	40 MoReg 829	40 MoReg 841	40 MoReg 1512	
20 CSR 2085-12.035	Board of Cosmetology and Barber Examiners	40 MoReg 830	40 MoReg 841	40 MoReg 1512	
20 CSR 2085-12.060	Board of Cosmetology and Barber Examiners	40 MoReg 831	40 MoReg 842	40 MoReg 1512	
20 CSR 2110-2.210	Missouri Dental Board		40 MoReg 268	40 MoReg 981	
20 CSR 2115-1.040	State Committee of Dietitians		40 MoReg 843	40 MoReg 1512	
20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors	40 MoReg 1141	40 MoReg 1216		40 MoReg 1321
20 CSR 2150-3.010	State Board of Registration for the Healing Arts	40 MoReg 1087	40 MoReg 1094		
20 CSR 2220-4.010	State Board of Pharmacy	40 MoReg 1009			
20 CSR 2245-1.010	Real Estate Appraisers		40 MoReg 965		
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22 CSR 10-2.094	Health Care Plan	40 MoReg 1250R 40 MoReg 1251	40 MoReg 1313R 40 MoReg 1313		
22 CSR 10-2.120	Health Care Plan	40 MoReg 1252R 40 MoReg 1253	40 MoReg 1314R 40 MoReg 1315		

Agency		Publication	Effective	Expiration
Office of Administration				
Commissioner of Administration				
1 CSR 10-15.010	Cafeteria Plan	40 MoReg 1345	Jan. 1, 2016	June 28, 2016
Department of Agriculture				
Animal Health				
2 CSR 30-10.010	Inspection of Meat and Poultry	Next Issue	Oct. 12, 2015	April 8, 2016
Department of Revenue				
Director of Revenue				
12 CSR 10-41.010	Annual Adjusted Rate of Interest	Dec. 1, 2015 Issue	Jan. 1, 2016	June 28, 2016
12 CSR 10-44.100	Excess Traffic Violation Revenue	40 MoReg 1243	Sept. 11, 2015	March 8, 2016
Department of Social Services				
Family Support Division				
13 CSR 40-2.300	Definitions Which Are Applicable for Benefit Programs Funded by the Temporary Assistance for Needy Families (TANF) Block Grant	40 MoReg 1244	Aug. 28, 2015	Feb. 23, 2016
13 CSR 40-2.310	Requirements as to Eligibility for Temporary Assistance	40 MoReg 1245	Aug. 28, 2015	Feb. 23, 2016
13 CSR 40-2.315	Work Activity and Work Requirements for Recipients of Temporary Assistance	40 MoReg 1247	Aug. 28, 2015	Feb. 23, 2016
MO HealthNet Division				
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance	40 MoReg 923	July 1, 2015	Dec. 28, 2015
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Reimbursement Methodology	40 MoReg 923	July 1, 2015	Dec. 28, 2015
13 CSR 70-15.110	Federal Reimbursement Allowance	40 MoReg 924	July 1, 2015	Dec. 28, 2015
13 CSR 70-20.340	National Drug Code Requirement	40 MoReg 926	July 1, 2015	Dec. 28, 2015
Elected Officials				
State Auditor				
15 CSR 40-3.030	Annual Financial Reports of Political Subdivisions	40 MoReg 1250	Sept. 11, 2015	March 8, 2016
Department of Insurance, Financial Institutions and Professional Registration				
Life, Annuities and Health				
20 CSR 400-11.140	Renewal Applications and Fees–Individual Navigators and Entity Navigators	40 MoReg 1003	July 25, 2015	Feb. 25, 2016
Board of Cosmetology and Barber Examiners				
20 CSR 2085-12.010	General Rules and Application Requirements for All Schools	40 MoReg 829	June 7, 2015	Feb. 25, 2016
20 CSR 2085-12.035	Requirements for Barber Schools	40 MoReg 830	June 7, 2015	Feb. 25, 2016
20 CSR 2085-12.060	Requirements for Cosmetology Schools	40 MoReg 831	June 7, 2015	Feb. 25, 2016
State Board of Embalmers and Funeral Directors				
20 CSR 2120-2.100	Fees	40 MoReg 1141	Aug. 21, 2015	Feb. 25, 2016
State Board of Registration for the Healing Arts				
20 CSR 2150-3.010	Applicants for Licensure as Professional Physical Therapists	40 MoReg 1087	Aug. 6, 2015	Feb. 25, 2016
State Board of Pharmacy				
20 CSR 2220-4.010	General Fees	40 MoReg 1009	July 20, 2015	Dec. 1, 2015
Missouri Consolidated Health Care Plan				
Health Care Plan				
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations (Res)	40 MoReg 1250	Oct. 1, 2015	March 28, 2016
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations	40 MoReg 1251	Oct. 1, 2015	March 28, 2016
22 CSR 10-2.120	Partnership Incentive Provisions and Limitations (Res)	40 MoReg 1252	Oct. 1, 2015	March 28, 2016
22 CSR 10-2.120	Partnership Incentive Provisions and Limitations	40 MoReg 1253	Oct. 1, 2015	March 28, 2016

Executive Orders	Subject Matter	Filed Date	Publication
	2015		
15-05	Extends Executive Order 15-03 until August 14, 2015.	July 14, 2015	40 MoReg 1012
15-04	Orders all departments, agencies, boards, and commissions to comply with the Obergefell decision and rescinds Executive Order 13-14.	July 7, 2015	40 MoReg 1010
15-03	Declares a state of emergency exist in the State of Missouri and directs that the Missouri State of Emergency Operations Plan be activated.	June 18, 2015	40 MoReg 928
15-02	Extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by October 15, 2015.	May 22, 2015	40 MoReg 833
15-01	Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173
	2014		
14-16	Extends Executive Order 14-07 and further orders that the Disparity Study Oversight Review Committee present its report to the governor and commissioner of administration by January 31, 2015.	Dec. 24, 2014	40 MoReg 129
14-15	Establishes the "Ferguson Commission" which shall study and recommend ways to make the St. Louis region a stronger, fairer place for everyone to live by studying the following subjects: 1) citizen-law enforcement interactions and relations; 2) racial and ethnic relations; 3) municipal government organization and the municipal court system; and 4) disparities in substantive areas.	Nov. 18, 2014	40 MoReg 5
14-14	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol with the St. Louis County Police Department and the St. Louis Metropolitan Police Department to operate as a Unified command and ensure public safety in the City of Ferguson and the St. Louis Region and further orders the Adjutant General to call and order into service such portions of the organized militia as he deems necessary.	Nov. 17, 2014	39 MoReg 2116
14-13	Closes state offices Nov. 28, 2014.	Oct. 31, 2014	39 MoReg 1811
14-12	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Activation Plan be activated.	Oct. 22, 2014	39 MoReg 1809
14-11	Establishes the Office of Community Engagement.	Sept. 18, 2014	39 MoReg 1656
14-10	Terminates Executive Orders 14-08 and 14-09.	Sept. 3, 2014	39 MoReg 1613
14-09	Activates the state militia in response to civil unrest in the City of Ferguson and authorizes the superintendent of the Missouri State Highway Patrol to maintain peace and order.	Aug. 18, 2014	39 MoReg 1566
14-08	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol to command all operations necessary in the city of Ferguson, further orders other law enforcement to assist the patrol when requested, and imposes a curfew.	Aug. 16, 2014	39 MoReg 1564
14-07	Establishes the Disparity Study Oversight Review Committee.	July 2, 2014	39 MoReg 1345
14-06	Orders that the Division of Energy develop a comprehensive State Energy Plan to chart a course toward a sustainable and prosperous energy future that will create jobs and improve Missourians' quality of life.	June 18, 2014	39 MoReg 1262
14-05	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 11, 2014	39 MoReg 1114
14-04	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	April 3, 2014	39 MoReg 1027
14-03	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	39 MoReg 958
14-02	Orders the Honor and Remember Flag be flown at the State Capitol each Armed Forces Day, held on the third Saturday of each May.	March 20, 2014	39 MoReg 956
14-01	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491

The rule number and the MoReg publication date follow each entry to this index.

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