
Rules of
Department of Public Safety
Division 40—Division of Fire Safety
Chapter 4—General Organization MERC

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 40—Division of Fire Safety
Chapter 4—General Organization MERC**

11 CSR 40-4.010 Organization

PURPOSE: This rule explains the formation of the Missouri Emergency Response Commission and its responsibilities under the Emergency Planning and Community Right-to-Know Act. Also explained is how to obtain additional information regarding these activities and where to make submittals.

(1) The Department of Public Safety is authorized under sections 292.600–292.625, RSMo to administer the state and the federal Emergency Planning and Community Right-to-Know Act. The Division of Fire Safety has been designated by statute 292.602 to provide the day-to-day operation of the program.

(2) The Missouri Emergency Planning and Community Right-to-Know Act (EPCRA or sections 292.600–292.625, RSMo) and the federal EPCRA (P.L. 99-499) are administered in Missouri by the Missouri Department of Public Safety in conjunction with the Missouri Emergency Response Commission (MERC). MERC was first established in 1987 by Executive Order of the Governor and was later established under statute in 1988 and revised in 1992. The commission resides within the Missouri Department of Public Safety. Public Safety, Division of Fire Safety provide day-to-day operation of the EPCRA section. The commission in conjunction with the department is responsible for—

(A) Carrying out the responsibilities assigned under the federal EPCRA and the state Act (sections 292.600–292.625, RSMo);

(B) Designating Local Emergency Planning Districts (LEPD), appointing a Local Emergency Planning Committee (LEPC) to each district; coordinating, supporting and supervising LEPC activities and reviewing and commenting on LEPC plans;

(C) Establishing a single filing point for all state and federal EPCRA information;

(D) Accepting, receiving and administering grants and gifts, including those from the federal government, for carrying out the purposes of the law;

(E) Providing assistance to LEPCs for carrying out responsibilities under the state and federal EPCRA laws;

(F) Providing training to LEPCs and others;

(G) Entering into agreements with other persons or agencies to carry out the require-

ments of the state and federal EPCRA legislation;

(H) Collecting and allotting funds as specified in sections 292.604 and 292.606, RSMo;

(I) Developing a data management system to store and retrieve EPCRA information. Assisting LEPCs, fire departments and others to make this information readily available for planning and emergency response purposes; and

(J) In addition to subsections (2)(A)–(J), the director of the Department of Public Safety or authorized representative has the responsibility and authority under sections 292.600–292.625, RSMo to—

1. Promulgate rules to carry out Missouri's EPCRA and to meet the reporting requirements of the federal EPCRA;

2. Exercise general supervision of the administration and enforcement of the state EPCRA and all rules adopted under it;

3. Hire staff, within appropriations, as may be necessary to carry out the provisions of the state EPCRA;

4. Budget and receive appropriated moneys to carry out the state EPCRA;

5. Accept, receive, and administer gifts and grants, including those from the federal government, to carry out the purposes of the state EPCRA;

6. Work with LEPCs to carry out the purposes of the state EPCRA; and

7. Administer the Chemical Emergency Preparedness Fund established in section 292.607, RSMo, in conjunction with the commission.

(3) Information.

(A) Requests for copies of rules, report forms, planning guides, and other EPCRA information may be made to the Missouri Emergency Response Commission, P.O. Box 3133, Jefferson City, MO 65102. The telephone number during office hours is (314) 526-3901.

(B) The EPCRA files, except trade secrets, as provided in section 292.610, RSMo, are public information and are located in the offices of the Division of Fire Safety, 301 West High Street, Truman Building, Room 860, Jefferson City, Missouri. Anyone wishing to review information in the EPCRA files is requested to make an appointment by calling (314) 526-3901. There is no fee for reviewing file information. There is a copying fee if copies of file information are made and it must be paid by check or money order.

AUTHORITY: section 292.613, RSMo Supp. 1993. This rule also filed as 10 CSR 24-1.010. Original rule filed Nov. 30, 1983,*

effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 20, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994.

**Original authority: 260.520, RSMo 1983 and 292.613, RSMo 1988, amended 1993.*

11 CSR 40-4.020 Definitions

PURPOSE: This rule provides definitions for terms used in 11 CSR 40.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Administrator—the administrator of the United States Environmental Protection Agency.

(2) Business—each corporation as defined under Chapter 351, RSMo; each business required to register under Chapter 417, RSMo; each person engaged in or transacting business in Missouri; each department of state government; and each political subdivision of the state.

(3) Commission—the Missouri Emergency Response Commission (MERC) established under section 292.602, RSMo.

(4) Covered facility—any facility required to report to the commission under the state or federal Emergency Planning and Community Right-to-Know Act.

(5) Department—the Department of Public Safety.

(6) Director—director of the Department of Public Safety.

(7) Emergency Planning and Community Right-to-Know Act (EPCRA)—the federal Emergency Planning and Community Right-

to-Know Act of 1986 (P. L. 99-499) and all rules promulgated under the federal Act or the Missouri EPCRA (sections 292.600–292.625, RSMo). If not specified as to the federal or state Act, it refers to both.

(8) Employer—a person engaged in business and including the state and any political subdivision.

(9) Extremely hazardous substance—a substance listed under 40 CFR part 355 by the administrator.

(10) Facility—all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person which controls, is controlled by or under common control with that person). For purposes of emergency release notification, the term includes motor vehicles, rolling stock and aircraft.

(11) Family farm—an unincorporated farming unit owned or leased by one (1) or more persons residing on the farm or actively engaged in farming.

(12) Form R or toxic release inventory—the report form as developed by the administrator to report toxic emissions under Section 313 of the EPCRA.

(13) Hazard category—any of the following:

(A) “Immediate (acute) health hazard,” including “highly toxic,” “toxic,” “irritant,” “sensitizer,” “corrosive,” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*) and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short-term exposure and is of short duration;

(B) “Delayed (chronic) health hazard,” including “carcinogens” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*) and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long-term exposure and is of long duration;

(C) “Fire hazard,” including “flammable,” “combustible liquid,” “pyrophoric” and “oxidizer” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*);

(D) “Sudden release of pressure,” including “explosive” and “compressed gas” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*); and

(E) “Reactive,” including “unstable reactive,” “organic peroxide” and “water reactive” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*).

(14) Hazardous chemical—any hazardous chemical as defined under Section 1910.1200(c) of Title 29 of the *Code of Federal Regulations*, that term does not include the following substances:

(A) Any food, food additive, color additive, drug or cosmetic regulated by the Food and Drug Administration;

(B) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;

(C) Any substance to the extent it is used for personal, family or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

(D) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; or

(E) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

(15) Hazardous Substance—any extremely hazardous substance listed in 40 CFR part 355; any hazardous chemical as defined in section (14); any pesticide for which a registration has been canceled or suspended under the provisions of section 263.300, RSMo, or the federal Insecticide, Fungicide and Rodenticide Act of 1972 (P.L. 92-516).

(16) Local Emergency Planning Committee (LEPC) chair—that person elected by the membership of the LEPC to call and chair LEPC meetings, to assign tasks, to develop LEPC subcommittees and to oversee the functioning of the LEPC. The LEPC chair and LEPC coordinator may be the same person.

(17) LEPC coordinator—a staff person, usually from local government, a regional planning council or a volunteer that maintains the day-to-day operations of the LEPC. Duties might include information management, facility compliance activities, hazardous materials planning, fund management, providing the functions of the community emergency coordinator and various other duties necessary for an LEPC to function. The LEPC coordinator and LEPC chair may be the same person.

(18) LEPC or committee—the people appointed by the MERC for a local emergency planning district for the purpose of improving hazardous chemical safety and preparedness.

(19) Local Emergency Planning District (LEPD) or district—a geographical area in Missouri designated by MERC for the purpose of hazardous chemical safety and planning.

(20) Local gas distribution system—a gas distribution system regulated by the Public Service Commission (PSC) that provides natural gas to the end use consumers of that gas. It does not include any pipeline, feeder line or transmission line, as defined by the PSC, that transports natural gas to other distribution systems or to other persons for subsequent distribution.

(21) Local government—any county, township, municipal corporation, school district or other governmental body of equivalent rank.

(22) Material Safety Data Sheet (MSDS)—the sheet required to be developed under Section 1910.1200(g) of Title 29 of the *Code of Federal Regulations*.

(23) Missouri Emergency Response Commission (MERC) or commission—The commission established under section 292.602, RSMo.

(24) Missouri Tier Two Form or Tier Two Form (see 11 CSR 40-4.040)—the emergency and hazardous chemical inventory form developed by the MERC.

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

(26) Petroleum retail facility—a facility where more than fifty percent (50%) of the hazardous material revenues are from the retail sale and delivery of gasoline, diesel fuel and propane to the general public at the facility.

(27) Petroleum-related employer—the person, firm or corporation earns more than fifty

percent (50%) of its hazardous chemical revenues from the sale, delivery or transport of petroleum products.

(28) Release—any threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying or dumping of a substance into or onto the land, air or waters of the state unless done in compliance with the conditions of a federal or state permit, unless the substance is confined and is expected to stay confined to property owned, leased or otherwise controlled by the person having control over the substance or unless, in the case of pesticides, application is done in accordance with the product label.

(29) Threshold planning quantity—is the quantity of an extremely hazardous substance established by the administrator under 40 CFR part 355 for emergency planning purposes.

(30) Transportation fee—a fee paid to the United States Department of Transportation under Section 117A(h) of the Hazardous Materials Transportation Act (P.L. 101-615).

(31) Waters of the state—all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two (2) or more persons jointly or as tenants in common and include waters of the United States lying within the state.

AUTHORITY: section 292.613, RSMo Supp. 1993. This rule also filed as 10 CSR 24-2.010. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994.*

**Original authority: 292.613, RSMo 1988, amended 1993.*

11 CSR 40-4.030 Emergency Notification of Releases of Hazardous Substances and Extremely Hazardous Substances

PURPOSE: This rule establishes a statewide emergency telephone number to notify Missouri whenever a hazardous substance emergency occurs and specifies the requirements for emergency notification and follow-up written notices in the event of a hazardous

substance emergency, the release of a reportable quantity of a hazardous substance and the release of a reportable quantity of an extremely hazardous substance.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Any person required to report the release of a hazardous substance or extremely hazardous substance in accordance with Section 304 of the Federal Emergency Planning and Community Right-to-Know Act (EPCRA) shall meet this requirement by notifying the Missouri Department of Natural Resources (MDNR) at 314/634-2436 as specified in 10 CSR 24-3.010 and shall provide such information as specified in 10 CSR 24-3.010(1) to the MDNR and to the emergency coordinator for the Local Emergency Planning Committee (LEPC) for any area likely to be affected by the release. If there is no LEPC or if a local emergency contact has not been designated by the LEPC, notification shall be provided to the appropriate local emergency response personnel.

(2) Any person required to provide an emergency notification under 11 CSR 40-4.030(1) shall provide a written follow-up emergency notice (or notices as more information becomes available) to the department and any affected LEPC. This written notice(s) shall contain the information described in 10 CSR 24-3.010(3). Also, written follow-up notice(s) shall be provided to the MDNR upon request of the MDNR.

AUTHORITY: section 292.613, RSMo Supp. 1993. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan 1, 1993, expired April 30, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994.*

**Original authority: 292.613, RSMo 1988, amended 1993.*

11 CSR 40-4.040 Reporting Procedures Under the State and Federal Emergency Planning and Community Right-to-Know Act (EPCRA)

PURPOSE: This rule establishes reporting procedures for persons and businesses in Missouri to comply with the state and federal Emergency Planning and Community Right-to-Know Acts.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The format for routine reporting under Sections 302, 303, 311 and 312 of the federal Emergency Planning and Community Right-to-Know Acts (EPCRA) and sections 292.605 and 292.617, RSMo of the state EPCRA is the Missouri Tier Two form. These reports are due to the department or postmarked by March 1 annually for the previous calendar year. The state EPCRA requires the names, current addresses and phone numbers of at least two (2) individuals familiar with the kind, location, nature and approximate quantities present in the facility, who may be contacted in the event of an emergency. The federal regulations for reporting under Sections 302 and 303 of the EPCRA are in 40 CFR part 355. Federal regulations for reporting under Sections 311 and 312 of the EPCRA are in 40 CFR part 370.

(A) Section 302 of the federal EPCRA requires anyone in Missouri having an extremely hazardous substance at or above the threshold planning quantity at a facility to provide that information to the Missouri Emergency Response Commission (MERC).

(B) Section 303 of the federal EPCRA requires that anyone having an extremely hazardous substance at a facility at or above the threshold planning quantity provide the Local Emergency Planning Committee (LEPC) with the name of a facility coordinator to work with LEPC to plan for hazardous chemical emergencies at the facility. The first person listed in the Emergency Contact section

of the Tier Two form shall be the facility coordinator for any facility with an extremely hazardous substance at or above the threshold planning quantity.

(C) The information required in subsections (1)(A) and (B) of this rule must be updated within sixty (60) days of a new extremely hazardous substance being present at the facility at or above the threshold planning quantity. Also, the owner or operator of a facility subject to subsection (1)(B) shall inform LEPC of any changes occurring at the facility which may be relevant to emergency planning.

(D) Any person engaged in business in Missouri having ten thousand pounds (10,000 lbs.) or more of a hazardous chemical at a facility or five hundred pounds (500 lbs.) or more (or the threshold planning quantity, whichever is less) of an extremely hazardous substance shall complete the Missouri Tier Two form for all such hazardous chemicals and extremely hazardous substances.

1. The Missouri Tier Two form is due each March 1 for the previous calendar year.

2. If any new hazardous chemical or extremely hazardous substance comes onto the site in a quantity sufficient to require reporting under this subsection, an updated Tier Two form must be provided within three (3) months.

3. The Tier Two form shall be provided to the local fire department, LEPC and MERC under this subsection.

(E) Owners and operators of facilities where one hundred pounds (100 lbs.) or more of explosives or blasting agents are present shall notify the fire department within twenty-four (24) hours of those materials being on-site. If the explosives or blasting agents are on-site for fifteen (15) days or more, a Tier Two form shall be provided to the fire department, LEPC and MERC.

(2) Upon a request from the local fire department, LEPC or the department, any person required to report under section (1) of this rule shall provide, as requested, a Missouri Tier Two form, Material Safety Data Sheet (MSDS), written description or diagram and other information regarding the kind, location, approximate quantities, hazardous nature and method of containment of hazardous chemicals which are stored, used or produced at the facility. Upon a request for information from the fire department, LEPC or department, the threshold for reporting under this section is anything over zero pounds (0 lbs.).

(3) Toxic Chemical Release Inventory (Form R) Reporting.

(A) Anyone required to report under Section 313 of the federal EPCRA shall file a copy of each Toxic Release Inventory with Department of Natural Resources at P.O. Box 176, Jefferson City, MO 65102. These forms are due by July 1 of each year for the previous calendar year.

(B) Submittal of the Toxic Release Inventory shall be on Form R as developed by the United States Environmental Protection Agency for each reporting year. Electronic or magnetic media submittals will not be accepted unless specifically authorized and in a format approved by the Missouri Department of Natural Resources. Federal regulations for submittal of Toxic Release Inventory forms (Form R) are contained in 40 CFR part 372.

AUTHORITY: section 292.613, RSMo Supp. 1993. This rule also filed as 10 CSR 24-4.010. Emergency rule filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Original rule filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994.*

**Original authority: 292.613, RSMo 1988, amended 1993.*



MISSOURI EMERGENCY RESPONSE COMMISSION, P.O. BOX 3133, JEFFERSON CITY, MO 65102
MISSOURI DEPARTMENT OF PUBLIC SAFETY

1 Reporting Period
 From January 1 to December 31, 19__ of Page __ of

2 Facility Identification County _____

3 Owner/Operator Name
 Name _____ Phone (____) _____
 Mail Address _____

4 Emergency Contact
 Name _____ Title _____
 Phone (____) _____ 24 Hr. Phone (____) _____
 Name _____ Title _____
 Phone (____) _____ 24 Hr. Phone (____) _____

Name _____ State _____ Zip _____
 Street Address _____
 City _____

SIC Code _____ Dun & Brad Number _____
 Are any explosives listed? Yes No
 Is this facility a family farm or owned by local government? Yes No

5 Initial Submission Update Check if information is identical to last year.

6a Chemical Description

CAS _____ Trade Secret
 Chem. Name _____

Check all that apply: Pure Mix Solid Liquid Gas

CAS _____ Trade Secret
 Chem. Name _____

Check all that apply: Pure Mix Solid Liquid Gas

CAS _____ Trade Secret
 Chem. Name _____

Check all that apply: Pure Mix Solid Liquid Gas

6b Physical and Health Hazards (check all that apply)
 Fire Sudden Release of Pressure Reactivity Immediate (acute) Delayed (chronic) Extremely Hazardous Substance

6c Inventory In Pounds

6d	6c	6b	6a
Maximum daily amount	Number of Days on site	Fire	CAS
Average daily amount	Optional Report	Sudden Release of Pressure	Chem. Name
Optional Report	Optional Report	Reactivity	Check all that apply
Maximum daily amount	Optional Report	Immediate (acute)	CAS
Average daily amount	Optional Report	Delayed (chronic)	Chem. Name
Optional Report	Optional Report	Extremely Hazardous Substance	Check all that apply
Maximum daily amount	Optional Report	Fire	CAS
Average daily amount	Optional Report	Sudden Release of Pressure	Chem. Name
Optional Report	Optional Report	Reactivity	Check all that apply
Maximum daily amount	Optional Report	Immediate (acute)	CAS
Average daily amount	Optional Report	Delayed (chronic)	Chem. Name
Optional Report	Optional Report	Extremely Hazardous Substance	Check all that apply

7 Certification (Read and sign after completing all sections)
 I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____ and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

NAME AND OFFICIAL TITLE OF OWNER/OPERATOR OR OWNER/OPERATOR'S AUTHORIZED REPRESENTATIVE _____ SIGNATURE _____ DATE SIGNED _____

8 Optional Attachments
 I have attached a site plan
 I have attached a list of site coordinate abbreviations
 I have attached a description of dikes and other safeguard measures

11 CSR 40-4.050 Hazardous Chemical Fees

PURPOSE: This rule describes the hazardous chemical fee system, how to calculate these fees and when and where to submit them.

(1) Fees for Tier Two forms (see 11 CSR 40-4.020) are payable at the time Tier Two forms are due, each March 1 for the previous calendar year.

(A) Fees shall be calculated as described in this section. It shall be the employers, responsibility to calculate the required fees on the fee calculation worksheet and to remit them to the Missouri Emergency Response Commission (MERC) at P.O. Box 3133, Jefferson City, MO 65102. Family farm operations and local government facilities are exempt from paying fees under this chapter.

(B) Fees that are owed are due at the MERC or postmarked no later than March 1 each year along with the Tier Two forms and the fee calculation worksheet. A late charge of ten percent (10%) of the fees owed will be assessed for fees that are not paid on time. An additional one percent (1%) per month of fees owed plus late charges will also be assessed for late submittal of fees.

(C) Owners or operators of petroleum retail facilities shall pay fifty dollars (\$50) for each facility.

(D) Owners or operators of other facilities shall pay one hundred dollars (\$100) for up to three (3) reportable hazardous chemicals listed on the Tier Two form and twenty dollars (\$20) for each additional reportable hazardous chemical in excess of three (3).

(E) For each calendar year, fees shall be calculated based on each hazardous chemical on hand at any one (1) time at a facility in excess of ten thousand pounds (10,000 lbs.) or for extremely hazardous substances on hand at any one (1) time in excess of five hundred pounds (500 lbs.) or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one (1) time in excess of one hundred pounds (100 lbs.).

(F) For the purpose of calculating fees, all grades of gasoline are considered to be one (1) product; all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel and all other heavy distillate products except for grades of gasoline are considered to be one (1) product, and all varieties of motor lubricating oil are considered to be one (1) product.

(2) Petroleum-Related Employers.

(A) Any employer that wants to be considered a petroleum-related employer must certify to the commission that more than fifty

percent (50%) of the employer's hazardous chemical revenue is from the sale, delivery or transport of petroleum products. This certification shall be in writing, signed by an officer of the company and shall pertain to the calendar year for which Tier Two forms are filed. The commission may require that additional documentation be provided on request to establish that an employer is a petroleum-related employer.

(B) An employer whose primary hazardous chemical business is petroleum related and who has paid federal hazardous materials transportation fees during the calendar year for which the Tier Two form is filed may deduct the amount of the transportation fee from the amount owed to MERC.

(C) In order to deduct transportation fees from fees otherwise owed to MERC, petroleum-related employers shall provide documentation with their Tier Two forms on the amount of transportation fees paid to the United States Department of Transportation. The transportation fees may be deducted only for the same calendar year that the Tier Two forms cover.

(D) If the federal transportation fees exceed the fees that would otherwise be owed to MERC, no fees shall be required to be paid to the MERC.

(E) In order to deduct federal transportation fees from those owed to the commission, a petroleum-related employer shall file all his/her Tier Two forms together, along with a list of the employer's facilities by county. Also, that employer shall calculate and list the fees that would be paid for each facility, total those fees and subtract the federal transportation fee from that total.

(3) Any one employer shall not be required to pay more than ten thousand dollars (\$10,000) per year in fees to MERC under sections (1)–(5) of this rule.

(A) Any employer requesting the use of this ten thousand dollar (\$10,000)-cap on fees shall file all of his/her Tier Two forms together along with a list of each of the employer's facilities by county.

(B) The employer also shall calculate and list the fee that would apply to each facility in the absence of the ten thousand dollar (\$10,000)-cap.

(4) Employers, at their discretion, may list hazardous chemicals on their Tier Two form for which reporting is not required. The employer shall designate which chemicals are not required to be reported and shall not be required to pay fees for these chemicals.

(5) Employers engaged in transporting hazardous chemicals by pipeline, except local gas distribution companies regulated by the Missouri Public Service Commission, shall pay a fee of two hundred fifty dollars (\$250) for each county in which they operate.

(A) These fees are due March 1 each year for pipelines operated during the previous calendar year.

(B) Along with the fees, an employer reporting under this section shall list the counties in which they operated during the previous calendar year.

(C) A late charge of ten percent (10%) of the fees owed under this section will be assessed for fees that are not paid on time. An additional one percent (1%) per month of fees owed plus late charges also will be assessed for late submittal of fees.

AUTHORITY: section 292.613, RSMo Supp. 1993. This rule also filed as 10 CSR 24-5.010. Emergency rule filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Original rule filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994.*

**Original authority: 292.613, RSMo 1988, amended 1993.*



MISSOURI DEPARTMENT OF PUBLIC SAFETY
MISSOURI EMERGENCY RESPONSE COMMISSION
FEE CALCULATION WORKSHEET

P.O. BOX 3133
JEFFERSON CITY, MO 65102

1 DATE _____ PAGE _____ OF _____

NOTE ▶ PLEASE READ AND FOLLOW INSTRUCTIONS

2 NAME OF BUSINESS		ADDRESS		CITY		TELEPHONE NUMBER			
STATE	ZIP CODE	CONTACT PERSON							
3 A FACILITY COUNTY OR ST. LOUIS CITY Alphabetically	B FACILITY NAME Alphabetically within County	C FACILITY STREET, CITY	D OR E FACILITY TYPE Retail, Petroleum \$50 \$ Other \$100 \$	F REPORTABLE CHEMICALS # \$20 each after 3 #	G REPORTABLE CHEMICALS # \$20 each after 3 \$	H LESS COMBINED PETROLEUM #	I LESS COMBINED PETROLEUM \$	J CALCULATED AMOUNT D or E + G - I \$	K DPS USE X =
DPS USE									
9 CERTIFICATION (Read and sign after completing all sections) I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.									
				4 Total of Calculated Amount Column (J)		\$		DPS USE ONLY	
				5 Subtract Federal Transportation Fees. Petroleum Business Certification (attached) must be completed to qualify.		—		Acct. Dist. 780-58701-1297	
				6 Base Amount Owed (See instructions)					
				7 Late Charges (10% for receipt after March 1 plus 1% per month)				780-58701-1645	
				8 TOTAL AMOUNT OWED		\$		CHECK NO.	
NAME AND OFFICIAL TITLE OF OWNER/OPERATOR OR AUTHORIZED REPRESENTATIVE				SIGNATURE		DATE SIGNED			

DISTRIBUTION: WHITE/CANARY - DIVISION OF FIRE SAFETY; PINK - YOUR COPY

MO 812-0672 (10-93)