

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 the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making 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 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 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 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 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 10—Market Development Chapter 5—Price Reporting

PROPOSED RULE

2 CSR 10-5.010 Price Reporting Requirements for Livestock Purchases by Packers

PURPOSE: This rule specifies the requirements of sections 277.200 through 277.215, RSMo, which may be confusing or subject to differing interpretations by interested members of the public.

(1) The following definitions shall apply to the interpretations and enforcement of sections 277.200 through 277.215, RSMo:

(A) Discrimination—defined as offering a different price for the same quality of livestock unless such price differential is based on—

1. Transportation and acquiring costs;
2. An agreement for delivery of livestock at a specified date or time; or
3. Historical data reflecting anticipated carcass merit or value so long as said data is made available to the seller along with applicable premiums and discounts;

(B) Missouri resident—defined as any—

1. Individual residing or domiciled in Missouri;
2. Missouri corporation;
3. Foreign corporation registered in Missouri and doing business in Missouri;
4. Missouri limited liability corporation (LLC);
5. Foreign LLC registered in Missouri and doing business in Missouri; or
6. Partnership doing business in Missouri; and

(C) Direct purchases—shall include but shall not be limited to:

1. Cash;
2. Grade and yield;
3. Grid;
4. Formula pricing; or
5. Forward contracts.

(2) The nature of public auction insures that discrimination does not occur. The open bidding process on livestock already delivered to a specific place and occurring at a given time and with the stock present for all to view allows the final and successful bidder to meet the requirements specified in section 277.203, RSMo. Therefore, sections 277.200 through 277.215, RSMo, shall not apply to a packer or packer's agent who purchases or solicits livestock at a public auction market.

(3) Reporting as required under sections 277.200 through 277.215, RSMo shall be made to the Department of Agriculture. Forms may be obtained from the Department of Agriculture. Data may be transferred electronically in lieu of manual forms. Recommended format and file type may be obtained from the Missouri Department of Agriculture at (573) 751-4339.

AUTHORITY: section 277.215, RSMo Supp. 1999. This rule previously filed as 2 CSR 10-5.005. Emergency rule filed Sept. 3, 1999, effective Sept. 13, 1999, expires March 2, 2000. Original rule filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies or political subdivisions \$60,133 annually, and an additional one-time equipment/supply purchase estimated at \$9,368.

PRIVATE ENTITY COST: This proposed rule is estimated to cost affected private entities each \$2,860 annually in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Gene Wiseman, Administrator, Domestic Marketing Program, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments shall be filed on or before December 16, 1999. A public hearing is scheduled for December 16, 1999, at 10:00 a.m. in the third floor board room of the Missouri Department of Agriculture Building, 1616 Missouri Blvd., Jefferson City, Missouri.

SPECIAL NEEDS: Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Department of Agriculture at least ten days prior to the hearing at (573) 751-4561.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 2 — Department of Agriculture
Division: 10 — Market Development
Chapter: 5—Price Reporting
Type of Rulemaking: Proposed Rule
Rule Number and Name: 2.CSR 10-5.010

II. SUMMARY OF FISCAL IMPACT

Affected Agency/Political Subdivision	Estimated Aggregate Cost of Compliance
Agriculture—Market Development Division	Annual estimated costs = \$60,133 One-time equipment/supply cost = \$9,368

III. WORKSHEET

Two Missouri Department of Agriculture employees will identify packers, collect, organize, analyze, and disseminate market price information from all meat packers purchasing Missouri slaughter cattle, hogs, and sheep on a daily basis. Data collected will provide Missouri producers additional information that may assist in marketing livestock.

2 FTE @ \$23,147.⁵⁰ = \$46,295
2 FTE Benefits @ \$6,919 = \$13,838
Total annual costs = \$60,133

Equipment and Expenses (one-time cost) = \$9,368

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

1. Costs are estimated at Fiscal Year 2000 rates. No adjustments were made for inflation.
2. Cost estimates assume no sudden change in technology that would influence costs.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 2 — Department of Agriculture
 Division: 10 — Market Development
 Chapter: 5—Price Reporting
 Type of Rulemaking: Proposed Rule
 Rule Number and Name: 2.CSR 10-5.010

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:
Approximately 15	Meat packers	Costs will vary, dependent upon the frequency and volume of livestock purchased. Estimated costs per entity are \$2,860 annually.

III. WORKSHEET

There are currently 15 meat packers purchasing Missouri livestock. Costs for transmission of records to the Department of Agriculture as required by §277.200 through 277.215 are estimated as follows:

There are 260 reporting days per year, and it is estimated that a maximum of ½ hour will be required by meat packer personnel to fulfill reporting requirements. It is further estimated that each packer would report twice daily, at a maximum cost of \$1 per call:

260 reporting days x \$9.00 (½ hour @ \$18.00 per hour wage of reporting personnel) = \$2,340

260 reporting days x \$2.00 (maximum telephone cost for transfer of information) = \$520

Annual estimated cost per meat packer = \$2,860

Actual costs will vary dependent upon the frequency and volume of purchases of Missouri livestock by each packer. Meat packers that do not purchase Missouri livestock for slaughter will incur no cost associated with the proposed rule. Packers that purchase Missouri livestock for slaughter with high frequency and volume will incur the previously mentioned estimated costs. Packers purchasing livestock from both auction markets and directly from producers will incur costs only on the portion of livestock not purchased from auction markets.

Electronic data transfer permitted by the proposed rule could potentially eliminate or greatly reduce the estimated cost per entity.

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

1. Costs are estimated at Fiscal Year 2000 rates. No adjustments were made for inflation.
2. Cost estimates assume no sudden change in technology that would influence costs.
3. Affected entities are assumed to be in compliance with USDA Packers & Stockyards regulations, thereby already maintaining (as part of normal business records) information required to be reported under this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

PROPOSED AMENDMENT

10 CSR 10-5.490 Municipal Solid Waste Landfills. The commission proposes to amend sections (1), (3), (4), and (6); amend subsections (2)(B), (2)(D), (2)(I), (2)(J), (5)(A), (7)(C), (7)(D), (7)(G), (7)(H), and (7)(I); add subsections (1)(B), (1)(C), (2)(J), (2)(N), and (7)(J); and renumber subsections (2)(J) through (2)(N). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Program.

PURPOSE: This action amends, corrects errors, and clarifies regulatory text to comply with recent amendments to subpart Cc of 40 CFR part 60.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Applicability.

(A) This rule applies to all municipal solid waste (MSW) landfills [(MSWLF)] located in the St. Louis ozone nonattainment area (Jefferson, Franklin, St. Charles, St. Louis Counties and St. Louis [c/City) that have accepted waste any time since November 8, 1987, or have additional capacity available for future waste deposition.

(B) For purposes of obtaining an operating permit under Title V of the Clean Air Act, the owner or operator of an MSW landfill subject to this rule with a design capacity less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters is not subject to the requirements to obtain an operating permit for the landfill under 40 Code of Federal Regulations (CFR) part 70 or 71, unless the landfill is otherwise subject to either 40 CFR part 70 or 71. For purposes of submitting a timely application for an operating permit under 40 CFR part 70 or 71, the owner or operator of an MSW landfill subject to the rule with a design capacity greater than or equal to two and one-half (2.5) million megagrams and two and one-half (2.5) million cubic meters on the effective date of EPA approval of the state's program under section 111(d) of the Clean Air Act (June 23, 1998), and not otherwise subject to either 40 CFR part 70 or 71, becomes subject to the requirements of section 70.5(a)(1)(i) or 71.5(a)(1)(i) of the Clean Air Act ninety (90) days after the effective date of such 111(d) program approval, even if the design capacity report is submitted earlier.

(C) When an MSW landfill subject to this rule is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under 40 CFR part 70 or 71 for the landfill if the landfill is not otherwise subject to the requirements of either 40 CFR part 70 or 71 and if either of the following conditions is met:

1. The landfill was never subject to a requirement for a control system under section (3) of this rule; or

2. The owner or operator meets the conditions for control system removal specified in section 60.752(b)(2)(v) of subpart WWW.

(2) Definitions.

(B) Closed landfill—A landfill in which [refuse] solid waste is no longer being placed, and in which no additional wastes will be placed without first filing a notification of modification as prescribed under 40 CFR part 60.7(a)(4) (incorporated by reference). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.

(D) Design capacity—The maximum amount of solid waste the landfill can accept, as [specified in the] indicated in terms of volume or mass in the most recent operating or construction permit issued by the county or state agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters, the calculation must include a site-specific density, which must be recalculated annually.

(I) Lateral expansion—A horizontal expansion of the waste boundaries of an existing [MSWLF] MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

(J) Modification—An increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its most recent permitted design capacity. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

[(J)](K) Municipal solid waste landfill [(MSWLF)] or MSW landfill—An entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An [MSWLF] MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an [MSWLF] MSW landfill may be separated by access roads. An [MSWLF] MSW landfill may be publicly or privately owned. An [MSWLF] MSW landfill may be a new [MSWLF] MSW landfill, an existing [MSWLF] MSW landfill or a lateral expansion.

[(K)](L) NMOC—Nonmethane organic compounds.

[(L)](M) Passive collection system—A gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

(N) Solid waste—Any garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 U.S.C. 1342 (incorporated by reference), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq., incorporated by reference).

[(M)](O) Sufficient density—Any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance set forth in this rule.

[(N)](P) Sufficient extraction rate—A rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

(3) General Provisions.

(A) Each owner or operator of a municipal solid waste (MSW) landfill having a design capacity less than one (1.0) million megagrams (one and one-tenth (1.1) million tons) by mass or one (1.0) million cubic meters (one and three-tenths (1.3) million cubic yards) by volume shall submit within ninety (90) days of the rule effective date an initial design capacity report, as described in section (7) of this rule, to the director. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report shall fulfill the requirements of this rule, except as provided for in paragraphs (3)(A)1. and 2. of this rule.

1. The owner or operator shall submit an amended design capacity report to the director when there is any increase in the design capacity of the landfill. An increase in design capacity may result from an increase in the area or depth of the landfill, a change in the operating procedures of the landfill, or any other means.

2. If an increase in the design capacity of the landfill results in a revised maximum design capacity equal to or greater than one (1.0) million megagrams or one (1.0) million cubic meters, the owner or operator shall comply with the provisions of subsection (3)(B) of this rule.

(B) Each owner or operator of an MSW landfill having a design capacity equal to or greater than one (1.0) million megagrams or one (1.0) million cubic meters shall submit within ninety (90) days of the rule effective date an initial design capacity report and an NMOC emission rate report, as described in sections (4) and (7) of this rule, to the director. The NMOC emission rate shall be recalculated annually except as provided for in subsection (7)(C) of this rule.

1. If the calculated NMOC emission rate is less than twenty-five (25) megagrams (twenty-seven and one-half (27.5) tons) per year, the owner or operator shall—

A. Submit an annual emission rate report to the director; and

B. Recalculate the NMOC emission rate annually until such time as the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams, or the landfill closes.

(I) If the NMOC emission rate, upon recalculation, is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall install a collection and control system in compliance with paragraph (3)(B)2. of this rule.

(II) If the landfill is permanently closed, a closure notification shall be submitted to the director.

2. If the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall—

A. Submit a collection and control system design plan prepared by a professional engineer to the director within one (1) year of the NMOC emission rate report. Permit modification approval from the Missouri Department of Natural Resources' Solid Waste Management Program shall be required prior to construction of any gas collection system.

(I) The collection and control system shall meet the design requirements of subparagraph (3)(B)2.B. of this rule.

(II) The collection and control system design plan shall include any alternatives to the operation standards, test methods, procedures, compliance measures, monitoring, record keeping or reporting provisions of sections (4) through (7) of this rule proposed by the owner or operator.

(III) The collection and control system design plan shall either conform with specifications for active collection systems or include a demonstration to the director's satisfaction of the sufficiency of the alternate system.

(IV) The director will review the collection and control system design plan and either approve it, disapprove it, or request that additional information be submitted;

B. Install a collection and control system *[within eighteen (18) months of the submittal of the design plan required in this section that effectively, as described in section (5), captures the gas generated within the landfill as required by part (3)(B)2.B.(I) or (II) and subparagraph (3)(B)2.C. of this rule within thirty (30) months after the first annual report in which the emission rate equals or exceeds twenty-five (25) megagrams per year, unless Tier 2 or Tier 3 sampling under subsection (4)(C) or (4)(D) of this rule demonstrates that the emission rate is less than twenty-five (25) megagrams per year, as specified in paragraph (7)(D)1. or 2. of this rule.*

(I) An active collection system shall—

(a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five (5) years or more, if active, or two (2) years or more, if closed or at final grade;

(c) Collect gas at a sufficient extraction rate; and

(d) Be designed to minimize off-site migration of subsurface gas.

(II) A passive collection system shall—

(a) Comply with the provisions of subparts (3)(B)2.B.(I)(a), (b), and (d) of this rule; and

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected;

(III) Each owner or operator of an MSW landfill gas collection and control system shall—

(a) Operate the collection system with negative pressure at each wellhead except under the following conditions:

I. A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in subsection (7)(H) of this rule;

II. Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan; and

III. A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the director;

(b) Operate each interior wellhead in the collection system with a landfill gas temperature less than fifty-five degrees Celsius (55°C) and with either a nitrogen level less than twenty percent (20%) or an oxygen level less than five percent (5%). The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

I. The nitrogen level shall be determined using Method 3C of Appendix A, 40 CFR part 60, unless an alternative test method is established as allowed by part (3)(B)2.A.(II) of this rule;

II. Unless an alternative test method is established as allowed by part (3)(B)2.A.(II) of this rule, the oxygen shall be determined by an oxygen meter using Method 3A of Appendix A, 40 CFR part 60, except that—

a. The span shall be set so that the regulatory limit is between twenty and fifty percent (20 and 50%) of the span;

b. A data recorder is not required;

c. Only two (2) calibration gases are required, a zero and span, and ambient air may be used as the span;

d. A calibration error check is not required; and

e. The allowable sample bias, zero drift, and calibration drift are plus or minus ten percent ($\pm 10\%$);

(c) Operate the collection system so that the methane concentration is less than five hundred (500) parts per million above background **concentration** at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area along a pattern that traverses the landfill at thirty (30)-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the thirty (30)-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing;

(d) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with subparagraph (3)(B)2.C. **of this rule**. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one (1) hour;

(e) Operate the control or treatment system at all times when the collected gas is routed to the system; and

(f) If monitoring demonstrates that the operational requirement in subpart (3)(B)2.B.(III)(a), (b), or (c) **of this rule** are not met, corrective action shall be taken as specified in subsection (5)(B) **of this rule**. If corrective actions are taken as specified in subsection (5)(B) **of this rule**, the monitored exceedance is not a violation of the operational requirements in this section;

C. Route all the collected gas to *[a] one of the following control systems: [described in part (3)(B)2.C.(II), (III), or (III) of this section.]*

(I) An open flare;

(II) A control system designed and operated to reduce NMOC by ninety-eight (98) weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by ninety-eight (98) weight-percent, or reduce the outlet NMOC concentration to less than twenty (20) parts per million by volume, dry basis as hexane at three percent (3%) oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test, **to be completed no later than one hundred eighty (180) days after the initial startup of the approved control system**; or

(III) **A system that /R/routes** the collected gas to a treatment system that processes the collected gas for subsequent sale or use; *[and/]*

D. The collection and control system may be capped or removed provided the following conditions are met:

(I) The landfill shall be no longer accepting solid waste and be permanently closed. A closure report shall be submitted to the director;

(II) The collection and control system has been in operation a minimum of fifteen (15) years; and

(III) The calculated NMOC gas produced by the landfill is less than twenty-five (25) megagrams per year on three (3) successive test dates. The test dates shall be no less than ninety (90) days apart and no more than one hundred eighty (180) days apart./.; **and**

E. **The planning, awarding of contracts, and installation of MSW landfill air emission collection and control equipment capable of meeting the emission standards in subsection (3)(B) of this rule shall be accomplished within thirty (30) months after the date the initial NMOC emission rate report shows NMOC emissions equal or exceed twenty-five (25) megagrams per year.**

(4) Test Methods.

(A) The owner or operator of an MSW landfill shall calculate the NMOC emission rate using either the equation provided in paragraph (4)(A)1. **of this rule** or the equation provided in paragraph (4)(A)2. **of this rule**. **Both equations may be used if the actual year-to-year solid waste acceptance rate is known.** The values to be used in both equations are 0.05 per year for k , 170 cubic meters per megagram for L_o , and 4,000 parts per million by volume as hexane for the C_{NMOC} unless site-specific values are calculated as described under Tier 1, Tier 2, and Tier 3 *[of this section] in subsections (4)(B), (4)(C), and (4)(D) of this rule.* **For landfills located in geographical areas with a thirty (30)-year annual average precipitation of less than twenty-five inches (25"), as measured at the nearest representative official meteorologic site, the k value to be used is 0.02 per year.**

1. The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for M_i if documentation *[is provided] of the nature and amount of such wastes is maintained.* The following equation shall be used if the actual year-to-year solid waste acceptance rate is known:

$$M_{NMOC} = \sum_{i=1}^n k L_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

M_{NMOC} = Total NMOC emission rate from the landfill, megagrams per year
 k = methane generation rate constant, year⁻¹
 L_o = methane generation potential, cubic meters per megagram solid waste
 M_i = mass of solid waste in the i^{th} section, megagrams
 t_i = age of the i^{th} section, years
 C_{NMOC} = concentration of NMOC, parts per million by volume as hexane
 3.6×10^{-9} = conversion factor

2. The mass of nondegradable solid waste may be subtracted from the average annual acceptance rate when calculating a value for R if documentation is provided. The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown:

$$M_{NMOC} = 2L_o R (e^{-kc} - e^{-kt}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

M_{NMOC} = mass emission rate of NMOC, megagrams per year
 L_o = methane generation potential, cubic meters per megagram solid waste
 R = average annual acceptance rate, megagrams per year
 k = methane generation rate constant, year⁻¹
 c = time since closure, years (for active landfill $c = 0$ and $e^{-kc} = 1$)
 t = age of landfill, years
 C_{NMOC} = concentration of NMOC, parts per million by volume as hexane
 3.6×10^{-9} = conversion factor

(B) Tier 1. The owner or operator shall compare the calculated NMOC mass emission rate to the standard of twenty-five (25) megagrams per year.

1. If the NMOC emission rate calculated in paragraph (4)(A)1. or 2. **of this rule** is less than twenty-five (25) megagrams per year, then the landfill owner shall submit an emission rate

report and shall recalculate the NMOC mass emission rate annually as required under paragraph (3)(B)1. **of this rule.**

2. If the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams per year, then the landfill owner shall either comply with paragraph (3)(B)2. **of this rule**, or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in subsection (4)(C) **of this rule.**

(C) Tier 2. The owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two (2) sample probes per hectare of landfill surface that has retained solid waste for at least two (2) years. If the landfill is larger than twenty-five (25) hectares in area, only fifty (50) samples are required. The sample probes shall be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one (1) sample of landfill gas from each probe to determine the NMOC concentration using Method 25C or Method 18 of Appendix A, 40 CFR part 60. If composite sampling is used, equal volumes shall be taken from each sample probe. If more than the required number of samples are taken, all samples shall be used in the analysis. The landfill owner or operator shall divide the NMOC concentration from Method 25C by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane. The owner or operator shall recalculate the NMOC mass emission rate using the equations provided in paragraph (4)(A)1. or 2. **of this rule** and using the average NMOC concentration from the collected samples instead of the default value in the equation.

1. If the resulting NMOC mass emission rate is less than twenty-five (25) megagrams per year, the owner or operator shall submit an emission rate report as required under paragraph (3)(B)1. **of this rule** and retest the site-specific NMOC concentration every five (5) years using the methods specified in this section.

2. If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than twenty-five (25) megagrams per year, then the landfill owner or operator shall either comply with paragraph (3)(B)2. **of this rule**, or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in subsection (4)(D) **of this rule.**

(D) Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of Appendix A, 40 CFR part 60. The landfill owner or operator shall estimate the NMOC mass emission rate using the equations in paragraph (4)(A)1. or 2. **of this rule** using a site-specific methane generation rate constant k , and using the site-specific NMOC concentration as determined in subsection (4)(C) **of this rule** instead of the default values provided in subsection (4)(A) **of this rule**. The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of twenty-five (25) megagrams per year.

1. If the NMOC mass emission rate is less than twenty-five (25) megagrams per year, then the owner or operator shall submit a periodic emission rate report as provided in paragraph (3)(B)1. **of this rule** and shall recalculate the NMOC mass emission rate annually. The calculation of the methane generation rate constant is performed only once, and the value obtained shall be used in all subsequent annual NMOC emission rate calculations.

2. If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall comply with paragraph (3)(B)2. **of this rule.**

(E) The owner or operator may use other methods to determine the NMOC concentration or a site-specific k as an alternative to

the methods in subsections (4)(C) and (D) **of this rule** if the method has been approved in writing by the director.

(F) After the installation of a collection and control system in compliance with section (5) **of this rule**, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in subparagraph (3)(B)2.D. **of this rule**, using the following equation:

$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} C_{\text{NMOC}}$$

where,

M_{NMOC} = mass emission rate of NMOC, megagrams per year

Q_{LFG} = flow rate of landfill gas, cubic meters per minute

C_{NMOC} = NMOC concentration, parts per million by volume as hexane

1. The flow rate of landfill gas, Q_{LFG} , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of Method 2E of Appendix A, 40 CFR part 60.

2. The average NMOC concentration, C_{NMOC} , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of Appendix A, 40 CFR part 60. If using Method 18, the minimum list of compounds to be tested shall be those published in the most recent *Compilation of Air Pollutant Emission Factors* (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.

3. The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the director.

(G) The owner or operator of each MSW landfill shall estimate the NMOC emission rate for comparison to the Prevention of Significant Deterioration (PSD) major source and significance levels in section 51.166 or 52.21 of 40 CFR parts 51 and 52 using AP-42 or other approved measurement procedures. If a collection system, which complies with the provisions in paragraph (3)(B)2. **of this rule** is already installed, the owner or operator shall estimate the NMOC emission rate using the procedures provided in subsection (4)(F) **of this rule.**

(H) For the performance test required in part (3)(B)2.C.(II) **of this rule**, Method 25C or Method 18 shall be used to determine compliance with ninety-eight (98) weight-percent efficiency or the twenty parts per million by volume (20 ppmv) outlet concentration level, unless another method to demonstrate compliance has been approved by the director as provided by part (3)(B)2.A.(II) **of this rule**. If using Method 18, the minimum list of compounds to be tested shall be those published in the most recent *Compilation of Air Pollutant Emission Factors* (AP-42). The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = (\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}) / (\text{NMOC}_{\text{in}})$$

where,

NMOC_{in} = mass of NMOC entering control device

NMOC_{out} = mass of NMOC exiting control device

(5) Compliance.

(A) Except as provided for in part (3)(B)2.A.(II) **of this rule**, the following methods shall be used to determine whether the gas collection system is in compliance/./:

1. One of the following equations shall be used in calculating the maximum expected gas generation flow rate from the landfill as described in subpart (3)(B)2.B.(I)(a) of this rule. The k and L_0 kinetic factors shall be those published in the most recent *Compilation of Air Pollution Emission Factors* (AP-42) or other site-specific values demonstrated to be appropriate and approved in writing by the director. A value of no more than fifteen (15) years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure. After installation of a collection and control system, actual flow data shall be used to project the maximum flow rate.

A. For sites with unknown year-to-year solid waste acceptance rate:

$$Q_m = 2L_0 R(e^{-kc} - e^{-kt})$$

where,

- Q_m = maximum expected gas generation flow rate, cubic meters per year
 L_0 = methane generation potential, cubic meters per megagram solid waste
 R = average annual acceptance rate, megagrams per year [C]
 k = methane generation rate constant, year⁻¹
 c = time since closure, years (for an active landfill $c = 0$ and $e^{-kc} = 1$)
 t = age of the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure, t is the age of the landfill at installation, years

B. For sites with known year-to-year solid waste acceptance rate:

$$Q_m = \sum_{i=1}^n 2kL_0 M_i (e^{-kt})$$

where,

- Q_m = maximum expected gas generation flow rate, cubic meters per year
 k = methane generation rate constant, year⁻¹
 L_0 = methane generation potential, cubic meters per megagram solid waste
 M_i = mass of solid waste in the i^{th} section, megagrams
 t_i = age of the i^{th} section, years/./;

2. For the purposes of determining sufficient density of gas collectors for compliance with subpart (3)(B)2.B.(I)(b) of this rule, the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the director, capable of controlling and extracting gas from all portions of the landfill/./;

3. For the purposes of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with subpart (3)(B)2.B.(I)(c) of this rule, the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within five (5) calendar days. If negative pressure cannot be achieved without excess air infiltration within fifteen (15) calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within one hundred twenty (120) days of the initial measurement of positive pressure. Compliance with this subsection will not be

required during the first one hundred eighty (180) days after gas collection system start-up. **An alternative timeline for correcting the exceedance may be submitted to the director for approval; and**

4. An owner or operator seeking to demonstrate compliance with subpart (3)(B)2.B.(I)(d) of this rule shall provide information satisfactory to the director demonstrating that off-site migration is being controlled.

(6) Monitoring.

(A) Each owner or operator seeking to comply with part (3)(B)2.B.(I) of this rule for an active gas collection system shall install a sampling port and a thermometer or other temperature measuring device, **or an access port for temperature measurements** at each wellhead and—

1. Measure the gauge pressure in the gas collection header on a monthly basis;
2. Monitor the nitrogen or oxygen concentration in the landfill gas on a monthly basis; and
3. Monitor the temperature of the landfill gas on a monthly basis.

(B) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this rule using an enclosed combustion device shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A temperature monitoring device equipped with a continuous recorder and having a/n/ **minimum** accuracy of **plus or minus one [± 1] percent ($\pm 1\%$)** of the temperature being measured expressed in degrees Celsius or **plus or minus one-half degree Celsius ($\pm 0.5^\circ\text{C}$)**, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with **maximum** design heat input capacity greater than forty-four (44) megawatts; and

2. *[A gas flow rate measuring device that provides a measurement of gas]* **A device that records** flow to or bypass of the control device. The owner or operator shall either—

A. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or

B. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration.

(C) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this rule using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame; and
2. A device that records flow to or bypass of the flare. The owner or operator shall either—

A. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or

B. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration.

(D) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. of this rule using a device other than an open flare or an enclosed combustion device shall provide information satisfactory to the director describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The director shall review the information and either approve it, or request that additional information be submitted.

(E) Each owner or operator seeking to comply with subsection (5)(B) of this rule shall monitor surface concentrations of methane according to the instrument specifications. Any closed landfill that has no exceedances of the five hundred parts per million (500 ppm) standard in three (3) consecutive quarterly monitoring periods may

change to annual monitoring. Any exceedance of the five hundred parts per million (500 ppm) standard recorded during the annual monitoring shall return the monitoring frequency to quarterly testing.

(7) Reporting and Record /k/Keeping.

(C) The initial NMOC emission rate report shall be submitted within ninety (90) days of the rule effective date and annually thereafter. The initial NMOC emission rate report may be combined with the initial design capacity report required in subsection (7)(A) of this rule. The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual emission rate. An annual emission rate report will not be required for landfills after installation of a collection and control system.

(D) Each owner or operator subject to subparagraph (3)(B)2.A. of this rule shall submit a collection and control system design plan to the director within one (1) year of the NMOC emission rate report, required under subsection (7)(C) of this rule, in which the emission rate exceeds twenty-five (25) megagrams per year, except as follows:

1. If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided under subsection (4)(C) of this rule and the resulting rate is less than twenty-five (25) megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than twenty-five (25) megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within one hundred eighty (180) days of the first calculated exceedance of twenty-five (25) megagrams per year; and

2. If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in subsection (4)(D) of this rule and the resulting NMOC emission rate is less than twenty-five (25) megagrams per year, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report, with the site-specific methane generation rate constant (k) shall be submitted to the director within one (1) year of the first calculated emission rate exceeding twenty-five (25) megagrams per year.

(G) Each owner or operator of an MSW landfill subject to paragraph (3)(B)2. of this rule shall keep up-to-date, readily accessible on-site records of the following:

1. Maximum design capacity;
2. Control equipment compliance monitoring;
3. A plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector; and
4. Collection and control system exceedances of the operation standards and the location of each exceedance.

(H) Each owner or operator of a landfill seeking to comply with paragraph (3)(B)2. of this rule using an active collection system designed in accordance with subparagraph (3)(B)2.B. of this rule shall submit to the director annual reports of the recorded information in paragraphs (7)(H)1.-6. of this rule. The initial annual report shall be submitted within one hundred and eighty (180) days of installation and start-up of the collection and control system, and shall include an initial performance test report.

1. Value and length of time for exceedance of applicable parameters monitored under subsections (6)(A), (B), (C), and (D) of this rule.

2. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow.

3. Description and duration of all periods when the control device was not operating for a period exceeding one (1) hour and length of time the control device was not operating.

4. All periods when the collection system was not operating in excess of five (5) days.

5. The location of each exceedance of the five hundred parts per million (500 ppm) methane concentration as provided in subpart (3)(B)2.B.(III)(c) of this rule and the concentration recorded at each location for which an exceedance was recorded in the previous month.

6. The date of installation and the location of each well or collection system expansion added.

(I) Each owner or operator seeking to comply with subparagraph (3)(B)2.A. of this rule shall include the following information with the initial performance test report:

1. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

2. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

3. The documentation of the presence of asbestos or non-degradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

4. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area;

5. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

6. The provisions for the control of off-site migration.

(J) Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than one (1.0) million megagrams or one (1.0) million cubic meters, as provided in the definition of design capacity, shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within four (4) hours of request. Either paper copy or electronic formats are acceptable.

AUTHORITY: section 643.050, RSMo [Supp. 1995] Supp. 1998. Original rule filed May 15, 1996, effective Dec. 30, 1996. Amended: Filed Oct. 7, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., February 8, 2000. The public hearing will be held at the Ramada Inn, Hermitage Room, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to

Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 15, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

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

PROPOSED AMENDMENT

10 CSR 10-6.310 Restriction of Emissions From Municipal Solid Waste Landfills. The commission proposes to amend sections (1), (3), (5), (7), (9), and (10); amend subsections (2)(C), (2)(F), (2)(G), (2)(O), (2)(T), (4)(B), (4)(E), (4)(G), (6)(A), (6)(B), (6)(C), (6)(D), (8)(A), (8)(B), (8)(C), (8)(E), (8)(F), and (8)(G); add subsections (1)(D), (1)(E), (2)(R), and (9)(F); and renumber subsections (2)(R) through (2)(Z). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This action amends, corrects errors, and clarifies regulatory text to comply with recent amendments to subpart Cc of 40 CFR part 60.

(1) Applicability.

(A) This rule applies to each municipal solid waste (MSW) landfill for which construction, reconstruction or modification was commenced before May 30, 1991, and has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition. Landfills for which construction, reconstruction or modification was commenced on May 30, 1991 or after, are covered under the Environmental Protection Agency's New Source Performance Standard for Municipal Solid Waste Landfills.

(B) Physical or operational changes made to an existing [*municipal solid waste*] MSW landfill solely to comply with this rule are not considered construction, reconstruction, or modification for the purposes of this rule.

(C) [*Municipal solid waste*] MSW landfills covered by 10 CSR 10-5.490 are exempt from this rule.

(D) For purposes of obtaining an operating permit under Title V of the Clean Air Act, the owner or operator of an MSW landfill subject to this rule with a design capacity less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters is not subject to the requirements to obtain an operating permit for the landfill under 40 *Code of Federal Regulations* (CFR) part 70 or 71, unless the landfill is otherwise subject to either 40 CFR part 70 or 71. For purposes of submitting a timely application for an operating permit under 40 CFR part 70 or 71, the owner or operator of an MSW landfill subject to the rule with a design capacity greater than or equal to two and one-half (2.5) million megagrams and two and one-half (2.5) million cubic meters on the effective date of EPA approval of the state's program under section 111(d) of the Clean Air Act (June 23, 1998), and not otherwise subject to either 40 CFR part 70 or 71, becomes subject to the requirements of section 70.5(a)(1)(i) or 71.5(a)(1)(i) of the Clean Air Act ninety (90) days after the effective date of such 111(d) program approval, even if the design capacity report is submitted earlier.

(E) When an MSW landfill subject to this rule is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under 40 CFR part 70 or 71 for the landfill if the landfill is not otherwise subject to the requirements of either 40 CFR part 70 or 71 and if either of the following conditions is met:

1. The landfill was never subject to a requirement for a control system under section (3) of this rule; or

2. The owner or operator meets the conditions for control system removal specified in section 60.752(b)(2)(v) of subpart WWW.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020. Additional definitions are as follows:

(C) Closed landfill—A landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 *Code of Federal Regulations* (CFR) part 60.7(a)(4) (incorporated by reference). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. [*A landfill is considered closed after meeting the criteria of 40 CFR part 258.60 (incorporated by reference)*];

(F) Controlled landfill—Any landfill at which collection and control systems are required under this rule as a result of the non-methane organic compounds emission rate. The landfill is considered controlled [*at the time either 1) a notification of intent to install a collection and control system or 2)*] if a collection and control system design plan is submitted in compliance with subparagraph (3)(B)2.A. of this rule;

(G) Design capacity—The maximum amount of solid waste a landfill can accept, as [*specified in the*] indicated in terms of volume or mass in the most recent construction or operating permit issued by the state or local agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters, the calculation must include a site-specific density, which must be recalculated annually;

(O) Interior well—Any well or similar collection component located inside the perimeter of the landfill waste. A perimeter well located outside the landfilled waste is not an interior well;

(R) Modification—An increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its most recent permitted design capacity. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion;

[(R)](S) Municipal solid waste landfill or MSW landfill—An entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes, 40 CFR [P]part 257.2 (incorporated by reference) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion;

[(S)](T) Municipal solid waste landfill emissions or MSW landfill emissions—Gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste;

[(T)](U) NMOC—Non-/methane organic compounds, as measured according to the provisions of section (5) of this rule;

//(U)/(V) Nondegradable waste—Any waste that does not decompose through chemical breakdown or microbiological activity. Examples are, but are not limited to, concrete, municipal waste combustor ash, and metals;

//(V)/(W) Passive collection system—A gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment;

//(W)/(X) Sludge—Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant;

//(X)/(Y) Solid waste—Any garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 U.S.C. 1342 (incorporated by reference), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq., incorporated by reference);

//(Y)/(Z) Sufficient density—Any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance set forth in this rule; and

//(Z)/(AA) Sufficient extraction rate—A rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

(3) Standards for Air Emissions from Municipal Solid Waste Landfills.

(A) Each owner or operator of an MSW landfill having a design capacity less than two and one-half (2.5) million megagrams by mass or two and one-half (2.5) million cubic meters by volume shall submit an initial design capacity report to the director as provided in subsection (8)(A) **of this rule**. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. For purposes of part 70 permitting under 10 CSR 10-6.065, a landfill with a design capacity less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters does not require an operating permit under **40 CFR** part 70. Submittal of the initial design capacity report shall fulfill the requirements of this rule except as provided for in paragraphs (3)(A)1. and 2. **of this rule**.

1. The owner or operator shall submit to the director an amended design capacity report, as provided for in paragraph (8)(A)3. **of this rule**, when there is any increase in the design capacity of a landfill subject to the provisions of this rule, whether the increase results from an increase in the area or depth of the landfill, a change in the operating procedures of the landfill, or any other means.

2. If any increase in the maximum design capacity of a landfill exempted from the provisions of subsection (3)(B) through section (10) of this rule on the basis of the design capacity exemption in subsection (3)(A) **of this rule** results in a revised maximum design capacity equal to or greater than two and one-half (2.5) million megagrams *or* two and one-half (2.5) million cubic meters, the owner or operator shall comply with the provisions of subsection (3)(B) **of this rule**.

(B) Each owner or operator of an MSW landfill having a design capacity equal to or greater than two and one-half (2.5) million

megagrams *or* two and one-half (2.5) million cubic meters, shall either comply with paragraph (3)(B)2. **of this rule** or calculate an NMOC emission rate for the landfill using the procedures specified in section (5) **of this rule**. The NMOC emission rate shall be recalculated annually, except as provided in subparagraph (8)(B)1.B. of this rule. The owner or operator of an MSW landfill subject to this rule with a design capacity greater than or equal to two and one-half (2.5) million megagrams *or* two and one-half (2.5) million cubic meters is subject to part 70 permitting requirements. When a landfill is closed, and either never needed control or meets the conditions for control system removal specified in subparagraph (3)(B)2.E. of this rule, a part 70 operating permit is no longer required.

1. If the calculated NMOC emission rate is less than fifty (50) megagrams per year, the owner or operator shall—

A. Submit an annual emission report to the director, except as provided for in subparagraph (8)(B)1.B. **of this rule**; and

B. Recalculate the NMOC emission rate annually using the procedures specified in paragraph (5)(A)1. **of this rule** until such time as the calculated NMOC emission rate is equal to or greater than fifty (50) megagrams per year, or the landfill is closed.

(I) If the NMOC emission rate, upon recalculation required in subparagraph (3)(B)1.B. **of this rule** is equal to or greater than fifty (50) megagrams per year, the owner or operator shall install a collection and control system in compliance with paragraph (3)(B)2. **of this rule**.

(II) If the landfill is permanently closed, a closure notification shall be submitted to the director as provided for in subsection (8)(D) **of this rule**.

2. If the calculated NMOC emission rate is equal to or greater than fifty (50) megagrams per year, the owner or operator shall—

A. Submit a collection and control system design plan prepared by a professional engineer to the director within one (1) year. Permit modification approval from the Missouri Department of Natural Resources' Solid Waste Management Program shall be required prior to construction of any gas collection system.

(I) The collection and control system as described in the plan shall meet the design requirements of subparagraph (3)(B)2.B. **of this rule**.

(II) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, record keeping or reporting provisions of sections (4) through (9) **of this rule** proposed by the owner or operator.

(III) The collection and control system design plan shall either conform with specifications for active collection systems in section (10) **of this rule** or include a demonstration to the director's satisfaction, such that human health and safety is protected, of the sufficiency of the alternative provisions to section (10) **of this rule**.

(IV) The director shall review the information submitted under parts (3)(B)2.A.(I), (II) and (III) **of this rule** and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems;

B. Install a collection and control system *[within eighteen (18) months of the submittal of the design plan under subparagraph (3)(B)2.A. that effectively captures the gas generated within the landfill.] that captures the gas generated within the landfill as required by part (3)(B)2.B.(I) or (II) and subparagraph (3)(B)2.C. of this rule within thirty (30) months after the first annual report in which the emission rate equals or exceeds fifty (50) megagrams per year, unless Tier 2 or Tier*

3 sampling under section (5) of this rule demonstrates that the emission rate is less than fifty (50) megagrams per year, as specified in paragraph (8)(C)1. or 2. of this rule.

(I) An active collection system shall—

(a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of—

I. Five (5) years or more if active; or

II. Two (2) years or more if closed or at final grade;

(c) Collect gas at a sufficient extraction rate; and

(d) Be designed to minimize off-site migration of sub-surface gas.

(II) A passive collection system shall—

(a) Comply with the provisions specified in subparts (3)(B)2.B.(I)(a), (b) and (d) of this rule; and

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 CFR part 258.40 (incorporated by reference);

C. Route all the collected gas to [a control system that complies with the requirements in either part (3)(B)2.C.(II), (III) or (III)] one (1) of the following control systems/.

(I) An open flare designed and operated in accordance with 40 CFR part 60.18 (incorporated by reference)/.

(II) A control system designed and operated to reduce NMOC by ninety-eight (98) weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by ninety-eight (98) weight-percent or reduce the outlet NMOC concentration to less than twenty parts per million by volume (20 ppmv), dry basis as hexane at three percent (3%) oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test, [required under 40 CFR part 60.8 (incorporated by reference)] to be completed no later than one hundred eighty (180) days after the initial start-up of the approved control system using the test methods specified in subsection (5)(D) of this rule.

(a) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(b) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in section (7) of this rule/.

(III) A system that [R/routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of part (3)(B)2.C.(I) or (II) of this rule/.

D. Operate the collection and control device installed to comply with this rule in accordance with the provisions of sections (4), (6) and (7) of this rule; [and]

E. The collection and control system may be capped or removed provided that all the conditions of parts (3)(B)2.E.(I), (II) and (III) of this rule are met—

(I) The landfill shall be no longer accepting solid waste and be permanently closed under the requirements of 40 CFR part 258.60 (incorporated by reference). A closure report shall be submitted to the director as provided in subsection (8)(D) of this rule;

(II) The collection and control system shall have been in operation a minimum of fifteen (15) years; and

(III) Following the procedures specified in subsection (5)(B) of this rule, the calculated NMOC gas produced by the landfill shall be less than fifty (50) megagrams per year on three (3) successive test dates. The test dates shall be no less than ninety (90) days apart, and no more than one hundred eighty (180) days apart/.

F. The planning, awarding of contracts, and installation of MSW landfill air emission collection and control equipment capable of meeting the emission standards in subsection (3)(B) of this rule shall be accomplished within thirty (30) months after the date the initial NMOC emission rate report shows NMOC emissions equal or exceed fifty (50) megagrams per year.

(4) Operational Standards for Collection and Control Systems. Each owner or operator of an MSW landfill gas collection and control system used to comply with the provisions of subparagraph (3)(B)2.B. of this rule shall—

(B) Operate the collection system with negative pressure at each well head except under the following conditions:

1. A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in paragraph (8)(F)1. of this rule;

2. Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan; and

3. A decommissioned well. A well may experience a static positive pressure after shutdown to accommodate for declining flows. All design changes shall be approved by the director;

(E) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with subparagraph (3)(B)2.C. of this rule. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one (1) hour;

(G) If monitoring demonstrates that the operational requirements in subsection (4)(B), (C), or (D) of this rule are not met, corrective action shall be taken as specified in paragraph (3)(A)3. through 5. or subsection (6)(C) of this rule. If corrective actions are taken as specified in section (6) of this rule, the monitored exceedance is not a violation of the operational requirements in this section.

(5) Test Methods and Procedures.

(A) NMOC Emission Rate Calculation.

1. The landfill owner or operator shall calculate the NMOC emission rate using either the equation provided in subparagraph (5)(A)1.A. of this rule or the equation provided in subparagraph (5)(A)1.B. of this rule. Both equations may be used if the actual year-to-year solid waste acceptance rate is known. The values to be used in both equations are 0.05 per year for k , one hundred seventy (170) cubic meters per megagram for L_0 , and four thousand (4,000) parts per million by volume as hexane for the C_{NMOC} . For landfills located in geographical areas with a thirty (30)-year annual average precipitation of less than twenty-five inches (25"), as measured at the nearest representative official meteorologic site, the k value to be used is 0.02 per year.

A. The following equation shall be used if the actual year-to-year solid waste acceptance rate is known. The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for M_i if the documentation [provisions of paragraph (9)(D)2. are followed] of the nature and amount of such wastes is maintained.

$$M_{NMOC} = \sum_{i=1}^n k L_0 M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

- M_{NMOC} = Total NMOC emission rate from the landfill, megagrams per year
- k = methane generation rate constant, year⁻¹
- L_o = methane generation potential, cubic meters per megagram solid waste
- M_i = mass of solid waste in the i^{th} section, megagrams
- t_i = age of the i^{th} section, years
- C_{NMOC} = concentration of NMOC, parts per million by volume as hexane
- 3.6×10^{-9} = conversion factor

B. The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown. The mass of nondegradable solid waste may be subtracted from the average annual acceptance rate when calculating a value for R, if the documentation provisions of paragraph (9)(D)2. **of this rule** are followed.

$$M_{\text{NMOC}} = 2 L_o R (e^{-kc} - e^{-kt})(C_{\text{NMOC}}) (3.6 \times 10^{-9})$$

where,

- M_{NMOC} = mass emission rate of NMOC, megagrams per year
- L_o = methane generation potential, cubic meters per megagram solid waste
- R = average annual acceptance rate, megagrams per year
- k = methane generation rate constant, year⁻¹
- t = age of landfill, years
- C_{NMOC} = concentration of NMOC, parts per million by volume as hexane
- c = time since closure, years. For active landfill $c = /O/0$ and $e^{-kc} = 1$
- 3.6×10^{-9} = conversion factor

2. Tier 1. The owner or operator shall compare the calculated NMOC mass emission rate to the standard of fifty (50) megagrams per year.

A. If the NMOC emission rate calculated in paragraph (5)(A)1. **of this rule** is less than fifty (50) megagrams per year, then the landfill owner shall submit an emission rate report as provided in paragraph (8)(B)1. **of this rule**, and shall recalculate the NMOC mass emission rate annually as required under paragraph (3)(B)1. **of this rule**.

B. If the calculated NMOC emission rate is equal to or greater than fifty (50) megagrams per year, then the landfill owner shall either comply with paragraph (3)(B)2. **of this rule**, or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in paragraph (5)(A)3. **of this rule**.

3. Tier 2. The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two (2) sample probes per hectare of landfill surface that has retained waste for at least two (2) years. If the landfill is larger than twenty-five (25) hectares in area, only fifty (50) samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one (1) sample of landfill gas from each probe to determine the NMOC concentration using Method 25C or Method 18 of Appendix A, 40 CFR part 60 (incorporated by reference). If using Method 18, the minimum list of compounds to be tested shall be those published in the most recent *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources* (AP-42), available from the Government Printing Office. If composite sampling is used, equal volumes shall be taken from each sample probe. If more than the required number of samples are taken, all samples shall be used in the analysis. The landfill owner or operator shall

divide the NMOC concentration from Method 25C by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.

A. The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in subparagraph (5)(A)1.A. or B. **of this rule** and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in paragraph (5)(A)1. **of this rule**.

B. If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than fifty (50) megagrams per year, then the landfill owner or operator shall either comply with paragraph (3)(B)2. **of this rule**, or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in paragraph (5)(A)4. **of this rule**.

C. If the resulting NMOC mass emission rate is less than fifty (50) megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in paragraph (8)(B)1. **of this rule** and retest the site-specific NMOC concentration every five (5) years using the methods specified in this section.

4. Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of Appendix A, 40 CFR part 60 (incorporated by reference). The landfill owner or operator shall estimate the NMOC mass emission rate using equations in subparagraph (5)(A)1.A. or B. **of this rule** and using a site-specific methane generation rate constant k , and the site-specific NMOC concentration as determined in paragraph (5)(A)3. **of this rule** instead of the default values provided in paragraph (5)(A)1. **of this rule**. The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of fifty (50) megagrams per year.

A. If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than fifty (50) megagrams per year, the owner or operator shall comply with paragraph (3)(B)2. **of this rule**.

B. If the NMOC mass emission rate is less than fifty (50) megagrams per year, then the owner or operator shall submit a periodic emission rate report as provided in paragraph (8)(B)1. **of this rule** and shall recalculate the NMOC mass emission rate annually, as provided in paragraph (8)(B)1. **of this rule** using the equations in paragraph (5)(A)1. **of this rule** and using the site-specific methane generation rate constant and NMOC concentration obtained in paragraph (5)(A)3. **of this rule**. The calculation of the methane generation rate constant is performed only once, and the value obtained */s/* **from this test shall be** used in all subsequent annual NMOC emission rate calculations.

5. The owner or operator may use other methods to determine the NMOC concentration or a site-specific k as an alternative to the methods required in paragraphs (5)(A)3. and 4. **of this rule** if the method has been approved by the director.

6. The owner or operator may recalculate the */MNOC/* NMOC mass emission rate using AP-42 values instead of the default values provided in paragraph (5)(A)1. **of this rule** as an alternative to the methods required in paragraph (5)(A)3. or 4. **of this rule**.

(B) After the installation of a collection and control system in compliance with section (6) **of this rule**, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in subparagraph (3)(B)2.E. **of this rule**, using the following equation:

$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} C_{\text{NMOC}}$$

where,

M_{NMOC} = mass emission rate of NMOC, megagrams per year

Q_{LFG} = flow rate of landfill gas, cubic meters per minute

C_{NMOC} = NMOC concentration, parts per million by volume as hexane

1. The flow rate of landfill gas, Q_{LFG} , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of Method 2E.

2. The average NMOC concentration, C_{NMOC} , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18. If using Method 18, the minimum list of compounds to be tested shall be those published in the most recent *Compilation of Air Pollutant Emission Factors* (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.

3. The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the director as provided in part (3)(B)2.A.(II) **of this rule**.

(C) The owner or operator of each MSW landfill subject to the provisions of this rule shall estimate the NMOC emission rate for comparison to the prevention of **significant** deterioration (PSD) major source and significance levels in 40 CFR part 51.166 or 52.21 (incorporated by reference) using AP-42 or other approved measurement procedures. If a collection system, which complies with the provisions in paragraph (3)(B)2. **of this rule** is already installed, the owner or operator shall estimate the NMOC emission rate using the procedures provided in subsection (5)(B).

(D) For the performance test required in part (3)(B)2.C.(II) **of this rule**, Method 25C or Method 18 shall be used to determine compliance with ninety-eight (98) weight-percent efficiency or the twenty (20) ppmv outlet concentration level, unless another method to demonstrate compliance has been approved by the director as provided by part (3)(B)2.A.(II) **of this rule**. If using Method 18, the minimum list of compounds to be tested shall be those published in the most recent *Compilation of Air Pollutant Emission Factors* (AP-42). The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = (\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}) / (\text{NMOC}_{\text{in}})$$

where,

NMOC_{in} = mass of NMOC entering control device

NMOC_{out} = mass of NMOC exiting control device

(6) Compliance Provisions.

(A) Except as provided in part (3)(B)2.A.(II) **of this rule**, the specified methods in paragraphs (6)(A)1. through (6)(A)6. **of this rule** shall be used to determine whether the gas collection system is in compliance with subparagraph (3)(B)2.B. **of this rule**.

1. For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with subpart (3)(B)2.B.(I)(a) **of this rule**, one (1) of the following equations shall be used. The k and L_o kinetic factors should be those published in the most recent *Compilation of Air Pollutant Emission Factors* (AP-42) or other site-specific values demonstrated to be appropriate and approved by the director. If k has been

determined as specified in paragraph (5)(A)4. **of this rule**, the value of k determined from the test shall be used. A value of no more than fifteen (15) years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

A. For sites with unknown year-to-year solid waste acceptance rate—

$$Q_m = 2L_o R (e^{-kc} - e^{-kt})$$

where,

Q_m = maximum expected gas generation flow rate, cubic meters per year

L_o = methane generation potential, cubic meters per megagram solid waste

R = average annual acceptance rate, megagrams per year

k = methane generation rate constant, year⁻¹

t = age of the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure, t is the age of the landfill at installation, years

c = time since closure, years (for an active landfill $c = 10/0$ and $e^{-kc} = 1$)

B. For sites with known year-to-year solid waste acceptance rate—

$$Q_{i/m} = \sum_{i=1}^n 2k L_o M_i (e^{-kt_i})$$

where,

$Q_{i/m}$ = maximum expected gas generation flow rate, cubic meters per year

k = methane generation rate constant, year⁻¹

L_o = methane generation potential, cubic meters per megagram solid waste

M_i = mass of solid waste in the i^{th} section, megagrams

t_i = age of the i^{th} section, years

C. If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the equations in subparagraphs (6)(A)1.A. and B. **of this rule**. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the equations in subparagraphs (6)(A)1.A. or B. **of this rule** or other methods shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment.

2. For the purposes of determining sufficient density of gas collectors for compliance with subpart (3)(B)2.B.(I)(b) **of this rule**, the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the director, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.

3. For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with subpart (3)(B)2.B.(I)(c) **of this rule**, the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within five (5) calendar days, except for the three (3) conditions allowed under subsection (4)(B) **of this rule**. If negative pressure cannot be achieved without excess air infiltration within fifteen (15) calendar days of the first

measurement, the gas collection system shall be expanded to correct the exceedance within one hundred twenty (120) days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. **An alternative timeline for correcting the exceedance may be submitted to the director for approval.**

4. Owners or operators are not required to *install additional wells* **expand the system** as required in paragraphs (6)(A)3. **of this rule** during the first one hundred eighty (180) days after gas collection system start-up.

5. For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in subsection (4)(C) **of this rule**. If a well exceeds one (1) of these operating parameters, action shall be initiated to correct the exceedance within five (5) calendar days. If correction of the exceedance cannot be achieved within fifteen (15) calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within one hundred twenty (120) days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. **An alternative timeline for correcting the exceedance may be submitted to the director for approval.**

6. An owner or operator seeking to demonstrate compliance with subpart (3)(B)2.B.(I)(d) **of this rule** through the use of a collection system not conforming to the specifications provided in section (10) **of this rule** shall provide information satisfactory to the director as specified in part (3)(B)2.A.(III) **of this rule** demonstrating that off-site migration is being controlled.

(B) For purposes of compliance with subsection (4)(A) **of this rule**, each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in subparagraph (3)(B)2.A. **of this rule**. Each well shall be installed *within* **no later than** sixty (60) days of the date in which the initial solid waste has been in place for a period of—

1. Five (5) years or more if active; or
2. Two (2) years or more if closed or at final grade.

(C) The following procedures shall be used for compliance with the surface methane operational standard as provided in subsection (4)(D) **of this rule**:

1. After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a *serpentine* pattern *spaced* **that traverses the landfill at thirty (30)-meter[s] [(30m) apart] intervals** (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in subsection (6)(D) **of this rule**;

2. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least thirty (30) meters *[(30m)]* from the perimeter wells;

3. Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of Appendix A, 40 CFR part 60 (*///* incorporated by reference), except that the probe inlet shall be placed within five to ten centimeters (5–10 cm) of the ground. Monitoring shall be performed during typical meteorological conditions;

4. Any reading of five hundred (500) parts per million *[(500)]* (ppm) or more above background at any location shall be recorded as a monitored exceedance and the actions specified in subparagraphs (6)(C)4.A. through E. **of this rule** shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of subsection (4)(D) **of this rule**.

A. The location of each monitored exceedance shall be marked and the location recorded.

B. Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be remonitored within ten (10) calendar days of detecting the exceedance.

C. If the remonitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within ten (10) days of the second exceedance. If the remonitoring shows a third exceedance for the same location, the action specified in subparagraph (6)(C)4.E. **of this rule** shall be taken, and no further monitoring of that location is required until the action specified in subparagraph (6)(C)4.E. **of this rule** has been taken.

D. Any location that initially showed an exceedance but has a methane concentration less than five hundred (500) ppm methane above background at the ten (10)-day remonitoring specified in subparagraph (6)(C)4.B. or C. **of this rule** shall be remonitored one (1) month from the initial exceedance. If the one (1)-month remonitoring shows a concentration less than five hundred (500) ppm above background, no further monitoring of that location is required until the next quarterly monitoring period. If the one (1)-month remonitoring shows an exceedance, the actions specified in subparagraph (6)(C)4.C. or E. **of this rule** shall be taken.

E. For any location where monitored methane concentration equals or exceeds five hundred (500) ppm above background three (3) times within a quarterly period, a new well or other collection device shall be installed within one hundred twenty (120) calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the director for approval; and

5. The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

(D) Each owner or operator seeking to comply with the provisions in subsection (6)(C) **of this rule** shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

1. The portable analyzer shall meet the instrument specifications provided in section 3 of Method 21, except that “methane” shall replace all references to VOC;

2. The calibration gas shall be methane, diluted to a nominal concentration of five hundred (500) ppm in air;

3. To meet the performance evaluation requirements in section 3.1.3 of Method 21, the instrument evaluation procedures of section 4.4 of Method 21 shall be used; and

4. The calibration procedures provided in section 4.2 of Method 21 shall be followed immediately before commencing a surface monitoring survey.

(7) Monitoring of Operations. Except as provided in part (3)(B)2.A.(II) **of this rule**—

(A) Each owner or operator seeking to comply with part (3)(B)2.B.(I) **of this rule** for an active gas collection system shall install a sampling port and a thermometer or other temperature measuring device, **or an access port for temperature measurements** at each wellhead and—

1. Measure the gauge pressure in the gas collection header on a monthly basis as provided in paragraph (6)(A)3. **of this rule**; and

2. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in paragraph (6)(A)5. **of this rule**; and

3. Monitor temperature of the landfill gas on a monthly basis as provided in paragraph (6)(A)5. **of this rule**;

(B) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. **of this rule** using an enclosed combustor shall

calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

1. A temperature monitoring device equipped with a continuous recorder and having a/n/ **minimum** accuracy of plus or minus one percent ($\pm 1\%$) of the temperature being measured expressed in degrees Celsius or [*minus or plus point five degrees*] **plus or minus one-half degree** Celsius ($\pm 0.5^\circ\text{C}$), whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity greater than forty-four (44) megawatts; and

2. [*A gas flow rate measuring device that provides a measurement of gas*] **A device that records** flow to or bypass of the control device. The owner or operator shall either—

A. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or

B. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line;

(C) Each owner or operator seeking to comply with subparagraph (3)(B)2.C. **of this rule** using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

1. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame; **and**

2. A device that records flow to or bypass of the flare. The owner or operator shall either—

A. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every fifteen (15) minutes; or

B. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line;

(D) Each owner or operator seeking to demonstrate compliance with subparagraph (3)(B)2.C. **of this rule** using a device other than an open flare or an enclosed combustor shall provide information satisfactory to the director as provided in part (3)(B)2.A.(II) **of this rule** describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The director shall review the information and either approve it, or request that additional information be submitted. The director may specify additional appropriate monitoring procedures to insure that human health and safety is protected;

(E) Each owner or operator seeking to install a collection system that does not meet the specifications in section (10) **of this rule** or seeking to monitor alternative parameters to those required by sections (4) through (7) **of this rule** shall provide information satisfactory to the director as provided in parts (3)(B)2.A.(II) and (III) **of this rule** describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The director may specify additional appropriate monitoring procedures to insure that human health and safety is protected; or

(F) Each owner or operator seeking to demonstrate compliance with subsection (6)(C) **of this rule**, shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in subsection (6)(D) **of this rule**. Any closed landfill that has no monitored exceedances of the operational standard in three (3) consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of five hundred

(500) ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

(8) Reporting Requirements. Except as provided in part (3)(B)2.A.(II) **of this rule**—

(A) Each owner or operator subject to the requirements of this rule shall submit an initial design capacity report to the director.

1. The initial design capacity report shall be submitted within ninety (90) days of the rule effective date.

2. The initial design capacity report shall contain the following information:

A. A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the provisions of the state or local construction or operating permit; and

B. The maximum design capacity of the landfill. Where the maximum design capacity is specified in the state or local construction permit, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided, along with such parameters as depth of solid waste, solid waste acceptance rate, and compaction practices as part of the report. The state, local agency, or director may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

3. An amended design capacity report shall be submitted to the director providing notification of any increase in the design capacity of the landfill, whether the increase results from an increase in the permitted area or depth of the landfill, a change in the operating procedures, or any other means which results in an increase in the maximum design capacity of the landfill above two and one-half (2.5) million megagrams [*or*] **and** two and one-half (2.5) million cubic meters. The amended design capacity report shall be submitted within ninety (90) days of the issuance of an amended construction or operating permit, or the placement of waste in additional land, or the change in operating procedures which will result in an increase in maximum design capacity, whichever occurs first;

(B) Each owner or operator subject to the requirements of this rule shall submit an NMOC emission rate report to the director initially and annually thereafter, except as provided for in subparagraph (8)(B)3. **of this rule**. The director may request such additional information as may be necessary to verify the reported NMOC emission rate.

1. The NMOC emission rate report shall contain an annual or five (5)-year estimate of the NMOC emission rate calculated using the formula and procedures provided in subsection (5)(A) or (B) **of this rule**, as applicable.

A. The initial NMOC emission rate report shall be submitted within ninety (90) days of the rule reflective date and may be combined with the initial design capacity report required in subsection (8)(A) **of this rule**. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in subparagraph (8)(B)1.B. and paragraph (8)(B)3. **of this rule**.

B. If the estimated NMOC emission rate as reported in the annual report to the director is less than fifty (50) megagrams per year in each of the next five (5) consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next five (5)-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the five (5) years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the director. This estimate shall be revised at least once every five (5) years. If the actual waste acceptance rate

exceeds the estimated waste acceptance rate in any year reported in the five (5)-year estimate, a revised five (5)-year estimate shall be submitted to the director. The revised estimate shall cover the five (5)-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

2. The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or five (5)-year emissions.

3. Each owner or operator subject to the requirements of this rule is exempted from the requirements of paragraphs (8)(B)1. and 2. **of this rule** after the installation of a collection and control system in compliance with paragraph (3)(B)2. **of this rule**, during such time as the collection and control system is in operation and in compliance with sections (4) and (6) **of this rule**;

(C) Each owner or operator subject to the provisions of subparagraph (3)(B)2.A. **of this rule** shall submit a collection and control system design plan to the director within one (1) year of the first report, required under subsection (8)(B) **of this rule**, in which the emission rate exceeds fifty (50) megagrams per year, except as follows:

1. If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in paragraph (5)(A)3. **of this rule** and the resulting rate is less than fifty (50) megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than fifty (50) megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within one hundred eighty (180) days of the first calculated exceedance of fifty (50) megagrams per year; and

2. If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in paragraph (5)(A)4. **of this rule**, and the resulting NMOC emission rate is less than fifty (50) Mg/yr, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of paragraph (5)(A)4. **of this rule** and the resulting site-specific methane generation rate constant (k) shall be submitted to the director within one (1) year of the first calculated emission rate exceeding fifty (50) megagrams per year;

(E) Each owner or operator of a controlled landfill shall submit an equipment removal report to the director thirty (30) days prior to removal or cessation of operation of the control equipment.

1. The equipment removal report shall contain all of the following items:

A. A copy of the closure report submitted in accordance with subsection (8)(D) **of this rule**;

B. A copy of the initial performance test report demonstrating that the fifteen (15)-year minimum control period has expired; and

C. Dated copies of three (3) successive NMOC emission rate reports demonstrating that the landfill is no longer producing fifty (50) megagrams or greater of NMOC per year.

2. The director may request such additional information as may be necessary to verify that all of the conditions for removal in subparagraph (3)(B)2.E. **of this rule** have been met;

(F) Each owner or operator of a landfill seeking to comply with paragraph (3)(B)2. **of this rule** using an active collection system designed in accordance with subparagraph (3)(B)2.B. **of this rule** shall submit to the director annual reports of the recorded information in paragraphs (8)(F)1. through 6. **of this rule**. The initial annual report shall be submitted within one hundred eighty (180) days of installation and start-up of the collection and control sys-

tem, and shall include the initial performance test report required under 40 CFR part 60.8 (incorporated by reference). For enclosed combustion devices and flares, reportable exceedances are defined under subsection (9)(C) **of this rule**.

1. Value and length of time for exceedance of applicable parameters monitored under subsections (7)(A), (B), (C), and (D) **of this rule**.

2. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under section (7) **of this rule**.

3. Description and duration of all periods when the control device was not operating for a period exceeding one (1) hour and length of time the control device was not operating.

4. All periods when the collection system was not operating in excess of five (5) days.

5. The location of each exceedance of the five hundred (500) ppm methane concentration as provided in subsection (4)(D) **of this rule** and the concentration recorded at each location for which an exceedance was recorded in the previous month.

6. The date of installation and the location of each well or collection system expansion added pursuant to paragraph (6)(A)3., subsection (6)(B), and paragraph (6)(C)4. **of this rule**; and

(G) Each owner or operator seeking to comply with subparagraph (3)(B)2.A. **of this rule** shall include the following information with the initial performance test report required under 40 CFR part 60.8 (incorporated by reference):

1. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

2. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

3. The documentation of the presence of asbestos or non-degradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

4. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area;

5. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

6. The provisions for the control of off-site migration.

(9) Record */k/*Keeping Requirements. Except as provided in part (3)(B)2.A.(II) **of this rule**—

(A) Each owner or operator of an MSW landfill subject to the provisions of subsection (3)(B) **of this rule** shall keep for at least five (5) years up-to-date, readily accessible, on-site records of the */maximum/* design capacity report which triggered subsection (3)(B) **of this rule**, the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Records may be maintained off-site if they are retrievable within four (4) hours. A longer period is acceptable if records are needed for an unresolved enforcement action. Either paper copy or electronic formats are acceptable;

(B) Each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (9)(B)1. through 4. **of this rule** as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of five (5) years. Records of

the control device vendor specifications shall be maintained until removal.

1. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subparagraph (3)(B)2.B. **of this rule**—

A. The maximum expected gas generation flow rate as calculated in paragraph (6)(A)1. **of this rule**. The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the director; and

B. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in paragraph (10)(A)1. **of this rule**.

2. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subparagraph (3)(B)2.C. **of this rule** through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity greater than forty-four (44) megawatts—

A. The average combustion temperature measured at least every fifteen (15) minutes and averaged over the same time period of the performance test; and

B. The percent reduction of NMOC determined as specified in part (3)(B)2.C.(II) **of this rule** achieved by the control device.

3. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with subpart (3)(B)2.C.(II)(a) **of this rule** through use of a boiler or process heater of any size—a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.

4. Where an owner or operator subject to the provisions of this rule seeks to demonstrate compliance with part (3)(B)2.C.(I) **of this rule** through use of an open flare, the flare type (that is, steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR part 60.18 (incorporated by reference); continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent;

(C) Each owner or operator of a controlled landfill subject to the provisions of this rule shall keep for five (5) years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in section (7) **of this rule** as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

1. The following constitute exceedances that shall be recorded and reported under subsection (8)(F) **of this rule**:

A. For enclosed combustors except for boilers and process heaters with design heat input capacity of forty-four (44) megawatts (150 million British thermal units per hour) or greater, all three (3)-hour periods of operation during which the average combustion temperature was more than twenty-eight degrees Celsius (28°C) below the average combustion temperature during the most recent performance test at which compliance with subparagraph (3)(B)2.C. **of this rule** was determined; and

B. For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under subparagraph (9)(B)3.A. **of this rule**.

2. Each owner or operator subject to the provisions of this rule shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under section (7) **of this rule**.

3. Each owner or operator subject to the provisions of this rule who uses a boiler or process heater with a design heat input capacity of forty-four (44) megawatts or greater to comply with subparagraph (3)(B)2.C. **of this rule** shall keep an up-to-date, readily accessible record of all periods of operation of the boiler

or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state or local regulatory requirements.)

4. Each owner or operator seeking to comply with the provisions of this rule by use of an open flare shall keep up-to-date, readily accessible continuous records of the flare or flare pilot flame monitoring specified under subsection (7)(C) **of this rule**, and up-to-date, readily accessible records of all periods of operation in which the flare or flare pilot flame is absent;

(D) Each owner or operator subject to the provisions of this rule shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

1. Each owner or operator subject to the provisions of this rule shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under subsection (6)(B) **of this rule**.

2. Each owner or operator subject to the provisions of this rule shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or non-degradable waste excluded from collection as provided in subparagraph (10)(A)3.A. **of this rule** as well as any nonproductive areas excluded from collection as provided in subparagraph (10)(A)3.B. **of this rule**; *and*

(E) Each owner or operator subject to the provisions of this rule shall keep for at least five (5) years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in section (4) **of this rule**, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance./.; **and**

(F) **Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters, as provided in the definition of design capacity, shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within four (4) hours of request. Either paper copy or electronic formats are acceptable.**

(10) Specifications for Active Collection Systems.

(A) Each owner or operator seeking to comply with subparagraph (3)(B)2.A. **of this rule** shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the director as provided in parts (3)(B)2.A.(III) and (IV) **of this rule**:

1. The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system [*expandibility*] **expandability**, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat;

2. The sufficient density of gas collection devices determined in paragraph (10)(A)1. **of this rule** shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior; and

3. The placement of gas collection devices determined in paragraph (10)(A)1. **of this rule** shall control all gas producing areas, except as provided by subparagraphs (10)(A)3.A. and B. **of this rule**.

A. Any segregated area of asbestos or nondegradable material may be excluded from collection if documentation is provided

as specified under subsection (9)(D) of this rule. The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the director upon request.

B. Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than one percent (1%) of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the director upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2 k L_o M_i(e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

- Q_i = NMOC emission rate from the i th section, megagrams per year
- k = methane generation rate constant, year⁻¹
- L_o = methane generation potential, cubic meters per megagram solid waste
- M_i = mass of the degradable solid waste in the i th section, megagram
- t_i = age of the solid waste in the i th section, years
- C_{NMOC} = concentration of nonmethane organic compounds, parts per million by volume
- 3.6×10^{-9} = conversion factor

The values for k , $[L_o]$ and $[C_{NMOC}]$ determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence (**the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero**). If field testing has not been performed, the default values for k , L_o and $[C_{NMOC}]$ provided in paragraph (5)(A)1. of this rule or the alternative values from (5)(A)5. of this rule shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in subparagraph (10)(A)3.A. of this rule.

(B) Each owner or operator seeking to comply with part (3)(B)2.A.(I) of this rule shall construct the gas collection devices using the following equipment or procedures:

1. The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to—convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards established in this rule. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration/.

2. Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations/.

3. Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one (1) sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

(C) Each owner or operator seeking to comply with part (3)(B)2.A.(I) of this rule shall convey the landfill gas to a control system in compliance with subparagraph (3)(B)2.C. of this rule through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

1. For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in paragraph (10)(C)2. of this rule shall be used; and

2. For new collection systems, the maximum flow rate shall be in accordance with paragraph (6)(A)1. of this rule.

AUTHORITY: section 643.050, RSMo [Supp. 1996] Supp. 1998. Original rule filed Jan. 14, 1997, effective Sept. 30, 1997. Amended: Filed Oct. 7, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., February 8, 2000. The public hearing will be held at the Ramada Inn, Hermitage Room, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 15, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 1—General Organization**

PROPOSED AMENDMENT

12 CSR 30-1.030 Forms. The commission is amending section (2).

PURPOSE: This amendment sets forth the forms utilized by the State Tax Commission in the assessment and collection of the general property tax.

(2) The forms to be used in the reporting and collection of taxes on railroads and street railroads pursuant to Chapter 151, RSMo, include the following: Form 20A (10-89) (Railroad Aggregate Statement of Taxable Property); Form 20 (9-87) (Railroad Aggregate Statement of Taxable Property); Form 20, Schedule 1 (10-87) (Company Organization—General Information); Form 30, Schedule 2 (10-89) (Taxation by States); Form 20, Schedule 3 (10-89) (Mileage of Road and Railway Statistics); Form 20, Schedule 3T (10-87) (Mileage of Road and Railway Statistics—Terminals); Form 20, Schedule 4 (10-88) (Main Track Mileage); Form 20, Schedule 5 (10-85) (Leased Equipment); Form 20, Schedule 6 (10-

85) (Real/Personal Allocation); Form 20; Schedule 7 (10-85) (Comparative Balance Sheet); Form 20, Schedule 8 (10-85) (Comparative Income Statement); Form 30, Schedule 9 (10-85) (Capital Stock); Form 30, Schedule 10 (10-88) (Long Term Debt); Form 30, Schedule 11 (10-85) (Non-Operating Property in Missouri); Form 30, Schedule 12 (10-87) (Total of County's Locally Assessed Property); Form 30, Schedule 13 (11-86) (County Apportionment); Form 30, Schedule 14 (11-86) (Local Assessments); Form 30, Schedule 15 (9-87) (Real Estate Information); Form 30, Schedule 16 (11-85) (Motor Vehicle Information); Form 20, Schedule 17 (10-89) (Freight Line Company Mileage); Form 20, Schedule 18 (10-89) (Freight Line Company Credits); **Form 20, Schedule 19 (9-99) (Previous Year's Assessment and Taxes)**; Form 50 (10-89) (Freight Line Company Aggregate Statement of Taxable Property); Form 50, Schedule 1 (10-89) (Company Organization—General Information); *[Form 30, Schedule 2 (10-89) (Taxation by States); Form 50, Schedule 3 (10-89) (Freight Line Company Inventory of Rail Cars); Form 50, Schedule 4 (10-89) (Freight Line Company Mileage by Railroads; Form 50 Schedule 5 (10-89) Freight Line Company Mileage Credits); and Form 50, Schedule 6 (10-89) (Freight Line Company Allocation)]* **Form 50, Schedule 2 (9-97) (Freight Line Company Inventory of Rail Cars); and Form 50, Schedule 4 (9-97) (Freight Line Company Allocation).**

AUTHORITY: sections 137.930, 138.430, [RSMo Supp. 1989] 151.020, 153.030[, RSMo 1986] and 155.020, RSMo [Supp. 1990] 1994. Original rule filed Feb. 8, 1983, effective May 12, 1983. Emergency amendment filed Dec. 13, 1983, effective Dec. 24, 1983, expired March 15, 1984. Amended: Filed Dec. 13, 1983, effective March 12, 1984. Emergency rule and rescission filed Nov. 15, 1989, effective Dec. 31, 1989, expired Feb. 2, 1990. Rescinded and readopted: Filed Nov. 15, 1989, effective Feb. 25, 1990. Amended: Filed Nov. 3, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Rosemary P. Kaiser, Administrative Secretary, State Tax Commission, P.O. Box 146, Jefferson City, MO 65102, (573) 751-2414. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Rescinded: Filed Sept. 20, 1999.

PUBLIC ENTITY COST: This proposed rescission will most likely affect all counties in the state. The impact of the regulation on the counties is further elaborated in the fiscal note filed jointly with the proposed rescission on September 20, 1999.

PRIVATE ENTITY COST: This proposed rescission will affect many of the private railcar companies in Missouri. The impact of the regulation on the counties is further elaborated in the fiscal note filed jointly with the proposed rescission on September 20, 1999.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Rosemary P. Kaiser, Administrative Secretary, State Tax Commission, P.O. Box 146, Jefferson City, MO 65102, (573) 751-2414. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 2—Original Assessment**

PROPOSED RESCISSION

12 CSR 30-2.017 *De Minimis* Levels of Assessed Valuation of Private Car Companies. This rule established *de minimis* levels of assessed valuation of private car companies for allocation to Missouri and apportionment to the counties.

*PURPOSE: This proposed rescission eliminates the exemption from **ad valorem** taxes **de minimis** amounts of distributable property held by private car companies in the state and various counties.*

AUTHORITY: sections 137.022 and 137.023, RSMo 1994. Original rule filed May 17, 1994, effective Sept. 30, 1994.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 12

Division: 30

Chapter: 2

Type of Rulemaking: Proposed Recision

Rule Number and Name: 12 C.S.R. 30-2.017 De Minimis Levels of Assessed Valuation of Private
Car Companies

II. SUMMARY OF FISCAL IMPACT

All counties stand to be affected by this recision. See Attachment A. Attachment A reflects the affected county's percentage change in total Estimated Taxes by using the current de minimis exemption, and what expected taxes will be when the exemption is eliminated. The analysis was done using the 1996 county tax rates, and indicate an estimated 2.77% statewide net increase in taxes to be paid, which is estimated to result in approximately an additional \$68,351.96 in tax dollars.

While tax revenue will decrease for some counties, the burden and expense of assessment, administration, and collection will be removed and vested in the Department of Revenue.

III. WORKSHEET

See Attachment A.

IV. ASSUMPTIONS

The estimates calculated on Attachment A indicate an approximate estimate of the taxes generated with the de minimis exception in place using the tax rates from tax year 1996, and the amount of taxes to be generated when the exception is removed, using the average tax rate of Missouri counties.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 12

Division: 30

Chapter: 2

Type of Rulemaking: Proposed Recision

Rule Number and Name: 12 C.S.R. 30-2.017 De Minimis Levels of Assessed Valuation of Private
Car Companies

II. SUMMARY OF FISCAL IMPACT

Private railcar companies who operate or own track in Missouri may be affected by this recision. Companies that have had distributable property with a total statewide assessed value of at least \$1 but less than \$5,000, or less than \$500 in a particular county in the past and were exempt from tax, will now be subject to tax on all distributable property. The estimated net impact on the total state assessment for the railcar industry is an overall increase of 2.77%. However, because the Missouri Department of Revenue is now responsible for centrally assessing the distributable property, companies will save in administrative costs by only having to write one check, and deal with one agency; as opposed to a potential 115 checks, and 115 county assessor offices.

III. WORKSHEET

See Attachment A.

IV. ASSUMPTIONS

The estimates calculated on Attachment A indicate an approximate estimate of the taxes generated with the de minimis exception in place using the tax rates from tax year 1996, and the amount of taxes to be generated when the exception is removed, using the average tax rate of Missouri counties.

1999 Estimated Private Car Taxes by County													
No	County Name	Current Method					New Method						
		Assessed Value	% over \$500	Assessed Value over \$500	Tax Rate	Estimated Taxes	1999 Mileage		Assessed Value	Estimated Taxes	Percent Changes		
							Miles	Percent			Assess	Rate	Taxes
001	Adair	140,028	87.62%	122,693	4.82	5,919.72	10.25	0.26%	128,520	6,346.14	4.75%	2.34%	6.72%
002	Andrew	142,485	87.62%	124,845	5.55	6,929.39	10.43	0.26%	130,777	7,317.58	4.75%	-11.04%	-7.31%
003	Atchison	337,988	95.76%	323,657	5.46	17,662.82	24.74	0.62%	310,204	15,317.41	-4.18%	-9.52%	-16.31%
004	Audrain	689,882	98.45%	679,189	4.81	32,691.99	76.82	1.98%	988,289	48,800.24	45.51%	2.59%	33.01%
005	Barry	298,583	95.56%	285,326	3.97	11,339.82	38.66	0.97%	484,741	23,935.77	69.89%	24.24%	52.62%
006	Barton	692,692	97.85%	677,799	4.22	28,603.15	64.27	1.61%	805,853	39,791.83	18.89%	17.01%	28.12%
007	Bates	551,271	98.06%	540,578	4.56	24,676.93	65.38	0.00%	819,771	40,479.07	51.65%	8.17%	39.04%
008	Benton	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
009	Bollinger	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
010	Boone	169,882	94.23%	160,080	5.14	8,225.73	18.06	0.45%	226,446	11,181.58	41.46%	-3.91%	26.43%
011	Buchanan	489,861	96.88%	474,577	4.87	23,127.70	35.47	0.89%	444,743	21,960.73	-6.29%	1.32%	-5.31%
012	Butler	697,092	97.80%	682,453	3.90	26,608.78	45.93	1.15%	575,896	28,436.88	-15.61%	26.84%	6.43%
013	Calderwell	539,270	97.23%	524,656	5.67	28,773.60	46.42	1.17%	582,040	28,740.26	10.94%	-12.99%	-3.60%
014	Callaway *	124,616	94.28%	117,488	4.53	5,326.16	15.90	0.40%	199,363	9,844.25	89.69%	8.92%	45.90%
015	Camden	56,013	79.47%	44,514	3.33	1,481.47	4.10	1.01%	51,408	2,538.45	15.49%	48.37%	41.64%
016	Cape Girardeau	582,239	97.07%	545,765	4.30	23,464.45	40.13	1.01%	503,172	24,845.90	-7.80%	14.85%	5.58%
017	Carroll	1,188,933	99.16%	1,178,946	5.80	68,428.18	95.62	2.40%	1,198,937	59,201.72	1.70%	-14.93%	-15.58%
018	Carters	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
019	Cass	647,808	97.69%	632,844	5.34	33,799.82	83.08	1.58%	790,932	39,055.05	24.98%	-7.55%	13.46%
020	Cedar	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
021	Charlton	644,772	97.64%	629,555	5.25	33,034.22	53.31	1.34%	668,431	33,006.10	6.18%	-5.90%	-0.09%
022	Christian	107,657	85.95%	92,531	4.55	4,209.68	7.88	0.20%	98,804	4,678.79	6.78%	8.54%	13.71%
023	Clark	424,597	96.68%	410,500	5.42	22,263.67	31.08	0.78%	389,699	19,242.72	-5.07%	-8.96%	-15.70%
024	Clay	1,187,272	98.83%	1,173,381	5.46	64,030.06	99.82	2.51%	1,251,599	61,802.08	6.67%	-9.51%	-3.61%
025	Clinton	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
026	Cole	589,487	97.52%	574,868	4.74	27,254.51	38.84	0.98%	486,998	24,047.21	-15.29%	4.15%	-13.34%
027	Cooper	601,627	97.52%	586,707	4.80	28,161.98	39.64	1.00%	497,029	24,542.52	-15.28%	2.87%	-14.75%
028	Crawford	845,100	98.40%	831,578	4.37	36,354.37	61.86	1.55%	775,635	38,299.71	-6.73%	12.95%	5.08%
029	Dade	401,923	96.32%	387,132	4.52	17,508.16	29.42	0.74%	368,854	18,214.96	-4.71%	9.18%	3.88%
030	Dallas	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
031	Davies	158,913	88.12%	140,034	6.14	8,603.72	10.47	0.26%	131,279	6,482.35	-6.25%	-19.63%	-32.73%
032	DeKalb	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
033	Dent	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
034	Douglas	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
035	Dunklin	265,910	94.42%	251,072	4.51	11,327.67	17.52	0.44%	219,676	10,847.25	-12.51%	9.44%	-4.43%
036	Franklin	1,799,882	99.45%	1,789,983	4.88	87,268.12	122.07	3.07%	1,530,582	75,577.84	-14.49%	1.28%	-15.47%
037	Gasconade	385,958	98.13%	371,021	4.89	18,128.10	25.43	0.64%	318,856	15,744.61	-14.06%	1.06%	-15.14%
038	Gentry	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
039	Greene	1,248,057	98.98%	1,235,327	4.15	51,282.85	95.01	2.39%	1,191,289	58,824.04	-3.56%	18.95%	12.82%
040	Grundy	492,431	96.97%	477,510	6.11	29,155.81	38.77	0.97%	486,120	24,003.88	1.80%	-19.13%	-21.46%
041	Harrison	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
042	Henry *	114,187	98.16%	113,228	4.62	5,233.77	21.89	0.55%	274,469	13,552.87	142.40%	6.83%	61.38%
043	Hickory	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
044	Holt	641,267	97.80%	627,159	4.91	30,803.61	46.94	1.18%	588,560	29,062.21	-6.15%	0.53%	-5.99%
045	Howard *	111,371	92.97%	103,542	5.44	5,630.86	14.21	0.36%	178,173	8,797.91	72.08%	-9.20%	36.00%
046	Howell	577,195	97.39%	562,130	3.43	19,304.49	42.25	1.06%	528,124	26,158.47	-5.76%	43.79%	26.20%
047	Iron	622,777	97.51%	607,270	3.83	23,269.10	42.12	1.06%	528,124	26,077.98	-13.03%	28.87%	10.77%
048	Jackson	2,003,513	99.60%	1,995,489	7.04	140,405.10	153.46	3.85%	1,924,168	95,012.50	-3.57%	-29.82%	-47.78%

1999 Estimated Private Car Taxes by County													
No	County Name	Current Method						New Method					
		Assessed Value	% over \$500	Assessed Value over \$500	Tax Rate	Estimated Taxes		1999 Mileage		Assessed Value	Estimated Taxes	Percent Changes	
						Miles	Percent	Miles	Percent			Assess	Rate
049	Jasper	1,031,140	98.61%	1,016,807	3.99	40,552.20	109.13	2.74%	1,368,333	67,566.23	34.57%	23.81%	39.98%
050	Jefferson	1,021,944	98.74%	1,009,068	5.19	52,364.72	70.50	1.77%	883,989	43,849.04	-12.40%	-4.85%	-19.97%
051	Johnson	542,748	97.43%	528,799	4.86	25,973.88	35.76	0.90%	448,379	22,140.28	-15.21%	1.70%	-15.96%
052	Knox	240,851	94.57%	227,773	5.41	12,327.74	17.63	0.44%	221,055	10,915.36	-2.95%	-8.77%	-12.94%
053	Laclede	488,120	97.12%	474,062	3.77	17,876.23	35.73	0.90%	448,003	22,121.70	-5.50%	30.95%	19.19%
054	Lafayette	899,213	98.60%	886,824	4.93	43,891.14	77.02	1.93%	985,720	47,685.80	8.92%	0.20%	8.36%
055	Lawrence	533,731	97.24%	519,000	4.06	21,087.35	58.64	1.47%	795,261	36,306.09	41.67%	21.65%	41.97%
056	Lewis	295,362	95.13%	280,978	4.84	13,589.03	21.62	0.54%	271,084	13,385.70	-3.52%	2.10%	-1.52%
057	Lincoln	285,791	95.13%	271,873	4.49	12,204.61	20.92	0.53%	262,307	12,952.31	-3.52%	10.00%	5.77%
058	Linn	470,093	97.02%	456,084	5.99	27,913.00	34.41	0.86%	431,452	21,304.45	-5.40%	-17.55%	-28.20%
059	Livingston	316,585	95.27%	301,611	5.82	17,566.00	36.22	0.91%	454,147	22,425.08	50.57%	-15.22%	21.67%
060	McDonald	258,582	96.43%	249,351	3.96	9,863.79	20.97	0.53%	282,934	12,983.27	5.45%	24.83%	24.03%
061	Macon	959,309	96.74%	947,222	5.52	52,242.20	70.22	1.76%	880,488	43,475.68	-7.05%	-10.47%	-20.16%
062	Madison	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
063	Maries	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
064	Marion	682,730	97.91%	668,461	4.67	31,201.10	52.15	1.31%	653,886	32,287.91	-2.18%	5.79%	3.37%
065	Mercer	355,763	95.73%	340,572	6.38	21,739.84	23.44	0.59%	293,904	14,512.53	-13.70%	-22.64%	-49.80%
066	Miller	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
067	Mississippi	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
068	Moniteau	584,929	97.52%	570,423	4.24	24,184.38	38.54	0.97%	483,236	23,861.47	-15.28%	16.42%	-1.40%
069	Monroe	491,291	97.00%	476,552	5.03	23,977.46	45.63	1.15%	572,135	28,251.14	20.06%	-1.86%	15.13%
070	Montgomery	274,946	95.89%	263,846	4.55	11,991.33	28.43	0.66%	331,394	16,363.75	25.70%	8.57%	26.72%
071	Morgan	99,718	84.78%	84,541	4.11	3,476.15	6.57	0.16%	82,378	4,067.72	-2.56%	20.09%	14.54%
072	New Madrid	959,366	98.59%	945,839	3.86	36,467.89	66.55	1.87%	834,441	41,203.45	-11.78%	28.07%	11.49%
073	Newton	865,050	98.47%	851,815	4.43	37,752.41	65.74	1.65%	824,285	40,701.95	-3.23%	11.41%	7.25%
074	Nodaway	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
075	Oregon	195,083	92.91%	181,252	3.77	6,836.21	14.28	0.36%	179,051	8,841.25	-1.21%	30.92%	22.68%
076	Osage	360,762	95.87%	345,863	4.64	16,055.52	23.77	0.60%	298,042	14,716.85	-13.63%	6.37%	-9.10%
077	Ozark	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
078	Pemiscot	488,949	97.12%	474,867	4.72	22,413.66	35.79	0.90%	448,755	22,158.85	-5.50%	4.62%	-1.15%
079	Perry	481,979	97.12%	468,098	4.11	19,238.83	35.28	0.89%	442,360	21,843.09	-5.50%	20.14%	11.92%
080	Pettis	455,471	96.62%	440,076	4.80	21,144.31	30.01	0.75%	376,282	18,580.25	-14.50%	2.77%	-13.80%
081	Pheips	438,812	96.91%	425,253	3.59	15,282.48	32.12	0.81%	402,739	19,886.63	-5.29%	37.58%	23.25%
082	Pike	682,709	97.99%	668,987	4.28	28,633.10	60.49	1.52%	758,458	37,451.49	13.37%	15.37%	23.55%
083	Platte	553,635	97.08%	537,469	5.90	31,684.65	40.41	1.01%	506,683	25,019.26	-5.73%	-16.27%	-26.68%
084	Polk	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
085	Pulaski	452,465	96.91%	438,484	3.91	17,157.96	33.12	0.83%	415,277	20,505.76	-5.29%	26.19%	16.33%
086	Putnam *	111,460	92.43%	103,022	6.90	7,107.30	14.70	0.37%	184,317	9,101.29	76.91%	-28.42%	21.91%
087	Ralls	332,051	95.62%	317,507	4.18	13,287.23	28.13	0.71%	352,710	17,416.28	11.09%	17.96%	23.71%
088	Randolph	604,957	97.52%	589,854	4.79	28,249.16	61.09	1.53%	765,981	37,822.97	29.84%	3.12%	25.31%
089	Ray	1,165,030	96.90%	1,152,215	5.50	63,321.85	95.55	2.40%	1,198,060	59,158.38	3.98%	-10.15%	-7.04%
090	Reynolds	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
091	Ripley	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	ERR
092	St. Charles	735,565	98.07%	721,369	6.04	43,801.42	60.44	1.52%	757,831	37,420.54	5.05%	-18.31%	-16.52%
093	St. Clair *	31,455	92.15%	28,986	4.79	1,388.56	6.03	0.15%	75,608	3,733.39	160.84%	3.08%	62.81%
094	St. Francois	603,144	97.52%	588,186	4.66	27,433.87	39.74	1.00%	498,282	24,604.44	-15.28%	5.87%	-11.50%
095	Ste. Genevieve	728,068	97.69%	711,250	4.77	33,943.58	50.35	1.26%	631,317	31,173.46	-11.24%	3.47%	-8.89%
096	St. Louis	1,798,464	99.53%	1,790,011	7.08	126,785.54	127.42	3.20%	1,597,664	78,890.22	-10.75%	-30.29%	-60.71%

1999 Estimated Private Car Taxes by County													
No	County Name	Current Method					New Method					Percent Changes	
		Assessed Value	% over \$500	Assessed Value over \$500	Tax Rate	Estimated Taxes	Miles	Percent	Assessed Value	Estimated Taxes	Assess Rate	Taxes	
097	Saline	811,663	98.46%	799,183	4.75	37,989.37	72.36	1.82%	907,290	44,800.63	13.53%	15,20%	
098	Schuyler	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	
099	Scotland	139,207	87.62%	121,973	6.46	7,885.43	10.19	0.26%	127,768	6,308.99	4.75%	-23.62%	
100	Scott	663,652	97.61%	667,313	4.40	29,380.74	47.57	1.19%	596,459	29,452.27	-10.62%	12.11%	
101	Shannon	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	
102	Shelby	337,302	95.61%	322,494	4.69	15,782.45	24.69	0.62%	309,577	15,286.45	-4.01%	0.90%	
103	Stoddard	1,006,096	98.71%	993,117	4.03	39,994.30	66.29	1.66%	831,181	41,042.48	-16.31%	22.61%	
104	Stone *	136,823	99.16%	135,674	4.22	5,725.81	26.23	0.66%	328,866	16,239.92	142.41%	17.00%	
105	Sullivan *	139,588	93.65%	130,724	6.21	8,120.43	18.41	0.46%	230,835	11,398.28	76.58%	-20.51%	
106	Taney *	96,135	98.66%	94,866	4.08	3,868.23	18.43	0.46%	231,086	11,410.66	143.59%	21.10%	
107	Texas	240,168	94.36%	226,623	3.73	8,452.90	17.58	0.44%	220,428	10,884.40	-2.73%	32.38%	
108	Vernon	698,916	98.49%	688,362	4.24	29,156.24	95.02	2.39%	1,191,414	58,630.24	73.08%	16.58%	
109	Warren	189,542	94.55%	179,212	4.40	7,892.38	18.22	0.46%	228,453	11,280.64	27.48%	12.12%	
110	Washington	702,859	97.90%	688,099	5.03	34,640.36	46.31	1.16%	560,661	28,872.16	-15.61%	-1.91%	
111	Wayne	489,317	97.15%	475,371	3.84	18,277.00	32.24	0.81%	404,243	19,960.92	-14.96%	28.43%	
112	Webster	668,587	97.80%	653,878	4.21	27,542.93	48.94	1.23%	613,637	30,300.48	-6.15%	17.23%	
113	Worth	0	0.00%	0	0.00	0.00	0.00	0.00%	0	0.00	ERR	ERR	
114	Wright	381,287	96.32%	367,256	3.76	13,804.74	27.91	0.70%	349,951	17,280.07	-4.71%	31.36%	
115	City of St. Louis	563,616	97.11%	547,522	6.72	36,767.06	40.18	1.01%	503,799	24,876.86	-7.95%	-26.47%	
Totals		49,744,838	97.60%	48,521,050	4.94	2,972,676.65	3,982.36	1.00%	49,933,067	2,465,819.61	-2.91%	0.00%	

Source: 1996 tax rates from railroad companies and (*) Form 1309

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 2—Original Assessment**

PROPOSED RULE

12 CSR 30-2.018 Method of Administrating the Ad Valorem Taxation of the Private Railcar Industry

PURPOSE: This rule sets forth the precise method of administrating the *ad valorem* tax for the private railcar industry.

(1) The commission will determine the statewide average rate of property taxes levied for the preceding year from reports filed by the railroad and street railway companies operating within the state. This information will be filed with the Director of Revenue along with the current year's taxable distributable assessed valuation of each freight line company on or before the first of October. In addition, this report shall include the current total main line track mileage of the railroad and street railway companies within each county to the aggregate total of the state. This report will also include the following information:

- (A) Name and mailing address of each freight line company;
- (B) Assessed valuation of the distributable property for each freight line company;
- (C) Statewide average rate of property taxes levied the preceding year; and
- (D) Amount of *ad valorem* tax due from each freight line company.

AUTHORITY: sections 137.1018 and 137.1021, RSMo Supp. 1999. Original rule filed Sept. 20, 1999.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Rosemary P. Kaiser, Administrative Secretary, State Tax Commission, P.O. Box 146, Jefferson City, MO 65102, (573) 751-2414. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 1—General Rules**

PROPOSED RESCISSION

12 CSR 60-1.010 Definitions. This rule designated meanings for certain words and terms utilized in the rules promulgated by the Missouri Motor Vehicle Commission as authorized by sections 301.550-301.572, RSMo.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1990. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 1—General Rules**

PROPOSED RESCISSION

12 CSR 60-1.020 Missouri Motor Vehicle Commission. This rule complied with section 301.553, RSMo, which permitted the Motor Vehicle Commission to adopt rules governing the conduct of the commission and vesting it with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions of sections 301.550-301.572, RSMo.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1990. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 1—General Rules**

PROPOSED RESCISSION

12 CSR 60-1.030 General Organization. This rule complied with section 536.023(3), RSMo, which required each agency to adopt a

description of its operation and the methods and procedures for the public to obtain information or make submissions or requests.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1990. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 1—General Rules**

PROPOSED RESCISSION

12 CSR 60-1.040 Policy for Handling Release of Public Records. This rule set forth the commission's written policy in compliance with sections 610.010.2-610.030, RSMo, regarding the release of information on any meeting, record or vote of the commission.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1990. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 1—General Rules**

PROPOSED RESCISSION

12 CSR 60-1.050 Public Complaint Handling and Disposition Procedures. This rule established procedures pursuant to section 620.010.15(6), RSMo, for the receipt, handling and disposition of public complaints by the commission.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1990. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 1—General Rules**

PROPOSED RESCISSION

12 CSR 60-1.060 Fees. This rule established the licensing fees of the Missouri Motor Vehicle Commission.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo 1994. Emergency rule filed July 10, 1989, effective July 20, 1989, expired Nov. 16, 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed Aug. 12, 1991, effective Jan. 13, 1992. Amended: Filed Nov. 18, 1991, effective April 9, 1992. Amended: Filed Nov. 21, 1994, effective May 28, 1995. Amended: Filed Sept. 19, 1995, effective March 30, 1996. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.010 Licensure Procedures. This rule outlined the general procedures for application for licensure and issuance of a license effective July 1989.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed Nov. 3, 1989, effective Feb. 25, 1990. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.020 Licensure Requirements for Boat Dealers. This rule set out specific requirements to obtain a boat dealer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.030 Licensure Requirements for Franchised New Motor Vehicle Dealers. This rule set out specific requirements to obtain a franchised new motor vehicle dealer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.040 Licensure Requirements for Used Motor Vehicle Dealers. This rule set out specific requirements to obtain a used motor vehicle dealer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.050 Licensure Requirements for Wholesale Motor Vehicle Dealers. This rule set out specific requirements to obtain a wholesale motor vehicle dealer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.060 Licensure Requirements for Recreational Motor Vehicle Dealers. This rule set out specific requirements to obtain a recreational motor vehicle dealer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.070 Licensure Requirements for Historic Motor Vehicle Dealers. This rule set out specific requirements to obtain a historic motor vehicle dealer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.080 Licensure Requirements for Classic Motor Vehicle Dealers. This rule set out specific requirements to obtain a classic motor vehicle dealer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat

dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.090 Licensure Requirements for Motorcycle Dealers. This rule set out specific requirements to obtain a motorcycle dealer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.100 Licensure Requirements for New Vehicle and Trailer Manufacturers. This rule set out specific requirements to obtain a new vehicle and trailer manufacturer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.110 Licensure Requirements for Boat Manufacturers. This rule set out specific requirements to obtain a boat manufacturer class license.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.120 Bona Fide Established Place of Business. The commission had the authority to determine that an applicant for

licensure is a dealer or manufacturer in fact. One of the requirements for licensure as a dealer or manufacturer is that the business owner maintain a bona fide established place of business. This rule established some of the criteria that may be used in determining if this requirement had been met.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed Nov. 3, 1989, effective Feb. 25, 1990. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.130 Registration with Secretary of State. This rule required that all licensees properly register their business activity as required by other provisions of Missouri law.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.140 Business Records of Motor Vehicle Manufacturers, Boat Manufacturers, Motor Vehicle Dealers and Boat Dealers. This rule established the requirements for retention of business records associated with the licensure of motor vehicle manufacturers, boat manufacturers, motor vehicle dealers and boat dealers.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.150 Dealer License Plates. This rule established safeguards to prevent unauthorized use of dealer plates.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.575, RSMo Cum. Supp. 1990. Original rule filed Feb. 14, 1991, effective July 8, 1991. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.160 Business Records of Manufacturers, Dealers and Boat Dealers. This rule replaced 12 CSR 10-23.120 of the Motor Vehicle Bureau of the Department of Revenue and established odometer disclosure requirements and related record retention and required the surrender of business records associated with registered motor vehicle manufacturers, dealers and boat dealers upon termination of the business.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed Oct. 18, 1991, effective March 9, 1992. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 2—Licensure Procedures**

PROPOSED RESCISSION

12 CSR 60-2.170 Regulation of Boat Dealer's Certificate of Number and Plates. This rule replaced 12 CSR 10-23.395 of the Motor Vehicle Bureau of the Department of Revenue and established safeguards to prevent unauthorized use of certificates of number.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1990. Original rule filed Oct. 18, 1991, effective March 9, 1992. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 3—Off-Premise Shows or Tent Sales**

PROPOSED RESCISSION

12 CSR 60-3.010 Dealership Activity Conducted Away From Registered Bona Fide Established Place of Business. This rule specified the requirements in section 301.566, RSMo, that a motor vehicle dealer must meet in order to participate in a show or sale conducted away from their *bona fide* established place of business.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed Nov. 3, 1989, effective Feb. 25, 1990. Rescinded: Filed Sept. 4, 1990, effective Feb. 14, 1991. Readopted: Filed April 13, 1992, effective Dec. 3, 1992. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 4—License Denial, Disciplinary Actions and
Appeal and Hearing Procedures**

PROPOSED RESCISSION

12 CSR 60-4.010 License Denial or Disciplinary Actions. This rule established guidelines for license denial or disciplinary action.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 4—License Denial, Disciplinary Actions and
Appeal and Hearing Procedures**

PROPOSED RESCISSION

12 CSR 60-4.020 Review of License Denial. This rule implemented section 301.562.1, RSMo, and established procedures for the review of license denial.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed April 18, 1990, effective June 28, 1990. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 4—License Denial, Disciplinary Actions and
Appeal and Hearing Procedures**

PROPOSED RESCISSION

12 CSR 60-4.030 Waiver of Hearing. This rule set forth the conditions in which an applicant can waive his or her rights to a hearing.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed April 18, 1990, effective June 28, 1990. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 4—License Denial, Disciplinary Actions and
Appeal and Hearing Procedures**

PROPOSED RESCISSION

12 CSR 60-4.040 Disciplinary Procedures and Hearings. This rule implemented sections 301.562.2 and 301.562.3, RSMo, and established procedures for disciplinary actions, including the issuing of a reprimand, probation, suspension and revocation.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed April 18, 1990, effective June 28, 1990. Amended: Filed Aug. 11, 1993, effective Jan. 31, 1994. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 4—License Denial, Disciplinary Actions and
Appeal and Hearing Procedures**

PROPOSED RESCISSION

12 CSR 60-4.050 Designated Hearing Officer. This rule established the duties and powers of a hearing officer.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed April 18, 1990, effective June 28, 1990. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 4—License Denial, Disciplinary Actions and
Appeal and Hearing Procedures**

PROPOSED RESCISSION

12 CSR 60-4.060 Notice of Hearing. This rule established where hearings may be held.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed

April 18, 1990, effective June 28, 1990. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 4—License Denial, Disciplinary Actions and
Appeal and Hearing Procedures**

PROPOSED RESCISSION

12 CSR 60-4.070 Prehearing Conferences and Stipulations. This rule established specific requirements needed to set prehearing conferences.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed April 18, 1990, effective June 28, 1990. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 4—License Denial, Disciplinary Actions and
Appeal and Hearing Procedures**

PROPOSED RESCISSION

12 CSR 60-4.080 Deliberations of the Commission. This rule established the procedures of the commission in the deliberation of a hearing.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

*P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

AUTHORITY: section 301.553, RSMo Cum. Supp. 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed April 18, 1990, effective June 28, 1990. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 60—Motor Vehicle Commission
Chapter 5—Advertising Practices**

PROPOSED RESCISSION

12 CSR 60-5.010 Advertising Practices for Motor Vehicle Dealers. This rule implemented the intent of the legislature as described in Missouri Motor Vehicle Commission law, sections 301.553.8 and 301.562.2(5) and (11), RSMo, by regulating the advertising practices of the licensees by requiring truthful and accurate advertising practices in the sales or leasing, or both, of motor vehicles for the benefit of the citizens of this state.

PURPOSE: The decision to rescind this rule is based upon the fact that section 301.553, RSMo eliminated the Missouri Motor Vehicle Commission and transferred the commission's duties and functions relating to licensing manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers to the Department of Revenue.

AUTHORITY: sections 301.553 and 301.562, RSMo 1994. Emergency rule filed Feb. 3, 1993, effective March 1, 1993, expired June 28, 1993. Original rule filed Oct. 2, 1992, effective June 7, 1993. Amended: Filed Aug. 11, 1993, effective Jan. 31, 1994. Emergency amendment Sept. 14, 1994, effective Sept. 24, 1994, expired Jan. 21, 1995. Amended: Filed Sept. 14, 1994, effective April 30, 1995. Rescinded: Filed Oct. 15, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations,