

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

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION  
Division 10—Commissioner of Administration  
Chapter 15—Cafeteria Plan**

**ORDER OF RULEMAKING**

By the authority vested in the commissioner of administration under section 33.103, RSMo (Supp. 1999), the commissioner of administration amends a rule as follows:

**1 CSR 10-15.010 Cafeteria Plan is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 1999 (24 MoReg 2577-2578). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The department amended 3 CSR 10-7.440 by establishing an extended period of take with no bag or possession limits for hunting blue, snow and Ross' geese in 2000.

**3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits**

*PURPOSE: To comply with the Arctic Tundra Habitat Emergency Conservation Act enacted November 24, 1999, the Department of Conservation must amend its rules to authorize the use of extraordinary hunting methods for the take of blue, snow and Ross' geese during an extended period in spring 2000. The well documented, long-term damage to habitat in fragile Arctic and subarctic breeding areas from an overpopulation of these light geese demands that immediate action be taken to alleviate that situation in the most cost-effective way.*

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(G) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. The hunting season for blue, snow and Ross' geese is closed statewide beginning February 1, 2000 in order to implement the federal Arctic Tundra Habitat Emergency Conservation Act which became law on November 24, 1999.

A. Persons who possess a valid migratory bird permit may chase, pursue, and take blue, snow and Ross' geese between the hours of one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset from February 1 through April 30, 2000. Any other regulation notwithstanding, methods for the taking of blue, snow and Ross' geese includes using shotguns capable of holding more than three shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. Exceptions to the above permit requirement include landowners or lessees, as described in this code, and persons fifteen (15) years of age or younger, provided s/he is in the immediate presence of a properly licensed adult or has in his/her possession a valid hunter education certificate card. A daily bag limit will not be in effect during February 1-April 30.

*PUBLISHER'S NOTE: Paragraphs (1)(G)2.-10. remain as published in the Code of State Regulations.*

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This amendment filed December 20, 1999, effective **January 1, 2000**.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
Division 60—Missouri Commission on Human Rights  
Chapter 3—Guidelines and Interpretation of  
Employment Anti-Discrimination Laws**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission on Human Rights under sections 213.030(6), RSMo Supp. 1999 and

213.075.3, RSMo 1994, the commission withdraws a proposed amendment as follows:

**8 CSR 60-3.040 Employment Practices Related to Men and Women is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 1999 (24 MoReg 2588). This proposed amendment is withdrawn.

The Commission is examining the need for a rule change. The Commission plans to hold pre-filing hearings under Section 536.026 at its next regularly scheduled meeting in Jefferson City in the spring of 2000. Notification of date, time and place of the public hearing will be published in the *Missouri Register*. In addition, notification of the public hearing will be sent to each individual or entity that submitted comments on this proposed amendment.

**SUMMARY OF COMMENTS:** The Missouri Commission on Human Rights received forty-seven (47) comments claiming to support the commission's action to amend the rule. Only seventeen (17) of these comments appeared to have an understanding of what the rule was intended to accomplish which was to adopt the federal standard for supervisor liability which provides for strict liability for supervisory harassment with an affirmative defense in situations in which the harassment did not result in tangible employment action. Thirty (30) of the commenters indicated that they thought the Commission was adopting a rule that would only hold the employer liable for supervisor harassment when "they knew or should have known of the harassment."

The Commission received ten (10) comments from attorneys representing employees in opposition to the proposed amendment. The attorneys object to the removal of the strict liability language of the rule. They maintain that Missouri agency law requires that the employers be strictly liable for the action of supervisors because the supervisors' knowledge is imputed to the employer. There was also a concern raised that the rule as drafted will not accomplish the purpose the Commission intended. In addition, they felt that the current regulation better protects employee rights.

Finally the Commission received (3) comments from which it could not determine whether the person was supporting or opposing the proposed amendment.

The comments received by the Commission indicate a belief that there is no strict liability under Missouri law. In fact, there would still be strict liability when a supervisor sexually harasses a worker and the worker suffers a tangible employment action. When there is no tangible employment action, the employer has an opportunity to present an affirmative defense. Due to the confusion on this issue, it is questionable whether thirty (30) of the comments in support of the rule actually support the action taken by the Commission.

The Commission's proposed amendment did not adopt a knew or should have known standard which many commenters supported. Such a standard would provide less protection from sexual harassment than the federal Civil Rights Act of 1964 Title VII and would therefore be invalid as a matter of federal law.

The rulemaking procedure contemplates withdrawing the rule based upon comments received during the process. A key factor in favor of withdrawing the proposed amendment is the nature of the comments in support of the rule which do not appear to support the action actually taken by the Commission. The Commission is withdrawing the rule and plans to hold a pre-filing hearing under Section 536.026, RSMo 1998 before promulgating a new proposed amendment. Both the opponents and proponents will then have input into the process, and the content of the rule will be carefully considered.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 3—Enforcement**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo Supp. 1999, the commission hereby rescinds a rule as follows:

**10 CSR 20-3.010 Penalty Assessment Protocol is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1225). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 3—Enforcement**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo Supp. 1999, the commission hereby adopts a rule as follows:

10 CSR 20-3.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1225-1238). Those subsections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:**

**COMMENT:** (1) General Provisions (D)—Enabling the director to withdraw any administrative penalty order at any time and without prejudice may be giving a single individual too much discretionary power and open the process to partiality unless well defined criteria are established in the regulations for withdrawal. **RESPONSE:** This provision is consistent with statute 644.079, which provides that the director is the only individual who may issue an order to the violator assessing the penalty and with other discretionary authorities, such as referring the matter to the Attorney General's Office, that are assigned to the director. In practice, many more individuals are involved with the process but, ultimately, the decision necessarily rests with one person. No change was made as a result of this comment. The department may, however, provide point calculations with the administrative penalty order.

**COMMENT:** (1) General Provisions (E)—We are pleased to see that "the basis of the penalty calculation" which we assume means all point calculations will be included in an order assessing an administrative penalty. We propose that the basis of the penalty calculation also be shared with the alleged violator prior to formal order issuance, i.e. during any negotiation. **RESPONSE:** Unlike informal settlement agreements, administrative penalty orders are not subject to negotiation. No change was made as a result of this comment.

COMMENT: (2) Definitions (B) 1.—During the conference, conciliation and persuasion process, we are pleased to see that “negotiation in good faith” is mandated for both the department and the alleged violator. Again we stress that such negotiation should also apply to penalty assessment calculations.

RESPONSE: The department will be professional in applying the rule. Unlike the informal settlement agreement, there are no negotiations for an administrative penalty assessment.

COMMENT: Section (1)(B) and (2)(B)6. appear to be in conflict, because even minor violations by definition have a potential for harm.

RESPONSE AND EXPLANATION OF CHANGE: We agree with this comment. Paragraph (2)(B)6. has been deleted from the rule.

COMMENT: (2) Definitions (B)(9)H.—The significant noncompliance criteria which states that “Violations of narrative requirements in permit which is of substantial concern to the regulatory agency” is unnecessarily vague and open-ended. This statement applies to any general criteria in the Water Quality Standards, any narrative effluent limitation, and any standard or special condition in a permit. For a permittee to be in “significant noncompliance,” which has all sorts of stigmas attached to it, the regulatory agency only has to express a “substantial concern” for a particular violation.

RESPONSE: The description of a condition “which is of substantial concern to the regulatory agency” is consistent with the formal EPA definition of significant noncompliance. No change was made as a result of this comment in order to maintain consistency among the state and federal programs.

COMMENT: (2) Definitions (B)(9)I.—The significant noncompliance criteria which states that “Any other violation or group of permit violations which the director considers to be of substantial concern” is also vague, open-ended and even intimidating. The “substantial concern” of one individual may vary greatly from the substantial concern of another. The “potential for harm” to the permittee by this definition of significant noncompliance is considerable if it is used to discriminate.

RESPONSE: This definition is consistent with the formal EPA definition of significant noncompliance. No change was made as a result of this comment in order to maintain consistency among the state and federal programs.

COMMENT: Section (3)(A)1.B. “Violations which may or may not pose a potential threat to human health or the environment, but which has an adverse effect upon the purposes of, or procedures for, implementing the Missouri Clean Water Law and associated rules or permit is too vague.”

RESPONSE AND EXPLANATION OF CHANGE: This subparagraph has been deleted from the proposed rule.

COMMENT: The current rule for determining penalties for underground storage tank (UST) violations (10 CSR 20-13.080) had an appendix (Appendix A) which specifically lists and assigns a value to identified violations and their potential for harm. At least under the State’s UST rule, one knows “up front” what is considered a violation and how much the penalty for the violation could be.

RESPONSE: The universe of facilities subject to requirements of the Missouri Clean Water Law is much broader than UST and also the related issues are more complex. It is not practical to attempt to cover all violations of the Missouri Clean Water Law in a similar table. No change was made as a result of this comment.

COMMENT: (3) Determination of Penalties (A)1.C.—Many tables of criteria and assessed points are presented for various cat-

egories in the Gravity-Based Assessment. Some tables and their columns for points assessed list zero points, but most do not. We recommend a zero criteria be listed in all tables under the potential for harm and extent of deviation headings. There are acceptable criteria for each category whereby no points would be assessed, e.g. sludge handling facilities with less than 100 dry tons/year.

RESPONSE: Zero points could be assigned under circumstances where there is no potential for harm. However, for some factors there is no minimum level at which there is no potential for harm. Zero points for all categories would not be appropriate. No change was made as a result of this comment.

COMMENT: (3) Determination of Penalties (A)1.C.—It is stated in the “Receiving Water Characteristics and Sensitivity” category that a discharge to “waters listed as impaired on the current Missouri 303(d) list where the violation involved a contaminant responsible for the water listing,” would receive the category’s maximum penalty points (25). The Missouri and Mississippi Rivers are both on the 303(d) list for habitat loss. There are many physical, chemical and biological factors that influence habitat for a multitude of life forms. Determining the effect on habitat of a discharge to the Missouri or Mississippi Rivers would be an extremely complex and arduous task.

RESPONSE: The contaminants best associated with habitat loss are sediment or solids. Few, if any, permitted discharges are capable of discharging these contaminants to the extent that the physical substrate of the Missouri or Mississippi Rivers would be altered. No change was made as a result of this comment.

COMMENT: (3) Determination of Penalties (A)1.C.—It is stated in the “Effects of Water contaminant Discharges” that if a “discharge has harmful effect on animal or aquatic life as evidenced by fish kills,” a maximum of 30 points would be assessed. This statement in the past has apparently been applied to one minnow or to many game fish. There needs to be delineation for number and type of fish as related to the number of penalty points assessed to be an acceptable measure of the potential for harm.

RESPONSE: The assessment of damages, not penalties, addresses the direct loss of resources value, and this argument could be made in contesting a damages assessment. The penalty assessment, however, takes note of whether fish were killed, not the extent of the kill. No change was made as a result of this comment.

COMMENT: (3) Determination of Penalties (A)2.A. & B.—Under the “extent of deviation” criteria, major and moderate degrees of severity are defined. A “Major” degree of severity results in “substantial noncompliance,” whereas a “moderate” degree of severity results in “significant noncompliance” which has its own definition under (2) Definitions (B)9. Substantial and significant are both synonyms for important but in the regulation they have different penalty values without a clear distinction between these degrees of severity. Also confusing is that for a moderate degree of severity, “the violator has deviated slightly.” Greater clarity and more explicit definition is needed to prevent misinterpretations.

RESPONSE AND EXPLANATION OF CHANGE: The use of the terms “major” and “moderate” have been deleted from the rule.

COMMENT: (3) Determination of Penalties (A)2.D.—It is indicated in the “Organization Capability and Sophistication” category that a major discharger, simply because they are a major discharger will be assessed 30 penalty points for any violation. No matter how slight the violation, this class distinction increases the chance of the discharge being assigned a moderate degree of severity. The larger the system and more complex the facilities, the

greater is the potential for violation. Assigning penalty points simply because of organizational size is unfair. This category should be deleted in its entirety.

RESPONSE: The intent of this section is that smaller facilities, with less operational control, will not be assessed the same penalties as larger facilities. No changes are proposed.

COMMENT: In the Fiscal Note Private Entity Cost, Section IV Assumptions, Item 4., the statement is made that "Appealed administrative penalty orders are expected to be rare as the agency will be very careful in the selection of those cases suitable for administrative penalty orders." This statement has an ominous tone. One could speculate that those less likely to challenge would be most likely to receive administrative penalty orders.

RESPONSE: Administrative penalty orders, like other formal and informal administrative actions, will be used where they are most effective and efficient rather than across the board. No change was made as a result of this comment.

COMMENT: Section (3)(A)1.C.—The table of receiving water characteristics and sensitivity should include the phrase "and unclassified streams" in addition to "all other waters" under the 0 points assessment.

RESPONSE AND EXPLANATION OF CHANGE: Changes are made to the proposed rule to reflect this comment.

COMMENT: The table of Ag-Chem secondary containment in section (3)(A)1.C. includes only volume criteria for on-site tank capacity, implying concern only with containment of liquid pesticides or fertilizers. It is suggested that some criteria also be included for storage of dry materials.

RESPONSE: Dry materials are normally stored under roof where there is little potential for coming in contact with storm water. There does not appear to be a need to include dry material on the table. No change was made as a result of this comment.

COMMENT: The narrative above the table of sludge handling facilities in section (3)(A)1.C. discusses violations in terms of the amount bypassed per day, while the table itself only discusses dry tons per year. It is suggested that appropriate daily amounts be included in the table for cases of violation due to bypass.

RESPONSE AND EXPLANATION OF CHANGE: The table has been changed to dry pounds per day.

COMMENT: (3)(A)1.C.—There is no indication of how the volumes listed in the table of site specific industrial stormwater are to be determined.

RESPONSE AND EXPLANATION OF CHANGE: Volumes are based on design flow. Language has been added as a result of this comment.

COMMENT: The table of domestic wastewater facilities in section (3)(A)1.C. includes a 10-point assessment if the violation occurs where a "pretreatment program is/should be in effect." In the case of a large metropolitan sewer system, although there is likely a pretreatment program in effect, there are often large areas that are strictly residential in nature and have no industrial or commercial discharges. If bypass occurs from a sewer serving one of these areas, there is no potential for harm from industrial discharges and no additional points should be assessed.

RESPONSE AND EXPLANATION OF CHANGE: The Clean Water Commission agrees that the potential for harm is reduced if the bypass is from an area that is primarily residential. The commission agrees and has placed an asterisk behind the points assessed column for a pretreatment program with the following explanation: \* The points assessed may be reduced if the permittee can demonstrate that the portion of sewer system that is bypassing serves primarily residential areas with little or no categorical industries.

COMMENT: CAFOs have been placed in the same category as major discharges. CAFOs are designed, permitted, and operated as no-discharge facilities, and thus, should be categorized separately. It is suggested that CAFOs be categorized under 10 points category which includes "all other facilities."

RESPONSE: Class IA CAFO facilities have a tremendous potential for harm to the environment and must be considered the same as major facilities; therefore, they are not categorized under the 10 points category which includes "all other facilities." No change was made as a result of this comment.

COMMENT: Paragraph (3)(E)2. discusses good faith efforts. Good faith efforts should be recognized as grounds for decreasing penalties. In addition, the history of noncompliance section should be deleted from the proposed regulation. It serves no practical purpose and penalties for violations should be based on actual impact of the violation.

RESPONSE: Good faith efforts are and will be used for decreasing penalties. History of noncompliance is also equally important to adjust penalties upward if appropriate. The matrix delineates reduction for demonstrating good faith effort and increase for lack of demonstrating good faith efforts.

COMMENT: The term "critical aquatic habitat" needs clarification. In the context of the Endangered Species Act (ESA), "critical habitat" is defined. Is the same definition intended for purposes of this proposal? If so, the ramification of a related policy review recently announced by the U.S. Fish and Wildlife Service should be considered. This policy review is intended to address current critical habitat requirements. The public comment period on this proposal ends October 29. Regardless of whether the ESA definition applies, are these areas delineated on a map or otherwise clearly identified?

RESPONSE: The definition of "critical habitat" in this proposed rule is the same as the definition of "critical habitat" in the ESA, and those areas are delineated on a map by the Missouri Department of Conservation. No change was made as a result of this comment.

COMMENT: To develop options for addressing rising WPCP costs, DNR has convened meetings with two stakeholder advisory groups during the past year and begins another round of meetings with an advisory group this week. Is this proposal worth the estimated \$1,928,552.40 total aggregate cost for affected public entities, including \$1,052,600 for the WPCP?

The estimated total aggregate cost for affected private entities is \$7,600,000. This estimate is based on the assumption that the average penalty under the proposed rule will be \$2,000, which is the current average penalty. However, the range of penalties proposed suggests that the average may increase. Recalculating actual penalties assessed using the proposed matrices might yield a more accurate estimate.

RESPONSE: The estimated costs over 20 years are based on having current staffing to use administrative penalty orders in place of civil action used currently. Thus costs of using this rule will be offset by savings in our civil actions. This rule provides an additional benefit that will streamline enforcement further. The \$2,000 average penalty is based on a penalty obtained through civil action. The program has only issued one administrative penalty during the life of the rule. It is possible that average may vary as the nature of enforcement cases and violation varies. However, \$2,000 remains our best estimate for penalties under this rule. No change was made as a result of this comment.

COMMENT: The proposed rule also states in subparagraph (3)(A)2.D. that the extent of deviation will be expressed as a point total and evaluated by adding together the points assessed for specified criteria. Under this calculation method, a point total between

46 and 100 would be deemed to be a moderate extent of deviation. It is conceivable that a violator could accrue a point total between 46–100 without being in “significant noncompliance” as defined in the proposed rule. This creates ambiguity as to whether the extent of deviation of the violation should be deemed as “moderate” in accordance with the gravity-based penalty assessment matrix or “minor” based on subparagraph (3)(A)2.C.

**RESPONSE AND EXPLANATION OF CHANGE:** The definitions of “major,” “moderate” and “minor” have been deleted from the rule.

**COMMENT:** (3)(A)1.C., Potential for Harm—Sixty (60) points could be assessed against a large municipality; 30 points for sludge handling and 30 points for average daily flow regardless of the extent of violation.

**RESPONSE:** Under potential for harm, only one category with points assessed are applied. No change was made as a result of this comment.

**COMMENT:** General Provisions. Paragraph (1)(F) provides that administrative penalties may be assessed against owners and operators. The Missouri Clean Water Law does not authorize penalties against owners or operators but rather only persons.

**RESPONSE:** The Missouri Clean Water Law, Section 644.079, RSMo, states “the director may issue an order assessing an administrative penalty upon the violator.” Further supporting this position is the fact that a violator can be the owner or operator or both. No change was made as a result of this comment.

**COMMENT:** Definitions—Significant Noncompliance. Paragraph (2)(B)9. defines “significant noncompliance.” Included in the definition are unpermitted discharges. There are occasions when a permitted facility has a minor and/or temporary discharge that is not “technically” authorized by the permit. An example could be steam condensate from a steam trap prior to repair of the trap. Therefore, this discharge would be unpermitted. Other times small, de minimis discharges occur which are not permitted. Such could be final cleanup rinse water from a spill of molasses. Both of these “unpermitted discharges” do not warrant including these types of activities under the definition of significant noncompliance. Furthermore, paragraphs 9.H. and I. authorize the MDNR to categorize a violation as significant noncompliance if the MDNR has “substantial concerns.” “Substantial concerns” is such a vague and abstract concept that it should not be included in the definition of substantial noncompliance. Without any additional definition of “substantial concern,” it should be deleted from the proposed rule.

**RESPONSE:** The definition of significant noncompliance is the same as the EPA formal definition of the term significant noncompliance. Therefore, it has not been changed in order to maintain consistency among the state and federal programs.

**COMMENT:** Economic Benefit. Paragraph (3)(D)2. discusses when an economic benefit may be excluded from the administrative penalty. Reasons stated are whether “there are compelling public concerns that the matter would not be served by taking the case to trial” and the likelihood to recovering “economic benefit in litigation.” Why trials and litigation are discussed in administrative penalty assessment regulation is uncertain. Administrative penalties are apart and distinct from litigating a civil penalty in circuit court as authorized by Section 644.076.1, RSMo. On the other hand, if a person is assessed an administrative penalty and appeals the penalty, an administrative “trial” will be held. This administrative “trial” will be substantially the same type of “trial” that would be held in circuit court if a lawsuit were filed. So why does the MDNR believe the Clean Water Commission is not as likely to impose a penalty for economic benefit as a Circuit Judge?

**RESPONSE AND EXPLANATION OF CHANGE:** Subsection (3)(D) has been modified as a result of this comment.

**COMMENT:** Adjustments. Paragraph (2)(E)2. discusses good faith efforts to comply. This subsection states that “good faith efforts to achieve compliance after agency detection are assumed and are not grounds for decreasing the penalty amount.” This provision is not good public policy. Many times, good faith is defined by the speed in which the regulated entity returns to compliance. Oftentimes, the regulated person or company expends tremendous amounts of resources to return to compliance which are above and beyond what is normally expected under the circumstances. With no Good Faith adjustment, a company has no incentive to comply prior to any deadline that has been established by DNR. For these reasons, good faith efforts should be recognized after the MDNR detects the violation.

**RESPONSE:** The purpose of providing an incentive is to promote a pollution prevention approach in environmental control among regulated entities. If the good faith efforts are not demonstrated to prevent pollution in the first instance, a penalty will not be decreased. A good faith effort to return to compliance after a problem has been discovered by the MDNR, but with no good faith effort to maintain compliance beforehand, simply does not provide justification for reducing the penalty. However, a company which can show not only a good faith effort to comply before the violation, but also a swift response, will be a consideration. No change was made as a result of this comment.

**COMMENT:** History of Noncompliance. This section should be deleted from the proposed regulation. This section is the functional equivalent of a habitual violator provision. On rare occasions, MDNR inspectors have vendettas against certain companies. They have a tendency to write numerous notices of violation, even for the smallest of digressions. This would encourage those inspectors to write more notices of violation. Furthermore, it would encourage the regulated entities to appeal the notices of violation to the Missouri Clean Water Commission pursuant to Section 640.010.1, RSMo.

**RESPONSE:** As proposed, the rule provides incentive for good faith efforts; it also provides disincentive for lack of good faith efforts. No change was made as a result of this comment.

**COMMENT:** Calculation Sheet. The regulation does not include a calculation sheet which includes adjustment factors. Including a sheet would help the regulated community better understand this regulation.

**RESPONSE:** The matrix delineates reduction for demonstrating good faith effort and increase for lack of demonstrating good faith effort. No change was made as a result of this comment.

### 10 CSR 20-3.010 Penalty Assessment Protocol

#### (1) General Provisions.

(B) An administrative penalty shall not be imposed until the department has sought to resolve the violations through conference, conciliation and persuasion and shall not be imposed for minor violations. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation has caused, or had the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is not a minor violation.

#### (2) Definitions.

(B) Additional definitions specific to this rule are as follows:

1. Conference, conciliation and persuasion—A process of verbal or written communications, including but not limited to meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

2. Economic benefit—Any monetary gain which accrues to a violator as a result of noncompliance;

3. Extent of deviation—Deviation from the provisions of sections 644.006–644.141, RSMo or its corresponding regulations, rules, standards, limitations, orders or permits related to the degree to which the violation departs from or prevents the attainment of the intended purpose of the specific statutory or regulatory requirement;

4. Gravity-based assessment—The degree of seriousness of a violation, taking into consideration the risk to human health and the environment posed by the violation and considering the extent of deviation from sections 644.006–644.141, RSMo;

5. Major facility—Means any facility or activity requiring a Missouri State Operating Permit (MSOP) and classified as such by the director in concurrence with the United States Environmental Protection Agency (USEPA);

6. Multi-day violation—A violation which has occurred on or continued for two (2) or more consecutive or non-consecutive days;

7. Multiple violation penalty—The sum of individual administrative penalties assessed where two (2) or more violations are included in the same enforcement action;

8. Significant noncompliance—Violation of one (1) or more provisions of sections 644.006–644.141, RSMo, or corresponding standards, limitations, orders or rules, or a term or condition of any permit which meets one (1) or more of the following criteria:

A. Violation of permit effluent limits which the department must report to the USEPA, or would have to report if the facility was subject to noncompliance reporting requirements;

B. An unauthorized bypass;

C. An unpermitted discharge;

D. A pass through of pollutants which causes or has the potential to cause a violation of Water Quality Standards, 10 CSR 20-7.031;

E. Failure of a municipal wastewater treatment facility to implement its approved pretreatment program, including failure to enforce industrial pretreatment requirements as required in the approved program;

F. Violations of any compliance schedule milestone by ninety (90) days or more from the date specified in an enforcement order or a permit;

G. Failure of the permittee to provide reports within thirty (30) days from the due date specified in an enforcement order or a permit;

H. Violations of narrative requirements in permit which is of substantial concern to the regulatory agency; and

I. Any other violation or group of permit violations which the director considers to be of substantial concern.

(3) Determination of Penalties. The amount of an administrative penalty will involve the application of a gravity-based assessment under subsection (3)(A) and may involve additional factors for multiple violations under subsection (3)(B), multi-day violations under subsection (3)(C) and economic benefit resulting from non-compliance under subsection (3)(D). The resulting administrative penalty may be further adjusted as specified under subsection (3)(E).

(A) Gravity-Based Assessment. The gravity-based assessment is determined by evaluating the potential for harm posed by the violation and the extent to which the violation deviates from the requirements of the Missouri Clean Water Law.

1. Potential for harm. The potential for harm posed by a violation is based on the risk to human health, safety, or the environment or to the purposes of implementing the Missouri Clean Water Law and associated rules or permits.

A. The assessment of the potential for harm resulting from

a violation will be based on the risk of adverse effects upon humans or the environment from exposure to water contaminants as a result of a violator's noncompliance. The potential for harm will be expressed as a point total and evaluated by adding together the points assessed for criteria contained in the following categories.

**Receiving Water Characteristics and Sensitivity**

Points Assessed	Potential for Harm
25	Drinking water lakes (Class L1), and cold water sport fishery streams designated in 10 CSR 20-7.031, groundwaters and losing streams and/or waters listed as impaired on the current Missouri 303(d) list where the violation involved a contaminant responsible for the waters listing
25	Critical aquatic habitats which support populations of plant or animal species designated by the federal government as threatened or endangered; if in a stream, includes the main stem and tributaries for a distance of one (1) mile upstream of the critical habitat area
15	Outstanding national and state resource waters as designated in 10 CSR 20-7.031
10	All other Class L2, L3, P, P1 and C waters and metropolitan no-discharge streams as designated in 10 CSR 20-7.031
0	All other waters and unclassified streams

**Facility and Water Contaminant Characteristics**

Concentrated Animal Feeding Operation/Animal Feeding Operation (according to size as designated by 10 CSR 20-6.300(1)).

Points Assessed	Potential for Harm
30	Class IA - >20,000 A.U.
25	Class IA - 7,000 to 20,000 A.U.
20	Class IB
15	Class IC
10	Class II
5	Other

**AG-Chem Secondary Contaminant**

Points Assessed	Potential for Harm Product
10	Liquid pesticides or fertilizers
5	Dry pesticides or fertilizers
	Total On-site Tank/Tanks Capacity
10	> 40,000 gallons
5	< 40,000 gallons
0	No on-site storage

**Industrial Facilities and Wastewaters**

Current average daily flow if known or can be readily estimated; if not, the design flow or approximation of it. (If the violation was due to a bypass, then the volume bypassed per day or an estimate of that volume.)

**Process Wastewater Flows**

Points Assessed	Potential for Harm
30	> 1 million gal/day
20	500,000 to < 1 million gal/day
15	100,000 to < 500,000 gal/day
10	25,000 to < 100,000 gal/day
5	< 25,000 gal/day

**Sludge Handling Facilities (Domestic and Industrial)**

Current average daily sludge production quantity if known or can be readily estimated; if not, the design sludge production or approximation of it. (If the violation was due to a bypass, then the amount bypassed per day or an estimate of that amount.)

**Sludge Handling Facilities**

Points Assessed	Potential for Harm
30	> 50,000 dry lbs/day
20	5,000–50,000 dry lbs/day
15	1,000–5,000 dry lbs/day
10	500–1,000 dry lbs/day
5	<500 dry lbs/day

**Storm Water Flows  
Land Disturbance**

Points Assessed	Potential for Harm
30	> 100 acres
20	50 to <100 acres
15	20 to <50 acres
10	5 to <20 acres
5	<5 acres

**Site Specific Industrial Storm Water**

Points Assessed	Potential for Harm
30	> 1 million gal/day
20	500,000 to <1 million gal/day
15	100,000 to <500,000 gal/day
10	25,000 to <100,000 gal/day
5	<25,000 gal/day

**General Industrial Storm Water**

Points Assessed	Potential for Harm
5	All categories of general

**Cooling Water Only Flows**

Points Assessed	Potential for Harm
10	> 5 million gallons/day
5	<5 million gallons/day

**Domestic Wastewater Facilities**

Current average daily flow if known or can be estimated; if not, design flow. (If the violation was due to a bypass, then the volume bypassed or an estimate of that volume.)

Points Assessed	Potential for Harm
30	> 50 million gal/day
25	1 million to 50 million gal/day
20	500,000 to 1 million gal/day
15	100,000 to 500,000 gal/day
10	25,000 to 100,000 gal/day
5	<25,000 gal/day
10*	Pretreatment program is/should be in effect (in addition to previously listed items)

\*The points assessed may be reduced if the permittee can demonstrate that the portion of sewer system that is bypassing serves primarily residential areas with little or no categorical industries.

**Effects of Water Contaminant Discharges**

Points Assessed	Potential for Harm
30	Discharge has harmful effect on animal or aquatic life as evidenced by fish kills, creates an immediate or persistent threat to public health or results in impairment of any beneficial uses contained in the Water Quality Standards, 10 CSR 20-7.031(1)(C)
30	Discharge causes violation of Cave Resources Act sections 578.200–578.225
20	Discharge causes visible contamination of a surface water or a violation of any general or specific criteria described in 10 CSR 20-7.031
15	Discharge reduces water quality below existing levels but does not prevent maintenance of beneficial uses described in the Water Quality Standards, 10 CSR 20-7.031(1)(C)
10	Discharge causes a public nuisance (for example: taste, odor)
5	Discharge does not comply with the effluent limitations, but produces no readily apparent impact on watercourse
5	A water contaminant was placed, caused or permitted to be placed in a location where it is reasonably certain to cause pollution

2. Extent of deviation. The extent of deviation may range from slight to total disregard of the requirements of the Missouri Clean Water Law and associated rules and/or permits. The assessment will reflect this range and will be evaluated according to the degrees of severity. The extent of deviation will be expressed as a point total and evaluated by adding together the points assessed for criteria contained in the following categories:

**Organizational Capability and Sophistication**

Points Assessed	Extent of Deviation
30	Major discharger (municipal, industrial, federal) or Class IA Concentrated Animal Feeding Operation
25	Non-major industrial facility with more than 50 corporate employees
20	Non-major federal and state construction grant-state revolving fund funded facility
15	Non-major, nonconstruction-grant or state revolving fund funded facility, Class IB and IC concentrated animal feeding operation, or Missouri Public Service Commission regulated facility
10	All other facilities

**Facility Compliance Status**

Points Assessed	Extent of Deviation
25	Facility in noncompliance more than 67% of time during a period of at least three (3) consecutive months
15	Noncompliance with one (1) or more requirements followed by periodic returns to compliance
5	Infrequent problem (long periods of compliance; noncompliance less than 20% of time; includes spills and short-term discharge events)

**Facility Responsiveness**

Points Assessed	Extent of Deviation
30	Demonstrated recalcitrance by owner or operator, or failure to comply until a lawsuit was filed
20	Lack of attention and concern until formal administrative enforcement action has been initiated or referral to the U. S. Attorney, U.S. Department of Justice, Office of the Attorney General or the county prosecutor for civil or criminal actions
10	Violations continued after responsible party had been clearly informed on at least three (3) separate occasions of the noncompliance and the need to correct it
0	Other

**Regulatory Compliance Characteristics**

Points Assessed	Extent of Deviation
25	Failure to meet schedule of compliance or attain final limits contained in an abatement order, court order, consent decree or settlement agreement.
20	Discharge without an MSOP permit or operation without required permit for Class I CAFOs.
15	Discharge fails whole effluent toxicity testing (WET) requirement specified in the operating permit.
15	Significant noncompliance with effluent limits.
10	Failure to meet schedule of compliance or special conditions in an MSOP permit.
10	Violations of effluent limits that do not meet the definition of significant noncompliance.
10	Failure to submit Discharge Monitoring Reports (DMRs) or other reports required by the operating permit or letter of approval.
10	Failure to employ or retain a certified operator if required to do so.
10	Discharge without a required Storm Water Permit.
10	Failure to install and maintain erosion control measures.
5	Failure to develop and implement a required Storm Water Pollution Prevention Plan.
5	Construction without a construction permit or letter of approval for construction, or failure to construct in accordance to plans and specifications.
5	Failure to comply with subdivision regulations.
5	Failure to comply with MSOP standard conditions not previously specified, including failure to provide proper operation and maintenance and perform in-plant testing.
5	Failure to meet regulatory compliance date.

3. Gravity-based penalty assessment matrix. The matrix that follows will be used to determine the gravity-based assessment portion of the administrative penalty. Potential for harm and extent of deviation form the axes of the matrix. The penalty range selected may be adopted to the circumstances of a particular violation.

Potential for Harm	Extent of Deviation
Major-51 or more points	101 or more points
Moderate-26 to 50 points	46 to 100 points
Minor-0 to 25 points	0 to 45 points

4. Base penalty determination. The final penalty calculated shall not exceed the amounts established in section 644.076, RSMo.

A. The penalty assessment will be determined by selecting the appropriate cell from the gravity-based assessment matrix. Potential for harm and extent of deviation form the two (2) axes of the matrix. The matrix is composed of nine (9) cells, each of which contains a monetary penalty range and a midpoint.

**Extent of Deviation**

Potential for Harm	Gravity	Major	Moderate	Minor
Major (Range) (Midpoint)		\$8,501-\$10,000 \$9,250.50	\$7,501-\$8,500 \$8,000.50	\$6,501-\$7,500 \$7,000.50
Moderate (Range) (Midpoint)		\$5,501-\$6,500 \$6,000.50	\$4,501-\$5,500 \$5,000.50	\$3,501-\$4,500 \$4,000.50
Minor (Range) (Midpoint)		\$2,501-\$3,500 \$3,000.50	\$1,501-\$2,500 \$2,000.50	\$0-\$1,500 \$750

B. The matrix cell appropriate for a specific penalty assessment will be determined by identifying the appropriate category (for example, major, moderate, minor) for both the potential for harm and the extent of deviation. This results in the penalty being set at the midpoint of the range in the selected matrix cell.

(D) Economic Benefit. Any economic benefits, including delayed and avoided costs that have accrued to the violator as a result of noncompliance, will be added to the penalty amount. Determination will be made by the department using an economic benefit formula that provides a reasonable estimate of the economic benefit of noncompliance. Economic benefit may be excluded from the administrative penalty if any one (1) of the following occur:

1. The economic benefit is an insignificant amount;
2. There are compelling public concerns that would not be served by taking a case through administrative appeal or circuit court litigation; or
3. It is unlikely that the department would be able to recover the economic benefit in litigation based on the particular case.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo Supp. 1999, the commission hereby amends a rule as follows:

**10 CSR 20-4.023 State Forty Percent Construction Grant Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1849). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:**

COMMENT: The regulations should provide for advanced treatment eligibility.

RESPONSE: The construction of advanced wastewater treatment facilities or the modification of existing facilities to meet these standards is currently eligible. No change was made as a result of this comment.



COMMENT: The regulations should designate a portion of the funding for treatment facilities.

RESPONSE: While in many cases the water pollution abatement effort can best be addressed through new or upgraded treatment facilities, this is not always the case. Many times new collection or transportation systems are necessary to remedy the situation. The needs one year may not reflect those of another. The preponderance of our grant, and certainly our loan funds, will be and are used for treatment facilities. We would envision that earmarking funds for certain priorities as limiting and detrimental to the overall water pollution control effort. No change was made as a result of this comment.

COMMENT: The regulations should provide for a Hardship determination thereby providing qualifying communities additional assistance.

RESPONSE: The proposed regulations modify our existing federally funded Hardship program to be funded by state funds when available. In addition, low interest or zero interest loans may be available for qualifying communities. No change was made as a result of this comment.

COMMENT: The regulations should provide for an advanced treatment set aside.

RESPONSE: We believe that the current priority system adequately addresses the advanced treatment needs. Earmarking of funds would not provide the flexibility we have in our current system and would likely slow down these projects. Staff have reviewed the priority point formula and note that there are four and maybe five opportunities for communities needing advanced treatment to receive higher priority point assignments. Staff are developing a new priority point formula based on a watershed format. We are taking measures to ensure that these needs are addressed accordingly therein as well. No change was made as a result of this comment.

COMMENT: There should be recognition of past financial efforts allowing them to be qualified as local match.

RESPONSE: Our current programs allow for the cost of engineering services and construction as part of the approved project. The grant amount is limited to forty percent of these eligible costs, regardless of when incurred, as long as prior department approvals were obtained. No change was made as a result of this comment.

COMMENT: The regulation should be modified to allow communities to access grant funding initially as opposed to the current approach of accessing the grant program if they do not qualify for loans.

RESPONSE: There is a critical shortage of grant funds to satisfy the needs of communities across the state. The current system is designed to maximize the assistance we provide to Missouri communities and maximize environmental benefits. Accessing grant funds first would only accelerate their depletion to the exclusion of other needy applicants. No change was made as a result of this comment.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 20—Clean Water Commission**

#### **Chapter 4—Grants**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Clean Water Commission under section 640.600, RSMo 1994, the commission hereby amends a rule as follows:

**10 CSR 20-4.030** Grants for Sewer Districts and Certain Small Municipal Sewer Systems **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1849-1850). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

#### **SUMMARY OF COMMENTS:**

COMMENT: The proposed amendments to 10 CSR 20-4.030, 4.041, and 4.043, are discriminatory, unfair, unnecessary and contrary to the interests of the consumers and citizens of the State of Missouri because it extends a distinction between political subdivisions of the state and all other businesses entitled to provide water-related functions because the regulations will require the repayment of grant funds if the facilities funded under a grant are sold to other than a political subdivision.

RESPONSE: Grant and loan funds are public funds provided through the state's constitution and repaid through tax revenues. They have been provided to recipient communities and public sewer districts to assist them in the financing of public wastewater facilities. These public funds, and the facilities constructed, are held in the public trust for the state. Financial returns attributable to the grant or loan should remain in the public trust. It should be noted that the constitution establishes that only public entities are eligible recipients of these grant and loan funds. No change was made as a result of this comment.

COMMENT: The state is creating barriers to privatization and preference for public ownership. There should be a level playing field for public utilities and private utilities.

RESPONSE: Constitutional language establishes that only public entities are eligible for assistance. No change was made as a result of this comment.

COMMENT: The distinction between public and private utilities funding is offered at the same time the SRF monies are becoming available to both public and private entities.

RESPONSE: Clean Water SRF funds are not available to private entities. This distinction is established in the federal Clean Water Act as opposed to the Drinking Water SRF which is available to private systems per the federal Safe Drinking Water Act. No change was made as a result of this comment.

COMMENT: The regulations should provide for advanced treatment eligibility.

RESPONSE: The construction of advanced wastewater treatment facilities or the modification of existing facilities to meet these standards is currently eligible. No change was made as a result of this comment.

COMMENT: The regulations should designate a portion of the funding for treatment facilities.

RESPONSE: While in many cases the water pollution abatement effort can best be addressed through new or upgraded treatment facilities, this is not always the case. Many times new collection or transportation systems are necessary to remedy the situation. The needs one year may not reflect those of another. The preponderance of our grant, and certainly our loan funds, will be and are used for treatment facilities. We would envision that earmarking funds for certain priorities as limiting and detrimental to the overall water pollution control effort. No change was made as a result of this comment.

COMMENT: The regulations should provide for a Hardship determination thereby providing qualifying communities additional assistance.

RESPONSE: The proposed regulations modify our existing federally funded Hardship program to be funded by state funds when available. In addition, low interest or zero interest loans may be

available for qualifying communities. No change was made as a result of this comment.

COMMENT: The regulations should provide for an advanced treatment set aside.

RESPONSE: We believe that the current priority system adequately addresses the advanced treatment needs. Earmarking of funds would not provide the flexibility we have in our current system and would likely slow down these very important projects. Staff have reviewed the priority point formula and note that there are four and maybe five opportunities for communities needing advanced treatment to receive higher priority point assignments. Staff are developing a new priority point formula based on a watershed format. We are taking adequate measures to ensure that these needs are addressed accordingly therein as well. No change was made as a result of this comment.

COMMENT: There should be recognition of past financial efforts allowing them to be qualified as local match.

RESPONSE: Our current programs allow for the cost of engineering services and construction as part of the approved project. The grant amount is limited to forty percent of these eligible costs, regardless of when incurred, as long as prior department approvals were obtained. No change was made as a result of this comment.

COMMENT: The regulation should be modified to allow communities to access grant funding initially as opposed to the current approach of accessing the grant program if they do not qualify for loans.

RESPONSE: There is a critical shortage of grant funds to satisfy the needs of communities across the state. The current system is designed to promote equity between communities and put them on a level playing field. Accessing grant funds first would only accelerate their depletion to the exclusion of other needy applicants. No change was made as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Clean Water Commission under sections 644.026 and 644.122, RSMo Supp. 1999, the commission hereby amends a rule as follows:

**10 CSR 20-4.041 Direct Loan Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1850-1852). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:**

COMMENT: The proposed amendments to 10 CSR 20-4.030, 4.041, and 4.043, are discriminatory, unfair, unnecessary and contrary to the interests of the consumers and citizens of the State of Missouri because it extends a distinction between political subdivisions of the state and all other businesses entitled to provide water-related functions because the regulations will require the repayment of grant funds if the facilities funded under a grant are sold to other than a political subdivision.

RESPONSE: Grant and loan funds are public funds provided through the state's constitution and repaid through tax revenues. They have been provided to recipient communities and public sewer districts to assist them in the financing of public wastewater

facilities. These public funds, and the facilities constructed, are held in the public trust for the state. Financial returns attributable to the grant or loan should remain in the public trust. It should be noted that the constitution establishes that only public entities are eligible recipients of these grant and loan funds. No change was made as a result of this comment.

COMMENT: The state is creating barriers to privatization and preference for public ownership. There should be a level playing field for public utilities and private utilities.

RESPONSE: Constitutional language establishes that only public entities are eligible for assistance. No change was made as a result of this comment.

COMMENT: Loan repayment should only be on an accelerated repayment once a property sale is completed for any entity, not just private entities.

RESPONSE: The loan must also be paid if the property is sold to a public entity as well. No change was made as a result of this comment.

COMMENT: The distinction between public and private utilities funding is offered at the same time the SRF monies are becoming available to both public and private entities.

RESPONSE: Clean Water SRF funds are not available to private entities. This distinction is established in the federal Clean Water Act as opposed to the Drinking Water SRF which is available to private systems per the federal Safe Drinking Water Act.

COMMENT: It is discriminatory that revisions to 10 CSR 20-4.041(8)(E) states that direct loans made to other than public entities must become due and payable upon transfer.

RESPONSE: The Purchase Agreement for the bonds require that the proceeds of the sale to a public entity be applied to the redemption of the bonds or the replacement of the property/equipment disposed of. The sale to a private entity requires that the original cost of the property funded with public funds be used to redeem the bonds, regardless of the disbursement amount. The loan could never have been made to a private entity, so the original amount must be repaid. No change was made as a result of this comment.

COMMENT: The regulations should provide for advanced treatment eligibility.

RESPONSE: The construction of advanced wastewater treatment facilities or the modification of existing facilities to meet these standards is currently eligible. No change was made as a result of this comment.

COMMENT: The regulations should designate a portion of the funding for treatment facilities.

RESPONSE: While in many cases the water pollution abatement effort can best be addressed through new or upgraded treatment facilities, this is not always the case. Many times new collection or transportation systems are necessary to remedy the situation. The needs one year may not reflect those of another. The preponderance of our grant, and certainly our loan funds, will be and are used for treatment facilities. We would envision that earmarking funds for certain priorities as limiting and detrimental to the overall water pollution control effort. No change was made as a result of this comment.

COMMENT: The regulations should provide for a Hardship determination thereby providing qualifying communities additional assistance.

RESPONSE: The proposed regulations modify our existing federally funded Hardship program to be funded by state funds when available. In addition, low interest or zero interest loans may be available for qualifying communities. No change was made as a result of this comment.

COMMENT: The regulations should provide for an advanced treatment set aside.

RESPONSE: We believe that the current priority system adequately addresses the advanced treatment needs. Earmarking of funds would not provide the flexibility we have in our current system and would likely slow down these very important projects. Staff have reviewed the priority point formula and note that there are four and maybe five opportunities for communities needing advanced treatment to receive higher priority point assignments. Staff are developing a new priority point formula based on a watershed format. We are taking adequate measures to ensure that these needs are addressed accordingly therein as well. No change was made as a result of this comment.

COMMENT: There should be recognition of past financial efforts allowing them to be qualified as local match.

RESPONSE: Our current programs allow for the cost of engineering services and construction as part of the approved project. The grant amount is limited to forty percent of these eligible costs, regardless of when incurred, as long as prior department approvals were obtained. No change was made as a result of this comment.

COMMENT: The regulation should be modified to allow communities to access grant funding initially as opposed to the current approach of accessing the grant program if they do not qualify for loans.

RESPONSE: There is a critical shortage of grant funds to satisfy the needs of communities across the state. The current system is designed to promote equity between communities and put them on a level playing field. Accessing grant funds first would only accelerate their depletion to the exclusion of other needy applicants. No change was made as a result of this comment.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 4—Grants

### ORDER OF RULEMAKING

By the authority vested in the Missouri Clean Water Commission under sections 644.026 and 644.101, RSMo Supp. 1999, the commission hereby amends a rule as follows:

#### 10 CSR 20-4.043 Hardship Grant Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1852). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

#### SUMMARY OF COMMENTS:

COMMENT: The proposed amendments to 10 CSR 20-4.030, 4.041, and 4.043, are discriminatory, unfair, unnecessary and contrary to the interests of the consumers and citizens of the State of Missouri because it extends a distinction between political subdivisions of the state and all other businesses entitled to provide water-related functions because the regulations will require the repayment of grant funds if the facilities funded under a grant are sold to other than a political subdivision.

RESPONSE: Grant funds are public funds provided through the state's constitution and repaid through tax revenues. They have been provided to recipient communities and public sewer districts to assist them in the financing of public wastewater facilities. These public funds, and the facilities constructed, are held in the public trust for the state. Financial returns attributable to the grant

or loan should remain in the public trust. It should be noted that the constitution establishes that only public entities are eligible recipients of these grant funds. No change was made as a result of this comment.

COMMENT: The state is creating barriers to privatization and preference for public ownership. There should be a level playing field for public utilities and private utilities.

RESPONSE: Constitutional language establishes that only public entities are eligible for assistance. No change was made as a result of this comment.

COMMENT: Loan repayment should only be on an accelerated repayment once a property sale is completed for any entity, not just private entities.

RESPONSE: The loan must also be paid if the property is sold to a public entity as well. No change was made as a result of this comment.

COMMENT: The distinction between public and private utilities funding is offered at the same time the SRF monies are becoming available to both public and private entities.

RESPONSE: Clean Water SRF funds are not available to private entities. This distinction is established in the federal Clean Water Act as opposed to the Drinking Water SRF which is available to private systems per the federal Safe Drinking Water Act.

COMMENT: The regulations should provide for advanced treatment eligibility.

RESPONSE: The construction of advanced wastewater treatment facilities or the modification of existing facilities to meet these standards is currently eligible. No change was made as a result of this comment.

COMMENT: The regulations should designate a portion of the funding for treatment facilities.

RESPONSE: While in many cases the water pollution abatement effort can best be addressed through new or upgraded treatment facilities, this is not always the case. Many times new collection or transportation systems are necessary to remedy the situation. The needs one year may not reflect those of another. The preponderance of our grant, and certainly our loan funds, will be and are used for treatment facilities. We would envision that earmarking funds for certain priorities as limiting and detrimental to the overall water pollution control effort. No change was made as a result of this comment.

COMMENT: The regulations should provide for a Hardship determination thereby providing qualifying communities additional assistance.

RESPONSE: The proposed regulations modify our existing federally funded Hardship program to be funded by state funds when available. In addition, low interest or zero interest loans may be available for qualifying communities. No change was made as a result of this comment.

COMMENT: The regulations should provide for an advanced treatment set aside.

RESPONSE: We believe that the current priority system adequately addresses the advanced treatment needs. Earmarking of funds would not provide the flexibility we have in our current system and would likely slow down these very important projects. Staff have reviewed the priority point formula and note that there are four and maybe five opportunities for communities needing advanced treatment to receive higher priority point assignments. Staff are developing a new priority point formula based on a watershed format. We are taking adequate measures to ensure that these needs are addressed accordingly therein as well. No change was made as a result of this comment.

COMMENT: There should be recognition of past financial efforts allowing them to be qualified as local match.

RESPONSE: Our current programs allow for the cost of engineering services and construction as part of the approved project. The grant amount is limited to forty percent of these eligible costs, regardless of when incurred, as long as prior department approvals were obtained. No change was made as a result of this comment.

COMMENT: The regulation should be modified to allow communities to access grant funding initially as opposed to the current approach of accessing the grant program if they do not qualify for loans.

RESPONSE: There is a critical shortage of grant funds to satisfy the needs of communities across the state. The current system is designed to promote equity between communities and put them on a level playing field. Accessing grant funds first would only accelerate their depletion to the exclusion of other needy applicants. No change was made as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Clean Water Commission under sections 644.026 and 644.031, RSMo Supp. 1999, the commission hereby adopts a rule as follows:

10 CSR 20-4.061 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1724-1730). Those subsections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:**

COMMENT: It was requested that the makeup of the storm water coordinating committee be further defined in the regulation.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(D) was modified to better define the committee structure.

COMMENT: The comprehensive storm water management plan was not consistently referred to as a plan throughout the regulation.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (3)(E) was revised to be consistent.

COMMENT: It was not clear-cut how extensive the evaluation of nonstructural approaches would need to be.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (3)(E)6. was modified to address this comment.

COMMENT: It was requested that park equipment and structures be allowed to be constructed in areas that have been purchased and are rezoned to disallow permanent structures.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (5)(E) was modified to provide for park equipment.

COMMENT: Section (5)(I) was too restrictive for construction which proceeds prior to grant or loan award.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (5)(I) was revised to allow ongoing projects to be eligible.

COMMENT: The grant payment process was not clearly outlined for projects which did not include construction.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (11)(A) was modified to be more clear.

COMMENT: It is not clear how often loan payments are to be made. It is also not clear how projects with loans and matching grants will be paid.

RESPONSE AND EXPLANATION OF CHANGE: Sections (11) and (12) were modified for clarification.

COMMENT: Because of the high cost of bond issues, a request was made to allow for more flexibility in the debt structure.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (12)(B) was revised to allow more flexibility and other debt structures.

COMMENT: It was requested that preparation of the storm water management plan not be restricted to registered professional engineers as required but be open for other professionals (e.g. Planner-in-Charge).

RESPONSE: A proper storm water management plan requires determination of runoff characteristics for each separate tributary area, times of concentration, methods of collection, routing, detention, and other technical information. All of these require application of engineering, hydraulic, geotechnical and bioengineering principles. These engineering services may only legally be provided by or under the supervision of a licensed professional engineer. No change was made as a result of this comment.

COMMENT: It was requested that larger projects be allowed to use more than two sequential years of grant funding.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (5)(K) was revised to provide for up to five years of funding for larger projects.

COMMENT: It was requested that more emphasis be put on regional storm water management plans which extend beyond county and political boundaries.

RESPONSE: Although some restrictions exist because these funds may only go to first class counties, nothing in the rule precludes eligible counties and cities from combining their efforts and funds to encompass a larger area in their basin planning. No change was made as a result of this comment.

**10 CSR 20-4.061 Storm Water Grant and Loan Program**

**(2) Definitions.**

(D) Storm water coordinating committee (SCC). A local committee or group established by eligible applicants involved in project screening and project selection. In cities over twenty-five thousand (25,000) population, the SCC shall consist of a committee or organizational unit designated by the city manager. In St. Louis City and County, the SCC shall consist of a committee or organizational unit designated by the executive director of the Metropolitan St. Louis Sewer District. In all eligible counties, except St. Louis County, an SCC must be established which is representative of the county government and incorporated municipalities within the county.

**(3) General Requirements.**

(E) Planning Requirements. All storm water projects must be consistent with a comprehensive storm water management plan approved by the department prior to construction advertising. The geographical extent of the planning area may be determined by the department. Projects which are solely for bank stabilization or erosion control, or other projects as determined by the department, need only provide the items listed in paragraphs (3)(E)2., 4., and 6. The plan should include, but is not limited to:

1. A detailed map of the drainage area showing computed drainage acreage;
2. A narrative, a plan layout and estimated construction costs for each proposed project;
3. Tabulated storm water conceptual design parameters for each drainage area, that is, upstream acres, runoff coefficients,

time concentrations, return frequencies and so forth. Computer modeling information may be provided;

4. A recommended project improvement priority list;

5. A determination of the flood elevation changes resulting from each project, unless the Corps of Engineers has committed to remap the area; and

6. An evaluation of limited structural approaches to storm water control. The plan must analyze the use of applied geomorphology and bioengineering techniques to manage storm water. Projects that are only rehabilitation or replacement of existing structures will require an evaluation that addresses reasonable geomorphological alternatives and, if this approach is not taken, a brief discussion why not. For more complex projects, the evaluation should follow guidance provided by the U.S. Army Corps of Engineers Manual EM 1110-4000, *Engineering and Design—Sedimentation Investigations of Rivers and Reservoirs* or an equivalent guidance manual. Soil bioengineering techniques as described in Bowers, H. 1950, *Erosion Control in California Highways*, State of California, Department of Public Works, Division of Highways, shall be used unless other appropriate guidance is used and documented. The root causes of flooding, bed and bank erosion, and sediment deposition should be addressed in this plan. The plan should not exacerbate these problems by—

A. Modifications to stream systems that increase bed and bank erosion in modified stream sections;

B. Cause these impacts in sections that are upstream or downstream of the storm management project;

C. Remove or degrade aquatic habitat;

D. Remove the pollutant removal benefits of vegetated stream corridors; or

E. Lead to increased flooding upstream or downstream of the storm water management project. Combinations of measures can be employed to manage storm water and retain important stream functions. “Bioengineering” combines mechanical, biological, and ecological concepts to prevent slope failures and erosion. Bioengineering techniques may use bare root stock, stems, branches or trunks of living plants on eroded slopes. Plantings may be incorporated into such configurations as a live stakings, live fascines, or living cribwall. Vegetative plantings and cuttings may be combined with structural elements such as gabion baskets or rock surface armoring. However, the intent should be to minimize hard structural solutions and allow the rooted plantings to do much of the work to hold the soil in place and retain the natural function of streams to convey storm water. Other storm water management options include environmental easements and land acquisition.

(5) Eligible Project Costs. Eligible costs include the following:

(E) Land purchase or permanent easement costs required for storm water holding basins, grass-lined channels or for other limited structural storm water control projects, or buy-outs if the land purchased is restricted such that no permanent structure except for structures allowed under the Missouri Statewide Comprehensive Outdoor Recreation Plan (SCORP) may be constructed within the easement or purchase area. Construction costs related to holding basins on private land are eligible if the eligible applicant retains a permanent easement, is legally responsible for operation and maintenance of the facility, and the basin constructed is clearly for storm water control and not recreational use;

(I) Construction costs incurred prior to grant/loan award or DNR letter of commitment are eligible providing the planning and design phases of the project were reviewed and approved by the department prior to the final construction payment;

(K) Up to five (5) sequential years of grant and/or loan funding may be used for the same project as long as the contract is awarded within the time frame necessary to receive the first grant and/or

loan of the sequence the recipient certifies that there are adequate funds committed from other sources to complete the construction; the recipient commits to the original funding combination for the entire sequence of grants and/or loans; and that the recipient certifies that the project will be completed with or without the subsequent year’s grant/loan funds. No more than ninety percent (90%) of each annual grant will be paid until the final construction is complete and acceptable final inspection conducted by the department. Final grant payment will equal the balance of all grants in the sequence up to fifty percent (50%) of the final eligible project costs;

(M) Costs not included in subsections (5)(A)–(L) are eligible if determined by the department to be reasonable and necessary for the project.

(11) Grant Payments.

(A) For projects utilizing one year’s funding which include construction and whose grants are not matched with loans from this program, payments will be made in no more than five (5) installments.

1. For grant awards which include planning, design, and construction in the project scope, the first payment will be made for engineering planning and design with submission of the final invoiced amount or request for allowance, on the reimbursement form provided by the department.

2. The next three (3) payments may be made when not less than twenty-five percent (25%), fifty percent (50%), and ninety percent (90%) of the construction of the project is completed. Payment must be requested on the form provided by the department and submitted with sufficient documentation. Reimbursement amounts shall be based upon percentage of the grant funds remaining after the first reimbursement is deducted. Projects which include planning only, grant payments will be made in the three (3) installments listed in this subsection based upon invoiced amount.

3. A final payment may be made when the project is completed and a final inspection is conducted by the department or approval obtained for the management plan.

(B) For projects which include basin planning only and whose grants are not matched with loans from this program, reimbursement will be made at 25, 50, 90 and 100% of plan completion as evidenced by invoices.

(C) Payments at no time shall exceed fifty percent (50%) of the eligible project cost incurred at the time payment is requested.

(D) Any cost of work completed after the final inspection by the department shall not be considered as part of the eligible project cost.

(E) An audit to verify eligible project costs will be made at the time of final payment and the grant adjusted downward, if necessary, to reflect actual costs.

(12) Loan Requirements.

(B) Loans must be secured with an acceptable debt instrument including revenue or general obligation bonds or debt issued pursuant to Environmental Improvement and Energy Resources Authority’s (EIERA) SRF program policy on annual appropriation-backed debt. Other financing securities will be reviewed on a case-by-case basis. Tax Increment Financing (TIF) security structures will not be considered. Loans must be amortized over twenty (20) years or less from loan closure. Repayment must begin within one (1) year of loan closing.

(D) Loan payments will be made no more frequently than monthly. Grants matched by loans under this program will be paid simultaneously with loan payments.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 10—Underground Storage Tanks—Technical Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under 319.137 and 644.026, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 20-10.012 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1056). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 10—Underground Storage Tanks—Technical Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 20-10.022 is amended.**

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1056-1057). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One written comment was received on behalf of the Advisory Committee of the Petroleum Storage Tank Insurance Fund. There were no other comments.

COMMENT: The committee objects to the proposed change that imposes a thirty-day deadline on tank owners and operators for filing amended registration forms. The committee requests that this change to the rule not be finalized at this time. Committee members believe this creates an unnecessary requirement, and a new item for which tank owners may be penalized by the department. Also, it is not clear to the committee what the benefit of the new requirement would be.

RESPONSE AND EXPLANATION OF CHANGE: After discussing the registration process with committee members, the department agrees that the registration process needs to be evaluated to determine if further changes to the process would be beneficial to both industry and the department. The purpose of the registration process is to gather current information on all regulated tank systems in the state. Current, accurate information on all tank systems is critical to further the department's goal of protecting the environment through prevention of discharges and timely response to releases from petroleum storage tanks. By specifying a thirty-day time period, the department intended to eliminate any confusion about the time frame in which amended registrations must be filed. The current regulation requires an amended registration to be filed if any of the information on file with the department changes, but does not specify a time frame. The department

has decided to reevaluate the registration process to determine if further changes need to be made to the process as a whole. Until this reevaluation is complete, the department believes that it is unnecessary to make any changes to the existing regulation at this time. For this reason, all proposed changes pertaining to the registration process have been removed in this Order of Rulemaking. If the issues concerning the registration process are not able to be resolved, the department may elect to proceed with the changes that were proposed at a future date.

**10 CSR 20-10.022 Notification Requirements**

(5) An owner/operator shall complete and file an updated registration form if the owner information or information regarding tank equipment and operation, as reported on the current registration with the department, changes.

(9) Information submitted to the department after January 1, 1990, under sections (1) through (6) of this rule for a tank brought into use before January 1, 1990, or for a tank brought into use after September 28, 1990, is an application for a Certificate of Registration and shall be accompanied by a fee as described in section (10), except as described in section (11).

(10) Fees required under section (9) of this rule shall be paid in one (1) payment of seventy-five dollars (\$75). No fees shall be collected for registration of tanks which were permanently closed prior to August 28, 1989. No further fees shall be assessed upon registered USTs once permanent closure has been completed and any fees to date have been paid.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 10—Underground Storage Tanks—Technical Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission withdraws a proposed amendment as follows:

**10 CSR 20-10.068 Risk-Based Clean-Up Levels is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1057-1058). The commission has decided to withdraw this proposed amendment.

SUMMARY OF COMMENTS: One written comment was received on behalf of the Advisory Committee of the Petroleum Storage Tank Insurance Fund. There were no other comments.

COMMENT: The Committee objects to the proposed amendment and requests that it not be finalized at this time. The committee believes that because the subject matter of the rule, prioritization of remediation activities, is a crucial part of the State's overall approach to cleanups, the rule should remain as written until further opportunity to examine the content of the rule.

RESPONSE: The department agrees with the committee that prioritization of remediation sites utilizing a risk-based approach is a critical component of the department's approach to cleanups. The rule that the department has proposed to amend codifies the department's commitment to utilization of a risk-based approach in prioritization and remediation of sites. While the proposed amendment would not alter this commitment, discussions with the committee have identified issues relating to the content of the existing rule, including whether it is necessary to have the risk-based

approach codified in a regulation. The department believes that it is in the best interests of both the department and industry to resolve any outstanding issues, especially those relating to the need for the existing rule, before any changes are made to the text. Consistent with this determination, discussions with the committee have resulted in a commitment on behalf of the department to reevaluate the rule to determine whether the rule should be amended further or withdrawn altogether. For this reason, the department has decided to withdraw the proposed amendment at the present time. If the issues relating to the content of the rule are not resolved, the department may elect to proceed with the changes that have been proposed at a future date.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 10—Underground Storage Tanks—Technical  
Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 20-10.071 Permanent Closure and Changes in Service is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1058). There are no changes to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 11—Underground Storage Tanks—Financial  
Responsibility**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 20-11.092 Definitions of Financial Responsibility Terms is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1058). There are no changes to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.010 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1058-1059). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.020 Petroleum Transport Load Fee is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1059). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.025 Eligibility is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1059). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.030 Participation Fee is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1059-1060). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.040 Applications is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1060). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.045 Review of Applications is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1060). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.050 Proof of Integrity is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1061). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.060 General Reimbursement Procedures is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1061). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.061 Cleanup Costs Reimbursements Criteria is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1061-1062). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 12—State Underground Storage Tank  
Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:



**10 CSR 20-12.062** Third-Party Claims is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1062). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 12—State Underground Storage Tank**  
**Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.070** Membership is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1062). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 12—State Underground Storage Tank**  
**Insurance Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-12.080** Sites With Existing Contamination is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1062–1063). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 13—Underground Storage Tanks—**  
**Administrative Penalties**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission rescinds a rule as follows:

**10 CSR 20-13.080** Penalty Assessment Protocol is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1239). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 13—Underground Storage Tanks—**  
**Administrative Penalties**

**ORDER OF RULEMAKING**

By the authority vested in the Clean Water Commission under sections 319.137 and 644.026, RSMo Supp. 1999, the commission adopts a rule as follows:

**10 CSR 20-13.080** is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1239–1247). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received five written comments on the proposed rule. There were no oral comments offered at the public hearing held before the Clean Water Commission on September 15, 1999.

COMMENT: The Executive Director of the Missouri Oil Council commented that current protocol provides that a penalty will not be assessed following resolution of a violation by conference, conciliation, and persuasion unless the violation resulted in significant harm to human health or the environment. This provision is an incentive for the regulated community to work with the agency to resolve issues expeditiously. The comment states that the proposed rule would require penalties to be assessed following resolution through conference, conciliation and persuasion, even in cases where no real environmental harm had occurred. The Council questions why a party that cooperates in order to successfully resolve a violation should be fined in such cases. They recommend that minor violations that have only a potential for environmental harm not be subject to penalty if resolved through conference, conciliation, and persuasion.

RESPONSE: The commenter is correct in noting that the proposed rule changes the language regarding when a penalty may be assessed after the violation has been resolved through conference, conciliation, and persuasion. Under the existing rule, once a violation has been resolved, no penalty may be assessed as long as the violation did not result in significant harm to human safety or health, or to the environment and is corrected within a period of time not to exceed six (6) months. This language was rewritten in the proposed rule to mirror the authorizing statute, section 319.139, RSMo, which delineates more specifically the situations in which a penalty may be assessed even after the violation has been resolved through conference, conciliation, and persuasion. The department is unable to make the change requested because it would conflict directly with the statutory language. Additionally, the comment incorrectly states that the proposed rule “requires penalties in cases which are not minor violations or which were knowingly committed.” In those situations, the proposed rule merely states that assessment of a penalty is not prohibited.

Administrative penalties would be permitted, but not required. The decision whether to assess a penalty is left to the discretion of the department, with one exception. The statute specifically prohibits assessment of a penalty for violations classified as minor. No change was made as a result of this comment.

COMMENT: The City of Independence, Water Pollution Control Department, commented on subparagraph (3)(A)1.B. of the proposed rule. The comment states that it is unclear what sorts of violations would be considered to have an "adverse effect," as that term is used in this section of the rule. The comment noted that the proposed rule does not contain examples that help to clarify interpretation of the policy.

RESPONSE: As noted in the comment, the proposed rule does not contain examples of violations that would be considered to have an adverse effect on the purposes of or procedures for implementing the law. The department believes that the meaning of the term is clear, without requiring specific examples or further clarification. The term encompasses violations that are contrary to the intent and overall purpose of the law. Possible examples of such violations could include, for instance, failing to keep required records and failing to disclose any of the information required by law to be disclosed. Whether these types of violations have an adverse effect may only be determined on a case-by-case basis. Omitting examples allows the flexibility to assess an appropriate penalty amount for a specific situation, based upon the factual circumstances. No change was made as a result of this comment.

COMMENT: The City of Independence, Water Pollution Control Department, commented on subparagraph (3)(A)1.C. The comment states that the proposed rule does not explain how "substantial risk" or "substantial adverse effect" will be distinguished from "significant risk" or "significant adverse effect" in determining whether violations will be categorized as having major, moderate, or minor potential for harm.

RESPONSE: As noted in the comment, the proposed rule does not explain the distinction between "substantial" and "significant" in determining the category of violation as major, moderate, or minor. Threats to human health or the environment posed by individual violations represent a continuum from major potential for harm to minor potential for harm. Language describing the adverse effect or risk posed by a violation within the rule is intended to mirror this continuum. An example of a violation that could be classified either as a significant potential for harm or a substantial potential for harm based upon the number of occurrences is the failure to document calibration, maintenance, or repair of release detection equipment. Missing documentation for one or two of these repairs would probably be classified as significant. If the violator is missing documentation for each and every repair of the equipment, the violation would escalate to substantial potential for harm. Although missing documentation doesn't immediately threaten the environment, the department interprets lack of documentation as a failure to perform the required activity. The failure to maintain equipment could eventually lead to a release to the environment. The likelihood of equipment failure increases with the time that the equipment is not properly maintained. The respective categories allow the department to categorize violations and assess appropriate penalties based on the potential for harm to the environment. No change was made as a result of this comment.

COMMENT: The City of Independence, Water Pollution Control Department, commented on paragraph (3)(A)2. The comment states that the proposed rule does not explain how "substantial," "significant," and "slight" deviations from requirements of the law will be determined in assessing whether the extent of deviation will be categorized as major, moderate, or minor.

RESPONSE: As noted in the comment, the proposed rule does not explain the distinction between "substantial," "significant" and "slight" in categorizing the extent of deviation of a violation as major, moderate, or minor. The extent that violations deviate from the requirements represents a continuum from major to minor deviations. Language, such as "substantial," "significant," and "slight," describing the extent that a violation deviates from established requirements, is intended to mirror this continuum. An example of a violation that could be classified either as significant extent of deviation or substantial extent of deviation based upon the number of occurrences is the failure to maintain records of cathodic protection inspections. Missing documentation for one or two of these inspections would probably be classified as significant. If the violator is missing documentation for each and every inspection of the cathodic protection system, the violation would escalate to substantial extent of deviation. In much the same way, an example helps to illustrate the difference between a slight extent of deviation and a significant extent of deviation. The failure to provide a complete certification of installation of an Underground Storage Tank would be classified as slight. The failure to provide any certification of installation would be significant. The respective categories allow the department to categorize violations and assess appropriate penalties based on the specifics of individual violations. No change was made as a result of this comment.

COMMENT: A staff member noted that, in some instances, the matrix values in the proposed rule fail to weight a violation's potential for harm more heavily than the violation's extent of deviation. For example, a violation with a major potential for harm and a minor extent of deviation could be assessed a lower penalty than a violation with only moderate potential for harm, but major extent of deviation. The matrix amounts should be revised so that the potential for harm should be the primary factor in determining this portion of the penalty amount, i.e. the greater the potential for harm, the greater the penalty. Consistent with the intent of the administrative penalty statute, penalties from the matrix should always increase as the potential for harm increases.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment. As noted in the comment, the matrix is intended to allow for an increased amount the greater the potential for harm presented by the violation. The lowest penalty amount for a moderate potential for harm should be higher than the highest amount for a minor potential for harm. As proposed, there was a range under which penalties classified as minor potential for harm overlapped with penalties classified as moderate potential for harm. This was noticed during the public comment period and has been corrected in this Order of Rulemaking. The penalty amounts in the matrix have been revised to eliminate this situation. The changes made as a result of this comment are reprinted below.

#### 10 CSR 20-13.080 Administrative Penalty Assessment

(3) Determination of Penalties. The calculation of the amount of an administrative penalty will involve the application of a gravity-based assessment under subsection (3)(A) and may involve additional factors for multiple violations, (3)(B), multi-day violations, (3)(C), and economic benefit resulting from noncompliance, (3)(D). The resulting administrative penalty may be further adjusted as specified under (3)(E).

(A) Gravity-Based Assessment. The gravity-based assessment is determined by evaluating the potential for harm posed by the violation and the extent to which the violation deviates from the requirements of the law.

1. Potential for harm. The potential for harm posed by a violation is based on the risk to human health or the environment or to the purposes of implementing the law and associated rules or permits.

A. The risk of exposure is dependent on both the likelihood that humans or the environment may be exposed to contaminants and the degree of potential exposure. Penalties will reflect the probability the violation either did result in or could have resulted in a release of contaminants in the environment, and the harm which either did occur or would have occurred if the release had in fact occurred.

B. Violations which may or may not pose a potential threat to human health or the environment, but which have an adverse effect upon the purposes of or procedures for implementing the law and associated rules or permits may be assessed a penalty.

C. The potential for harm shall be evaluated according to the following degrees of severity:

(I) Major. The violation poses or may pose a substantial risk to human health or to the environment, or has or may have a substantial adverse effect on the purposes of or procedures for implementing the law and associated rules and/or permits;

(II) Moderate. The violation poses or may pose a significant risk to human health or to the environment, or has or may have a significant adverse effect on the purposes of or procedures for implementing the law and associated rules and/or permits; and

(III) Minor. The violation does not pose significant or substantial risk to human health or to the environment, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor.

2. Extent of deviation. The extent of deviation may range from slight to total disregard of the requirements of the law, and associated rules and permits. The assessment will reflect this range and will be evaluated according to the following degrees of severity:

A. Major. The violator has deviated substantially from the requirements of the law, associated rules, or permits resulting in substantial noncompliance;

B. Moderate. The violator has deviated significantly from the requirements of the law, associated rules, or permits resulting in significant noncompliance; and

C. Minor. The violator has deviated slightly from the requirements of the law, associated rules, or permits that does not result in substantial or significant noncompliance; most provisions were implemented as intended; the violation was not knowingly committed; and is not defined by the United States Environmental Protection Agency as other than minor.

3. Gravity-based penalty assessment matrix. The matrix that follows will be used to determine the gravity-based assessment portion of the administrative penalty. Potential for harm and extent of deviation form the axes of the matrix. The penalty range selected may be adapted to the circumstances of a particular violation.

**Gravity-Based Penalty Assessment Matrix**

Potential for Harm	Extent of Deviation		
	Major	Moderate	Minor
Major	\$2,000-\$1,500	\$1,500-\$1,250	\$1,250-\$1,000
Moderate	\$1,000-\$750	\$750-\$500	\$500-\$250
Minor	\$250-\$200	\$125-\$100	\$0

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 3—Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 60-3.010 Construction Authorization, Final Approval of Construction, Owner-Supervised Program and Permit to Dispense Water is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the August 2, 1999 *Missouri Register* (24 MoReg 1852-1854). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: At the public hearing on September 9, 1999 the department testified that the amendment requires compliance with the proposed continuing operating authority and technical, managerial and financial capacity rules; adds conditions for modifying or revoking a permit to dispense consistent with those new rules; and makes organizational and clarifying changes to existing rule.

No comments were made at the public hearing. In a written comment, the representative of a water association observed that the rule remains basically the same except when applied to community water systems commencing operation after October 1, 1999.

No changes are made to the proposed amendment. It is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 3—Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission adopts a rule as follows:

**10 CSR 60-3.020 Continuing Operating Authority is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the August 2, 1999 *Missouri Register* (24 MoReg 1854-1862). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: At the public hearing on September 9, 1999 the department testified that the rule establishes requirements for water systems to have a continuing operating authority that is responsible for the management, maintenance, and operation of the water system. The rule establishes a preferential order for continuing operation authorities, requires compliance with the proposed continuing operating authority and technical, managerial and financial capacity rules; adds conditions for modifying or revoking a permit to dispense consistent with those new rules; and makes organizational and clarifying changes to existing rule.

In a written comment, the representative of a water association commented that the rule does not seem to pose a threat to or create major concerns for their facilities.

No changes are made to the proposed rule. It is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 3—Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission adopts a rule as follows:

10 CSR 60-3.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the August 2, 1999 *Missouri Register* (24 MoReg 1863-1869). Changes have been made in the text of the proposed rule and those sections are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** At the public hearing on September 9, 1999 the department testified that the rule establishes technical, managerial and financial capacity requirements for community and nontransient noncommunity water systems commencing operation after October 1, 1999. The rule also includes technical and financial capacity recommendations. Being able to require that water systems have technical, managerial and financial capacity and specify a continuing operating authority will benefit the public by helping to ensure that public water systems provide safe and adequate supplies of drinking water.

No comments were made on this rule at the public hearing. Written comments were received from a water association and a public water system.

**COMMENT:** The representative of a water association commented that the rule does not seem to pose a threat to or create major concerns for their facilities.

**RESPONSE:** No action is necessary.

**COMMENT:** The representative of a water system commented that the reference in paragraphs (3)(A)1. and 2. to the standards for community and noncommunity water systems needs to be more specific.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission is amending the paragraphs to add the word "department" before the titles of the manuals. "Department," by definition, refers to the Missouri Department of Natural Resources.

**COMMENT:** The representative of a public water system asked if there should be some minimum requirements for distribution maps in paragraph (3)(A)4.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agreed with the comment and has changed the paragraph accordingly.

**COMMENT:** The representative of a public water system commented that paragraph (3)(B)5. requires the system to designate a person to be responsible for compliance, but the owner of the system is responsible for compliance and cannot transfer that responsibility. The commenter suggested that the rule be changed to require the owner to designate a person to deal with compliance-related issues, rather than be responsible for compliance.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agreed with the comment and has changed the rule accordingly.

**COMMENT:** The representative of a public water system commented that it is not clear in paragraph (3)(C)3. whether the requirement for a five-year budget is for a capital improvement budget or an operating budget.

**RESPONSE AND EXPLANATION OF CHANGE:** A five-year budget for capital improvements and a five-year capital improvement plan are required. To be more specific, the commission has rewritten the sentence to refer specifically to a five (5)-year capital improvement budget and plan.

**COMMENT:** The representative of a public water system commented that it is not appropriate for debt service reserve requirements to be in regulation. Debt service reserve requirements are detailed in bond covenants and negotiated between issuers and

buyers, and are watched closely by several parties. The commenter pointed out that if a debt service reserve fund were fully funded, this rule would prohibit the interest earnings from the fund to be used for other purposes. This rule would limit the negotiating ability of issuers and would regulate something that does not need to be regulated in the drinking water rules.

**RESPONSE AND EXPLANATION OF CHANGE:** It has proven beneficial for funding agencies to require a debt service reserve so we feel it is needed for adequate financial capacity. However, the commenter's point about debt service reserve requirements being in the bond covenants is well-founded. In response to the comment, subparagraph (3)(C)5.C. is expanded to allow the debt service reserve to be used for purposes agreed to in the bond covenant and to cover situations when there would be no bond covenant.

### 10 CSR 60-3.030 Technical, Managerial and Financial Capacity

(3) Minimum Technical, Managerial, and Financial Capacity Requirements.

(A) Minimum Technical Capacity Requirements.

1. All community water systems subject to this rule must conform to the department's "Standards for Community Public Water Supplies."

2. All nontransient noncommunity water systems subject to this rule must conform to the department's "Standards for Non-Community Public Water Supplies."

3. All public water systems subject to this rule shall have a sufficient number of operators certified as required in 10 CSR 60-14 to provide proper operation and maintenance of all source, treatment, storage, and distribution facilities so that the public water system meets all requirements of sections 640.100-640.140, RSMo and regulations promulgated thereunder. These operators shall be properly trained and be provided all equipment needed, including safety equipment, to perform all tasks in their job duties.

4. All public water systems subject to this rule shall have and maintain an updated distribution system map showing, at a minimum, the size and location of all waterlines, valves, hydrants, storage facilities, pumping facilities, treatment facilities, and water sources and shall make the map available to the department on request.

(B) Minimum Managerial Capacity Requirements.

1. Community and nontransient noncommunity water systems subject to this rule shall have an organization chart that shows every position that provides any drinking water function with the position title, name, business address, and telephone number of the person filling that position. This chart shall show clear lines of authority and supervision. Elected officials and managers that have overall jurisdiction shall also be shown on this chart. The chart shall state the name(s) of the persons or legal entity who own the public water system along with the business address and telephone number of the owner(s). This chart shall be publicly displayed and shall be updated within thirty (30) calendar days of any changes. An updated copy of the organization chart shall be made available to the department.

2. Community and nontransient noncommunity water systems subject to this rule shall designate a person or persons who will receive customer complaints and shall have a written procedure for receiving, investigating, resolving, and recording customer complaints. The name, title, business address, business telephone number and office hours of the person(s) designated to receive complaints shall be publicly displayed, along with the written complaint procedure. Complaint records shall be kept for a minimum of five (5) years and shall be made available to the department upon request. Results of investigations shall be used as part of the planning process for future improvements.

3. Community and nontransient noncommunity water systems subject to this rule shall have a written rate structure and service

fees, and the rate structure and service fees shall be publicly displayed and shall be made available to the department upon request.

4. Community and nontransient noncommunity water systems subject to this rule shall hold at least one (1) public meeting prior to changing the rate structure or service fees and shall notify the customers in advance of the public meeting by posting notice in the principal business office and providing notice in the area served, unless the rate increase procedure is regulated by other state or federal regulations. Records of customers' notice and summary of the public meeting shall be kept for a minimum of five (5) years and shall be made available to the department upon request.

5. Community and nontransient noncommunity water systems subject to this rule shall designate a person to deal with compliance-related issues in accordance with the public drinking water regulations in 10 CSR 60, including reporting and public notice requirements. This person shall be trained in public drinking water regulation requirements and shall act as liaison with the department on drinking water issues. The department will refer compliance actions to this person. The name, position title, business address, business telephone number, and office hours for this person shall be made available to the department and the department shall be notified within thirty (30) calendar days of any change.

(C) Minimum Financial Capacity Requirements.

1. Community and nontransient noncommunity water systems subject to this rule shall adhere to standard accounting practices in accordance with the Generally Accepted Accounting Principles and Practices, or the National Association of Regulated Utility Companies Uniform System of Accounts, as appropriate.

2. Community and nontransient noncommunity water systems subject to this rule shall develop and implement a system of collection of water fees that includes disconnection of service for nonpayment or other measures for obtaining payment. The total of uncollected fees and the percentage of uncollected fees compared to sum of collected and uncollected fees shall be recorded monthly. These records shall be made available to the department upon request.

3. Community and nontransient noncommunity water systems subject to this rule shall develop an annual budget showing public water system revenues and expenditures, shall prepare a report at the end of each fiscal year showing public water system revenues and expenditures for that year and a comparison with the annual budget prepared for that year, and shall prepare a five (5)-year capital improvement budget and capital improvement plan that will be updated annually. The capital improvement plan shall include the potential financial impacts of future regulations. These records shall be kept for a minimum of ten (10) years and shall be made available to the department upon request.

4. Annual revenues shall cover all public water system costs for the system including operating costs, maintenance costs, debt service costs, operating reserves, debt service reserves, emergency equipment replacement reserves, and revenue collection costs.

5. Community and nontransient noncommunity water systems subject to this rule and not subject to state regulation of rates for water service, in addition to all other financial capacity requirements, shall have and maintain—

A. An operating reserve equal to or greater than one-tenth (1/10) of the annual operations and maintenance budget. The public water system must establish this reserve in at least annual payments not to exceed ten (10) years. Funds from the operating reserve shall be used for operating and maintenance expenses only and shall be replaced within ten (10) years from the date of use. This reserve shall be invested in an account with ready access to the funds. Records of this reserve shall be made available to the department upon request. Other private, state, or federal reserves may be applied to meet this requirement;

B. An emergency equipment replacement reserve equal to or greater than the replacement cost of the most expensive

mechanical equipment item needed for operation. The public water system must establish this reserve in at least annual payments over a minimum of ten (10) years. Funds from the reserve shall be used for emergency equipment replacement expenses only and any funds so used shall be replaced within ten (10) years from the date of use. This reserve shall be invested in an account with ready access to the funds. Records of this reserve shall be made available to the department upon request. Other private, state, or federal reserves may be applied to meet this requirement; and

C. If there is debt on the public water system facilities, a debt service reserve no less than ten percent (10%) of the principle and interest or the amount required in the bonding agreement. Funds from the debt service reserve shall be used only for debt service expenses and for purposes agreed to in the bonding agreement and shall be replaced no less than as required in the bonding agreement. Records of this reserve shall be made available to the department upon request.

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

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 60-5.010 Accepted and Alternate Procedures for Analyses is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the August 2, 1999 *Missouri Register* (24 MoReg 1870-1878). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: At the public hearing on September 9, 1999 the department testified that the amendment is part of the Consumer Confidence Report rulemaking. The amendment adds a list of detection limits for radiological contaminants that are listed in federal regulations and referenced in the Consumer Confidence Reports rule. No comments were received on this amendment and it is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 6—Enforcement**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 60-6.010 Procedures and Requirements for Variances is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the August 2, 1999 *Missouri Register* (24 MoReg 1878-1880). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** At the public hearing on September 9, 1999 the department testified that the amendment implements federal requirements pertaining to general variances in section 1415 of the Safe Drinking Water Act and the federal rules in 40 CFR 142 and clarifies existing rule language. The proposed changes allow the department to grant a variance to a public water system before the system installs best available technology or treatment techniques. The system must show that alternative sources of water are not reasonably available. In making a variance determination, the department will consider the characteristics of the raw water source, availability of an alternative water source and risk to health. No comments were received on the amendment. It is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 6—Enforcement**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 60-6.020** Procedures and Requirements for Exemptions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the August 2, 1999 *Missouri Register* (24 MoReg 1880-1885). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** At the public hearing on September 9, 1999 the department testified that the amendment implements federal requirements pertaining to exemptions in section 1416 of the Safe Drinking Water Act and the federal rules in 40 CFR 142, and clarifies existing rule language. The amendment would allow the department to grant an exemption to a public water system from meeting maximum contaminant level or treatment technique requirements if the system is unable to develop an alternative source of water supply. The system must establish that it has considered management and restructuring changes. No comments were received on the amendment. It is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 6—Enforcement**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 60-6.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the August 2, 1999 *Missouri Register* (24 MoReg 1886-1887). Changes have been made in the text of the proposed amendment, so those sections are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** At the public hearing on September 9, 1999 the department testified that the amendment

incorporates federal requirements pertaining to compliance schedules for general variances and exemptions. Also, the rule is reorganized to cover general variances in section (1), exemptions in section (2), and to move some requirements to 10 CSR 60-6.020. The proposed changes to these rules provide several benefits. The changes allow public water systems more time to install BAT, enhance protection of public health by ensuring that the department's decisions are based on relevant information on water quality and water sources, and ensure that Missouri maintains primacy. The clarifications in wording and structure benefit public water systems, the public, and the department by making the rules easier to understand and implement.

No comments were made at the public hearing.

**COMMENT:** A comment letter was received from the representative of a public water system. The commenter recommended changing the references to an "alternative raw water source" in subsection (1)(B) and subparagraphs (2)(F)1. and 2. to "alternative water source" for consistency with other regulations.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agreed with the commenter and the changes are reprinted here.

**10 CSR 60-6.030 Schedules for Variances and Exemptions**

(1) Schedules for Variances Granted Under 10 CSR 60-6.010.

(B) Schedule for Compliance.

1. A proposed schedule for compliance shall contain the conditions as the department may prescribe and shall specify dates by which steps toward compliance are to be taken, including, where applicable:

A. The date by which arrangement for an alternative water source or improvement of existing raw water source will be completed;

B. The date of initiating the connection to an alternative water source or improving the existing raw water source; and

C. The date by which final compliance is to be achieved.

2. Alternative for Compliance. The proposed schedule for compliance for a variance specified in this rule, if the public water system has no access to an alternative water source and can effect or anticipate no adequate improvement of the existing raw water source, may specify an indefinite time period for compliance until a new and effective treatment technology is developed. A new compliance schedule shall be prescribed by the department at that time.

(C) Public Hearing. Before the schedule may take effect, the department shall provide notice and opportunity for a public hearing on the schedule as specified in 10 CSR 60-6.040. The notice and hearing may cover more than one schedule.

(D) Interim Measures. The proposed schedule for implementation of interim control measures during the period of the variance shall specify interim treatment techniques, methods, equipment and dates by which steps toward meeting the interim control measures are to be met.

(2) Schedules for Exemptions Granted Under 10 CSR 60-6.020.

(F) Schedule for Compliance. A proposed schedule for compliance shall contain the conditions as the department may prescribe and shall specify dates by which steps toward compliance are to be taken, including, where applicable:

1. The date by which arrangement for an alternative water source or improvement of existing raw water source will be completed;

2. The date of initiating the connection to an alternative water source or improving the existing raw water source; and

3. The date by which final compliance is to be achieved.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 60—Public Drinking Water Program**  
**Chapter 6—Enforcement**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission adopts a rule as follows:

**10 CSR 60-6.070 Administrative Penalty Assessment is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1887-1898). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** At the public hearing on September 9, 1999 the department testified that the rule establishes the procedures for issuance of administrative orders and assessment of administrative penalties. The rule is based on the statutory requirements in section 640.131, RSMo and on the Division of Environmental Quality's template for administrative penalty rules. The rule is very similar to other environmental programs' administrative penalty rules. The rule sets forth procedures for issuing an administrative order; requires the department to use conference, conciliation and persuasion to try to resolve the violation before assessing a penalty; and sets criteria for determining the penalty amount. An administrative order assessing a penalty can be appealed to the Safe Drinking Water Commission. Administrative order and penalty authority benefits the water-consuming public by providing another tool for the department to use to encourage compliance, and it is a federal primacy requirement.

No comments were made on this rule at the public hearing. The representative of a water association submitted written comments.

**COMMENT:** The representative of a water association commented that it would be more equitable to allow cited facilities to have input and present their case in a public hearing prior to the initial finding of culpability.

**RESPONSE:** The conference, conciliation, and persuasion process required under the proposed rule provides opportunity for the facility officials to ask questions, provide additional information on extenuating circumstances, or raise concerns about violations before an administrative penalty is issued. In addition, the appeal process provides regulated facility officials with the opportunity to question the appropriateness of an administrative penalty. The process proposed in the rule is consistent with the statutory language and the proposed process for the other environmental programs. A public hearing would unnecessarily delay and complicate the enforcement action and would hinder efforts to resolve violations in a timely manner. No changes have been made to the proposed rule as a result of this comment.

**COMMENT:** The representative of a water association commented that the term "violation" is loosely used in the rule, and that the language in subsection (1)(B) is a "very broad-based statement and could possibly be used to address positive coliform samples, boil orders, cryptosporidium and *giardia*, all based solely on the discretion of the Director." The commenter stated that the proposed rule was designed with chronic offenders in mind, but that it may have an unintended impact on facilities that make every effort to remain compliant and only experience occasional problems.

**RESPONSE:** The language in subsection (1)(B) is identical to the statutory language in section 640.131.1, RSMo (cum. supp. 1998), and is consistent with that used in other environmental laws and regulations in Missouri. It requires the department to use conference, conciliation and persuasion and prohibits administrative penalties for minor violations. The commission does not agree that it gives the director sole discretion to assess a penalty. Administrative penalties can be applied only when a violation exists. Specific conditions for what constitutes a violation are set forth throughout the drinking water regulations. Administrative penalties may or may not be applicable to the items listed by the commenter (positive coliform samples, boil orders, cryptosporidium, and *giardia*) depending on whether a violation exists and efforts to resolve the violation have failed. No changes have been made to the proposed rule as a result of this comment.

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

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission adopts a rule as follows:

10 CSR 60-8.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1899-1914). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** At the public hearing on September 9, 1999, the department testified that the rule would implement federal requirements by requiring community water systems to prepare and distribute a Consumer Confidence Report annually. The report describes the source of water, detects of contaminants, violations, and other information related to drinking water and health. The method of distribution of the report varies according to system size. There were no comments related to this rule at the public hearing. One comment letter was received during the comment period.

**COMMENT:** The U.S. Environmental Protection Agency commented that under subsection (1)(E), the information provided by systems that sell water to systems that buy water from them is described as a "report." Since elsewhere in the rule the word "report" is used to describe a complete Consumer Confidence Report, the use here may be confusing and that "the required information" might be a better alternative.

**RESPONSE:** The commission agrees that this may cause confusion and is changing the wording as suggested.

**COMMENT:** The U.S. Environmental Protection Agency commented that Appendix C (Health Effects Language) needs to be attached since it is referred to in the proposed rule.

**RESPONSE:** The commission responded that Appendix C was included in the proposed rule and published in the August 2, 1999 *Missouri Register* on pages 1908-1910. No change is needed to the rule.

**COMMENT:** The U.S. Environmental Protection Agency commented that under subsection (3)(D) the language should read: "Systems which detect lead above the action level in more than five percent (5%) and up to and including ten percent (10%), of homes sampled" instead of the proposed language.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission recognizes that this was a technical correction made to the federal requirements after the Proposed Rule was developed. The commission agreed with this revision to clarify the requirement and is modifying the language as suggested.

**COMMENT:** The U.S. Environmental Protection Agency commented that in Appendix A the maximum contaminant level (MCL) statement for #1, Total Coliform Bacteria needs to be expanded to read, "(systems that collect 40 or more samples per month) 5% of monthly samples are positive, (systems that collect fewer than 40) 1 positive sample."

**RESPONSE AND EXPLANATION OF CHANGE:** The commission recognizes that this was a technical correction made to the federal requirements after the Proposed Rule was developed. The commission agrees that the MCL definition must be expanded to account for the different method of calculating the MCL based on the number of coliform samples collected each month. The language is modified to accurately describe the MCL in each case.

**COMMENT:** The U.S. Environmental Protection Agency commented that in Appendix A the maximum contaminant level goal (MCLG) in Consumer Confidence Report units for #73, total trihalomethanes (TTHMs), should be "n/a" instead of "0" and that a corresponding correction should be made in Appendix B.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission recognizes that this was a technical correction made to the federal requirements after the Proposed Rule was developed. The commission is changing the MCLG to "n/a" for TTHMs in both Appendix A and Appendix B.

**COMMENT:** The U.S. Environmental Protection Agency commented that leaching from PVC pipes is incorrectly identified in the list of "Major sources in drinking water column" in Appendix B to 10 CSR 60-8.030 for #68 Tetrachloroethylene.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission recognizes that this was a technical correction made to the federal requirements after the Proposed Rule was developed. The commission agrees that the source description should be changed and is deleting the language as recommended.

Changes are made in subsection (1)(E); subsection (3)(D); Appendix A to 10 CSR 60-8.030 numbers 1 and 73; Appendix B to 10 CSR 60-8.030 numbers 1, 68, and 73.

### 10 CSR 60-8.030 Consumer Confidence Reports

#### (1) Applicability, Definitions, and General Requirements.

(E) A community water system that sells water to another community water system must deliver to the purchasing water system the information required in subsection (2)(B), and any information required in subsections (2)(D) through (2)(G) of this rule for monitoring conducted at the source or entrypoint to the distribution system. The required information from the seller must be provided no later than April 1 annually or on a date mutually agreed upon by the seller and the purchaser that is documented in writing and signed by both parties.

#### (3) Required Additional Health Information.

(D) Systems which detect lead above the action level in more than five percent (5%), and up to and including ten percent (10%), of homes sampled:

1. Must include a short informational statement about the special impact of lead on children using language such as: "Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water,

you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791)."

2. May write its own educational statement, but only in consultation with the department.



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

## Key

AL = Action Level  
MCL = Maximum Contaminant Level  
MCLG = Maximum Contaminant Level Goal  
MFL = million fibers per liter  
mrem/year = millirems per year (a measure of radiation absorbed by the body)  
NTU = Nephelometric Turbidity Units  
pCi/l = picocuries per liter (a measure of radioactivity)  
ppm = parts per million, or milligrams per liter (mg/l)  
ppb = parts per billion, or micrograms per liter ( $\mu\text{g/l}$ )  
ppt = parts per trillion, or nanograms per liter  
ppq = parts per quadrillion, or picograms per liter  
TT = Treatment Technique

Contaminant	MCL in compliance units (mg/l)	multiply by . . .	MCL in CCR units	MCLG in CCR units
<b>Microbiological Contaminants</b>				
1. Total Coliform Bacteria			(Systems that collect 40 or more samples per month) $\geq 5\%$ of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	0
2. Fecal coliform and E. coli			A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or E. coli positive.	0
3. Turbidity			TT (NTU)	n/a
<b>Radioactive Contaminants</b>				
4. Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
5. Alpha emitters	15 pCi/l		15 pCi/l	0
6. Combined radium	5 pCi/l		5 pCi/l	0
<b>Inorganic Contaminants</b>				
7. Antimony	.006	1000	6 ppb	6
8. Arsenic	.05	1000	50 ppb	n/a
9. Asbestos	7 MFL		7 MFL	7
10. Barium	2		2 ppm	2
11. Beryllium	.004	1000	4 ppb	4
12. Cadmium	.005	1000	5 ppb	5
13. Chromium	.1	1000	100 ppb	100
14. Copper	AL=1.3		AL=1.3 ppm	1.3
15. Cyanide	.2	1000	200 ppb	200
16. Fluoride	4		4 ppm	4
17. Lead	AL=.015	1000	AL=15 ppb	0
18. Mercury (inorganic)	.002	1000	2 ppb	2
19. Nitrate (as Nitrogen)	10		10 ppm	10
20. Nitrite (as Nitrogen)	1		1 ppm	1
21. Selenium	.05	1000	50 ppb	50
22. Thallium	.002	1000	2 ppb	0.5

<b>Synthetic Organic Contaminants including Pesticides and Herbicides</b>				
23. 2,4-D	.07	1000	70 ppb	70
24. 2,4,5-TP [Silvex]	.05	1000	50 ppb	50
25. Acrylamide			TT	0
26. Alachlor	.002	1000	2 ppb	0
27. Atrazine	.003	1000	3 ppb	3
28. Benzo(a)pyrene [PAH]	.0002	1,000,000	200 ppt	0
29. Carbofuran	.04	1000	40 ppb	40
30. Chlordane	.002	1000	2 ppb	0
31. Dalapon	.2	1000	200 ppb	200
32. Di(2-ethylhexyl)adipate	.4	1000	400 ppb	400
33. Di(2-ethylhexyl)phthalate	.006	1000	6 ppb	0
34. Dibromochloropropane	.0002	1,000,000	200 ppt	0
35. Dinoseb	.007	1000	7 ppb	7
36. Diquat	.02	1000	20 ppb	20
37. Dioxin [2,3,7,8-TCDD]	.0000003	1,000,000,000	30 ppq	0
38. Endothall	.1	1000	100 ppb	100
39. Endrin	.002	1000	2 ppb	2
40. Epichlorohydrin			TT	0
41. Ethylene dibromide	.00005	1,000,000	50 ppt	0
42. Glyphosate	.7	1000	700 ppb	700
43. Heptachlor	.0004	1,000,000	400 ppt	0
44. Heptachlor epoxide	.0002	1,000,000	200 ppt	0
45. Hexachlorobenzene	.001	1000	1 ppb	0
46. Hexachloro-cyclopentadiene	.05	1000	50 ppb	50
47. Lindane	.0002	1,000,000	200 ppt	200
48. Methoxychlor	.04	1000	40 ppb	40
49. Oxamyl [Vydate]	.2	1000	200 ppb	200
50. PCBs [Polychlorinated biphenyls]	.0005	1,000,000	500 ppt	0
51. Pentachlorophenol	.001	1000	1 ppb	0
52. Picloram	.5	1000	500 ppb	500
53. Simazine	.004	1000	4 ppb	4
54. Toxaphene	.003	1000	3 ppb	0
<b>Volatile Organic Contaminants</b>				
55. Benzene	.005	1000	5 ppb	0
56. Carbon tetrachloride	.005	1000	5 ppb	0
57. Chlorobenzene	.1	1000	100 ppb	100
58. o-Dichlorobenzene	.6	1000	600 ppb	600
59. p-Dichlorobenzene	.075	1000	75 ppb	75
60. 1,2-Dichloroethane	.005	1000	5 ppb	0
61. 1,1-Dichloroethylene	.007	1000	7 ppb	7
62. cis-1,2-Dichloroethylene	.07	1000	70 ppb	70
63. trans-1,2-Dichloroethylene	.1	1000	100 ppb	100
64. Dichloromethane	.005	1000	5 ppb	0
65. 1,2-Dichloropropane	.005	1000	5 ppb	0
66. Ethylbenzene	.7	1000	700 ppb	700
67. Styrene	.1	1000	100 ppb	100
68. Tetrachloroethylene	.005	1000	5 ppb	0
69. 1,2,4-Trichlorobenzene	.07	1000	70 ppb	70
70. 1,1,1-Trichloroethane	.2	1000	200 ppb	200
71. 1,1,2-Trichloroethane	.005	1000	5 ppb	3
72. Trichloroethylene	.005	1000	5 ppb	0

73. TTHMs [Total trihalomethanes]	.10	1000	100 ppb	n/a
74. Toluene	1		1 ppm	1
75. Vinyl Chloride	.002	1000	2 ppb	0
76. Xylenes	10		10 ppm	10

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

**Key**

AL = Action Level

MCL = Maximum Contaminant Level

MCLG = Maximum Contaminant Level Goal

MFL = million fibers per liter

mrem/year = millirems per year (a measure of radiation absorbed by the body)

NTU = Nephelometric Turbidity Units

pCi/l = picocuries per liter (a measure of radioactivity)

ppm = parts per million, or milligrams per liter (mg/l)

ppb = parts per billion, or micrograms per liter ( $\mu\text{g/l}$ )

ppt = parts per trillion, or nanograms per liter

ppq = parts per quadrillion, or picograms per liter

TT = Treatment Technique

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

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

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

69. 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
70. 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
71. 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
72. Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
73. TTHMs [Total trihalomethanes] (ppb)	n/a	100	By-product of drinking water chlorination.
74. Toluene (ppm)	1	1	Discharge from petroleum factories.
75. Vinyl Chloride (ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories.
76. Xylenes (ppm)	10	10	Discharge from petroleum factories; Discharge from chemical factories.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 70—Division of Liquor Control  
Chapter 2—Rules and Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the supervisor of the Division of Liquor Control under section 311.660, RSMo 1994, the supervisor amends a rule as follows:

11 CSR 70-2.190 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2390-2391). A change has been made in the text of the proposed amendment to correct an error in the paragraph structure. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE:** The Supervisor of Liquor Control received two favorable letters of comment on this proposed amendment. Paragraph 3. was corrected and reprinted to reflect subsection (2)(E), instead of paragraph (2)(E)2., of the proposed amendment.

**COMMENT:** SJL Beverage Company, which has five licensed wholesale locations in Missouri, submitted a letter in support of the proposed amendment, stating, "This is one of those rare situations where there is no downside effect to consider. It would be purely positive for us."

**RESPONSE:** The Supervisor agrees with the comments and appreciates the input from industry representatives.

**COMMENT:** Paramount Liquor Company, which has nine licensed wholesale locations in Missouri, submitted a letter of support and stated the proposed amendment will save time and money.

**RESPONSE:** The Supervisor agrees with the comments and appreciates the input from industry representatives.

**11 CSR 70-2.190 Unlawful Discrimination and Price Scheduling**

(2) Pricing Rules to Prohibit Discrimination.

(E) Case Size. For the purpose of this regulation, a case of intoxicating liquor or a case of wine is declared to be a cardboard, wooden or other container, containing bottles of equal size filled with intoxicating liquor or wine of the same brand, age and proof. The following table depicts the number of bottles considered to be a case of various bottle sizes for both the English and metric systems of measure, for price scheduling purposes:

Size of Bottle	Number of Bottles per Case
Less than 6.3 oz	48, 60, 96, 120, 144, 192 or 240
8 oz up to, but not including, 10 oz	48
10 oz up to, but not including, 21 oz	24
21 oz up to, but not including, 43 oz	12
43 oz up to, but not including, 85 oz	6
85 oz up to and including 128 oz	3, 4 or 6

1. The Universal Coding of Alcoholic Beverages for Products by container size shall be used to code the bottle size. An item is declared to be either a bottle or a case of intoxicating liquor or wine scheduled as required.

2. All sizes less than one-half (1/2) pint or eight (8) ounces under the English system of measure shall be defined as miniatures to be sold to airlines and railroads. Under the metric system of measure, miniatures to be sold to airlines and railroads are defined as fifty (50) milliliters (1.7 ounces) for spirituous liquors and one hundred (100) milliliters (3.4 ounces) for vinous liquors. Case sizes for miniatures shall be 240, 192, 144, 120, 96, 60 and 48 bottles. Miniatures shall be sold in only one (1) case size for each bottle size sold.

3. If an intoxicating liquor or wine product is packaged by the manufacturer in a bottle quantity for that bottle size exceeding one but either more or less than the case quantity for the bottle size listed in subsection (2)(E), a wholesaler may sell that package for a total price that reflects the same per bottle price as the per bottle price in the posted case price, if the wholesaler's invoice specifies the quantity in the package.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 111—Sales/Use Tax—Machinery and Equipment Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-111.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2392-2394). No changes have been made in the text of the proposed rule, however, the changed chapter title and rule title are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE:** The department received two letters of comment on this proposed rule. For purposes of clarity, the Chapter and Title of the regulation are being changed.

**COMMENT:** One commenter recommended that the definition of machinery and equipment be changed to “property that has a degree of permanence...” rather than using the outdated term “device.”

**RESPONSE:** The department has considered this comment and determined the terminology to be vague, and has decided to make no change in the rule. The term device is supported by case law and is a more precise term.

**COMMENT:** One commenter suggests making these subsections the same. Section (3)(E) includes producers under the replacement exemption, but section (3)(B) indicates that the same producers are ineligible for the new or expanded plant exemption.

**RESPONSE:** The General Assembly added “Producing” to 144.030.2(4), RSMo, but not 144.030.2(5), RSMo. As an example, The AHC in Tension Envelope addressed the fact that 144.030.2(5), RSMo, said “in the state” and 144.030.2(4), RSMo, contained no similar limitation. As a matter of statutory construction, the difference has an intended meaning. The department does not have the authority to issue regulations that conflict with the statutes, and therefore has decided to make no change in the rule.

**COMMENT:** One comment was to reword Example (4)(J), to more closely relate to the actual wording of section 144.010.1(14), RSMo.

**RESPONSE:** The point referenced by the commenter is addressed in Example (4)(P). This particular example is addressing the IBM (DST) decision only. The suggested language does not completely address the 144.010.1(14), RSMo, definitional provision because we require tax to actually have been paid by the purchaser in the other state. This is the essence of example (4)(P). The department has decided to make no change in the rule.

**COMMENT:** The commenter suggests adding annotations for the following cases: *Lander Bookbinding Corp. v. Director of Revenue*, AHC 4/24/96; *Walsworth Publishing Co. v. Director of Revenue*, Missouri Supreme Court No. 78769, 12/29/96.

**RESPONSE:** The cases referenced are good suggestions, and will be added to the rule. The department filed this rule with annotations. The department understands that the secretary of state’s Administrative Rules Division does not publish these annotations in the *Missouri Register*, but they will appear in the *Code of State Regulations*.

#### **Chapter 111—Sales/Use Tax—Machinery and Equipment Exemptions**

#### **12 CSR 10-111.010 Manufacturing Machinery and Equipment Exemptions**

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159, and 208.201, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-10.015** Prospective Reimbursement Plan for Nursing Facility Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2401–2403). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under section 208.153, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-10.080** Prospective Reimbursement Plan for HIV Nursing Facility Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2404–2405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 198.401, 198.403, 198.406, 198.409, 198.412, 198.416, 198.418, 198.421, 198.424, 198.427, 198.431, 198.433, 198.436, RSMo Supp. 1999 and 208.201, RSMo 1994, the director hereby amends a rule as follows:

**13 CSR 70-10.110** Nursing Facility Reimbursement Allowance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2406–2407). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**APPLICATION REVIEW SCHEDULE**

**DATE FILED:**

APPLICATION PROJECT NO. &  
NAME/COST & DESCRIPTION/  
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. These applications are available for public inspection at the address shown below.

**11/18/99**

#2906 RS: Branson Assisted Living Center, \$2,716,000, Relocate 30 residential care facility II beds Branson (Taney County)

**11/24/99**

#2918 NP: Meramec Nursing Center \$1, Long term care bed expansion of 16 skilled nursing facility beds Sullivan (Crawford County)

#2917 NP: Community Care Center of Lemay, \$396,001 Long term care bed expansion of 26 skilled nursing facility beds St. Louis (St. Louis County)

#2916 NP: Seneca House \$1, Long term care bed expansion of 4 skilled nursing facility beds Seneca (Newton County)

**12/20/99**

#2933 NS: Vintage Villa Nursing Center \$2,295,000, Replace 60-bed skilled nursing facility Dexter (Stoddard County)

**12/27/99**

#2934 NP: Crown Care Center \$279,801, Long term care bed expansion of 30 skilled nursing facility beds Harrisonville (Cass County)

#2921 RS: St. Francois Residential Care \$1,450,000, Replace 27-bed intermediate care facility Farmington (St. Francois County)

#2932 NS: Autumn Oaks Care & Rehabilitation Center \$3,850,000, Replace 120-bed skilled nursing facility Springfield (Greene County)

#2912 NP: Sylvia G. Thompson Center, Inc., \$1,470,970 Long term care bed expansion of 43 skilled nursing facility beds Sedalia (Pettis County)

**12/28/99**

#2926 NS: Frene Valley Healthcare South \$48,000, Long term care bed expansion of 6 skilled nursing facility beds Owensville (Crawford County)

#2881 NP: Delmar Gardens North \$3,694,000, Long term care bed expansion of 60 skilled nursing facility beds St. Louis (St. Louis County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect which must be received at the address listed below by January 28, 2000. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
915 G Leslie Boulevard  
Jefferson City, MO 65101

For additional information contact  
Donna Schuessler, 573-751-6403.



**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B3Z00120 Trash Collection Services 2/2/00;  
B1Z00232 Truck with Aluminum Bed 2/3/00;  
B3Z00111 Services; Legal 2/3/00;  
B3Z00116 Janitorial Services-Jefferson City, MO 2/4/00;  
B1Z00227 Dairy Product: Cheese 2/7/00;  
B1Z00236 Electrical Supplies: Meramec Sate Park 2/7/00;  
B1Z00237 Electrical Supplies: Sam A. Baker State Park 2/7/00;  
B1Z00238 Utility Vehicles 2/7/00;  
B3Z00076 Funding, Research & Administration Services 2/7/00;  
B1Z00235 Paper: Carbonless 2/8/00;  
B2Z00058 Micrographic Supplies-Archival File Folders 2/10/00;  
B3Z00040 Exhibits; Design, Construct & Install 2/14/00;  
B1Z00230 Building Storage, Chemical/Hazardous 2/15/00;  
B1Z00240 Office Supplies-Kansas City/Western MO 2/15/00;  
B3Z00105 Medical Transcription Services 2/15/00;  
B3Z00091 Childcare Program 2/16/00;  
B1Z00228 Video/Audio Surveillance System 2/16/00;  
B1Z00244 Electrical Supplies-Sedalia Area 2/16/00;  
B3Z00100 Crisis Nursery Services 2/18/00;  
B003056 Training Services/Management Training Programs  
3/6/00;  
B3Z00094 International Marketing-Missouri Tourism 3/6/00.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) Breakfast-In-Bed Function, supplied by the Opryland Hotel and Convention Center.
- 2.) Higher Education Institution Apple Macintosh Equipment, supplied by apple Computer, Inc.  
Software Upgrade and Maintenance, supplied by Chicago-Soft, LTD.  
Security Service Maintenance, supplied by ADT Security.

Joyce Murphy, CPPO,  
Director of Purchasing

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule.....				23 MoReg 2473 24 MoReg 2535
1 CSR 10-15.010	Commissioner of Administration .....	25 MoReg 143	24 MoReg 2577	.....	This Issue
1 CSR 20-5.010	Personnel Advisory Board.....		24 MoReg 2578		
1 CSR 20-5.015	Personnel Advisory Board.....		24 MoReg 2578		
1 CSR 20-5.020	Personnel Advisory Board.....		24 MoReg 2579		
1 CSR 20-5.025	Personnel Advisory Board.....		24 MoReg 2580		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 10-5.005	Market Development .....	24 MoReg 2269			
2 CSR 10-5.010	Market Development .....		23 MoReg 2676		
2 CSR 60-1.010	Grain Inspection and Warehousing.....		24 MoReg 2755		
2 CSR 60-4.011	Grain Inspection and Warehousing.....		24 MoReg 2755		
2 CSR 60-4.040	Grain Inspection and Warehousing.....		24 MoReg 2755R		
2 CSR 60-4.070	Grain Inspection and Warehousing.....		24 MoReg 2756		
2 CSR 60-4.110	Grain Inspection and Warehousing.....		24 MoReg 2756		
2 CSR 60-4.140	Grain Inspection and Warehousing.....		24 MoReg 2757		
2 CSR 60-4.150	Grain Inspection and Warehousing.....		24 MoReg 2758		
2 CSR 60-4.180	Grain Inspection and Warehousing.....		24 MoReg 2758		
2 CSR 60-5.010	Grain Inspection and Warehousing.....		24 MoReg 2759		
2 CSR 60-5.020	Grain Inspection and Warehousing.....		24 MoReg 2759R		
			24 MoReg 2759		
2 CSR 60-5.030	Grain Inspection and Warehousing.....		24 MoReg 2760R		
2 CSR 60-5.040	Grain Inspection and Warehousing.....		24 MoReg 2760		
2 CSR 60-5.050	Grain Inspection and Warehousing.....		24 MoReg 2760		
2 CSR 60-5.070	Grain Inspection and Warehousing.....		24 MoReg 2761		
2 CSR 60-5.080	Grain Inspection and Warehousing.....		24 MoReg 2761		
2 CSR 60-5.100	Grain Inspection and Warehousing.....		24 MoReg 2762		
2 CSR 60-5.120	Grain Inspection and Warehousing.....		24 MoReg 2763		
2 CSR 80-2.180	State Milk Board .....	24 MoReg 2675	24 MoReg 2764		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-1.010	Conservation Commission.....		24 MoReg 2764		
3 CSR 10-4.115	Conservation Commission.....		24 MoReg 2581	.....	25 MoReg 50
					This Issue
3 CSR 10-4.116	Conservation Commission.....		24 MoReg 2582	.....	25 MoReg 50
3 CSR 10-4.125	Conservation Commission.....		24 MoReg 2583	.....	25 MoReg 50
3 CSR 10-5.205	Conservation Commission.....		24 MoReg 2583	.....	25 MoReg 50
3 CSR 10-5.210	Conservation Commission.....		24 MoReg 2586	.....	25 MoReg 51
3 CSR 10-5.215	Conservation Commission.....		24 MoReg 2586	.....	25 MoReg 51
3 CSR 10-6.405	Conservation Commission.....		24 MoReg 2586	.....	25 MoReg 51
					This Issue
3 CSR 10-7.405	Conservation Commission.....		24 MoReg 2587	.....	25 MoReg 51
3 CSR 10-7.440	Conservation Commission.....		N.A.	.....	This Issue
3 CSR 10-7.455	Conservation Commission.....				24 MoReg 2989
3 CSR 10-8.505	Conservation Commission.....		24 MoReg 2587	.....	24 MoReg 51
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 10-2.160	Missouri State Board of Accountancy .....		24 MoReg 2625		
4 CSR 40-1.021	Office of Athletics .....	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics .....	21 MoReg 1963			
4 CSR 70-2.040	State Board of Chiropractic Examiners .....		24 MoReg 2201	.....	25 MoReg 51
4 CSR 70-2.050	State Board of Chiropractic Examiners .....		24 MoReg 2201	.....	25 MoReg 52
4 CSR 70-2.070	State Board of Chiropractic Examiners .....		24 MoReg 2202	.....	25 MoReg 52
4 CSR 90-13.020	State Board of Cosmetology .....		23 MoReg 1952		
4 CSR 100	Division of Credit Unions .....				24 MoReg 2647
					24 MoReg 2721
					25 MoReg 116
					25 MoReg 225
					25 MoReg 225
4 CSR 100-2.190	Division of Credit Unions .....		This Issue		
4 CSR 105-1.010	Credit Union Commission.....		24 MoReg 1829	.....	24 MoReg 2983
4 CSR 105-2.010	Credit Union Commission.....	24 MoReg 1787	24 MoReg 1833	.....	24 MoReg 2983
4 CSR 105-3.010	Credit Union Commission.....	24 MoReg 1788	24 MoReg 1839	.....	24 MoReg 2983

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 105-3.020	Credit Union Commission	24 MoReg 1789	24 MoReg 1839	24 MoReg 2985	
4 CSR 105-3.030	Credit Union Commission	24 MoReg 1790	24 MoReg 1839	24 MoReg 2986	
4 CSR 120-2.060	Board of Embalmers and Funeral Directors		24 MoReg 2128	24 MoReg 2986	
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		24 MoReg 2129	24 MoReg 2987	
			This Issue		
4 CSR 150-2.001	State Board of Registration for the Healing Arts		23 MoReg 2565		
4 CSR 150-2.065	State Board of Registration for the Healing Arts		23 MoReg 2566		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		This Issue		
4 CSR 150-7.135	State Board of Registration for the Healing Arts		24 MoReg 2131	25 MoReg 211	
4 CSR 150-7.300	State Board of Registration for the Healing Arts		23 MoReg 2703		
4 CSR 150-7.310	State Board of Registration for the Healing Arts		23 MoReg 2711		
4 CSR 195-5.010	Workforce Development		24 MoReg 2314		
4 CSR 195-5.020	Workforce Development		24 MoReg 2315		
4 CSR 195-5.030	Workforce Development		24 MoReg 2318		
4 CSR 210-2.060	State Board of Optometry		22 MoReg 1443		
4 CSR 220-2.010	State Board of Pharmacy		24 MoReg 1841	24 MoReg 2837	
4 CSR 220-2.020	State Board of Pharmacy		24 MoReg 1841	24 MoReg 2837	
4 CSR 220-2.160	State Board of Pharmacy		24 MoReg 1842	24 MoReg 2837	
4 CSR 230-2.065	Board of Podiatric Medicine		24 MoReg 2202	25 MoReg 52	
4 CSR 235-1.015	State Committee of Psychologists		24 MoReg 2132	25 MoReg 52	
4 CSR 235-1.025	State Committee of Psychologists		24 MoReg 2132	25 MoReg 52	
4 CSR 235-1.026	State Committee of Psychologists		24 MoReg 2133	25 MoReg 52	
4 CSR 235-1.030	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.031	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.060	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.063	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.020	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.040	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.050	State Committee of Psychologists		24 MoReg 2137	25 MoReg 54	
4 CSR 235-2.060	State Committee of Psychologists		24 MoReg 2138	25 MoReg 54	
4 CSR 235-2.065	State Committee of Psychologists		24 MoReg 2139	25 MoReg 54	
4 CSR 235-2.070	State Committee of Psychologists		24 MoReg 2140	25 MoReg 54	
4 CSR 235-3.020	State Committee of Psychologists		24 MoReg 2140	25 MoReg 55	
4 CSR 235-4.030	State Committee of Psychologists		24 MoReg 2141	25 MoReg 55	
4 CSR 240-2.010	Public Service Commission		24 MoReg 2318R		
			24 MoReg 2318		
4 CSR 240-2.015	Public Service Commission		24 MoReg 2319		
4 CSR 240-2.020	Public Service Commission		24 MoReg 2142	24 MoReg 2838	
4 CSR 240-2.030	Public Service Commission		24 MoReg 2142	24 MoReg 2838	
4 CSR 240-2.040	Public Service Commission		24 MoReg 2320R		
			24 MoReg 2320		
4 CSR 240-2.050	Public Service Commission		24 MoReg 2320R		
			24 MoReg 2321		
4 CSR 240-2.060	Public Service Commission		24 MoReg 2321R		
			24 MoReg 2321		
4 CSR 240-2.065	Public Service Commission		24 MoReg 2324R		
			24 MoReg 2324		
4 CSR 240-2.070	Public Service Commission		24 MoReg 2325R		
			24 MoReg 2325		
4 CSR 240-2.075	Public Service Commission		24 MoReg 2326R		
			24 MoReg 2326		
4 CSR 240-2.080	Public Service Commission		24 MoReg 2327R		
			24 MoReg 2327		
4 CSR 240-2.085	Public Service Commission		24 MoReg 2328		
4 CSR 240-2.090	Public Service Commission		24 MoReg 2329R		
			24 MoReg 2329		
4 CSR 240-2.100	Public Service Commission		24 MoReg 2330R		
			24 MoReg 2330		
4 CSR 240-2.110	Public Service Commission		24 MoReg 2330R		
			24 MoReg 2331		
4 CSR 240-2.115	Public Service Commission		24 MoReg 2331R		
			24 MoReg 2332		
4 CSR 240-2.116	Public Service Commission		24 MoReg 2332R		
			24 MoReg 2332		
4 CSR 240-2.120	Public Service Commission		24 MoReg 2333R		
			24 MoReg 2333		
4 CSR 240-2.125	Public Service Commission		24 MoReg 2333R		
			24 MoReg 2333		
4 CSR 240-2.130	Public Service Commission		24 MoReg 2334R		
			24 MoReg 2334		
4 CSR 240-2.140	Public Service Commission		24 MoReg 2336R		
			24 MoReg 2336		
4 CSR 240-2.150	Public Service Commission		24 MoReg 2336R		
			24 MoReg 2336		
4 CSR 240-2.160	Public Service Commission		24 MoReg 2337R		
			24 MoReg 2337		
4 CSR 240-2.170	Public Service Commission		24 MoReg 2338R		
4 CSR 240-2.180	Public Service Commission		24 MoReg 2338R		
			24 MoReg 2338		
4 CSR 240-2.200	Public Service Commission		24 MoReg 2339R		
			24 MoReg 2339		
4 CSR 240-18.010	Public Service Commission		24 MoReg 2340	25 MoReg 211	
4 CSR 240-20.015	Public Service Commission		24 MoReg 1340	25 MoReg 55	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-32.110	Public Service Commission		24 MoReg 2341		
4 CSR 240-32.120	Public Service Commission		24 MoReg 2344		
4 CSR 240-33.010	Public Service Commission		24 MoReg 2347R		
			24 MoReg 2347		
4 CSR 240-33.020	Public Service Commission		24 MoReg 2347R		
			24 MoReg 2348		
4 CSR 240-33.040	Public Service Commission		24 MoReg 2351R		
			24 MoReg 2351		
4 CSR 240-33.050	Public Service Commission		24 MoReg 2355R		
			24 MoReg 2355		
4 CSR 240-33.060	Public Service Commission		24 MoReg 2359R		
			24 MoReg 2359		
4 CSR 240-33.070	Public Service Commission		24 MoReg 2362R		
			24 MoReg 2362		
4 CSR 240-33.080	Public Service Commission		24 MoReg 2367R		
			24 MoReg 2367		
4 CSR 240-33.090	Public Service Commission		24 MoReg 2371R		
			24 MoReg 2371		
4 CSR 240-33.100	Public Service Commission		24 MoReg 2371R		
			24 MoReg 2372		
4 CSR 240-33.110	Public Service Commission		24 MoReg 2372R		
			24 MoReg 2372		
4 CSR 240-33.120	Public Service Commission		24 MoReg 2373		
4 CSR 240-33.130	Public Service Commission		24 MoReg 2376		
4 CSR 240-33.140	Public Service Commission		24 MoReg 2376		
4 CSR 240-33.150	Public Service Commission	24 MoReg 2747T			
4 CSR 240-40.015	Public Service Commission		24 MoReg 1346	25 MoReg 59	
4 CSR 240-40.016	Public Service Commission		24 MoReg 1352	25 MoReg 63	
4 CSR 240-80.015	Public Service Commission		24 MoReg 1359	25 MoReg 69	
4 CSR 255-1.040	Missouri Board for Respiratory Care		This Issue		
4 CSR 255-2.040	Missouri Board for Respiratory Care		This Issue		
4 CSR 255-2.050	Missouri Board for Respiratory Care		This Issue		
4 CSR 255-2.060	Missouri Board for Respiratory Care		This Issue		
4 CSR 255-3.010	Missouri Board for Respiratory Care		This Issue		
4 CSR 255-4.010	Missouri Board for Respiratory Care		This Issue		
4 CSR 263-3.140	Licensed Clinical Social Workers		24 MoReg 2143	24 MoReg 2987	
4 CSR 265-10.025	Division of Motor Carrier and Railroad Safety		24 MoReg 2203		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 30-345.020	Division of School Services		24 MoReg 2627		
5 CSR 30-345.030	Division of School Services		24 MoReg 2628		
5 CSR 50-270.050	Division of Instruction		24 MoReg 877		
5 CSR 60-100.010	Vocational and Adult Education		N.A.	24 MoReg 2838	
5 CSR 60-120.010	Vocational and Adult Education		N.A.	24 MoReg 2841	
5 CSR 80-800.290	Urban and Teacher Education	24 MoReg 2123	24 MoReg 2143	25 MoReg 73	
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 10-2.100	Commissioner of Higher Education		24 MoReg 1650	24 MoReg 2843	
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-2.010	Highways and Transportation Commission		24 MoReg 1367R		
			24 MoReg 1367		
			24 MoReg 2919R	24 MoReg 2940R	
			24 MoReg 2919	24 MoReg 2940	
7 CSR 10-6.010	Highways and Transportation Commission		24 MoReg 765		
			24 MoReg 2377		
7 CSR 10-6.015	Highways and Transportation Commission		24 MoReg 766		
			24 MoReg 2378		
7 CSR 10-6.040	Highways and Transportation Commission		24 MoReg 767		
			24 MoReg 2379		
7 CSR 10-6.050	Highways and Transportation Commission		24 MoReg 768		
			24 MoReg 2381		
7 CSR 10-6.060	Highways and Transportation Commission		24 MoReg 769		
			24 MoReg 2381		
7 CSR 10-6.070	Highways and Transportation Commission		24 MoReg 770		
			24 MoReg 2382		
7 CSR 10-6.085	Highways and Transportation Commission		24 MoReg 773		
			24 MoReg 2385		
7 CSR 10-10.010	Highways and Transportation Commission	24 MoReg 2932	24 MoReg 2956		
7 CSR 10-10.040	Highways and Transportation Commission	24 MoReg 2933	24 MoReg 2957		
7 CSR 10-10.050	Highways and Transportation Commission	24 MoReg 2933	24 MoReg 2957		
7 CSR 10-10.070	Highways and Transportation Commission	24 MoReg 2934	24 MoReg 2958		
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 60-3.040	Commission on Human Rights	24 MoReg 2565	24 MoReg 2588	This IssueW	
		25 MoReg 144T			
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 10-7.010	Director, Department of Mental Health			24 MoReg 2875RUC	
9 CSR 10-7.020	Director, Department of Mental Health			24 MoReg 2877RUC	
9 CSR 10-7.030	Director, Department of Mental Health			24 MoReg 2879RUC	
9 CSR 10-7.040	Director, Department of Mental Health			24 MoReg 2881RUC	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
9 CSR 10-7.050	Director, Department of Mental Health				24 MoReg 2881RUC
9 CSR 10-7.060	Director, Department of Mental Health				24 MoReg 2883RUC
9 CSR 10-7.070	Director, Department of Mental Health				24 MoReg 2884RUC
9 CSR 10-7.080	Director, Department of Mental Health				24 MoReg 2885RUC
9 CSR 10-7.090	Director, Department of Mental Health				24 MoReg 2886RUC
9 CSR 10-7.100	Director, Department of Mental Health				24 MoReg 2887RUC
9 CSR 10-7.110	Director, Department of Mental Health				24 MoReg 2887RUC
9 CSR 10-7.120	Director, Department of Mental Health				24 MoReg 2890RUC
9 CSR 10-7.130	Director, Department of Mental Health				24 MoReg 2891RUC
9 CSR 25-4.040	Fiscal Management		24 MoReg 2386		
9 CSR 30-4.030	Certification Standards	24 MoReg 2191	24 MoReg 2215	25 MoReg 73	
9 CSR 30-4.034	Certification Standards	24 MoReg 2193	24 MoReg 2216	25 MoReg 74	
9 CSR 30-4.035	Certification Standards	24 MoReg 2194	24 MoReg 2217	25 MoReg 74	
9 CSR 30-4.039	Certification Standards	24 MoReg 2195	24 MoReg 2219	25 MoReg 74	
9 CSR 30-4.042	Certification Standards	24 MoReg 2197	24 MoReg 2220	25 MoReg 75	
9 CSR 30-4.043	Certification Standards	24 MoReg 2199	24 MoReg 2222	25 MoReg 75	
9 CSR 45-5.040	Mental Retardation and Developmental Disabilities		24 MoReg 2389		

**DEPARTMENT OF NATURAL RESOURCES**

10 CSR					24 MoReg 1693
10 CSR 10-2.010	Air Conservation Commission				24 MoReg 420
10 CSR 10-2.060	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-3.080	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-4.060	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.070	Air Conservation Commission		24 MoReg 2224		
10 CSR 10-5.090	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.295	Air Conservation Commission		24 MoReg 2001	25 MoReg 76	
10 CSR 10-5.380	Air Conservation Commission	24 MoReg 2935	25 MoReg 14		
10 CSR 10-5.390	Air Conservation Commission		This Issue		
10 CSR 10-5.490	Air Conservation Commission		24 MoReg 2680		
10 CSR 10-5.500	Air Conservation Commission		24 MoReg 2007	25 MoReg 81	
10 CSR 10-5.510	Air Conservation Commission		24 MoReg 2012	25 MoReg 82	
10 CSR 10-5.520	Air Conservation Commission		24 MoReg 2020	25 MoReg 92	
10 CSR 10-5.530	Air Conservation Commission		24 MoReg 2025	25 MoReg 98	
10 CSR 10-5.540	Air Conservation Commission		24 MoReg 2034	25 MoReg 101	
10 CSR 10-5.550	Air Conservation Commission		24 MoReg 2041	25 MoReg 109	
10 CSR 10-6.020	Air Conservation Commission		24 MoReg 2629		
10 CSR 10-6.065	Air Conservation Commission		24 MoReg 2630		
10 CSR 10-6.070	Air Conservation Commission		24 MoReg 2226		
10 CSR 10-6.075	Air Conservation Commission		24 MoReg 2226		
10 CSR 10-6.080	Air Conservation Commission		24 MoReg 2230		
10 CSR 10-6.170	Air Conservation Commission		22 MoReg 2129		
10 CSR 10-6.310	Air Conservation Commission		24 MoReg 2686		
10 CSR 20-3.010	Clean Water Commission		24 MoReg 1225R	This IssueR	
			24 MoReg 1225	This Issue	
10 CSR 20-4.023	Clean Water Commission		24 MoReg 1849	This Issue	
10 CSR 20-4.030	Clean Water Commission		24 MoReg 1849	This Issue	
10 CSR 20-4.041	Clean Water Commission		24 MoReg 1850	This Issue	
10 CSR 20-4.043	Clean Water Commission		24 MoReg 1852	This Issue	
10 CSR 20-4.061	Clean Water Commission		24 MoReg 1724	This Issue	
10 CSR 20-7.015	Clean Water Commission		This Issue		
10 CSR 20-10.012	Clean Water Commission		24 MoReg 1056	This Issue	
10 CSR 20-10.022	Clean Water Commission		24 MoReg 1056	This Issue	
10 CSR 20-10.068	Clean Water Commission		24 MoReg 1057	This IssueW	
10 CSR 20-10.071	Clean Water Commission		24 MoReg 1058	This Issue	
10 CSR 20-11.092	Clean Water Commission		24 MoReg 1058	This Issue	
10 CSR 20-12.010	Clean Water Commission		24 MoReg 1058R	This IssueR	
10 CSR 20-12.020	Clean Water Commission		24 MoReg 1059R	This IssueR	
10 CSR 20-12.025	Clean Water Commission		24 MoReg 1059R	This IssueR	
10 CSR 20-12.030	Clean Water Commission		24 MoReg 1059R	This IssueR	
10 CSR 20-12.040	Clean Water Commission		24 MoReg 1060R	This IssueR	
10 CSR 20-12.045	Clean Water Commission		24 MoReg 1060R	This IssueR	
10 CSR 20-12.050	Clean Water Commission		24 MoReg 1061R	This IssueR	
10 CSR 20-12.060	Clean Water Commission		24 MoReg 1061R	This IssueR	
10 CSR 20-12.061	Clean Water Commission		24 MoReg 1061R	This IssueR	
10 CSR 20-12.062	Clean Water Commission		24 MoReg 1062R	This IssueR	
10 CSR 20-12.070	Clean Water Commission		24 MoReg 1062R	This IssueR	
10 CSR 20-12.080	Clean Water Commission		24 MoReg 1062R	This IssueR	
10 CSR 20-13.080	Clean Water Commission		24 MoReg 1239R	This IssueR	
			24 MoReg 1239	This Issue	
10 CSR 45-1.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-2.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-3.010	Metallic Minerals		24 MoReg 1258R		
			24 MoReg 1258		
10 CSR 45-6.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-6.020	Metallic Minerals		24 MoReg 2049		
10 CSR 45-6.030	Metallic Minerals		24 MoReg 2050		
10 CSR 60-2.015	Public Drinking Water Program		25 MoReg 147		
10 CSR 60-3.010	Public Drinking Water Program	24 MoReg 2365	24 MoReg 1852	This Issue	
10 CSR 60-3.020	Public Drinking Water Program	24 MoReg 2567	24 MoReg 1854	This Issue	
10 CSR 60-3.030	Public Drinking Water Program	24 MoReg 2568	24 MoReg 1863	This Issue	
10 CSR 60-4.010	Public Drinking Water Program		25 MoReg 148		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 60-4.050	Public Drinking Water Program		25 MoReg 152		
10 CSR 60-4.055	Public Drinking Water Program		25 MoReg 156		
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2 CSR 10-5.005 Price Reporting Requirements for Livestock Purchases by Packers . . . . . March 2, 2000

#### State Milk Board

2 CSR 80-2.180 Adoption of the *Grade A Pasteurized Milk Ordinance* with Administrative Procedures—Recommendations of the United States Public Health Service/Food and Drug Administration (PMO) . . . . . May 1, 2000

#### Missouri Agricultural and Small Business Development Authority

2 CSR 100-8.010 Description of Operation, Definitions, Applicant Requirements, Procedures for Grant Approval, Funding of Grants, and Amending the Rules for the Missouri Value-Added Grant Program . . . . . February 24, 2000

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7 CSR 10-2.010 Overdimension and Overweight Permits . . . . . May 16, 2000

7 CSR 10-10.010 Definitions . . . . . May 16, 2000

7 CSR 10-10.040 Contractor Performance Questionnaire Used in Evaluating Contractor Performance . . . . . May 16, 2000

7 CSR 10-10.050 Procedure and Schedule for Completing the Contractor Performance Questionnaire . . . . . May 16, 2000

7 CSR 10-10.070 Procedure for Annual Rating of Contractors . . . . . May 16, 2000

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8 CSR 60-3.040 Employment Practices Related to Men and Women . . . . . Terminated December 29, 1999

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9 CSR 30-4.030 Certification Standards Definitions . . . . . February 17, 2000

9 CSR 30-4.034 Personnel and Staff Development . . . . . February 17, 2000

9 CSR 30-4.035 Client Records of a Community Psychiatric Rehabilitation Program . . . . . February 17, 2000

9 CSR 30-4.039 Service Provision . . . . . February 17, 2000

9 CSR 30-4.042 Admission Criteria . . . . . February 17, 2000

9 CSR 30-4.043 Treatment Provided by a Community Psychiatric Rehabilitation Program . . . . . February 17, 2000

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10 CSR 10-5.380 Motor Vehicle Emissions Inspection . . . . . June 28, 2000

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10 CSR 60-3.010 Construction Authorization, Final Approval of Construction Owner-Supervised Program and Permit to Dispense Water . . . . . March 27, 2000

10 CSR 60-3.020 Continuing Operating Authority . . . . . March 27, 2000

10 CSR 60-3.030 Technical, Managerial, and Financial Capacity . . . . . March 27, 2000

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11 CSR 45-10.150 Child Care Facilities—License Required . . . . . June 7, 2000

11 CSR 45-13.055 Immediate Revocation or Suspension of License—Expedited Hearing . . . . . February 24, 2000

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11 CSR 50-2.350 Applicability of Motor Vehicle Emission Inspection . . . . . June 28, 2000

11 CSR 50-2.360 Emission Fee . . . . . June 28, 2000

11 CSR 50-2.370 Inspection Station Licensing . . . . . June 28, 2000

11 CSR 50-2.380 Inspector/Mechanic Licensing . . . . . June 28, 2000

11 CSR 50-2.390 Safety/Emission Stickers . . . . . June 28, 2000

11 CSR 50-2.401 General Specifications . . . . . June 28, 2000

11 CSR 50-2.402 MAS Software Functions . . . . . June 28, 2000

11 CSR 50-2.403 Missouri Analyzer System (MAS) Display and Program Requirements . . . . . June 28, 2000

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<b>12 CSR 10-3.460</b>	Return Required . . . . .	June 28, 2000
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<b>12 CSR 10-41.010</b>	Annual Adjusted Rate of Interest . . . . .	June 28, 2000

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<b>13 CSR 15-14.022</b>	Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities . . . . .	February 24, 2000

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<b>13 CSR 70-15.010</b>	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Reimbursement Methodology . . . . .	May 29, 2000

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<b>13 CSR 73-2.020</b>	Procedures and Requirements for Licensure of Nursing Home Administrators . . . . .	June 7, 2000
<b>13 CSR 73-2.070</b>	Examination . . . . .	June 7, 2000

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<b>19 CSR 20-8.020</b>	Licensing of Lead Inspectors, Lead Abatement Workers and Lead Abatement Supervisors/Contractors . . . . .	February 25, 2000

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