

**PUBLIC HEARING ON
PROPOSED AMENDMENT TO**

10 CSR 10-6.241

**ASBESTOS PROJECTS—REGISTRATION, NOTIFICATION AND PERFORMANCE
REQUIREMENTS**

This amendment will change the rule title; change the rule purpose; amend subsections (1)(A), (3)(A), (3)(E), and (3)(F); and add subsection (3)(J).

The rule title is being changed to add abatement, inspection, and demolition activities to the list of asbestos-related activities that are regulated in the rule.

The rule purpose is being changed to clarify the applicability language.

Subsection (1)(A) is being amended to clarify the applicability of the rule to demolition projects.

Subsection (3)(A) is being amended to change to registration fee.

Subsection (3)(E) is being amended to change the notification fee.

Subsection (3)(F) is being amended to change the inspection fee.

Subsection (3)(J) is being added to require a demolition fee.

NOTE 1 - Legend for rule actions to be presented at public hearing is as follows:

- * *Shaded Text - Rule sections or subsections not proposed for amendment. This text is only for reference.*
- * *Unshaded Text - Rule sections or subsections that are proposed for change.*

NOTE 2 - All unshaded text below this line is printed in the Missouri Register.

**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.241 Asbestos Projects—Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirements. The commission proposes to change the rule title; change the rule purpose; amend subsections (1)(A), (3)(A), (3)(E), and (3)(F); and add subsection (3)(J). If the commission adopts this rule action, the department does not intend to submit this rule amendment to the U.S. Environmental Protection Agency because the rulemaking to adjust the asbestos fee structure is administrative and the rule has never been approved as part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources’ Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources’ Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This amendment changes the asbestos fee structure pursuant to 643.079.10, RSMo. This proposed rulemaking will increase the asbestos registration fee from one thousand dollars (\$1,000) to two thousand six hundred fifty dollars (\$2,650) per registration, increase the asbestos inspection fee from one hundred dollars (\$100) per inspection for the first three (3) inspections to two hundred dollars (\$200) per inspection for the first two (2) inspections, increase the asbestos abatement notification fee from one hundred dollars (\$100) to two hundred dollars (\$200) per notification, and commence collection of an asbestos demolition fee of one hundred dollars (\$100). The increased asbestos fees will enable the department’s Air Pollution Control Program to maintain its asbestos program to protect the health of Missouri citizens. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 643.079.10, RSMo, and the May 28, 2015, presentation to the Missouri Air Conservation Commission.

*PURPOSE: This rule requires asbestos contractors to register with the department, to notify the department of each asbestos project, to allow the department to inspect asbestos projects, and to pay inspection fees. Each person who intends to perform asbestos projects in Missouri must register annually with the Missouri Department of Natural Resources[;]’ Air Pollution Control Program. [~~Each asbestos contractor~~]**Any person undertaking a demolition or asbestos project** must submit a notification to the appropriate agency of the department for each asbestos project[~~-E~~] **and** each notification[~~for projects exceeding a certain size~~] must be accompanied by a fee. Asbestos contractors must allow representatives of the department to conduct inspections of projects and must pay inspection fees.[~~The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the decision of the Cole County Court case number CV 197-985-CC that found rule 10 CSR 10-6.240 void from inception and state statute 643.242, RSMo that authorizes the commission to assess a fee of \$100 for each on-site inspection of asbestos projects.~~]*

- (1) Applicability.
 - (A) This rule shall apply to—
 1. All persons that authorize, design, conduct, and work in asbestos projects; and
 2. All persons that **undertake demolition projects or** monitor air-borne

asbestos and dispose of asbestos waste as a result of asbestos projects.

(B) Exemptions. The department may exempt a person from registration, certification and certain notification requirements provided the person conducts asbestos projects solely at the person's own place of business as part of normal operations in the facility and also is subject to the requirements and applicable standards of the United States Environmental Protection Agency (EPA) and United States Occupational Safety and Health Administration (OSHA) 29 CFR 1926.1101. This exemption shall not apply to asbestos contractors, to those subject to the requirements of the Asbestos Hazard Emergency Response Act (AHERA) and to those persons who provide a service to the public in their place(s) of business as the economic foundation of the facility. These shall include, but not be limited to, child daycare centers, restaurants, nursing homes, retail outlets, medical care facilities, hotels and theaters. Business entities that have received state approved exemption status shall comply with all federal air sampling requirements for their planned renovation operations.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Registration.

1. Any person that conducts an asbestos project shall register with the department. Business entities that qualify for exemption status from the state must reapply for exemption from registration.
2. The person shall apply for registration renewal on an annual basis, and two (2) months before the expiration date shall send the application to the department for processing. The contractor registration application or business exemption information shall be submitted on the forms provided by the department.
3. Annually, the person submitting a registration application to the department shall remit a nonrefundable fee of one thousand dollars (\$1,000) to the department. **Effective January 1, 2017, the registration fee is two thousand six hundred fifty dollars (\$2,650).**
4. To determine eligibility for registration and registration renewal, the department may consider the compliance history of the applicant as well as that of all management employees and officers. The department may also consider the compliance record of any other entity of which those individuals were officers and management employees.

(B) Abatement Procedures and Practices.

1. Asbestos project contractors shall use only individuals that have been certified by the department in accordance with 10 CSR 10-6.250 and Chapter 643, RSMo on asbestos projects.
2. At each asbestos project site the person shall provide the following information for inspection by the department:
 - A. Proof of current departmental registration;
 - B. Proof of current departmental occupational certification for those

- individuals on the project;
 - C. Most recent available air sampling results;
 - D. Current photo identification for all applicable individuals engaged in the project; and
 - E. Proof of passage of the training course for the air sampling technicians and photo identifications for air sampling technicians.
- (C) Revocation of Registration. The director may deny, suspend or revoke any person's registration obtained under section (3) of this rule if the director finds the person in violation of sections 643.225–643.250, RSMo or Missouri rules 10 CSR 10-6.241 or 10 CSR 10-6.250 or any applicable federal, state or local standard for asbestos projects.
- (D) Any person that authorizes an asbestos project, asbestos inspection or any AHERA-related work shall ensure that Missouri registered contractors and certified individuals are employed, and that all post-notification procedures on the project are in compliance with this rule and 10 CSR 10-6.250 and Chapter 643, RSMo. Business entities that have exemption status from the state are exempt from using registered contractors and from post-notification requirements, when performing in-house asbestos projects.
- (E) Asbestos Project Notification. Any person undertaking an asbestos project shall submit a notification to the department for review at least ten (10) working days prior to the start of the project. Business entities with state-approved exemption status are exempt from notification except for those projects for which notification is required by the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS). The department may waive the ten (10)-working day review period upon request for good cause. To apply for this waiver, the person shall complete the appropriate sections of the notification form provided by the department. The person who applies for the ten (10)-working day waiver must obtain approval from the department before the project can begin.
 1. The person shall submit the notification form provided by the department.
 2. If an amendment to the notification is necessary, the person shall notify the department immediately by telephone or FAX. The department must receive the written amendment within five (5) working days following verbal agreement.
 3. Asbestos project notifications shall state actual dates and times of the project, the on-site supervisor and a description of work practices. If the person must revise the dates and times of the project, the person shall notify the department and the regional office or the appropriate local delegated enforcement agency at least twenty-four (24) hours in advance of the change by telephone or FAX and then immediately follow-up with a written amendment stating the change. The department must receive the written amendment within five (5) working days of the phone or FAX message.
 4. A nonrefundable notification fee of one hundred dollars (\$100) will be charged for each project constituting one hundred sixty (160) square feet, two hundred sixty (260) linear feet, or thirty-five (35) cubic feet or greater. **Effective January 1, 2017, the notification fee is two hundred dollars**

- (\$200).** If an asbestos project is in an area regulated by an authorized local air pollution control agency, and the person is required to pay notification fees to that agency, the person is exempt from paying the state fees. Persons conducting planned renovation projects determined by the department to fall under EPA's 40 CFR part 61 subpart M must pay this fee and the inspection fees required in subsection (3)(F) of this rule.
5. Emergency project. Any person undertaking an emergency asbestos project shall notify the department by telephone and must receive departmental approval of emergency status. The person must notify the department within twenty-four (24) hours of the onset of the emergency. Business entities with state-approved exemption status are exempt from emergency notification for state-approved projects that are part of a NESHAPS planned renovation annual notification. If the emergency occurs after normal working hours or weekends, the person shall contact the Environmental Services Program. The notice shall provide—
 - A. A description of the nature and scope of the emergency;
 - B. A description of the measures immediately used to mitigate the emergency; and
 - C. A schedule for removal. Following the emergency notice, the person shall provide to the director a notification on the form provided by the department and the person shall submit it to the director within seven (7) days of the onset of the emergency. The amendment requirements for notification found in subsection (3)(E) of this rule are applicable to emergency projects.
 - (F) Inspections. There shall be a charge of one hundred dollars (\$100) per inspection for the first three (3) inspections of any asbestos project. **Effective January 1, 2017, the inspection fee is two hundred dollars (\$200) per inspection for the first two (2) inspections.** The department or the local delegated enforcement agency shall bill the person for that inspection(s) and the person shall submit the fee(s) within sixty (60) days of the date of the invoice, or sooner, if required by a local delegated enforcement agency within its area of jurisdiction.
 - (G) All information required under this rule must be submitted on the appropriate forms and contain accurate, legible information. Failure to provide the required information, failure to submit legible information, submission of false information or failure to provide complete information as required, shall be a violation of this rule and may result in the director's denial or revocation of the forms submitted.
 - (H) Failure to comply with this rule is a violation of this rule and Chapter 643, RSMo. Compliance with this rule does not relieve the participants from compliance with any other applicable federal and state rules, laws, standards or building codes.
 - (I) After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period.
 - (J) **Demolition Projects. Effective January 1, 2017, a nonrefundable notification fee of one hundred dollars (\$100) will be charged for each demolition project regulated under 10 CSR 10-6.080. If a demolition project is in an area regulated by an authorized local air pollution control agency and the person**

is required to pay notification fees to that agency, the person is exempt from paying the state fees.

- (4) Reporting and Record Keeping.
 - (A) Post-Notification.
 - 1. Any person undertaking an asbestos project that requires notification according to subsection (3)(E) of this rule, on the department-provided form shall notify the department within sixty (60) days of the completion of the project. This notice shall include a signed and dated receipt for the asbestos waste generated by the project issued by the landfill named on the notification. This notice also shall include any final clearance air monitoring results. The technician performing the analysis shall sign and date all reports of analyses.
 - 2. Business entities are exempt from post-notification requirements, but shall keep records of waste disposal for department inspection.
 - (B) Additional Record Keeping. The contractor and the owner shall keep the air monitoring results for three (3) years. The person shall make the results available to representatives of the department upon request. All AHERA projects shall comply with EPA air monitoring requirements in 40 CFR part 763.
- (5) Test Methods. *(Not Applicable)*

AUTHORITY: section 643.225, RSMo [2000]Supp. 2013. Original rule filed Jan. 12, 2004, effective Sept. 30, 2004. Amended: Filed June 7, 2007, effective Jan. 30, 2008. Amended: Filed July 14, 2015.

PUBLIC COST: This proposed amendment will cost two thousand eight hundred ten dollars (\$2,810) in FY 2017. For the years after FY 2017, the total annual aggregate cost is five thousand six hundred twenty dollars (\$5,620) for the life of the rule. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost one hundred thirty-eight thousand nine hundred sixty dollars (\$138,960) in FY 2017. For the years after FY 2017, the total annual aggregate cost is two hundred seventy-seven thousand nine hundred twenty dollars (\$277,920) for the life of the rule. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 24, 2015. The public hearing will be held at the Missouri Department of Natural Resources, St. Louis Regional Office, 7545 S. Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., October 1, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: 10** – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Name:	10 CSR 10-6.241 Asbestos Projects—Registration, Notification and Performance Requirements
Type of Rulemaking:	Amendment to Existing Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
22 Asbestos Training Providers, None of which are Public Entities	\$ 5,620 Annualized Aggregate \$ 28,100 for Projected 5-Year Life
104 Asbestos Contractors, 1 of which is a Public Entity	
1,818 Asbestos Workers and Supervisors, 182 of which are Public Entities	

III. WORKSHEET

Fiscal Year	Type of Fee	Number of Registrations/ Inspections/ Notifications	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2017 (1/1 - 6/30/17)	Asbestos Registration Fee	57	\$149,725	\$56,500	\$93,225
2017 (1/1 - 6/30/17)	Asbestos Inspection Fee	43	\$8,600	\$4,300	\$4,300
2017 (1/1 - 6/30/17)	Asbestos Abatement Notification Fee	173	\$34,600	\$17,300	\$17,300
2017 (1/1 - 6/30/17)	Asbestos Demolition Fee	268	\$26,750	\$0	\$26,750
2018	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2018	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2018	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2018	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2019	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2019	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2019	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2019	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2020	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2020	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2020	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2020	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2021	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2021	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2021	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2021	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2022 (7/1 - 12/31/21)	Asbestos Registration Fee	57	\$149,725	\$56,500	\$93,225
2022 (7/1 - 12/31/21)	Asbestos Inspection Fee	43	\$8,600	\$4,300	\$4,300
2022 (7/1 - 12/31/21)	Asbestos Abatement Notification Fee	173	\$34,600	\$17,300	\$17,300
2022 (7/1 - 12/31/21)	Asbestos Demolition Fee	268	\$26,750	\$0	\$26,750

1 = Number of Public Entity Registrations per Year
 1 = Number of Public Entity Inspections per Year
 10 = Number of Public Entity Abatement Notifications per Year
 25 = Number of Public Entity Demolitions per Year

		Projected Total Asbestos Fees Collected (with new fees)						5-Year Cost
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	
Asbestos Registration	Number of Registrations	1	1	1	1	1	1	--
	Fees Collected	\$2,650	\$2,650	\$2,650	\$2,650	\$2,650	\$2,650	\$15,900
Asbestos Inspection	Number of Inspections	1	1	1	1	1	1	--
	Fees Collected	\$200	\$200	\$200	\$200	\$200	\$200	\$1,200
Abatement Notification	Number of Notifications	5	10	10	10	10	5	--
	Fees Collected	\$1,000	\$2,000	\$2,000	\$2,000	\$2,000	\$1,000	\$10,000
Demolition	Number of Demolitions	13	25	25	25	25	13	--
	Fees Collected	\$1,300	\$2,500	\$2,500	\$2,500	\$2,500	\$1,300	\$12,600
							Total Fees With New Fee	\$39,700

		Projected Total Asbestos Fees Collected (with existing fees)						5-Year Cost
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	
Asbestos Registration	Number of Registrations	1	1	1	1	1	1	--
	Fees Collected	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$6,000
Asbestos Inspection	Number of Inspections	1	1	1	1	1	1	--
	Fees Collected	\$100	\$100	\$100	\$100	\$100	\$100	\$600
Abatement Notification	Number of Notifications	5	10	10	10	10	5	--
	Fees Collected	\$500	\$1,000	\$1,000	\$1,000	\$1,000	\$500	\$5,000
Demolition	Number of Demolitions	13	25	25	25	25	13	--
	Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
							Total Fees With Existing Fee	\$11,600

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	\$28,100
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Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	\$5,620
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*The first full fiscal year for this rulemaking is 2018.

**Difference in estimated annualized aggregate costs when raising asbestos fees as follows:

Asbestos Registration >> \$1000 fee to \$2650.
 Asbestos Inspection >> \$100 fee to \$200.
 Abatement Notification >> \$100 fee to \$200.
 Demolition >> Start collecting \$100 fee.

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The total numbers of registrations, inspections, and notifications are based on a five-year average for fiscal years 2010 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.

3. The total number of demolitions is based on a three-year average for fiscal years 2012 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.
4. The numbers of public entity registrations, inspections, notifications, and demolitions are based on data collected for asbestos-related activities for calendar years 2013 and 2014 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2022.
5. Asbestos registration fees are based on \$2,650 per application registration fee effective January 1, 2017. This fee represents a \$1,650 increase from the fee of \$1,000 per application prior to January 1, 2017.
6. Asbestos inspection fees are based on \$200 per inspection effective January 1, 2017. This fee represents a \$100 increase from the fee of \$100 per inspection prior to January 1, 2017.
7. Asbestos abatement notification fees are based on \$200 per notification effective January 1, 2017. This fee represents a \$100 increase from the fee of \$100 per notification prior to January 1, 2017.
8. The demolition fee is currently not collected. This fee will be collected effective January 1, 2017.
9. The aggregate gain in private entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by private entities paying asbestos fees.
10. Fee collection amounts for FY 2017 through 2022 are based on an average of 113 registrations per year (1 from public entities), 86 inspections per year (1 from public entities), 346 abatement notifications per year (10 from public entities), and 535 demolitions per year (25 from public entities).
11. The fees collected are uniformly distributed throughout the fiscal years.
12. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
13. Numbers in charts are shown as whole numbers but actual numbers may include decimal places which may appear to be a variance in totals.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 10** – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.241 Asbestos Projects—Registration, Notification and Performance Requirements
Type of Rulemaking:	Amendment to Existing Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
22 (All are Private Entities)	Asbestos Training Providers	\$ 277,920 Annualized Aggregate \$ 1,389,600 for Projected 5-Year Life
104 (of which 103 are Private Entities)	Asbestos Contractors	
1,818 (of which 1,636 are Private Entities)	Asbestos Workers and Supervisors	

III. WORKSHEET

Current Average Annual Asbestos Registration Revenue (5-Year Average) = \$113,000
 Current Asbestos Registration Fee = \$1,000
 Proposed Asbestos Registration Fee = \$2,650

Current Average Annual Asbestos Inspection Revenue (5-Year Average) = \$8,600
 Current Asbestos Inspection Fee = \$100
 Proposed Asbestos Inspection Fee = \$200

Current Average Annual Asbestos Abatement Notification Revenue (5-Year Average) = \$34,600
 Current Asbestos Abatement Notification Fee = \$100
 Proposed Asbestos Abatement Notification Fee = \$200

Asbestos Demolition Fee (currently not collected/will start collecting) = \$100
 Estimated Number of Asbestos Demolitions per Year = 535

Fiscal Year	Type of Fee	Number of Registrations/ Inspections/ Notifications	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2017 (1/1 - 6/30/17)	Asbestos Registration Fee	57	\$149,725	\$56,500	\$93,225
2017 (1/1 - 6/30/17)	Asbestos Inspection Fee	43	\$8,600	\$4,300	\$4,300
2017 (1/1 - 6/30/17)	Asbestos Abatement Notification Fee	173	\$34,600	\$17,300	\$17,300
2017 (1/1 - 6/30/17)	Asbestos Demolition Fee	268	\$26,750	\$0	\$26,750
2018	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2018	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2018	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2018	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2019	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2019	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2019	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2019	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2020	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2020	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2020	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2020	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2021	Asbestos Registration Fee	113	\$299,450	\$113,000	\$186,450
2021	Asbestos Inspection Fee	86	\$17,200	\$8,600	\$8,600
2021	Asbestos Abatement Notification Fee	346	\$69,200	\$34,600	\$34,600
2021	Asbestos Demolition Fee	535	\$53,500	\$0	\$53,500
2022 (7/1 - 12/31/21)	Asbestos Registration Fee	57	\$149,725	\$56,500	\$93,225
2022 (7/1 - 12/31/21)	Asbestos Inspection Fee	43	\$8,600	\$4,300	\$4,300
2022 (7/1 - 12/31/21)	Asbestos Abatement Notification Fee	173	\$34,600	\$17,300	\$17,300
2022 (7/1 - 12/31/21)	Asbestos Demolition Fee	268	\$26,750	\$0	\$26,750

112 = Number of Private Entity Registrations per Year
 85 = Number of Private Entity Inspections per Year
 336 = Number of Private Entity Abatement Notifications per Year
 510 = Number of Private Entity Demolitions per Year

		Projected Total Asbestos Fees Collected (with new fees)						
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Registration	Number of Registrations	56	112	112	112	112	56	--
	Fees Collected	\$148,400	\$296,800	\$296,800	\$296,800	\$296,800	\$148,400	\$1,484,000
Asbestos Inspection	Number of Inspections	43	85	85	85	85	43	--
	Fees Collected	\$8,600	\$17,000	\$17,000	\$17,000	\$17,000	\$8,600	\$85,200
Abatement Notification	Number of Notifications	168	336	336	336	336	168	--
	Fees Collected	\$33,600	\$67,200	\$67,200	\$67,200	\$67,200	\$33,600	\$336,000
Demolition	Number of Demolitions	255	510	510	510	510	255	--
	Fees Collected	\$25,500	\$51,000	\$51,000	\$51,000	\$51,000	\$25,500	\$255,000
							Total Fees With New Fee	\$2,160,200

		Projected Total Asbestos Fees Collected (with existing fees)						
		FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Registration	Number of Registrations	56	112	112	112	112	56	--
	Fees Collected	\$56,000	\$112,000	\$112,000	\$112,000	\$112,000	\$56,000	\$560,000
Asbestos Inspection	Number of Inspections	43	85	85	85	85	43	--
	Fees Collected	\$4,300	\$8,500	\$8,500	\$8,500	\$8,500	\$4,300	\$42,600
Abatement Notification	Number of Notifications	168	336	336	336	336	168	--
	Fees Collected	\$16,800	\$33,600	\$33,600	\$33,600	\$33,600	\$16,800	\$168,000
Demolition	Number of Demolitions	255	510	510	510	510	255	--
	Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
							Total Fees With Existing Fee	\$770,600

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	\$1,389,600
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Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	\$277,920
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*The first full fiscal year for this rulemaking is 2018.

**Difference in estimated annualized aggregate costs when raising asbestos fees as follows:

Asbestos Registration >> \$1000 fee to \$2650.
 Asbestos Inspection >> \$100 fee to \$200.
 Abatement Notification >> \$100 fee to \$200.
 Demolition >> Start collecting \$100 fee.

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The total numbers of registrations, inspections, and notifications are based on a five-year average for fiscal years 2010 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.

3. The total number of demolitions is based on a three-year average for fiscal years 2012 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.
4. The numbers of private entity registrations, inspections, notifications, and demolitions are based on data collected for asbestos-related activities for calendar years 2013 and 2014 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2022.
5. Asbestos registration fees are based on \$2,650 per application registration fee effective January 1, 2017. This fee represents a \$1,650 increase from the fee of \$1,000 per application prior to January 1, 2017.
6. Asbestos inspection fees are based on \$200 per inspection effective January 1, 2017. This fee represents a \$100 increase from the fee of \$100 per inspection prior to January 1, 2017.
7. Asbestos abatement notification fees are based on \$200 per notification effective January 1, 2017. This fee represents a \$100 increase from the fee of \$100 per notification prior to January 1, 2017.
8. The demolition fee is currently not collected. This fee will be collected effective January 1, 2017.
9. The aggregate gain in private entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by private entities paying asbestos fees.
10. Fee collection amounts for FY 2017 through 2022 are based on an average of 113 registrations per year (112 from private entities), 86 inspections per year (85 from private entities), 346 abatement notifications per year (336 from private entities), and 535 demolitions per year (510 from private entities).
11. The fees collected are uniformly distributed throughout the fiscal years.
12. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
13. Numbers in charts are shown as whole numbers but actual numbers may include decimal places which may appear to be a variance in totals.

**PUBLIC HEARING ON
PROPOSED AMENDMENT TO**

10 CSR 10-6.250

**ASBESTOS PROJECTS—CERTIFICATION, ACCREDITATION AND BUSINESS
EXEMPTION REQUIREMENTS**

This amendment will change subsection (3)(C).

Subsection (3)(C) is being amended to change the certification and recertification fees.

NOTE 1 - Legend for rule actions to be presented at public hearing is as follows:

- * Shaded Text - Rule sections or subsections not proposed for amendment. This text is only for reference.*
- * Unshaded Text - Rule sections or subsections that are proposed for change.*

NOTE 2 - All unshaded text below this line is printed in the Missouri Register.

**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.250 Asbestos Projects—Certification, Accreditation and Business Exemption Requirements. The commission proposes to amend subsection (3)(C). If the commission adopts this rule action, the department does not intend to submit this rule amendment to the U.S. Environmental Protection Agency because the rulemaking to adjust the asbestos fee structure is administrative and the rule has never been approved as part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule requires individuals who work in asbestos projects to be certified by the Missouri Department of Natural Resources' Air Pollution Control Program, requires training providers who offer training for asbestos occupations to be accredited by the Missouri

Department of Natural Resources' Air Pollution Control Program, and requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos occupations must first obtain accreditation from the department. Certain business entities who meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos projects. The purpose of this rulemaking is to change the asbestos fee structure pursuant to section 643.079.10, RSMo. This proposed rulemaking will increase the asbestos worker certification fee from twenty-five dollars (\$25) to forty dollars (\$40) per certification, increase the non-asbestos worker certification fee from seventy-five dollars (\$75) to one hundred dollars (\$100) per certification, increase the asbestos worker recertification fee from five dollars (\$5) to twenty dollars (\$20) per certification, increase the non-asbestos worker recertification fee from five dollars (\$5) to fifty dollars (\$50) per certification. The increased asbestos fees will enable the department's Air Pollution Control Program to maintain its asbestos program to protect the health of Missouri citizens. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is section 643.079.10, RSMo, and the May 28, 2015, presentation to the Missouri Air Conservation Commission.

PURPOSE: This rule requires individuals who work in asbestos projects to be certified by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires training providers who offer training for asbestos occupations to be accredited by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos occupations must first obtain accreditation from the department. Certain business entities who meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos projects.

- (1) Applicability. This rule shall apply to—
 - (A) All persons who authorize, design, conduct and work in asbestos projects;
 - (B) Those who monitor airborne asbestos as a result of asbestos projects;
 - (C) Individuals who conduct asbestos inspections and develop Asbestos Hazard Emergency Response Act (AHERA) management plans and project designs; and
 - (D) Those who provide training for individuals involved in subsections (1)(A)–(C) of this rule.
- (2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.
- (3) General Provisions.
 - (A) Certification.
 1. An individual must receive certification from the department before that individual participates in an asbestos project, inspection, AHERA

management plan, abatement project design, or asbestos air sampling in the state of Missouri. This certification must be renewed annually with the exception of air sampling professionals. To become certified an individual must meet the qualifications in the specialty area as defined in the EPA's AHERA Model Accreditation Plan, 40 CFR part 763, Appendix C, subpart E. The individual must successfully complete a fully-approved EPA or Missouri-accredited AHERA training course and pass the training course exam and pass the Missouri asbestos examination with a minimum score of seventy percent (70%) and submit a completed department-supplied application form to the department along with the appropriate certification fees. The department shall issue a certificate to each individual that meets the requirements for the job category.

2. In order to receive Missouri certification, individuals must be trained by Missouri accredited providers.
3. Qualifications. An individual shall present proof of these to the department with the application for certification. The following are the minimum qualifications for each job category:
 - A. An asbestos air sampling professional conducts, oversees or is responsible for air monitoring of asbestos projects. Air sampling professionals must satisfy one (1) of the following qualifications for certification:
 - (I) Bachelor of science degree in industrial hygiene plus one (1) year of field experience. The individual must provide a copy of his/her diploma, a certified copy of his/her transcript, and documentation of one (1) year of experience;
 - (II) Master of science degree in industrial hygiene. The individual must provide a copy of his/her diploma and a certified copy of his/her transcript;
 - (III) Certification as an industrial hygienist as designated by the American Board of Industrial Hygiene. The individual must provide a copy of his/her certificate and a certified copy of his/her transcript, if applicable;
 - (IV) Three (3) years of practical industrial hygiene field experience including significant asbestos air monitoring and completion of a forty (40)-hour asbestos course including air monitoring instruction. At least fifty percent (50%) of the three (3)-year period must have been on projects where a degreed or certified industrial hygienist or a Missouri certified asbestos air sampling professional was involved. The individual must provide to the department written reference by the industrial hygienist or the asbestos air sampling professional stating the individual's performance of monitoring was acceptable and that the individual is capable of fulfilling the responsibilities associated with certification as an asbestos air sampling

- professional. The individual must also provide documentation of his/her experience and a copy of his/her asbestos course certificate; or
- (V) Other qualifications including but not limited to an American Board of Industrial Hygiene accepted degree or a health/safety related degree combined with related experience. The individual must provide a copy of his/her diploma and/or certification, a certified copy of his/her transcript, and letters necessary to verify experience;
- B. An asbestos air sampling technician is an individual who has been trained by an air sampling professional to do air monitoring and who conducts air monitoring of asbestos projects. Air sampling technicians need not be certified but are required to pass a training course and have proof of passage of the course at the site along with photo identification. This course shall include:
- (I) Air monitoring equipment and supplies;
 - (II) Experience with pump calibration and location;
 - (III) Record keeping of air monitoring data for asbestos projects;
 - (IV) Applicable asbestos regulations;
 - (V) Visual inspection for final clearance sampling; and
 - (VI) A minimum of sixteen (16) hours of air monitoring field equipment training by a certified air sampling professional;
- C. An asbestos inspector is an individual who collects and assimilates information used to determine the presence and condition of asbestos-containing material in a building or other air contaminant source. An asbestos inspector must hold a diploma from a fully-approved EPA or Missouri-accredited AHERA inspector course and a high school diploma or its equivalent;
- D. An AHERA asbestos management planner is an individual who, under AHERA, reviews the results of inspections, reinspections or assessments and writes recommendations for appropriate response actions. An AHERA asbestos management planner must hold diplomas from a fully-approved EPA or Missouri-accredited AHERA inspector course and a fully approved EPA or Missouri-accredited management planner course. The individual must also hold a high school diploma or its equivalent;
- E. An abatement project designer is an individual who designs or plans asbestos abatement. An abatement project designer must hold a diploma from a fully-approved EPA or Missouri-accredited project designer course, must have an engineering or industrial hygiene degree, and must have working knowledge of heating, ventilation and air conditioning systems or an abatement project designer must hold a high school diploma or its equivalent, must have a diploma from a fully-approved EPA or Missouri-accredited project designer course, and must have at least four (4) years experience in building design, heating, ventilation and air

conditioning systems. The department may require individuals with professional degrees for complex asbestos projects;

- F. An asbestos supervisor is an individual who directs, controls or supervises others in asbestos projects. An asbestos supervisor shall hold a diploma from a fully-approved EPA or Missouri-accredited AHERA contractor/supervisor course and have one (1) year full-time prior experience in asbestos abatement work or in general construction work; and
- G. An asbestos worker is an individual who engages in asbestos projects. An asbestos worker shall hold a diploma from a fully-approved EPA or Missouri-accredited AHERA worker training course.

(B) Recertification.

- 1. All inspectors, management planners, abatement project designers, supervisors and workers shall pass a Missouri-accredited annual AHERA refresher course and examination in their specialty area. The refresher course must be specific to the individual's initial certification and must meet the requirements of the EPA AHERA Model Accreditation Plan 40 CFR part 763.
- 2. In the case of significant changes in Missouri statutes or rules the department will require individuals to retake a revised version of the Missouri asbestos examination prior to being recertified.

(C) Certification/Recertification Fees. The department shall assess—

- 1. A seventy-five dollar (\$75) application fee for each individual applying for certification except for asbestos workers. **Effective January 1, 2017, the application fee is one hundred dollars (\$100);**
- 2. A twenty-five dollar (\$25) application fee for each asbestos worker. **Effective January 1, 2017, the application fee is forty dollars (\$40);**
- 3. No application fees for asbestos air sampling technicians;
- 4. A twenty-five dollar (\$25) fee for each Missouri asbestos examination; ~~and~~
- 5. A five dollar (\$5) renewal fee for each renewal certificate~~[-]~~ **for asbestos workers. Effective January 1, 2017, the renewal fee is twenty dollars (\$20), and**
- 6. **A five dollar (\$5) renewal fee for each renewal certificate for non-asbestos workers. Effective January 1, 2017, the renewal fee is fifty dollars (\$50).**

(D) Accreditation of Training Programs. To be a training provider for the purposes of this rule, a person shall apply for accreditation to the department and comply with EPA's AHERA Model Accreditation Plan 40 CFR part 763, Appendix C, subpart E. Business entities that are determined by the department to fall under subsection (3)(E) of this rule are exempt from this section.

- 1. Training providers shall apply for approval of a training course(s) as provided in section 643.228, RSMo, on the department-supplied Asbestos Training Course Accreditation form.
 - A. In addition to the written application, the training provider shall

- present each initial course for the department to audit. The department may deny accreditation of a course if the applicant fails to provide information required within sixty (60) days of receipt of written notice that the application is deficient. All training providers must apply for reaccreditation biennially.
- B. Training providers must submit documentation that their courses meet the criteria set forth in this rule. Out-of-state providers must submit documentation of biennial audit by an accrediting agency with a written verification that Missouri rules are addressed in the audited course.
 - C. Providers must pay an accreditation fee of one thousand dollars (\$1,000) per course category prior to issuance or renewal of an accreditation. No person shall pay more than three thousand dollars (\$3,000) for all course categories for which accreditation is requested at the same time.
2. At least two (2) weeks prior to the course starting date, training providers shall notify the department of their intent to offer initial training and refresher courses. The notification shall include the course title, starting date, the location at which the course will take place and a list of the course instructors.
 3. All training courses shall have a ratio of students to instructors in hands-on demonstrations that shall not exceed ten-to-one (10:1).
 4. Instructor qualifications.
 - A. An individual must be Missouri-certified in a speciality area before they will be allowed to teach in that speciality area, except that instructors certified as supervisors may also instruct a worker course.
 - B. An individual with experience and education in industrial hygiene shall teach the sections of the training courses concerning the performance and evaluation of air monitoring programs and the design and implementation of respiratory protection programs. The department does not require that the instructor hold a degree in industrial hygiene, but the individual must provide documentation and written explanation of experience and training.
 - C. An individual who is a Missouri-certified supervisor, and who has sufficient training and work experience to effectively present the assigned subject matter, shall teach the hands-on training sections of all courses.
 - D. An individual who teaches the portions of the project designer's course involving heating, ventilation and air conditioning (HVAC) systems, must be a licensed architect, a licensed engineer or must provide documentation of training and at least five (5) years' experience in the field.
 5. The course provider must administer and monitor all course examinations. The course provider assumes responsibility for the security of exam contents and shall ensure that the participant passes the exam on his/her

own merit. Minimum security measures for the written exams include ample space between participants, absence of written materials other than the examination and supervision of the exam by course provider.

6. When the provider offers training on short notice, the training provider shall notify the department as soon as possible but no later than two (2) days prior to commencement of that training.
 7. When the provider cancels the course, the training provider should notify the department at the same time s/he notifies course participants, and shall follow-up with written notification.
 8. When rules, policies or procedures change, the training provider must update the initial and refresher courses. The training provider must notify the department as soon as s/he makes the changes.
 9. The department may withdraw accreditation from providers who fail to accurately portray their Missouri accreditation in advertisements, who fail to ensure security of examinations, who fail to ensure that each student passes the exam on his/her own merit, or who issue improper certificates.
 10. Training course providers must notify the department of any changes in training course content or instructors. Training course providers must submit resumés of all new instructors to the department as soon as substitutions or additions are made.
 11. The department may revoke or suspend accreditation of any course subject to this rule if alterations in the course cause it to fail the department's accreditation criteria.
 12. Training providers shall have thirty (30) days to correct identified deficiencies in training course(s) before the department revokes accreditation.
- (E) Business Exemptions. The department may exempt a person from registration, certification and certain notification requirements provided the person conducts asbestos projects solely at the person's own place(s) of business as part of normal operations in the facility and the person is also subject to the requirements and applicable standards of the EPA and United States Occupational Safety and Health Administration (OSHA) 29 CFR 1926.1101. The person shall submit an application for exemption to the department on the department-supplied form. This exemption shall not apply to asbestos contractors, to those subject to the requirements of AHERA and to those persons who provide a service to the public in their place(s) of business as the economic foundation of the facility. These shall include, but not be limited to, child daycare centers, restaurants, nursing homes, retail outlets, medical care facilities, hotels and theaters. The department shall review the exemption application within one hundred eighty (180) days. State-exempted business entities shall comply with all federal air sampling requirements for planned renovation operations.
1. Training course requirements.
 - A. The person shall fill out the department-supplied form describing training provided to employees and an explanation of how the training meets the applicable OSHA and EPA standards.
 - B. The person shall notify the department two (2) weeks before the

- person conducts training programs. This notification shall include the course title, start-up date, location and course instructor(s).
- C. If the person cancels the course, the person shall notify the department at the same time the person notifies course participants. The person shall follow up with written notification to the department.
 - D. When regulations, policies or procedures change, the person must update the initial and refresher courses. The person must notify the department as soon as the person makes the changes.
 - E. When the person conducts hands-on training, the ratio of students to instructors shall not exceed ten-to-one (10:1).
 - F. The person must allow representative(s) of the department to attend the training course for purposes of determining compliance with this rule.
 - G. Exempted persons shall submit to the director changes in curricula, instructors and other significant revisions to the training program as they occur. The person must submit resumés of all new instructors to the department as soon as substitutions or additions are made.
 - H. The department may revoke or suspend an exemption if on-site inspection indicates that the training fails the exemption requirements. These include, but are not limited to, a decrease in course length, a change in course content or use of different instructors than those indicated in the application. The department, in writing, shall notify the person responsible for the training of deficiencies. The person shall have thirty (30) days to correct the deficiencies before the department issues final written notice of exemption withdrawal.
- 2. If the department finds an exemption application deficient, the person has sixty (60) days to correct the deficiencies. If, within sixty (60) days, the person fails to provide the department with the required information, the department may deny approval of the exemption.
 - 3. The person shall submit a fee of two hundred fifty dollars (\$250) with the application for exemption. This is a nonrefundable one (1)-time fee.
- (F) All information required under this rule must be submitted on the appropriate forms and contain accurate, legible information. Failure to provide the required information, failure to submit legible information, submission of false information or failure to provide complete information as required, shall be a violation of this rule and may result in the director's denial or revocation of the forms provided.
 - (G) After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period.
- (4) Reporting and Record Keeping. *(Not Applicable)*
 - (5) Test Methods. *(Not Applicable)*

AUTHORITY: section 643.225, RSMo [2000]Supp. 2013. Original rule filed Dec. 14, 1992, effective Sept. 9, 1993. Emergency amendment filed July 26, 1994, effective Aug. 5, 1994, expired Dec. 2, 1994. Emergency amendment filed Nov. 15, 1994, effective Dec. 2, 1994, expired March 31, 1995. Amended: Filed Aug. 1, 1994, effective March 30, 1995. Amended: Filed Jan. 12, 2004, effective Sept. 30, 2004. Amended: Filed June 7, 2007, effective Jan. 30, 2008. Amended: Filed July 14, 2015.

PUBLIC COST: This proposed amendment will cost three thousand four dollars (\$3,004) in FY 2017. For the years after FY 2017, the total annual aggregate cost is six thousand eight dollars (\$6,008) for the life of the rule. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost thirty-four thousand eight hundred ninety-five dollars (\$34,895) in FY 2017. For the years after FY 2017, the total annual aggregate cost is sixty-nine thousand seven hundred ninety dollars (\$69,790) for the life of the rule. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 24, 2015. The public hearing will be held at the Missouri Department of Natural Resources, St. Louis Regional Office, 7545 S. Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., October 1, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: 10** – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.250 Asbestos Projects—Certification, Accreditation and Business Exemption Requirements
Type of Rulemaking:	Amendment to Existing Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
22 Asbestos Training Providers, None of Which are Public	\$ 6,008 Annualized Aggregate \$ 30,040 for Projected 5-Year Life
104 Asbestos Contractors, 1 of Which is Public	
1,818 Asbestos Workers and Supervisors, 182 of Which are Public	

III. WORKSHEET

Current Average Annual Asbestos Worker Certification Revenue (5-Year Average) = \$11,700
 Current Asbestos Worker Certification Fee = \$25
 Proposed Asbestos Worker Certification Fee = \$40

Current Average Annual Non-Asbestos Worker Certification Revenue (5-Year Average) = \$28,000
 Current Non-Asbestos Worker Certification Fee = \$75
 Proposed Non-Asbestos Worker Certification Fee = \$100

Current Average Annual Asbestos Worker Recertification Revenue (5-Year Average) = \$7,785
 Current Asbestos Worker Recertification Fee = \$5
 Proposed Asbestos Worker Recertification Fee = \$20

Current Average Annual Non-Asbestos Worker Recertification Revenue (5-Year Average) = \$4,010
 Current Non-Asbestos Worker Recertification Fee = \$5
 Proposed Non-Asbestos Worker Recertification Fee = \$50

Fiscal Year	Type of Fee	Number of Certifications/ Recertifications/ Exams/ Accreditations/ Exemptions		Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2017 (1/1 - 6/30/17)	Asbestos Worker Certification Fee	234		\$9,360	\$5,850	\$3,510
2017 (1/1 - 6/30/17)	Non-Asbestos Worker Certification Fee	187		\$18,667	\$14,000	\$4,667
2017 (1/1 - 6/30/17)	Asbestos Worker Recertification Fee	779		\$15,570	\$3,893	\$11,678
2017 (1/1 - 6/30/17)	Non-Asbestos Worker Recertification Fee	401		\$20,050	\$2,005	\$18,045
2018	Asbestos Worker Certification Fee	468		\$18,720	\$11,700	\$7,020
2018	Non-Asbestos Worker Certification Fee	373		\$37,333	\$28,000	\$9,333
2018	Asbestos Worker Recertification Fee	1,557		\$31,140	\$7,785	\$23,355
2018	Non-Asbestos Worker Recertification Fee	802		\$40,100	\$4,010	\$36,090
2019	Asbestos Worker Certification Fee	468		\$18,720	\$11,700	\$7,020
2019	Non-Asbestos Worker Certification Fee	373		\$37,333	\$28,000	\$9,333
2019	Asbestos Worker Recertification Fee	1,557		\$31,140	\$7,785	\$23,355
2019	Non-Asbestos Worker Recertification Fee	802		\$40,100	\$4,010	\$36,090
2020	Asbestos Worker Certification Fee	468		\$18,720	\$11,700	\$7,020
2020	Non-Asbestos Worker Certification Fee	373		\$37,333	\$28,000	\$9,333
2020	Asbestos Worker Recertification Fee	1,557		\$31,140	\$7,785	\$23,355
2020	Non-Asbestos Worker Recertification Fee	802		\$40,100	\$4,010	\$36,090
2021	Asbestos Worker Certification Fee	468		\$18,720	\$11,700	\$7,020
2021	Non-Asbestos Worker Certification Fee	373		\$37,333	\$28,000	\$9,333
2021	Asbestos Worker Recertification Fee	1,557		\$31,140	\$7,785	\$23,355
2021	Non-Asbestos Worker Recertification Fee	802		\$40,100	\$4,010	\$36,090
2022 (7/1 - 12/31/21)	Asbestos Worker Certification Fee	234		\$9,360	\$5,850	\$3,510
2022 (7/1 - 12/31/21)	Non-Asbestos Worker Certification Fee	187		\$18,667	\$14,000	\$4,667
2022 (7/1 - 12/31/21)	Asbestos Worker Recertification Fee	779		\$15,570	\$3,893	\$11,678
2022 (7/1 - 12/31/21)	Non-Asbestos Worker Recertification Fee	401		\$20,050	\$2,005	\$18,045

14 = Number of Public Entity Asbestos Worker Certifications per Year
 26 = Number of Public Entity Non-Asbestos Worker Certifications per Year
 31 = Number of Public Entity Asbestos Worker Recertifications per Year
 104 = Number of Public Entity Non-Asbestos Worker Recertifications per Year

		Projected Total Asbestos Fees Collected (with new fees)						
		FY2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	7	14	14	14	14	7	--
	Fees Collected	\$280	\$560	\$560	\$560	\$560	\$280	\$2,800
Non-Asbestos Worker Certification	Number of Certifications	13	26	26	26	26	13	--
	Fees Collected	\$1,300	\$2,600	\$2,600	\$2,600	\$2,600	\$1,300	\$13,000
Asbestos Worker Recertification	Number of Recertifications	16	31	31	31	31	16	--
	Fees Collected	\$320	\$620	\$620	\$620	\$620	\$320	\$3,120
Non-Asbestos Worker Recertification	Number of Recertifications	52	104	104	104	104	52	--
	Fees Collected	\$2,600	\$5,200	\$5,200	\$5,200	\$5,200	\$2,600	\$26,000
							Total Fees With New Fee	\$44,920

		Projected Total Asbestos Fees Collected (with existing fees)						
		FY2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	7	14	14	14	14	7	--
	Fees Collected	\$175	\$350	\$350	\$350	\$350	\$175	\$1,750
Non-Asbestos Worker Certification	Number of Certifications	13	26	26	26	26	13	--
	Fees Collected	\$975	\$1,950	\$1,950	\$1,950	\$1,950	\$975	\$9,750
Asbestos Worker Recertification	Number of Recertifications	16	31	31	31	31	16	--
	Fees Collected	\$80	\$155	\$155	\$155	\$155	\$80	\$780
Non-Asbestos Worker Recertification	Number of Recertifications	52	104	104	104	104	52	--
	Fees Collected	\$260	\$520	\$520	\$520	\$520	\$260	\$2,600
							Total Fees With Existing Fee	\$14,880

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	\$30,040
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Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	\$6,008
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*The first full fiscal year for this rulemaking is 2018.

**Difference in estimated annualized aggregate costs when raising asbestos fees as follows:

Asbestos Worker Certification >> \$25 fee to \$40.
 Non-Asbestos Worker Certification >> \$75 fee to \$100.
 Asbestos Worker Recertification >> \$ 5 fee to \$20.
 Non-Asbestos Worker Recertification >> \$ 5 fee to \$50.

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The total numbers of certifications and recertifications are based on a five-year average for fiscal years 2010 through 2014 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2022.
3. The numbers of public entity certifications and recertifications are based on data collected for asbestos-related activities for calendar years 2013 and 2014 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2022.
4. The fees for exams, accreditations, and exemptions are not being changed in this rulemaking. Therefore, they are not included in this fiscal analysis.

5. Asbestos worker certification fees are based on \$40 per certification effective January 1, 2017. This fee represents a \$15 increase from the fee of \$25 per certification prior to January 1, 2017.
6. Non-asbestos worker certification fees are based on \$100 per certification effective January 1, 2017. This fee represents a \$25 increase from the fee of \$75 per certification prior to January 1, 2017.
7. Asbestos worker recertification fees are based on \$20 per recertification effective January 1, 2017. This fee represents a \$15 increase from the fee of \$5 per recertification prior to January 1, 2017.
8. Non-asbestos worker recertification fees are based on \$50 per recertification effective January 1, 2017. This fee represents a \$45 increase from the fee of \$5 per recertification prior to January 1, 2017.
9. The aggregate gain in public entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by public entities paying asbestos fees.
10. Fee collection amounts for FY2017 through 2022 are based on an average of 468 asbestos worker certifications per year (14 from public entities), 373 non-asbestos worker certifications per year (26 from public entities), 1557 asbestos worker recertifications per year (31 from public entities), and 802 non-asbestos worker recertifications per year (104 from public entities).
11. The fees collected are uniformly distributed throughout the fiscal years.
12. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
13. Numbers in charts are shown as whole numbers but actual numbers may include decimal places which may appear to be a variance in totals.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 10** – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.250 Asbestos Projects—Certification, Accreditation and Business Exemption Requirements
Type of Rulemaking:	Amendment to Existing Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
22 (All are Private Entities)	Asbestos Training Providers	\$ 69,790 Annualized Aggregate \$ 348,950 for Projected 5-Year Life
104 (of which 103 are Private Entities)	Asbestos Contractors	
1818 (of which 1,636 are Private Entites)	Asbestos Workers and Supervisors	

III. WORKSHEET

Current Average Annual Asbestos Worker Certification Revenue (5-Year Average) = \$11,700
 Current Asbestos Worker Certification Fee = \$25
 Proposed Asbestos Worker Certification Fee = \$40

Current Average Annual Non-Asbestos Worker Certification Revenue (5-Year Average) = \$28,000
 Current Non-Asbestos Worker Certification Fee = \$75
 Proposed Non-Asbestos Worker Certification Fee = \$100

Current Average Annual Asbestos Worker Recertification Revenue (5-Year Average) = \$7,785
 Current Asbestos Worker Recertification Fee = \$5
 Proposed Asbestos Worker Recertification Fee = \$20

Current Average Annual Non-Asbestos Worker Recertification Revenue (5-Year Average) = \$4,010
 Current Non-Asbestos Worker Recertification Fee = \$5
 Proposed Non-Asbestos Worker Recertification Fee = \$50

Fiscal Year	Type of Fee	Number of Certifications/ Recertifications/ Exams/ Accreditations/ Exemptions		Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2017 (1/1 - 6/30/17)	Asbestos Worker Certification Fee	234	\$9,360	\$5,850	\$3,510	
2017 (1/1 - 6/30/17)	Non-Asbestos Worker Certification Fee	187	\$18,667	\$14,000	\$4,667	
2017 (1/1 - 6/30/17)	Asbestos Worker Recertification Fee	779	\$15,570	\$3,893	\$11,678	
2017 (1/1 - 6/30/17)	Non-Asbestos Worker Recertification Fee	401	\$20,050	\$2,005	\$18,045	
2018	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020	
2018	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333	
2018	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355	
2018	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090	
2019	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020	
2019	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333	
2019	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355	
2019	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090	
2020	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020	
2020	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333	
2020	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355	
2020	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090	
2021	Asbestos Worker Certification Fee	468	\$18,720	\$11,700	\$7,020	
2021	Non-Asbestos Worker Certification Fee	373	\$37,333	\$28,000	\$9,333	
2021	Asbestos Worker Recertification Fee	1,557	\$31,140	\$7,785	\$23,355	
2021	Non-Asbestos Worker Recertification Fee	802	\$40,100	\$4,010	\$36,090	
2022 (7/1 - 12/31/21)	Asbestos Worker Certification Fee	234	\$9,360	\$5,850	\$3,510	
2022 (7/1 - 12/31/21)	Non-Asbestos Worker Certification Fee	187	\$18,667	\$14,000	\$4,667	
2022 (7/1 - 12/31/21)	Asbestos Worker Recertification Fee	779	\$15,570	\$3,893	\$11,678	
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454 = Number of Private Entity Asbestos Worker Certifications per Year
 347 = Number of Private Entity Non-Asbestos Worker Certifications per Year
 1526 = Number of Private Entity Asbestos Worker Recertifications per Year
 698 = Number of Private Entity Non-Asbestos Worker Recertifications per Year

		Projected Total Asbestos Fees Collected (with new fees)						
		FY2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	227	454	454	454	454	227	--
	Fees Collected	\$9,080	\$18,160	\$18,160	\$18,160	\$18,160	\$9,080	\$90,800
Non-Asbestos Worker Certification	Number of Certifications	174	347	347	347	347	174	--
	Fees Collected	\$17,400	\$34,700	\$34,700	\$34,700	\$34,700	\$17,400	\$173,600
Asbestos Worker Recertification	Number of Recertifications	763	1526	1526	1526	1526	763	--
	Fees Collected	\$15,260	\$30,520	\$30,520	\$30,520	\$30,520	\$15,260	\$152,600
Non-Asbestos Worker Recertification	Number of Recertifications	349	698	698	698	698	349	--
	Fees Collected	\$17,450	\$34,900	\$34,900	\$34,900	\$34,900	\$17,450	\$174,500
							Total Fees With New Fee	\$591,500

		Projected Total Asbestos Fees Collected (with existing fees)						
		FY2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	227	454	454	454	454	227	--
	Fees Collected	\$5,675	\$11,350	\$11,350	\$11,350	\$11,350	\$5,675	\$56,750
Non-Asbestos Worker Certification	Number of Certifications	174	347	347	347	347	174	--
	Fees Collected	\$13,050	\$26,025	\$26,025	\$26,025	\$26,025	\$13,050	\$130,200
Asbestos Worker Recertification	Number of Recertifications	763	1526	1526	1526	1526	763	--
	Fees Collected	\$3,815	\$7,630	\$7,630	\$7,630	\$7,630	\$3,815	\$38,150
Non-Asbestos Worker Recertification	Number of Recertifications	349	698	698	698	698	349	--
	Fees Collected	\$1,745	\$3,490	\$3,490	\$3,490	\$3,490	\$1,745	\$17,450
							Total Fees With Existing Fee	\$242,550

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	\$348,950
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Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	\$69,790
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*The first full fiscal year for this rulemaking is 2018.

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