

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
May 31, 2001**

CASE NO: MX-2000-448

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Enclosed find certified copy of a PROPOSED RULE in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED AMENDMENT

MX-2000-430

4 CSR 240-121.050 Inspection of [Preowned Mobile] Pre-Owned Manufactured Homes Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers. This proposal amends the following sections of this rule: the title; original Purpose; sections (1) and (2).

PURPOSE: This rule establishes the requirements for pre-owned manufactured home inspections and is amended to exhibit the correct reference to manufactured homes.

PURPOSE: This rule sets forth the extent to which [preowned mobile] pre-owned manufactured homes rented, leased, sold or offered for rent, lease or sale by persons other than dealers are subject to inspection by the director.

(1) In order to determine if pre-owned [mobile] manufactured homes which are rented, leased, sold, or offered for rent, lease or sale in this state by persons other than dealers comply with the code, these pre-owned [mobile] manufactured homes are subject to periodic inspection by the director.

(2) Inspections under this rule shall be conducted during normal business hours and upon twenty-four (24) hours' written notice to the occupants, if any, of the pre-owned [mobile] manufactured home to be inspected. Upon the director's request, the owner of a pre-owned [mobile] manufactured home to be inspected shall furnish the name and address of the occupants of the [preowned mobile] home.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

MX-2000-431 PROPOSED AMENDMENT

4 CSR 240-121.060 Complaints and Review of Director Action. This proposal amends the following sections of this rule: sections (1) and (2).

PURPOSE: This rule establishes the procedures in which complaints may be filed and is amended to exhibit the correct reference to manufactured homes.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo as it relates to pre-owned [mobile] manufactured homes, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) Commission review of the decisions, directives and interpretations of the director which relate to the code, this chapter or Chapter 700, RSMo as it relates to pre-owned [mobile] manufactured homes, may be obtained by filing a written informal or formal complaint under 4 CSR 240-2.070. In such a complaint, the director shall be denominated as the respondent.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED RULE

MX-2000-448

4 CSR 240-121.090 Proper and Initial Setup of Pre-Owned Manufactured Homes

PURPOSE: This rule pertains to the requirements for the installation and setup of pre-owned manufactured homes.

(1) All pre-owned manufactured homes manufactured after January 1, 1974, shall be set up according to the manufacturer's setup and installation manual. If a manufacturer's installation manual is not available, a pre-owned manufactured home shall be set up according to the 1994 American National Standard Institute Manufactured Home Installations Manual, (ANSI A225.1-1994).

AUTHORITY: section 700.100, RSMo 2000. Original rule filed April 26, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 3—Well Construction Code**

PROPOSED AMENDMENT

10 CSR 23-3.100 Sensitive Areas. The division is amending section (4) and adding new sections (5) and (6).

PURPOSE: This amendment establishes a new special area with respect to drilling and construction of water wells. The new special area has been designated on the basis of either naturally occurring water-quality issues caused by unique groundwater chemistry or man-induced alteration of groundwater chemistry. This rule further defines the procedures that are presently allowed under Missouri Well Construction Code 10 CSR 23-3.100(3).

(4) Special Area 1. Due to the unique and varied geological conditions present because the bedrock is deeply weathered and often highly fractured, openings filled with mud may extend deep into the bedrock. Caving-in of the hole during drilling and after well construction is a problem. The following rules are the minimum that are required but in many cases much more steel casing may be necessary to secure the well bore. Also, in some cases plastic liner is not strong enough to hold the well bore open and steel should be used. All persons engaged in drilling of a domestic well in [the] special area 1 (see Figure 1 and Figure 7 included herein) shall—

(5) Special Area 2 Definitions.

(A) "Lower aquifer" means that portion of transmissive, water-bearing geologic material extending from the Cotter Dolomite to igneous bedrock. The lower aquifer includes all formations constituting the Ozark Aquifer and the St. Francois Aquifer in the southwestern portion of the state.

(B) "Low-permeability" bedrock means that portion of geologic material between the lower aquifer and upper aquifer that does not readily transmit water in sufficient quantities to supply a well. The Northview Formation, the Chattanooga Shale, and the upper thirty feet (30') of the Cotter Dolomite shall constitute the low-permeability bedrock. The low-permeability bedrock serves as a natural barrier to groundwater mixing between the upper aquifer and lower aquifer. See Figure 7A included herein for an illustration of geology in Special Area 2.

(C) "Upper aquifer" means that portion of the transmissive, water-bearing geologic material above the top of the low-permeability bedrock. The upper aquifer includes all formations constituting the Springfield Plateau Aquifer in the southwestern portion of the state.

(D) "Maximum contaminant level (MCL)" is the maximum permissible concentration of a constituent in drinking water as listed by EPA drinking water standards.

(E) "Action level (AL)" is the maximum permissible concentration of lead in drinking water as specified in the Code of

Federal Regulations. ALs are levels used for constituents that do not have established MCLs.

(F) "TCE" is the organic chemical trichloroethylene, a common solvent. Degradation of TCE produces dichloroethylene and vinyl chloride.

(G) "Impact area" is defined as that land surface area that is underlain or surrounded by water-bearing units that contain groundwater above the MCL or AL for at least one (1) constituent of concern (lead, cadmium, TCE or TCE degradation products, or other constituents of the Primary Drinking Water Regulations) and considers the potential for contaminant migration.

(6) Special Area 2. All of Newton County and Jasper County shall be listed as Special Area 2 (Figure 7B included herein) due to the contamination of portions of the upper aquifer by one (1) or more of the following: lead, cadmium, TCE, TCE degradation products or other constituents of the Primary Drinking Water Regulations. The upper aquifer and lower aquifer are separated by a thickness of low-permeability bedrock (Figure 7A). This low-permeability bedrock limits migration of groundwater and any associated contamination from the upper aquifer to the lower aquifer. Wells that penetrate the low-permeability bedrock without an adequate length of surface casing which has had the annulus sealed by approved methods through the low-permeability bedrock may place the lower aquifer at risk to future contamination. Due to chemical and metal contamination present in the upper aquifer in portions of this area, it is necessary to require more stringent well construction standards for new wells that are drilled into the lower aquifer, to cease construction of additional upper aquifer wells in impact areas, and to limit deepening of existing upper aquifer wells in impact areas. New wells constructed outside of the impact area shall be constructed to standards that are no less stringent than the minimum well construction requirements for Area 1. All persons engaged in drilling wells in Special Area 2 shall—

(A) Before beginning construction of the well, determine if the well to be drilled is located within the impact area as shown on maps provided by The Division of Geology and Land Survey (DGLS) or as determined by DGLS staff. If data indicate change in impact area status, the impact area map may be modified by DGLS during January of the calendar year and that map will be maintained and available at: Division of Geology and Land Survey, PO Box 250, Rolla MO 65402-0250.

(B) Drill new wells within the impact area to a depth required to produce water from the lower aquifer. All new wells drilled in the impact area shall have steel or plastic casing properly installed and grouted to the depth determined by the Special Area 2 casing depth map.

1. The drill hole shall be a minimum of eight and five-eighths inches (8 5/8") in diameter to the surface casing point;

2. New steel casing shall be installed as specified in 10 CSR 23-3.030 (steel);

3. The well must be sealed by positive displacement grouting with high-solids bentonite slurry. The annulus between the casing and the borehole wall shall be grouted from the base of the borehole. The volume of grout shall be no less than the calculated volume necessary to accomplish full-length grouting of the annulus. Alternatively, full-length pressure grouting (10 CSR 23-3.030(3)(A)4.) with high-solids bentonite slurry or neat cement meets the requirements of this rule. In addition, casing must be sealed as follows:

A. When steel casing is used, a drive shoe is required except on wells where the grout is allowed to cure as specified in subparagraph (6)(B)3.C. of this rule before drilling resumes;

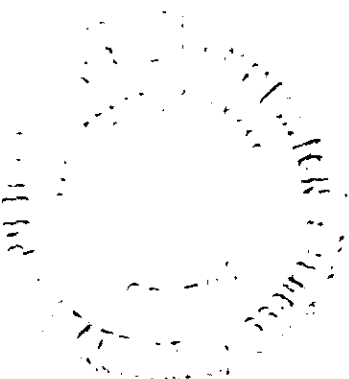
B. If plastic casing is used, a drill hole shall be constructed a minimum of ten inches (10") in diameter to the

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 31st day of May 2001.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge