

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 782

99TH GENERAL ASSEMBLY
2018

5203H.05T

AN ACT

To repeal sections 260.242, 260.262, 260.380, 260.391, 260.475, 319.129, 444.768, 444.772, 640.620, 640.648, 644.054, and 644.057, RSMo, and to enact in lieu thereof sixteen new sections relating to the department of natural resources.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 260.242, 260.262, 260.380, 260.391, 260.475, 319.129, 444.768, 444.772, 640.620, 640.648, 644.054, and 644.057, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 253.175, 260.242, 260.262, 260.380, 260.391, 260.475, 260.558, 319.129, 319.140, 444.768, 444.772, 640.620, 640.648, 644.054, 644.057, and 644.059, to read as follows:

253.175. All fencing coinciding with the boundary between individual landowner property and the portion of the historic Missouri rock island railroad corridor owned, leased, or operated by the division of state parks shall be maintained by the division of state parks within the department of natural resources, with funds expended from the state park earnings fund created under section 253.090 for such purposes, by either repairing and maintaining such fence by and with staff employed by the department or the service of volunteers authorized under section 253.067, by contracting with a third party, or by providing all necessary supplies and equipment needed to an individual landowner or landowners whose property coincides with the boundary of the corridor and who agree to perform the repair or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **maintenance with such supplies and equipment provided. Nothing in**
14 **this section shall be construed to require any individual landowner or**
15 **landowners to locate a fence on his or her own property. For purposes**
16 **of this section, "fence" shall mean the same as described in section**
17 **272.020.**

260.242. [All fly ash produced by coal combustion generating facilities
2 shall be exempt from all solid waste permitting requirements of this chapter, if
3 such ash is constructively reused or disposed of by a grout technique in any active
4 or inactive noncoal, non-open-pit mining operation located in a city having a
5 population of at least three hundred fifty thousand located in more than one
6 county and is also located in a county of the first class without a charter form of
7 government with a population of greater than one hundred fifty thousand and
8 less than one hundred sixty thousand, provided said ash is not considered
9 hazardous waste under the Missouri hazardous waste law.] **1. The department**
10 **shall have the authority to promulgate rules for the management,**
11 **closure, and post-closure of coal combustion residual (CCR) units in**
12 **accordance with Sections 1008(a)(3) and 4004(a) of the Resource**
13 **Conservation and Recovery Act (RCRA) and to approve site-specific**
14 **groundwater criteria. At the discretion of the department, the Missouri**
15 **risk-based corrective action (MRBCA) rules, 10 CSR 25-18.010, and**
16 **accompanying guidance may be used to establish site-specific targets**
17 **for soil and groundwater impacted by coal combustion residual (CCR)**
18 **constituents. As used in this section, a "CCR unit" means a surface**
19 **impoundment, utility waste landfill, or a CCR landfill. To the extent**
20 **there is a conflict between this section and section 644.026 or 644.143,**
21 **this section shall prevail.**

22 **2. Prior to federal approval of a state CCR program pursuant to**
23 **4004(a) of the RCRA, nothing in this section shall prohibit the**
24 **department from issuing guidance or entering into enforceable**
25 **agreements with CCR unit owners or operators to establish risk-based**
26 **target levels, using all or part of the MRBCA rules and guidance, for**
27 **closure and corrective action at CCR units. Nothing in this section**
28 **shall prohibit the department, owners, or operators of CCR units not**
29 **otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and**
30 **guidance.**

31 **3. No later than December 31, 2018, the department shall propose**
32 **for promulgation a state CCR program, including procedures regarding**

33 payment, submission of fees, reimbursement of excess fee collection,
34 inspection, and record keeping.

35 4. The department shall not apply standards to any existing
36 landfill or new landfills constructed contiguous to existing power
37 station facilities located on municipally owned land that was purchased
38 by the municipality prior to December 31, 2018, that are in conflict with
39 40 CFR 257, unless sound and reasonably proven scientific data confirm
40 an imminent threat to human health and the environment.

41 5. Effective January 1, 2019, and in order to implement the state
42 CCR program, the department shall have the authority to assess one-
43 time enrollment and annual fees on each owner, operator, or permittee
44 of a CCR unit subject to 40 CFR 257, only as follows:

45 (1) For units that have not closed, an enrollment fee in the
46 amount of sixty-two thousand dollars per CCR unit, except no fee shall
47 apply to CCR units permitted as a utility waste landfill;

48 (2) For CCR units that have completed closure in place under 40
49 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight
50 thousand dollars per CCR unit;

51 (3) An annual fee of fifteen thousand dollars per CCR unit,
52 except an annual fee shall not be assessed on CCR units that have
53 closed prior to December 31, 2018. The obligation to pay an annual fee
54 under this section shall terminate at the end of the CCR unit's post-
55 closure period, so long as the CCR unit is not under a requirement to
56 complete a corrective action, or sooner, if authorized by the
57 department.

58 6. All fees received under this section shall be deposited into the
59 "Coal Combustion Residuals Subaccount" of the solid waste management
60 fund created under section 260.330. Fees collected under this section
61 are dedicated, upon appropriation, to the department for conducting
62 activities required by this section and rules adopted under this
63 section. Fees established by this section shall not yield revenue greater
64 than the cost of administering this section and the rules adopted under
65 this section, but shall be adequate to ensure sustained operation of the
66 state CCR program. The department shall prepare an annual report
67 detailing costs incurred in connection with the management and
68 closure of CCR units. The provisions of section 33.080 to the contrary
69 notwithstanding, moneys and interest earned on moneys in the

70 subaccount shall not revert to the general revenue fund at the end of
71 each biennium.

72 7. Interest shall be imposed on the moneys due to the department
73 at the rate of ten percent per annum from the prescribed due date until
74 payment is actually made. These interest amounts shall be deposited
75 to the credit of the subaccount created under this section.

76 8. All fees under this section shall be paid by check or money
77 order made payable to the department and, unless otherwise required
78 by this section, shall be due on January first of each calendar year and
79 be accompanied by a form provided by the department.

80 9. The department may pursue penalties under section 260.240
81 for failure to timely submit the fees imposed in this section.

82 10. Any rule or portion of a rule, as that term is defined in
83 section 536.010, that is created under the authority delegated in this
84 section shall become effective only if it complies with and is subject to
85 all of the provisions of chapter 536 and, if applicable, section
86 536.028. This section and chapter 536 are nonseverable, and if any of
87 the powers vested with the general assembly pursuant to chapter 536
88 to review, to delay the effective date, or to disapprove and annul a rule
89 are subsequently held unconstitutional, then the grant of rulemaking
90 authority and any rule proposed or adopted after August 28, 2018, shall
91 be invalid and void.

260.262. A person selling lead-acid batteries at retail or offering lead-acid
2 batteries for retail sale in the state shall:

3 (1) Accept, at the point of transfer, in a quantity at least equal to the
4 number of new lead-acid batteries purchased, used lead-acid batteries from
5 customers, if offered by customers;

6 (2) Post written notice which must be at least four inches by six inches in
7 size and must contain the universal recycling symbol and the following language:

8 (a) It is illegal to discard a motor vehicle battery or other lead-acid
9 battery;

10 (b) Recycle your used batteries; and

11 (c) State law requires us to accept used motor vehicle batteries, or other
12 lead-acid batteries for recycling, in exchange for new batteries purchased; and

13 (3) Manage used lead-acid batteries in a manner consistent with the
14 requirements of the state hazardous waste law;

15 (4) Collect at the time of sale a fee of fifty cents for each lead-acid battery
16 sold. Such fee shall be added to the total cost to the purchaser at retail after all
17 applicable sales taxes on the battery have been computed. The fee imposed, less
18 six percent of fees collected, which shall be retained by the seller as collection
19 costs, shall be paid to the department of revenue in the form and manner
20 required by the department and shall include the total number of batteries sold
21 during the preceding month. The department of revenue shall promulgate rules
22 and regulations necessary to administer the fee collection and enforcement. The
23 terms "sold at retail" and "retail sales" do not include the sale of batteries to a
24 person solely for the purpose of resale, if the subsequent retail sale in this state
25 is to the ultimate consumer and is subject to the fee. However, this fee shall not
26 be paid on batteries sold for use in agricultural operations upon written
27 certification by the purchaser; and

28 (5) The department of revenue shall administer, collect, and enforce the
29 fee authorized pursuant to this section pursuant to the same procedures used in
30 the administration, collection, and enforcement of the general state sales and use
31 tax imposed pursuant to chapter 144 except as provided in this section. The
32 proceeds of the battery fee, less four percent of the proceeds, which shall be
33 retained by the department of revenue as collection costs, shall be transferred by
34 the department of revenue into the hazardous waste fund, created pursuant to
35 section 260.391. The fee created in subdivision (4) and this subdivision shall be
36 effective October 1, 2005. The provisions of subdivision (4) and this subdivision
37 shall terminate December 31, [2018] **2023**.

260.380. 1. After six months from the effective date of the standards,
2 rules and regulations adopted by the commission pursuant to section 260.370,
3 hazardous waste generators located in Missouri shall:

4 (1) Promptly file and maintain with the department, on registration forms
5 it provides for this purpose, information on hazardous waste generation and
6 management as specified by rules and regulations. Hazardous waste generators
7 shall pay a one hundred dollar registration fee upon initial registration, and a
8 one hundred dollar registration renewal fee annually thereafter to maintain an
9 active registration. Such fees shall be deposited in the hazardous waste fund
10 created in section 260.391;

11 (2) Containerize and label all hazardous wastes as specified by standards,
12 rules and regulations;

13 (3) Segregate all hazardous wastes from all nonhazardous wastes and

14 from noncompatible wastes, materials and other potential hazards as specified by
15 standards, rules and regulations;

16 (4) Provide safe storage and handling, including spill protection, as
17 specified by standards, rules and regulations, for all hazardous wastes from the
18 time of their generation to the time of their removal from the site of generation;

19 (5) Unless provided otherwise in the rules and regulations, utilize only a
20 hazardous waste transporter holding a license pursuant to sections 260.350 to
21 260.430 for the removal of all hazardous wastes from the premises where they
22 were generated;

23 (6) Unless provided otherwise in the rules and regulations, provide a
24 separate manifest to the transporter for each load of hazardous waste transported
25 from the premises where it was generated. The generator shall specify the
26 destination of such load on the manifest. The manner in which the manifest shall
27 be completed, signed and filed with the department shall be in accordance with
28 rules and regulations;

29 (7) Utilize for treatment, resource recovery, disposal or storage of all
30 hazardous wastes, only a hazardous waste facility authorized to operate pursuant
31 to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery
32 Act, or a state hazardous waste management program authorized pursuant to the
33 federal Resource Conservation and Recovery Act, or any facility exempted from
34 the permit required pursuant to section 260.395;

35 (8) Collect and maintain such records, perform such monitoring or
36 analyses, and submit such reports on any hazardous waste generated, its
37 transportation and final disposition, as specified in sections 260.350 to 260.430
38 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

39 (9) Make available to the department upon request samples of waste and
40 all records relating to hazardous waste generation and management for inspection
41 and copying and allow the department to make unhampered inspections at any
42 reasonable time of hazardous waste generation and management facilities located
43 on the generator's property and hazardous waste generation and management
44 practices carried out on the generator's property;

45 (10) (a) Pay annually, on or before January first of each year, effective
46 January 1, 1982, a fee to the state of Missouri to be placed in the hazardous
47 waste fund. The fee shall be five dollars per ton or portion thereof of hazardous
48 waste registered with the department as specified in subdivision (1) of this
49 subsection for the twelve-month period ending June thirtieth of the previous

50 year. However, the fee shall not exceed fifty-two thousand dollars per generator
51 site per year nor be less than one hundred fifty dollars per generator site per
52 year.

53 (b) All moneys payable pursuant to the provisions of this subdivision shall
54 be promptly transmitted to the department of revenue, which shall deposit the
55 same in the state treasury to the credit of the hazardous waste fund created in
56 section 260.391.

57 (c) The hazardous waste management commission shall establish and
58 submit to the department of revenue procedures relating to the collection of the
59 fees authorized by this subdivision. Such procedures shall include, but not be
60 limited to, necessary records identifying the quantities of hazardous waste
61 registered, the form and submission of reports to accompany the payment of fees,
62 the time and manner of payment of fees, which shall not be more often than
63 quarterly.

64 (d) Notwithstanding any statutory fee amounts or maximums to the
65 contrary, the director of the department of natural resources may conduct a
66 comprehensive review and propose changes to the fee structure set forth in this
67 section. The comprehensive review shall include stakeholder meetings in order
68 to solicit stakeholder input from each of the following groups: cement kiln
69 representatives, chemical companies, large and small hazardous waste
70 generators, and any other interested parties. Upon completion of the
71 comprehensive review, the department shall submit a proposed fee structure with
72 stakeholder agreement to the hazardous waste management commission. The
73 commission shall review such recommendations at the forthcoming regular or
74 special meeting, but shall not vote on the fee structure until a subsequent
75 meeting. If the commission approves, by vote of two-thirds majority or five of
76 seven commissioners, the fee structure recommendations, the commission shall
77 authorize the department to file a notice of proposed rulemaking containing the
78 recommended fee structure, and after considering public comments may authorize
79 the department to file the order of rulemaking for such rule with the joint
80 committee on administrative rules pursuant to sections 536.021 and 536.024 no
81 later than December first of the same year. If such rules are not disapproved by
82 the general assembly in the manner set out below, they shall take effect on
83 January first of the following calendar year and the fee structure set out in this
84 section shall expire upon the effective date of the commission-adopted fee
85 structure, contrary to subsection 4 of this section. Any regulation promulgated

86 under this subsection shall be deemed to be beyond the scope and authority
87 provided in this subsection, or detrimental to permit applicants, if the general
88 assembly, within the first sixty calendar days of the regular session immediately
89 following the filing of such regulation disapproves the regulation by concurrent
90 resolution. If the general assembly so disapproves any regulation filed under this
91 subsection, the department and the commission shall not implement the proposed
92 fee structure and shall continue to use the previous fee structure. The authority
93 of the commission to further revise the fee structure as provided by this
94 subsection shall expire on August 28, 2024. **Any fee, bond, or assessment**
95 **structure established pursuant to the process in this section shall**
96 **expire on August 28, 2024.**

97 2. Missouri treatment, storage, or disposal facilities shall pay annually,
98 on or before January first of each year, a fee to the department equal to two
99 dollars per ton or portion thereof for all hazardous waste received from outside
100 the state. This fee shall be based on the hazardous waste received for the
101 twelve-month period ending June thirtieth of the previous year.

102 3. Exempted from the requirements of this section are individual
103 householders and farmers who generate only small quantities of hazardous waste
104 and any person the commission determines generates only small quantities of
105 hazardous waste on an infrequent basis, except that:

106 (1) Householders, farmers and exempted persons shall manage all
107 hazardous wastes they may generate in a manner so as not to adversely affect the
108 health of humans, or pose a threat to the environment, or create a public
109 nuisance; and

110 (2) The department may determine that a specific quantity of a specific
111 hazardous waste requires special management. Upon such determination and
112 after public notice by press release or advertisement thereof, including
113 instructions for handling and delivery, generators exempted pursuant to this
114 subsection shall deliver, but without a manifest or the requirement to use a
115 licensed hazardous waste transporter, such waste to:

116 (a) Any storage, treatment or disposal site authorized to operate pursuant
117 to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery
118 Act, or a state hazardous waste management program authorized pursuant to the
119 federal Resource Conservation and Recovery Act which the department designates
120 for this purpose; or

121 (b) A collection station or vehicle which the department may arrange for

122 and designate for this purpose.

123 4. Failure to pay the fee, or any portion thereof, prescribed in this section
124 by the due date shall result in the imposition of a penalty equal to fifteen percent
125 of the original fee. The fee prescribed in this section shall expire December 31,
126 2018, except that the department shall levy and collect this fee for any hazardous
127 waste generated prior to such date and reported to the department.

260.391. 1. There is hereby created in the state treasury a fund to be
2 known as the "Hazardous Waste Fund". All funds received from hazardous waste
3 permit and license fees, generator fees or taxes, penalties, or interest assessed on
4 those fees or taxes, taxes collected by contract hazardous waste landfill operators,
5 general revenue, federal funds, gifts, bequests, donations, or any other moneys
6 so designated shall be paid to the director of revenue and deposited in the state
7 treasury to the credit of the hazardous waste fund. The hazardous waste fund,
8 subject to appropriation by the general assembly, shall be used by the department
9 as provided by appropriations and consistent with rules and regulations
10 established by the hazardous waste management commission for the purpose of
11 carrying out the provisions of sections 260.350 to 260.430 and sections 319.100
12 to 319.127, and 319.137, and 319.139 for the management of hazardous waste,
13 responses to hazardous substance releases as provided in sections 260.500 to
14 260.550, corrective actions at regulated facilities and illegal hazardous waste
15 sites, prevention of leaks from underground storage tanks and response to
16 petroleum releases from underground and aboveground storage tanks and other
17 related activities required to carry out provisions of sections 260.350 to 260.575
18 and sections 319.100 to 319.127, and for payments to other state agencies for such
19 services consistent with sections 260.350 to 260.575 and sections 319.100 to
20 319.139 upon proper warrant issued by the commissioner of administration, and
21 for any other expenditures which are not covered pursuant to the federal
22 Comprehensive Environmental Response, Compensation and Liability Act of 1980,
23 including but not limited to the following purposes:

24 (1) Administrative services as appropriate and necessary for the
25 identification, assessment and cleanup of abandoned or uncontrolled sites
26 pursuant to sections 260.435 to 260.550;

27 (2) Payments to other state agencies for such services consistent with
28 sections 260.435 to 260.550, upon proper warrant issued by the commissioner of
29 administration, including, but not limited to, the department of health and senior
30 services for the purpose of conducting health studies of persons exposed to waste

31 from an uncontrolled or abandoned hazardous waste site or exposed to the release
32 of any hazardous substance as defined in section 260.500;

33 (3) Acquisition of property as provided in section 260.420;

34 (4) The study of the development of a hazardous waste facility in Missouri
35 as authorized in section 260.037;

36 (5) Financing the nonfederal share of the cost of cleanup and site
37 remediation activities as well as postclosure operation and maintenance costs,
38 pursuant to the federal Comprehensive Environmental Response, Compensation
39 and Liability Act of 1980; [and]

40 (6) Reimbursement of owners or operators who accept waste pursuant to
41 departmental orders pursuant to subdivision (2) of subsection 1 of section
42 260.420; and

43 **(7) Transfer of funds, upon appropriation, into the radioactive**
44 **waste investigation fund in section 260.558.**

45 2. The unexpended balance in the hazardous waste fund at the end of
46 each fiscal year shall not be transferred to the general revenue fund of the state
47 treasurer, except as directed by the general assembly by appropriation, and shall
48 be invested to generate income to the fund. The provisions of section 33.080
49 relating to the transfer of funds to the general revenue fund of the state by the
50 state treasurer shall not apply to the hazardous waste fund.

51 3. There is hereby created within the hazardous waste fund a subaccount
52 known as the "Hazardous Waste Facility Inspection Subaccount". All funds
53 received from hazardous waste facility inspection fees shall be paid to the director
54 of revenue and deposited in the state treasury to the credit of the hazardous
55 waste facility inspection subaccount. Moneys from such subaccount shall be used
56 by the department for conducting inspections at facilities that are permitted or
57 are required to be permitted as hazardous waste facilities by the department.

58 4. The fund balance remaining in the hazardous waste remedial fund
59 shall be transferred to the hazardous waste fund created in this section.

60 5. No moneys shall be available from the fund for abandoned site cleanup
61 unless the director has made all reasonable efforts to secure voluntary agreement
62 to pay the costs of necessary remedial actions from owners or operators of
63 abandoned or uncontrolled hazardous waste sites or other responsible persons.

64 6. The director shall make all reasonable efforts to recover the full amount
65 of any funds expended from the fund for cleanup through litigation or cooperative
66 agreements with responsible persons. All moneys recovered or reimbursed

67 pursuant to this section through voluntary agreements or court orders shall be
68 deposited to the hazardous waste fund created herein.

69 7. In addition to revenue from all licenses, taxes, fees, penalties, and
70 interest, specified in subsection 1 of this section, the department shall request an
71 annual appropriation of general revenue equal to any state match obligation to
72 the U.S. Environmental Protection Agency for cleanup performed pursuant to the
73 authority of the Comprehensive Environmental Response, Compensation and
74 Liability Act of 1980.

260.475. 1. Every hazardous waste generator located in Missouri shall
2 pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars
3 per ton annually on all hazardous waste which is discharged, deposited, dumped
4 or placed into or on the soil as a final action, and two dollars per ton on all other
5 hazardous waste transported off site. No fee shall be imposed upon any
6 hazardous waste generator who registers less than ten tons of hazardous waste
7 annually pursuant to section 260.380, or upon:

8 (1) Hazardous waste which must be disposed of as provided by a remedial
9 plan for an abandoned or uncontrolled hazardous waste site;

10 (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission
11 control waste generated primarily from the combustion of coal or other fossil
12 fuels;

13 (3) Solid waste from the extraction, beneficiation and processing of ores
14 and minerals, including phosphate rock and overburden from the mining of
15 uranium ore and smelter slag waste from the processing of materials into
16 reclaimed metals;

17 (4) Cement kiln dust waste;

18 (5) Waste oil; or

19 (6) Hazardous waste that is:

20 (a) Reclaimed or reused for energy and materials;

21 (b) Transformed into new products which are not wastes;

22 (c) Destroyed or treated to render the hazardous waste nonhazardous; or

23 (d) Waste discharged to a publicly owned treatment works.

24 2. The fees imposed in this section shall be reported and paid to the
25 department on an annual basis not later than the first of January. The payment
26 shall be accompanied by a return in such form as the department may prescribe.

27 3. All moneys collected or received by the department pursuant to this
28 section shall be transmitted to the department of revenue for deposit in the state

29 treasury to the credit of the hazardous waste fund created pursuant to section
30 260.391. Following each annual reporting date, the state treasurer shall certify
31 the amount deposited in the fund to the commission.

32 4. If any generator or transporter fails or refuses to pay the fees imposed
33 by this section, or fails or refuses to furnish any information reasonably requested
34 by the department relating to such fees, there shall be imposed, in addition to the
35 fee determined to be owed, a penalty of fifteen percent of the fee shall be
36 deposited in the hazardous waste fund.

37 5. If the fees or any portion of the fees imposed by this section are not
38 paid by the date prescribed for such payment, there shall be imposed interest
39 upon the unpaid amount at the rate of ten percent per annum from the date
40 prescribed for its payment until payment is actually made, all of which shall be
41 deposited in the hazardous waste fund.

42 6. The state treasurer is authorized to deposit all of the moneys in the
43 hazardous waste fund in any of the qualified depositories of the state. All such
44 deposits shall be secured in such a manner and shall be made upon such terms
45 and conditions as are now or may hereafter be provided for by law relative to
46 state deposits. Interest received on such deposits shall be credited to the
47 hazardous waste fund.

48 7. This fee shall expire December 31, 2018, except that the department
49 shall levy and collect this fee for any hazardous waste generated prior to such
50 date and reported to the department.

51 8. Notwithstanding any statutory fee amounts or maximums to the
52 contrary, the director of the department of natural resources may conduct a
53 comprehensive review and propose changes to the fee structure set forth in this
54 section. The comprehensive review shall include stakeholder meetings in order
55 to solicit stakeholder input from each of the following groups: cement kiln
56 representatives, chemical companies, large and small hazardous waste
57 generators, and any other interested parties. Upon completion of the
58 comprehensive review, the department shall submit a proposed fee structure with
59 stakeholder agreement to the hazardous waste management commission. The
60 commission shall review such recommendations at the forthcoming regular or
61 special meeting, but shall not vote on the fee structure until a subsequent
62 meeting. If the commission approves, by vote of two-thirds majority or five of
63 seven commissioners, the fee structure recommendations, the commission shall
64 authorize the department to file a notice of proposed rulemaking containing the

65 recommended fee structure, and after considering public comments may authorize
66 the department to file the order of rulemaking for such rule with the joint
67 committee on administrative rules pursuant to sections 536.021 and 536.024 no
68 later than December first of the same year. If such rules are not disapproved by
69 the general assembly in the manner set out below, they shall take effect on
70 January first of the following calendar year and the fee structure set out in this
71 section shall expire upon the effective date of the commission-adopted fee
72 structure, contrary to subsection 7 of this section. Any regulation promulgated
73 under this subsection shall be deemed to be beyond the scope and authority
74 provided in this subsection, or detrimental to permit applicants, if the general
75 assembly, within the first sixty calendar days of the regular session immediately
76 following the filing of such regulation disapproves the regulation by concurrent
77 resolution. If the general assembly so disapproves any regulation filed under this
78 subsection, the department and the commission shall not implement the proposed
79 fee structure and shall continue to use the previous fee structure. The authority
80 of the commission to further revise the fee structure as provided by this
81 subsection shall expire on August 28, 2024. **Any fee, bond, or assessment**
82 **structure established pursuant to the process in this section shall**
83 **expire on August 28, 2024.**

260.558. 1. **There is hereby created in the state treasury the**
2 **"Radioactive Waste Investigation Fund". The state treasurer shall be**
3 **custodian of the fund. In accordance with sections 30.170 and 30.180,**
4 **the state treasurer may approve disbursements. The fund shall be a**
5 **dedicated fund and, upon appropriation, moneys in the fund shall be**
6 **used solely by the department of natural resources to investigate**
7 **concerns of exposure to radioactive waste. Upon written request by a**
8 **local governing body expressing concerns of radioactive waste**
9 **contamination in a specified area within its jurisdiction, the**
10 **department of natural resources shall use moneys in the radioactive**
11 **waste investigation fund to develop and conduct an investigation, using**
12 **sound scientific methods, for the specified area of concern. The request**
13 **by a local governing body shall include a specified area of concern and**
14 **any supporting documentation related to the concern. The department**
15 **shall prioritize requests in the order in which they are received, except**
16 **that the department may give priority to requests that are in close**
17 **proximity to federally designated sites where radioactive contaminants**

18 are known or reasonably expected to exist. The investigation shall be
19 performed by applicable federal or state agencies or by a qualified
20 contractor selected by the department through a competitive bidding
21 process. In conducting an investigation under this section, the
22 department shall work with the applicable government agency or
23 approved contractor, as well as local officials, to develop a sampling
24 and analysis plan to determine if radioactive contaminants in the area
25 of concern exceed federal standards for remedial action due to
26 contamination. Within a residential area, this plan may include dust
27 samples collected inside residential homes only after obtaining
28 permission from the homeowners. The samples shall be analyzed for
29 the isotopes necessary to correlate the samples with the suspected
30 contamination, as described in the sampling and analysis plan. Within
31 forty-five days of receiving the final sampling results, the department
32 shall report the results to the attorney general and the local governing
33 body that requested the investigation and make the finalized report
34 and testing results publicly available on the department's website.

35 2. The transfer to the fund shall not exceed one hundred fifty
36 thousand dollars per fiscal year. Investigation costs expended from
37 this fund shall not exceed one hundred fifty thousand dollars per fiscal
38 year. Any moneys remaining in the fund at the end of the biennium
39 shall revert to the credit of the hazardous waste fund.

40 3. The state treasurer shall invest moneys in the fund in the
41 same manner as other funds are invested. Any interest and moneys
42 earned on such investments shall be credited to the fund.

319.129. 1. There is hereby created a special trust fund to be known as
2 the "Petroleum Storage Tank Insurance Fund" within the state treasury which
3 shall be the successor to the underground storage tank insurance fund. Moneys
4 in such special trust fund shall not be deemed to be state funds. Notwithstanding
5 the provisions of section 33.080 to the contrary, moneys in the fund shall not be
6 transferred to general revenue at the end of each biennium.

7 2. The owner or operator of any underground storage tank, including the
8 state of Missouri and its political subdivisions and public transportation systems,
9 in service on August 28, 1989, shall submit to the department a fee of one
10 hundred dollars per tank on or before December 31, 1989. The owner or operator
11 of any underground storage tank who seeks to participate in the petroleum
12 storage tank insurance fund, including the state of Missouri and its political

13 subdivisions and public transportation systems, and whose underground storage
14 tank is brought into service after August 28, 1998, shall transmit one hundred
15 dollars per tank to the board with his or her initial application. Such amount
16 shall be a one-time payment, and shall be in addition to the payment required by
17 section 319.133. The owner or operator of any aboveground storage tank
18 regulated by this chapter, including the state of Missouri and its political
19 subdivisions and public transportation systems, who seeks to participate in the
20 petroleum storage tank insurance fund, shall transmit one hundred dollars per
21 tank to the board with his or her initial application. Such amount shall be a one-
22 time payment and shall be in addition to the payment required by section
23 319.133. Moneys received pursuant to this section shall be transmitted to the
24 director of revenue for deposit in the petroleum storage tank insurance fund.

25 3. The state treasurer may deposit moneys in the fund in any of the
26 qualified depositories of the state. All such deposits shall be secured in a manner
27 and upon the terms as are provided by law relative to state deposits. Interest
28 earned shall be credited to the petroleum storage tank insurance fund.

29 4. The general administration of the fund and the responsibility for the
30 proper operation of the fund, including all decisions relating to payments from the
31 fund, are hereby vested in a board of trustees. The board of trustees shall consist
32 of the commissioner of administration or the commissioner's designee, the director
33 of the department of natural resources or the director's designee, the director of
34 the department of agriculture or the director's designee, and eight citizens
35 appointed by the governor with the advice and consent of the senate. Three of
36 the appointed members shall be owners or operators of retail petroleum storage
37 tanks, including one tank owner or operator of greater than one hundred tanks;
38 one tank owner or operator of less than one hundred tanks; and one aboveground
39 storage tank owner or operator. One appointed trustee shall represent a financial
40 lending institution, and one appointed trustee shall represent the insurance
41 underwriting industry. One appointed trustee shall represent industrial or
42 commercial users of petroleum. The two remaining appointed citizens shall have
43 no petroleum-related business interest, and shall represent the nonregulated
44 public at large. The members appointed by the governor shall serve four-year
45 terms except that the governor shall designate two of the original appointees to
46 be appointed for one year, two to be appointed for two years, two to be appointed
47 for three years and two to be appointed for four years. Any vacancies occurring
48 on the board shall be filled in the same manner as provided in this section.

49 5. The board shall meet in Jefferson City, Missouri, within thirty days
50 following August 28, 1996. Thereafter, the board shall meet upon the written call
51 of the chairman of the board or by the agreement of any six members of the
52 board. Notice of each meeting shall be delivered to all other trustees in person
53 or by registered mail not less than six days prior to the date fixed for the
54 meeting. The board may meet at any time by unanimous mutual consent. There
55 shall be at least one meeting in each quarter.

56 6. Six trustees shall constitute a quorum for the transaction of business,
57 and any official action of the board shall be based on a majority vote of the
58 trustees present.

59 7. The trustees shall serve without compensation but shall receive from
60 the fund their actual and necessary expenses incurred in the performance of their
61 duties for the board.

62 8. The board of trustees shall be a type III agency and shall appoint an
63 executive director and other employees as needed, who shall be state employees
64 and be eligible for all corresponding benefits. The executive director shall have
65 charge of the offices, operations, records, and other employees of the board,
66 subject to the direction of the board. Employees of the board shall receive such
67 salaries and necessary expenses as shall be fixed by the board.

68 9. Staff resources for the Missouri petroleum storage tank insurance fund
69 may be provided by the department of natural resources or another state agency
70 as otherwise specifically determined by the board. The fund shall compensate the
71 department of natural resources or other state agency for all costs of providing
72 staff required by this subsection. Such compensation shall be made pursuant to
73 contracts negotiated between the board and the department of natural resources
74 or other state agency.

75 10. In order to carry out the fiduciary management of the fund, the board
76 may select and employ, or may contract with, persons experienced in insurance
77 underwriting, accounting, the servicing of claims and rate making, and legal
78 counsel to defend third-party claims, who shall serve at the board's
79 pleasure. Invoices for such services shall be presented to the board in sufficient
80 detail to allow a thorough review of the costs of such services.

81 11. At the first meeting of the board, the board shall elect one of its
82 members as chairman. The chairman shall preside over meetings of the board
83 and perform such other duties as shall be required by action of the board.

84 12. The board shall elect one of its members as vice chairman, and the

85 vice chairman shall perform the duties of the chairman in the absence of the
86 latter or upon the chairman's inability or refusal to act.

87 13. The board shall determine and prescribe all rules and regulations as
88 they relate to fiduciary management of the fund, pursuant to the purposes of
89 sections 319.100 to 319.137. In no case shall the board have oversight regarding
90 environmental cleanup standards for petroleum storage tanks.

91 14. No trustee or staff member of the fund shall receive any gain or profit
92 from any moneys or transactions of the fund. This shall not preclude any eligible
93 trustee from making a claim or receiving benefits from the petroleum storage
94 tank insurance fund as provided by sections 319.100 to 319.137.

95 15. The board may reinsure all or a portion of the fund's liability. Any
96 insurer who sells environmental liability insurance in this state may, at the
97 option of the board, reinsure some portion of the fund's liability.

98 16. The petroleum storage tank insurance fund shall expire on December
99 31, [2020] **2025**, unless extended by action of the general assembly. After
100 December 31, [2020] **2025**, the board of trustees may continue to function for the
101 sole purpose of completing payment of claims made prior to December 31,
102 [2020] **2025**.

103 17. The board shall annually commission an independent financial audit
104 of the petroleum storage tank insurance fund. The board shall biennially
105 commission an actuarial analysis of the petroleum storage tank insurance
106 fund. The results of the financial audit and the actuarial analysis shall be made
107 available to the public. The board may contract with third parties to carry out
108 the requirements of this subsection.

**319.140. 1. There is established a task force of the general
2 assembly to be known as the "Task Force on the Petroleum Storage
3 Tank Insurance Fund". Such task force shall be composed of eight
4 members. Three members shall be from the house of representatives
5 with two appointed by the speaker of the house of representatives and
6 one appointed by the minority floor leader of the house of
7 representatives. Three members shall be from the senate with two
8 appointed by the president pro tempore of the senate and one
9 appointed by the minority floor leader of the senate. Two members
10 shall be industry stakeholders with one appointed by the speaker of the
11 house of representatives and one appointed by the president pro
12 tempore of the senate. No more than two members from either the**

13 **house of representatives or the senate shall be from the same political**
14 **party. A majority of the task force shall constitute a quorum.**

15 **2. The task force shall conduct research and compile a report for**
16 **delivery to the general assembly by December 31, 2018, on the**
17 **following:**

18 **(1) The efficacy of the petroleum storage tank insurance fund**
19 **and program;**

20 **(2) The sustainability of the petroleum storage tank insurance**
21 **fund and program;**

22 **(3) The administration of the petroleum storage tank insurance**
23 **fund and program;**

24 **(4) The availability of private insurance for above and below**
25 **ground petroleum storage tanks, and the necessity of insurance**
26 **subsidies created through the petroleum storage tank insurance**
27 **program;**

28 **(5) Compliance with federal programs, regulations, and advisory**
29 **reports; and**

30 **(6) The comparability of the petroleum storage tank insurance**
31 **program to other states' programs and states without such programs.**

32 **3. The task force shall meet within thirty days after its creation**
33 **and organize by selecting a chairperson and vice chairperson, one of**
34 **whom shall be a member of the senate and the other a member of the**
35 **house of representatives. Thereafter, the task force may meet as often**
36 **as necessary in order to accomplish the tasks assigned to it.**

37 **4. The task force shall be staffed by legislative staff as necessary**
38 **to assist the task force in the performance of its duties.**

39 **5. The members of the task force shall serve without**
40 **compensation but shall be entitled to reimbursement for actual and**
41 **necessary expenses incurred in the performance of their official duties.**

42 **6. This section shall expire on December 31, 2018.**

444.768. 1. Notwithstanding any statutory fee amounts or maximums to
2 the contrary, the director of the department of natural resources may conduct a
3 comprehensive review and propose changes to the fee, bond, or assessment
4 structure as set forth in this chapter. The comprehensive review shall include
5 stakeholder meetings in order to solicit stakeholder input from regulated entities
6 and any other interested parties. Upon completion of the comprehensive review,
7 the department shall submit a proposed fee, bond, or assessment structure with

8 stakeholder agreement to the Missouri mining commission. The commission shall
9 review such recommendations at a forthcoming regular or special meeting, but
10 shall not vote on the proposed structure until a subsequent meeting. If the
11 commission approves, by vote of two-thirds majority, the fee, bond, or assessment
12 structure recommendations, the commission shall authorize the department to file
13 a notice of proposed rulemaking containing the recommended structure, and after
14 considering public comments may authorize the department to file the final order
15 of rulemaking for such rule with the joint committee on administrative rules
16 pursuant to sections 536.021 and 536.024 no later than December first of the
17 same year. If such rules are not disapproved by the general assembly in the
18 manner set out below, they shall take effect on January first of the following
19 calendar year, at which point the existing fee, bond, or assessment structure shall
20 expire **upon the effective date of the commission-adopted fee structure,**
21 **contrary to subsection 12 of section 444.772.** Any regulation promulgated
22 under this subsection shall be deemed to be beyond the scope and authority
23 provided in this subsection, or detrimental to permit applicants, if the general
24 assembly within the first sixty days of the regular session immediately following
25 the filing of such regulation disapproves the regulation by concurrent resolution.
26 If the general assembly so disapproves any regulation filed under this subsection,
27 the department and the commission shall not implement the proposed fee, bond,
28 or assessment structure and shall continue to use the previous fee, bond, or
29 assessment structure. The authority for the commission to further revise the fee,
30 bond, or assessment structure as provided in this subsection shall expire on
31 August 28, 2024. **Any fee, bond, or assessment structure established**
32 **pursuant to the process in this section shall expire on August 28, 2024.**

33 2. Failure to pay any fee, bond, or assessment, or any portion thereof,
34 referenced in this section by the due date may result in the imposition of a late
35 fee equal to fifteen percent of the unpaid amount, plus ten percent interest per
36 annum. Any order issued by the department under this chapter may require
37 payment of such amounts. The department may bring an action in the
38 appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's
39 fees and costs incurred directly in fee collection. Such action may be brought in
40 the circuit court of the county in which the facility is located, or in the circuit
41 court of Cole County.

444.772. 1. Any operator desiring to engage in surface mining shall make
2 written application to the director for a permit.

3 2. Application for permit shall be made on a form prescribed by the
4 commission and shall include:

5 (1) The name of all persons with any interest in the land to be mined;

6 (2) The source of the applicant's legal right to mine the land affected by
7 the permit;

8 (3) The permanent and temporary post office address of the applicant;

9 (4) Whether the applicant or any person associated with the applicant
10 holds or has held any other permits pursuant to sections 444.500 to 444.790, and
11 an identification of such permits;

12 (5) The written consent of the applicant and any other persons necessary
13 to grant access to the commission or the director to the area of land affected
14 under application from the date of application until the expiration of any permit
15 granted under the application and thereafter for such time as is necessary to
16 assure compliance with all provisions of sections 444.500 to 444.790 or any rule
17 or regulation promulgated pursuant to them. Permit applications submitted by
18 operators who mine an annual tonnage of less than ten thousand tons shall be
19 required to include written consent from the operator to grant access to the
20 commission or the director to the area of land affected;

21 (6) A description of the tract or tracts of land and the estimated number
22 of acres thereof to be affected by the surface mining of the applicant for the next
23 succeeding twelve months; and

24 (7) Such other information that the commission may require as such
25 information applies to land reclamation.

26 3. The application for a permit shall be accompanied by a map in a scale
27 and form specified by the commission by regulation.

28 4. The application shall be accompanied by a bond, security or certificate
29 meeting the requirements of section 444.778, a geologic resources fee authorized
30 under section 256.700, and a permit fee approved by the commission not to exceed
31 one thousand dollars. The commission may also require a fee for each site listed
32 on a permit not to exceed four hundred dollars for each site. If mining operations
33 are not conducted at a site for six months or more during any year, the fee for
34 such site for that year shall be reduced by fifty percent. The commission may
35 also require a fee for each acre bonded by the operator pursuant to section
36 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the
37 per-acre fee on all acres bonded by a single operator that exceed a total of two
38 hundred acres shall be reduced by fifty percent. In no case shall the total fee for

39 any permit be more than three thousand dollars. Permit and renewal fees shall
40 be established by rule, except for the initial fees as set forth in this subsection,
41 and shall be set at levels that recover the cost of administering and enforcing
42 sections 444.760 to 444.790, making allowances for grants and other sources of
43 funds. The director shall submit a report to the commission and the public each
44 year that describes the number of employees and the activities performed the
45 previous calendar year to administer sections 444.760 to 444.790. For any
46 operator of a gravel mining operation where the annual tonnage of gravel mined
47 by such operator is less than five thousand tons, the total cost of submitting an
48 application shall be three hundred dollars. The issued permit shall be valid from
49 the date of its issuance until the date specified in the mine plan unless sooner
50 revoked or suspended as provided in sections 444.760 to 444.790. Beginning
51 August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a
52 site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum
53 fee of three thousand dollars. Fees may be raised as allowed in this subsection
54 after a regulation change that demonstrates the need for increased fees.

55 5. An operator desiring to have his or her permit amended to cover
56 additional land may file an amended application with the commission. Upon
57 receipt of the amended application, and such additional fee and bond as may be
58 required pursuant to the provisions of sections 444.760 to 444.790, the director
59 shall, if the applicant complies with all applicable regulatory requirements, issue
60 an amendment to the original permit covering the additional land described in
61 the amended application.

62 6. An operation may withdraw any land covered by a permit, excepting
63 affected land, by notifying the commission thereof, in which case the penalty of
64 the bond or security filed by the operator pursuant to the provisions of sections
65 444.760 to 444.790 shall be reduced proportionately.

66 7. Where mining or reclamation operations on acreage for which a permit
67 has been issued have not been completed, the permit shall be renewed. The
68 operator shall submit a permit renewal form furnished by the director for an
69 additional permit year and pay a fee equal to an application fee calculated
70 pursuant to subsection 4 of this section, but in no case shall the renewal fee for
71 any operator be more than three thousand dollars. For any operator involved in
72 any gravel mining operation where the annual tonnage of gravel mined by such
73 operator is less than five thousand tons, the permit as to such acreage shall be
74 renewed by applying on a permit renewal form furnished by the director for an

75 additional permit year and payment of a fee of three hundred dollars. Upon
76 receipt of the completed permit renewal form and fee from the operator, the
77 director shall approve the renewal. With approval of the director and operator,
78 the permit renewal may be extended for a portion of an additional year with a
79 corresponding prorating of the renewal fee.

80 8. Where one operator succeeds another at any uncompleted operation,
81 either by sale, assignment, lease or otherwise, the commission may release the
82 first operator from all liability pursuant to sections 444.760 to 444.790 as to that
83 particular operation if both operators have been issued a permit and have
84 otherwise complied with the requirements of sections 444.760 to 444.790 and the
85 successor operator assumes as part of his or her obligation pursuant to sections
86 444.760 to 444.790 all liability for the reclamation of the area of land affected by
87 the former operator.

88 9. The application for a permit shall be accompanied by a plan of
89 reclamation that meets the requirements of sections 444.760 to 444.790 and the
90 rules and regulations promulgated pursuant thereto, and shall contain a verified
91 statement by the operator setting forth the proposed method of operation,
92 reclamation, and a conservation plan for the affected area including approximate
93 dates and time of completion, and stating that the operation will meet the
94 requirements of sections 444.760 to 444.790, and any rule or regulation
95 promulgated pursuant to them.

96 10. At the time that a permit application is deemed complete by the
97 director, the operator shall publish a notice of intent to operate a surface mine
98 in any newspaper qualified pursuant to section 493.050 to publish legal notices
99 in any county where the land is located. If the director does not respond to a
100 permit application within forty-five calendar days, the application shall be
101 deemed to be complete. Notice in the newspaper shall be posted once a week for
102 four consecutive weeks beginning no more than ten days after the application is
103 deemed complete. The operator shall also send notice of intent to operate a
104 surface mine by certified mail to the governing body of the counties or cities in
105 which the proposed area is located, and to the last known addresses of all record
106 landowners whose property is:

107 (1) Within two thousand six hundred forty feet, or one-half mile from the
108 border of the proposed mine plan area; and

109 (2) Adjacent to the proposed mine plan area, land upon which the mine
110 plan area is located, or adjacent land having a legal relationship with either the

111 applicant or the owner of the land upon which the mine plan area is located.
112 The notices shall include the name and address of the operator, a legal
113 description consisting of county, section, township and range, the number of acres
114 involved, a statement that the operator plans to mine a specified mineral during
115 a specified time, and the address of the commission. The notices shall also
116 contain a statement that any person with a direct, personal interest in one or
117 more of the factors the director may consider in issuing a permit may request a
118 public meeting or file written comments to the director no later than fifteen days
119 following the final public notice publication date. If any person requests a public
120 meeting, the applicant shall cooperate with the director in making all necessary
121 arrangements for the public meeting to be held in a reasonably convenient
122 location and at a reasonable time for interested participants, and the applicant
123 shall bear the expenses.

124 11. The director may approve a permit application or permit amendment
125 whose operation or reclamation plan deviates from the requirements of sections
126 444.760 to 444.790 if it can be demonstrated by the operator that the conditions
127 present at the surface mining location warrant an exception. The criteria
128 accepted for consideration when evaluating the merits of an exception or variance
129 to the requirements of sections 444.760 to 444.790 shall be established by
130 regulations.

131 12. Fees imposed pursuant to this section shall become effective August
132 28, 2007, and shall expire on December 31, [2018] **2024**. No other provisions of
133 this section shall expire.

640.620. In any case, the grant shall not be in excess of [one] **three**
2 thousand [four hundred] dollars per connection, or, in the case of a source water
3 protection project, for more than twenty percent of the cost per acre for
4 conservation reserve and, except as otherwise provided in this section, no district
5 or system may receive more than one grant for any purpose in any two-year
6 period. Grantees who received or who are receiving funds under the 1993-1994
7 special allocation for flood-impacted communities are not subject to the
8 prohibition against receiving more than one grant during any two-year period for
9 a period ending two years after the final grant allocation for flood-impacted
10 communities is received by that grantee.

640.648. **1.** Notwithstanding any law to the contrary, all Missouri
2 landowners retain the right to have, use, and own private water systems and
3 ground source systems, **including systems for potable water**, anytime and

4 anywhere including land within city limits, unless prohibited by city ordinance,
5 on their own property so long as all applicable rules and regulations established
6 by the Missouri department of natural resources are satisfied. All Missouri
7 landowners who choose to use their own private water system shall not be forced
8 to purchase water from any other water source system servicing their community.

9 **2. Notwithstanding any law to the contrary, all Missouri**
10 **landowners retain the right to have, use, and own systems for**
11 **rainwater collection anytime and anywhere on their own property,**
12 **including land within city limits.**

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except
2 for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section
3 644.052, become effective October 1, 1990, and shall expire December 31,
4 2018. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section
5 644.052 shall become effective August 28, 2000, and shall expire on December 31,
6 2018. The clean water commission shall promulgate rules and regulations on the
7 procedures for billing and collection. All sums received through the payment of
8 fees shall be placed in the state treasury and credited to an appropriate
9 subaccount of the natural resources protection fund created in section
10 640.220. Moneys in the subaccount shall be expended, upon appropriation, solely
11 for the administration of sections 644.006 to 644.141. Fees collected pursuant to
12 subsection 10 of section 644.052 by a city, a public sewer district, a public water
13 district or other publicly owned treatment works are state fees. Five percent of
14 the fee revenue collected shall be retained by the city, public sewer district, public
15 water district or other publicly owned treatment works as reimbursement of
16 billing and collection expenses.

17 2. The commission may grant a variance pursuant to section 644.061 to
18 reduce fees collected pursuant to section 644.052 for facilities that adopt systems
19 or technologies that reduce the discharge of water contaminants substantially
20 below the levels required by commission rules.

21 3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on
22 the date of application and on each anniversary date of permit issuance thereafter
23 until the permit is terminated.

24 [4. The director of the department of natural resources shall conduct a
25 comprehensive review of the fee structure in sections 644.052 and 644.053. The
26 review shall include stakeholder meetings in order to solicit stakeholder
27 input. The director shall submit a report to the general assembly by December

28 31, 2012, which shall include its findings and a recommended plan for the fee
29 structure. The plan shall also include time lines for permit issuance, provisions
30 for expedited permits, and recommendations for any other improved services
31 provided by the fee funding.]

644.057. Notwithstanding any statutory fee amounts or maximums to the
2 contrary, the director of the department of natural resources may conduct a
3 comprehensive review and propose changes to the clean water fee structure set
4 forth in sections 644.052, 644.053, and 644.061. The comprehensive review shall
5 include stakeholder meetings in order to solicit stakeholder input from each of the
6 following groups: agriculture, industry, municipalities, public and private
7 wastewater facilities, and the development community. Upon completion of the
8 comprehensive review, the department shall submit a proposed fee structure with
9 stakeholder agreement to the clean water commission. The commission shall
10 review such recommendations at the forthcoming regular or special meeting, but
11 shall not vote on the fee structure until a subsequent meeting. In no case shall
12 the clean water commission adopt or recommend any clean water fee in excess of
13 five thousand dollars. If the commission approves, by vote of two-thirds majority
14 or five of seven commissioners, the fee structure recommendations, the
15 commission shall authorize the department to file a notice of proposed rulemaking
16 containing the recommended fee structure, and after considering public
17 comments, may authorize the department to file the order of rulemaking for such
18 rule with the joint committee on administrative rules pursuant to sections
19 536.021 and 536.024 no later than December first of the same year. If such rules
20 are not disapproved by the general assembly in the manner set out below, they
21 shall take effect on January first of the following calendar year and the fee
22 structures set forth in sections 644.052, 644.053, and 644.061 shall expire upon
23 the effective date of the commission-adopted fee structure, contrary to section
24 644.054. Any regulation promulgated under this subsection shall be deemed to
25 be beyond the scope and authority provided in this subsection, or detrimental to
26 permit applicants, if the general assembly, within the first sixty calendar days
27 of the regular session immediately following the filing of such regulation
28 disapproves the regulation by concurrent resolution. If the general assembly so
29 disapproves any regulation filed under this subsection, the department and the
30 commission shall not implement the proposed fee structure and shall continue to
31 use the previous fee structure. The authority of the commission to further revise
32 the fee structure provided by this section shall expire on August 28, 2024. **Any**

33 fee, bond, or assessment structure established pursuant to the process
34 in this section shall expire on August 28, 2024.

644.059. Agricultural storm water discharges and return flows
2 from irrigated agriculture shall be exempt from permitting
3 requirements set forth in sections 644.006 to 644.141. Agricultural
4 storm water discharges and return flows from irrigated agriculture
5 shall not be considered unlawful under subdivisions (1) and (2) of
6 subsection 1 of section 644.051 unless such discharges or return flows
7 have entered waters of the state and have rendered such waters
8 harmful, detrimental, or injurious to public health, safety, or welfare,
9 or to industrial or agricultural uses, or to wild animals, birds, or
10 fish. For the purposes of this section, agricultural storm water
11 discharges and return flows from irrigated agriculture shall include
12 storm water and snow melt runoff, drainage, and infiltration, including
13 water that leaves land as a result of the application of irrigation water,
14 both surface and subsurface, from standard farming industry
15 practices. This shall include but not be limited to cultivation and
16 tillage of soil, and production, growing, raising, and harvesting of
17 agricultural commodities and livestock. Nothing in this section shall
18 be construed to effect, limit, or supersede sections 640.700 to 640.755 or
19 any other law or regulation of concentrated animal feeding operations.

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