

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 782

99TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, March 8, 2018, with recommendation that the Senate Committee Substitute do pass.

5203S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 260.380, 260.475, 444.768, 444.772, 644.016, 644.051, 644.054, and 644.057, RSMo, and to enact in lieu thereof nine 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 260.380, 260.475, 444.768, 444.772, 644.016, 644.051, 2
644.054, and 644.057, RSMo, are repealed and nine new sections enacted in lieu
3 thereof, to be known as sections 253.175, 260.380, 260.475, 444.768, 444.772,
4 644.016, 644.051, 644.054, and 644.057, to read as follows:

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

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

16 **of this section, "fence" shall mean the same as described in section**
17 **272.020.**

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.

260.475. 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.**

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.

644.016. When used in sections 644.006 to 644.141 and in standards, rules
2 and regulations promulgated pursuant to sections 644.006 to 644.141, the
3 following words and phrases mean:

4 (1) "Aquaculture facility", a hatchery, fish farm, or other facility used for
5 the production of aquatic animals that is required to have a permit pursuant to
6 the federal Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq.;

7 (2) "Commission", the clean water commission of the state of Missouri
8 created in section 644.021;

9 (3) "Conference, conciliation and persuasion", a process of verbal or
10 written communications consisting of meetings, reports, correspondence or

11 telephone conferences between authorized representatives of the department and
12 the alleged violator. The process shall, at a minimum, consist of one offer to meet
13 with the alleged violator tendered by the department. During any such meeting,
14 the department and the alleged violator shall negotiate in good faith to eliminate
15 the alleged violation and shall attempt to agree upon a plan to achieve
16 compliance;

17 (4) "Department", the department of natural resources;

18 (5) "Director", the director of the department of natural resources;

19 (6) "Discharge", the causing or permitting of one or more water
20 contaminants to enter the waters of the state **from any point source**;

21 (7) "Effluent control regulations", limitations on the discharge of water
22 contaminants;

23 (8) "General permit", a permit written with a standard group of conditions
24 and with applicability intended for a designated category of water contaminant
25 sources that have the same or similar operations, discharges and geographical
26 locations, and that require the same or similar monitoring, and that would be
27 more appropriately controlled pursuant to a general permit rather than pursuant
28 to a site-specific permit;

29 (9) "General permit template", a draft general permit that is being
30 developed through a public participation process;

31 (10) "Human sewage", human excreta and wastewater, including bath and
32 toilet waste, residential laundry waste, residential kitchen waste, and other
33 similar waste from household or establishment appurtenances;

34 (11) "Income" includes retirement benefits, consultant fees, and stock
35 dividends;

36 (12) "Minor violation", a violation which possesses a small potential to
37 harm the environment or human health or cause pollution, was not knowingly
38 committed, and is not defined by the United States Environmental Protection
39 Agency as other than minor;

40 (13) "Permit by rule", a permit granted by rule, not by a paper certificate,
41 and conditioned by the permit holder's compliance with commission rules;

42 (14) "Permit holders or applicants for a permit" shall not include officials
43 or employees who work full time for any department or agency of the state of
44 Missouri;

45 (15) "Person", any individual, partnership, copartnership, firm, company,
46 public or private corporation, association, joint stock company, trust, estate,

47 political subdivision, or any agency, board, department, or bureau of the state or
48 federal government, or any other legal entity whatever which is recognized by law
49 as the subject of rights and duties;

50 (16) "Point source", any discernible, confined and discrete conveyance,
51 including but not limited to any pipe, ditch, channel, tunnel, conduit, well,
52 discrete fissure, container, rolling stock, concentrated animal feeding operation,
53 or vessel or other floating craft, from which pollutants are or may be
54 discharged. Point source does not include agricultural storm water discharges
55 and return flows from irrigated agriculture;

56 (17) "Pollution", such contamination or other alteration of the physical,
57 chemical or biological properties of any waters of the state, including change in
58 temperature, taste, color, turbidity, or odor of the waters, or such discharge of any
59 liquid, gaseous, solid, radioactive, or other substance into any waters of the state
60 as will or is reasonably certain to create a nuisance or render such waters
61 harmful, detrimental or injurious to public health, safety or welfare, or to
62 domestic, industrial, agricultural, recreational, or other legitimate beneficial uses,
63 or to wild animals, birds, fish or other aquatic life;

64 (18) "Pretreatment regulations", limitations on the introduction of
65 pollutants or water contaminants into publicly owned treatment works or
66 facilities which the commission determines are not susceptible to treatment by
67 such works or facilities or which would interfere with their operation, except that
68 wastes as determined compatible for treatment pursuant to any federal water
69 pollution control act or guidelines shall be limited or treated pursuant to this
70 chapter only as required by such act or guidelines;

71 (19) "Residential housing development", any land which is divided or
72 proposed to be divided into three or more lots, whether contiguous or not, for the
73 purpose of sale or lease as part of a common promotional plan for residential
74 housing;

75 (20) "Sewer system", pipelines or conduits, pumping stations, and force
76 mains, and all other structures, devices, appurtenances and facilities used for
77 collecting or conducting wastes to an ultimate point for treatment or handling;

78 (21) "Significant portion of his or her income" shall mean ten percent of
79 gross personal income for a calendar year, except that it shall mean fifty percent
80 of gross personal income for a calendar year if the recipient is over sixty years of
81 age, and is receiving such portion pursuant to retirement, pension, or similar
82 arrangement;

83 (22) "Site-specific permit", a permit written for discharges emitted from
84 a single water contaminant source and containing specific conditions, monitoring
85 requirements and effluent limits to control such discharges;

86 (23) "Treatment facilities", any method, process, or equipment which
87 removes, reduces, or renders less obnoxious water contaminants released from
88 any source;

89 (24) "Water contaminant", any particulate matter or solid matter or liquid
90 or any gas or vapor or any combination thereof, or any temperature change which
91 [is in or enters] **discharges into** any waters of the state [either directly or
92 indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which
93 causes or would cause pollution upon entering waters of the state, or which
94 violates or exceeds any of the standards, regulations or limitations set forth in
95 sections 644.006 to 644.141 or any federal water pollution control act,] or is
96 included in the definition of pollutant in [such] **any federal water pollution**
97 **control** act;

98 (25) "Water contaminant source", [the] **any point** [or points of discharge]
99 **source** from a single tract of property on which is located any installation,
100 operation or condition which [includes any point source defined in sections
101 644.006 to 644.141 and nonpoint source pursuant to any federal water pollution
102 control act, which] causes or permits a water contaminant therefrom to enter
103 waters of the state [either directly or indirectly]. **Water contaminant source**
104 **does not include agricultural storm water discharges and return flows**
105 **from irrigated agriculture**;

106 (26) "Water quality standards", specified concentrations and durations of
107 water contaminants which reflect the relationship of the intensity and
108 composition of water contaminants to potential undesirable effects;

109 (27) "Waters of the state", [all waters within the jurisdiction of this state,
110 including] all rivers, streams, lakes and other bodies of surface and subsurface
111 water lying within or forming a part of the boundaries of the state which are not
112 entirely confined and located completely upon lands owned, leased or otherwise
113 controlled by a single person or by two or more persons jointly or as tenants in
114 common.

644.051. 1. It is unlawful for any person:

2 (1) To cause pollution of any waters of the state or to place or cause or
3 permit to be placed any water contaminant in a location where it is [reasonably]
4 **demonstrably** certain to cause pollution of any waters of the state;

5 (2) To discharge any water contaminants into any waters of the state
6 which reduce the quality of such waters below the water quality standards
7 established by the commission;

8 (3) To violate any pretreatment and toxic material control regulations, or
9 to discharge any water contaminants into any waters of the state which exceed
10 effluent regulations or permit provisions as established by the commission or
11 required by any federal water pollution control act;

12 (4) To discharge any radiological, chemical, or biological warfare agent or
13 high-level radioactive waste into the waters of the state.

14 2. It shall be unlawful for any person to operate, use or maintain any
15 water contaminant or point source in this state that is subject to standards, rules
16 or regulations promulgated pursuant to the provisions of sections 644.006 to
17 644.141 unless such person holds an operating permit from the commission,
18 subject to such exceptions as the commission may prescribe by rule or
19 regulation. However, no operating permit shall be required of any person for any
20 emission into publicly owned treatment facilities or into publicly owned sewer
21 systems tributary to publicly owned treatment works.

22 3. It shall be unlawful for any person to construct, build, replace or make
23 major modification to any point source or collection system that is principally
24 designed to convey or discharge human sewage to waters of the state, unless such
25 person obtains a construction permit from the commission, except as provided in
26 this section. The following activities shall be excluded from construction permit
27 requirements:

28 (1) Facilities greater than one million gallons per day that are authorized
29 through a local supervised program, and are not receiving any department
30 financial assistance;

31 (2) All sewer extensions or collection projects that are one thousand feet
32 in length or less with fewer than two lift stations;

33 (3) All sewer collection projects that are authorized through a local
34 supervised program; and

35 (4) Any other exclusions the commission may promulgate by rule.

36 A construction permit may be required by the department in the following
37 circumstances:

38 (a) Substantial deviation from the commission's design standards;

39 (b) To address noncompliance;

40 (c) When an unauthorized discharge has occurred or has the potential to

41 occur; or

42 (d) To correct a violation of water quality standards.

43 In addition, any point source that proposes to construct an earthen storage
44 structure to hold, convey, contain, store or treat domestic, agricultural, or
45 industrial process wastewater also shall be subject to the construction permit
46 provisions of this subsection. All other construction-related activities at point
47 sources shall be exempt from the construction permit requirements. All activities
48 that are exempted from the construction permit requirement are subject to the
49 following conditions:

50 a. Any point source system designed to hold, convey, contain, store or
51 treat domestic, agricultural or industrial process wastewater shall be designed
52 by a professional engineer registered in Missouri in accordance with the
53 commission's design rules;

54 b. Such point source system shall be constructed in accordance with the
55 registered professional engineer's design and plans; and

56 c. Such point source system may receive a post-construction site
57 inspection by the department prior to receiving operating permit approval. A site
58 inspection may be performed by the department, upon receipt of a complete
59 operating permit application or submission of an engineer's statement of work
60 complete.

61 A governmental unit may apply to the department for authorization to operate
62 a local supervised program, and the department may authorize such a program.
63 A local supervised program would recognize the governmental unit's engineering
64 capacity and ability to conduct engineering work, supervise construction and
65 maintain compliance with relevant operating permit requirements.

66 4. Before issuing any permit required by this section, the director shall
67 issue such notices, conduct such hearings, and consider such factors, comments
68 and recommendations as required by sections 644.006 to 644.141 or any federal
69 water pollution control act. The director shall determine if any state or any
70 provisions of any federal water pollution control act the state is required to
71 enforce, any state or federal effluent limitations or regulations, water
72 quality-related effluent limitations, national standards of performance, toxic and
73 pretreatment standards, or water quality standards which apply to the source, or
74 any such standards in the vicinity of the source, are being exceeded, and shall
75 determine the impact on such water quality standards from the source. The
76 director, in order to effectuate the purposes of sections 644.006 to 644.141, shall

77 deny a permit if the source will violate any such acts, regulations, limitations or
78 standards or will appreciably affect the water quality standards or the water
79 quality standards are being substantially exceeded, unless the permit is issued
80 with such conditions as to make the source comply with such requirements within
81 an acceptable time schedule.

82 5. The director shall grant or deny the permit within sixty days after all
83 requirements of the Federal Water Pollution Control Act concerning issuance of
84 permits have been satisfied unless the application does not require any permit
85 pursuant to any federal water pollution control act. The director or the
86 commission may require the applicant to provide and maintain such facilities or
87 to conduct such tests and monitor effluents as necessary to determine the nature,
88 extent, quantity or degree of water contaminant discharged or released from the
89 source, establish and maintain records and make reports regarding such
90 determination.

91 6. The director shall promptly notify the applicant in writing of his or her
92 action and if the permit is denied state the reasons for such denial. As provided
93 by sections 621.250 and 640.013, the applicant may appeal to the administrative
94 hearing commission from the denial of a permit or from any condition in any
95 permit by filing a petition with the administrative hearing commission within
96 thirty days of the notice of denial or issuance of the permit. After a final action
97 is taken on a new or reissued general permit, a potential applicant for the general
98 permit who can demonstrate that he or she is or may be adversely affected by any
99 permit term or condition may appeal the terms and conditions of the general
100 permit within thirty days of the department's issuance of the general permit. In
101 no event shall a permit constitute permission to violate the law or any standard,
102 rule or regulation promulgated pursuant thereto. Once the administrative
103 hearing commission has reviewed the appeal, the administrative hearing
104 commission shall issue a recommended decision to the commission on permit
105 issuance, denial, or any condition of the permit. The commission shall issue its
106 own decision, based on the appeal, for permit issuance, denial, or any condition
107 of the permit. If the commission changes a finding of fact or conclusion of law
108 made by the administrative hearing commission, or modifies or vacates the
109 decision recommended by the administrative hearing commission, it shall issue
110 its own decision, which shall include findings of fact and conclusions of law. The
111 commission shall mail copies of its final decision to the parties to the appeal or
112 their counsel of record. The commission's decision shall be subject to judicial

113 review pursuant to chapter 536, except that the court of appeals district with
114 territorial jurisdiction coextensive with the county where the point source is to
115 be located shall have original jurisdiction. No judicial review shall be available
116 until and unless all administrative remedies are exhausted.

117 7. In any hearing held pursuant to this section that involves a permit,
118 license, or registration, the burden of proof is on the party specified in section
119 640.012. Any decision of the commission made pursuant to a hearing held
120 pursuant to this section is subject to judicial review as provided in section
121 644.071.

122 8. In any event, no permit issued pursuant to this section shall be issued
123 if properly objected to by the federal government or any agency authorized to
124 object pursuant to any federal water pollution control act unless the application
125 does not require any permit pursuant to any federal water pollution control act.

126 9. Permits may be modified, reissued, or terminated at the request of the
127 permittee. All requests shall be in writing and shall contain facts or reasons
128 supporting the request.

129 10. No manufacturing or processing plant or operating location shall be
130 required to pay more than one operating fee. Operating permits shall be issued
131 for a period not to exceed five years after date of issuance, except that general
132 permits shall be issued for a five-year period, and also except that neither a
133 construction nor an annual permit shall be required for a single residence's waste
134 treatment facilities. Applications for renewal of a site-specific operating permit
135 shall be filed at least one hundred eighty days prior to the expiration of the
136 existing permit. Applications seeking to renew coverage under a general permit
137 shall be submitted at least thirty days prior to the expiration of the general
138 permit, unless the permittee has been notified by the director that an earlier
139 application must be made. General permits may be applied for and issued
140 electronically once made available by the director.

141 11. Every permit issued to municipal or any publicly owned treatment
142 works or facility shall require the permittee to provide the clean water
143 commission with adequate notice of any substantial new introductions of water
144 contaminants or pollutants into such works or facility from any source for which
145 such notice is required by sections 644.006 to 644.141 or any federal water
146 pollution control act. Such permit shall also require the permittee to notify the
147 clean water commission of any substantial change in volume or character of water
148 contaminants or pollutants being introduced into its treatment works or facility

149 by a source which was introducing water contaminants or pollutants into its
150 works at the time of issuance of the permit. Notice must describe the quality and
151 quantity of effluent being introduced or to be introduced into such works or
152 facility by a source which was introducing water contaminants or pollutants into
153 its works at the time of issuance of the permit. Notice must describe the quality
154 and quantity of effluent being introduced or to be introduced into such works or
155 facility and the anticipated impact of such introduction on the quality or quantity
156 of effluent to be released from such works or facility into waters of the state.

157 12. The director or the commission may require the filing or posting of a
158 bond as a condition for the issuance of permits for construction of temporary or
159 future water treatment facilities or facilities that utilize innovative technology for
160 wastewater treatment in an amount determined by the commission to be
161 sufficient to ensure compliance with all provisions of sections 644.006 to 644.141,
162 and any rules or regulations of the commission and any condition as to such
163 construction in the permit. For the purposes of this section, "innovative
164 technology for wastewater treatment" shall mean a completely new and generally
165 unproven technology in the type or method of its application that bench testing
166 or theory suggest has environmental, efficiency, and cost benefits beyond the
167 standard technologies. No bond shall be required for designs approved by any
168 federal agency or environmental regulatory agency of another state. The bond
169 shall be signed by the applicant as principal, and by a corporate surety licensed
170 to do business in the state of Missouri and approved by the commission. The
171 bond shall remain in effect until the terms and conditions of the permit are met
172 and the provisions of sections 644.006 to 644.141 and rules and regulations
173 promulgated pursuant thereto are complied with.

174 13. (1) The department shall issue or deny applications for construction
175 and site-specific operating permits received after January 1, 2001, within one
176 hundred eighty days of the department's receipt of an application. For general
177 construction and operating permit applications received after January 1, 2001,
178 that do not require a public participation process, the department shall issue or
179 deny the permits within sixty days of the department's receipt of an
180 application. For an application seeking coverage under a renewed general permit
181 that does not require an individual public participation process, the director shall
182 issue or deny the permit within sixty days of the director's receipt of the
183 application, or upon issuance of the general permit, whichever is later. In regard
184 to an application seeking coverage under an initial general permit that does not

185 require an individual public participation process, the director shall issue or deny
186 the permit within sixty days of the department's receipt of the application. For
187 an application seeking coverage under a renewed general permit that requires an
188 individual public participation process, the director shall issue or deny the permit
189 within ninety days of the director's receipt of the application, or upon issuance
190 of the general permit, whichever is later. In regard to an application for an
191 initial general permit that requires an individual public participation process, the
192 director shall issue or deny the permit within ninety days of the director's receipt
193 of the application.

194 (2) If the department fails to issue or deny with good cause a construction
195 or operating permit application within the time frames established in subdivision
196 (1) of this subsection, the department shall refund the full amount of the initial
197 application fee within forty-five days of failure to meet the established time
198 frame. If the department fails to refund the application fee within forty-five days,
199 the refund amount shall accrue interest at a rate established pursuant to section
200 32.065.

201 (3) Permit fee disputes may be appealed to the commission within thirty
202 days of the date established in subdivision (2) of this subsection. If the applicant
203 prevails in a permit fee dispute appealed to the commission, the commission may
204 order the director to refund the applicant's permit fee plus interest and
205 reasonable attorney's fees as provided in sections 536.085 and 536.087. A refund
206 of the initial application or annual fee does not waive the applicant's
207 responsibility to pay any annual fees due each year following issuance of a
208 permit.

209 (4) No later than December 31, 2001, the commission shall promulgate
210 regulations defining shorter review time periods than the time frames established
211 in subdivision (1) of this subsection, when appropriate, for different classes of
212 construction and operating permits. In no case shall commission regulations
213 adopt permit review times that exceed the time frames established in subdivision
214 (1) of this subsection. The department's failure to comply with the commission's
215 permit review time periods shall result in a refund of said permit fees as set forth
216 in subdivision (2) of this subsection. On a semiannual basis, the department
217 shall submit to the commission a report which describes the different classes of
218 permits and reports on the number of days it took the department to issue each
219 permit from the date of receipt of the application and show averages for each
220 different class of permits.

221 (5) During the department's technical review of the application, the
222 department may request the applicant submit supplemental or additional
223 information necessary for adequate permit review. The department's technical
224 review letter shall contain a sufficient description of the type of additional
225 information needed to comply with the application requirements.

226 (6) Nothing in this subsection shall be interpreted to mean that inaction
227 on a permit application shall be grounds to violate any provisions of sections
228 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to
229 644.141.

230 14. The department shall respond to all requests for individual
231 certification under Section 401 of the Federal Clean Water Act within the lesser
232 of sixty days or the allowed response period established pursuant to applicable
233 federal regulations without request for an extension period unless such extension
234 is determined by the commission to be necessary to evaluate significant impacts
235 on water quality standards and the commission establishes a timetable for
236 completion of such evaluation in a period of no more than one hundred eighty
237 days.

238 15. All permit fees generated pursuant to this chapter shall not be used
239 for the development or expansion of total maximum daily loads studies on either
240 the Missouri or Mississippi rivers.

241 16. The department shall implement permit shield provisions equivalent
242 to the permit shield provisions implemented by the U.S. Environmental
243 Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C.
244 Section 1342(k), and its implementing regulations, for permits issued pursuant
245 to chapter 644.

246 17. Prior to the development of a new general permit or reissuance of a
247 general permit for aquaculture, land disturbance requiring a storm water permit,
248 or reissuance of a general permit under which fifty or more permits were issued
249 under a general permit during the immediately preceding five-year period for a
250 designated category of water contaminant sources, the director shall implement
251 a public participation process complying with the following minimum
252 requirements:

253 (1) For a new general permit or reissuance of a general permit, a general
254 permit template shall be developed for which comments shall be sought from
255 permittees and other interested persons prior to issuance of the general permit;

256 (2) The director shall publish notice of his intent to issue a new general

257 permit or reissue a general permit by posting notice on the department's website
258 at least one hundred eighty days before the proposed effective date of the general
259 permit;

260 (3) The director shall hold a public informational meeting to provide
261 information on anticipated permit conditions and requirements and to receive
262 informal comments from permittees and other interested persons. The director
263 shall include notice of the public informational meeting with the notice of intent
264 to issue a new general permit or reissue a general permit under subdivision (2)
265 of this subsection. The notice of the public informational meeting, including the
266 date, time and location, shall be posted on the department's website at least
267 thirty days in advance of the public meeting. If the meeting is being held for
268 reissuance of a general permit, notice shall also be made by electronic mail to all
269 permittees holding the current general permit which is expiring. Notice to
270 current permittees shall be made at least twenty days prior to the public meeting;

271 (4) The director shall hold a thirty-day public comment period to receive
272 comments on the general permit template with the thirty-day comment period
273 expiring at least sixty days prior to the effective date of the general
274 permit. Scanned copies of the comments received during the public comment
275 period shall be posted on the department's website within five business days after
276 close of the public comment period;

277 (5) A revised draft of a general permit template and the director's
278 response to comments submitted during the public comment period shall be
279 posted on the department's website at least forty-five days prior to issuance of the
280 general permit. At least forty-five days prior to issuance of the general permit
281 the department shall notify all persons who submitted comments to the
282 department that these documents have been posted to the department's website;

283 (6) Upon issuance of a new or renewed general permit, the general permit
284 shall be posted to the department's website.

285 18. Notices required to be made by the department pursuant to subsection
286 17 of this section may be made by electronic mail. The department shall not be
287 required to make notice to any permittee or other person who has not provided
288 a current electronic mail address to the department. In the event the department
289 chooses to make material modifications to the general permit before its
290 expiration, the department shall follow the public participation process described
291 in subsection 17 of this section.

292 19. The provisions of subsection 17 of this section shall become effective

293 beginning January 1, 2013.

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.**

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