

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 782
99TH GENERAL ASSEMBLY

5203H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 260.262, 260.380, 260.475, 319.129, 444.768, 444.772, 640.620, 644.054, and 644.057, RSMo, and to enact in lieu thereof twelve 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 260.262, 260.380, 260.475, 319.129, 444.768, 444.772, 640.620,
2 644.054, and 644.057, RSMo, are repealed and twelve new sections enacted in lieu thereof, to
3 be known as sections 253.175, 260.262, 260.380, 260.475, 319.129, 319.140, 444.768, 444.772,
4 640.620, 644.054, 644.057, and 644.059, to read as follows:

**253.175. All fencing coinciding with the boundary between individual landowner
2 property and the portion of the historic Missouri rock island railroad corridor owned,
3 leased, or operated by the division of state parks shall be maintained by the division of
4 state parks within the department of natural resources, with funds expended from the state
5 park earnings fund created under section 253.090 for such purposes, by either repairing
6 and maintaining such fence by and with staff employed by the department or the service
7 of volunteers authorized under section 253.067, by contracting with a third party, or by
8 providing all necessary supplies and equipment needed to an individual landowner or
9 landowners whose property coincides with the boundary of the corridor and who agree to
10 perform the repair or maintenance with such supplies and equipment provided. Nothing
11 in this section shall be construed to require any individual landowner or landowners to**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **locate a fence on his or her own property. For purposes of this section, "fence" shall mean**
13 **the same as described in section 272.020.**

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

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

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

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

8 (b) Recycle your used batteries; and

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

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

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

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

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

- 4 (1) Promptly file and maintain with the department, on registration forms it provides for
5 this purpose, information on hazardous waste generation and management as specified by rules
6 and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon
7 initial registration, and a one hundred dollar registration renewal fee annually thereafter to
8 maintain an active registration. Such fees shall be deposited in the hazardous waste fund created
9 in section 260.391;
- 10 (2) Containerize and label all hazardous wastes as specified by standards, rules and
11 regulations;
- 12 (3) Segregate all hazardous wastes from all nonhazardous wastes and from
13 noncompatible wastes, materials and other potential hazards as specified by standards, rules and
14 regulations;
- 15 (4) Provide safe storage and handling, including spill protection, as specified by
16 standards, rules and regulations, for all hazardous wastes from the time of their generation to the
17 time of their removal from the site of generation;
- 18 (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste
19 transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all
20 hazardous wastes from the premises where they were generated;
- 21 (6) Unless provided otherwise in the rules and regulations, provide a separate manifest
22 to the transporter for each load of hazardous waste transported from the premises where it was
23 generated. The generator shall specify the destination of such load on the manifest. The manner
24 in which the manifest shall be completed, signed and filed with the department shall be in
25 accordance with rules and regulations;
- 26 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes,
27 only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or
28 the federal Resource Conservation and Recovery Act, or a state hazardous waste management
29 program authorized pursuant to the federal Resource Conservation and Recovery Act, or any
30 facility exempted from the permit required pursuant to section 260.395;
- 31 (8) Collect and maintain such records, perform such monitoring or analyses, and submit
32 such reports on any hazardous waste generated, its transportation and final disposition, as
33 specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections
34 260.350 to 260.430;
- 35 (9) Make available to the department upon request samples of waste and all records
36 relating to hazardous waste generation and management for inspection and copying and allow
37 the department to make unhampered inspections at any reasonable time of hazardous waste
38 generation and management facilities located on the generator's property and hazardous waste
39 generation and management practices carried out on the generator's property;

40 (10) (a) Pay annually, on or before January first of each year, effective January 1, 1982,
41 a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five
42 dollars per ton or portion thereof of hazardous waste registered with the department as specified
43 in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the
44 previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site
45 per year nor be less than one hundred fifty dollars per generator site per year.

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

49 (c) The hazardous waste management commission shall establish and submit to the
50 department of revenue procedures relating to the collection of the fees authorized by this
51 subdivision. Such procedures shall include, but not be limited to, necessary records identifying
52 the quantities of hazardous waste registered, the form and submission of reports to accompany
53 the payment of fees, the time and manner of payment of fees, which shall not be more often than
54 quarterly.

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

76 following the filing of such regulation disapproves the regulation by concurrent resolution. If
77 the general assembly so disapproves any regulation filed under this subsection, the department
78 and the commission shall not implement the proposed fee structure and shall continue to use the
79 previous fee structure. The authority of the commission to further revise the fee structure as
80 provided by this subsection shall expire on August 28, 2024. **Any fee, bond, or assessment**
81 **structure established pursuant to the process in this section shall expire on August 28,**
82 **2024.**

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

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

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

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

99 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections
100 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous
101 waste management program authorized pursuant to the federal Resource Conservation and
102 Recovery Act which the department designates for this purpose; or

103 (b) A collection station or vehicle which the department may arrange for and designate
104 for this purpose.

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

260.475. 1. Every hazardous waste generator located in Missouri shall pay, in addition
2 to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all

3 hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final
4 action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be
5 imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste
6 annually pursuant to section 260.380, or upon:

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

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

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

14 (4) Cement kiln dust waste;

15 (5) Waste oil; or

16 (6) Hazardous waste that is:

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

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

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

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

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

24 3. All moneys collected or received by the department pursuant to this section shall be
25 transmitted to the department of revenue for deposit in the state treasury to the credit of the
26 hazardous waste fund created pursuant to section 260.391. Following each annual reporting date,
27 the state treasurer shall certify the amount deposited in the fund to the commission.

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

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

36 6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste
37 fund in any of the qualified depositories of the state. All such deposits shall be secured in such
38 a manner and shall be made upon such terms and conditions as are now or may hereafter be

39 provided for by law relative to state deposits. Interest received on such deposits shall be credited
40 to the hazardous waste fund.

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

44 8. Notwithstanding any statutory fee amounts or maximums to the contrary, the director
45 of the department of natural resources may conduct a comprehensive review and propose
46 changes to the fee structure set forth in this section. The comprehensive review shall include
47 stakeholder meetings in order to solicit stakeholder input from each of the following groups:
48 cement kiln representatives, chemical companies, large and small hazardous waste generators,
49 and any other interested parties. Upon completion of the comprehensive review, the department
50 shall submit a proposed fee structure with stakeholder agreement to the hazardous waste
51 management commission. The commission shall review such recommendations at the
52 forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent
53 meeting. If the commission approves, by vote of two-thirds majority or five of seven
54 commissioners, the fee structure recommendations, the commission shall authorize the
55 department to file a notice of proposed rulemaking containing the recommended fee structure,
56 and after considering public comments may authorize the department to file the order of
57 rulemaking for such rule with the joint committee on administrative rules pursuant to sections
58 536.021 and 536.024 no later than December first of the same year. If such rules are not
59 disapproved by the general assembly in the manner set out below, they shall take effect on
60 January first of the following calendar year and the fee structure set out in this section shall
61 expire upon the effective date of the commission-adopted fee structure, contrary to subsection
62 7 of this section. Any regulation promulgated under this subsection shall be deemed to be
63 beyond the scope and authority provided in this subsection, or detrimental to permit applicants,
64 if the general assembly, within the first sixty calendar days of the regular session immediately
65 following the filing of such regulation disapproves the regulation by concurrent resolution. If
66 the general assembly so disapproves any regulation filed under this subsection, the department
67 and the commission shall not implement the proposed fee structure and shall continue to use the
68 previous fee structure. The authority of the commission to further revise the fee structure as
69 provided by this subsection shall expire on August 28, 2024. **Any fee, bond, or assessment**
70 **structure established pursuant to the process in this section shall expire on August 28,**
71 **2024.**

319.129. 1. There is hereby created a special trust fund to be known as the "Petroleum
2 Storage Tank Insurance Fund" within the state treasury which shall be the successor to the
3 underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed

4 to be state funds. Notwithstanding the provisions of section 33.080 to the contrary, moneys in
5 the fund shall not be transferred to general revenue at the end of each biennium.

6 2. The owner or operator of any underground storage tank, including the state of
7 Missouri and its political subdivisions and public transportation systems, in service on August
8 28, 1989, shall submit to the department a fee of one hundred dollars per tank on or before
9 December 31, 1989. The owner or operator of any underground storage tank who seeks to
10 participate in the petroleum storage tank insurance fund, including the state of Missouri and its
11 political subdivisions and public transportation systems, and whose underground storage tank
12 is brought into service after August 28, 1998, shall transmit one hundred dollars per tank to the
13 board with his or her initial application. Such amount shall be a one-time payment, and shall be
14 in addition to the payment required by section 319.133. The owner or operator of any
15 aboveground storage tank regulated by this chapter, including the state of Missouri and its
16 political subdivisions and public transportation systems, who seeks to participate in the
17 petroleum storage tank insurance fund, shall transmit one hundred dollars per tank to the board
18 with his or her initial application. Such amount shall be a one-time payment and shall be in
19 addition to the payment required by section 319.133. Moneys received pursuant to this section
20 shall be transmitted to the director of revenue for deposit in the petroleum storage tank insurance
21 fund.

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

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

40 original appointees to be appointed for one year, two to be appointed for two years, two to be
41 appointed for three years and two to be appointed for four years. Any vacancies occurring on
42 the board shall be filled in the same manner as provided in this section.

43 5. The board shall meet in Jefferson City, Missouri, within thirty days following August
44 28, 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or
45 by the agreement of any six members of the board. Notice of each meeting shall be delivered
46 to all other trustees in person or by registered mail not less than six days prior to the date fixed
47 for the meeting. The board may meet at any time by unanimous mutual consent. There shall be
48 at least one meeting in each quarter.

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

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

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

58 9. Staff resources for the Missouri petroleum storage tank insurance fund may be
59 provided by the department of natural resources or another state agency as otherwise specifically
60 determined by the board. The fund shall compensate the department of natural resources or other
61 state agency for all costs of providing staff required by this subsection. Such compensation shall
62 be made pursuant to contracts negotiated between the board and the department of natural
63 resources or other state agency.

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

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

72 12. The board shall elect one of its members as vice chairman, and the vice chairman
73 shall perform the duties of the chairman in the absence of the latter or upon the chairman's
74 inability or refusal to act.

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

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

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

86 16. The petroleum storage tank insurance fund shall expire on December 31, [2020]
87 **2025**, unless extended by action of the general assembly. After December 31, [2020] **2025**, the
88 board of trustees may continue to function for the sole purpose of completing payment of claims
89 made prior to December 31, [2020] **2025**.

90 17. The board shall annually commission an independent financial audit of the petroleum
91 storage tank insurance fund. The board shall biennially commission an actuarial analysis of the
92 petroleum storage tank insurance fund. The results of the financial audit and the actuarial
93 analysis shall be made available to the public. The board may contract with third parties to carry
94 out the requirements of this subsection.

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

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

- 14 **(1) The efficacy of the petroleum storage tank insurance fund and program;**
15 **(2) The sustainability of the petroleum storage tank insurance fund and program;**
16 **(3) The administration of the petroleum storage tank insurance fund and program;**

17 **(4) The availability of private insurance for above and below ground petroleum**
18 **storage tanks, and the necessity of insurance subsidies created through the petroleum**
19 **storage tank insurance program;**

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

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

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

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

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

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

444.768. 1. Notwithstanding any statutory fee amounts or maximums to the contrary,
2 the director of the department of natural resources may conduct a comprehensive review and
3 propose changes to the fee, bond, or assessment structure as set forth in this chapter. The
4 comprehensive review shall include stakeholder meetings in order to solicit stakeholder input
5 from regulated entities and any other interested parties. Upon completion of the comprehensive
6 review, the department shall submit a proposed fee, bond, or assessment structure with
7 stakeholder agreement to the Missouri mining commission. The commission shall review such
8 recommendations at a forthcoming regular or special meeting, but shall not vote on the proposed
9 structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority,
10 the fee, bond, or assessment structure recommendations, the commission shall authorize the
11 department to file a notice of proposed rulemaking containing the recommended structure, and
12 after considering public comments may authorize the department to file the final order of
13 rulemaking for such rule with the joint committee on administrative rules pursuant to sections
14 536.021 and 536.024 no later than December first of the same year. If such rules are not
15 disapproved by the general assembly in the manner set out below, they shall take effect on
16 January first of the following calendar year, at which point the existing fee, bond, or assessment
17 structure shall expire **upon the effective date of the commission-adopted fee structure,**
18 **contrary to subsection 12 of section 444.772.** Any regulation promulgated under this
19 subsection shall be deemed to be beyond the scope and authority provided in this subsection, or
20 detrimental to permit applicants, if the general assembly within the first sixty days of the regular

21 session immediately following the filing of such regulation disapproves the regulation by
22 concurrent resolution. If the general assembly so disapproves any regulation filed under this
23 subsection, the department and the commission shall not implement the proposed fee, bond, or
24 assessment structure and shall continue to use the previous fee, bond, or assessment structure.
25 The authority for the commission to further revise the fee, bond, or assessment structure as
26 provided in this subsection shall expire on August 28, 2024. **Any fee, bond, or assessment**
27 **structure established pursuant to the process in this section shall expire on August 28,**
28 **2024.**

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

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

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

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

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

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

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

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

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

24 4. The application shall be accompanied by a bond, security or certificate meeting the
25 requirements of section 444.778, a geologic resources fee authorized under section 256.700, and
26 a permit fee approved by the commission not to exceed one thousand dollars. The commission
27 may also require a fee for each site listed on a permit not to exceed four hundred dollars for each
28 site. If mining operations are not conducted at a site for six months or more during any year, the
29 fee for such site for that year shall be reduced by fifty percent. The commission may also require
30 a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty
31 dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator
32 that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the
33 total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be
34 established by rule, except for the initial fees as set forth in this subsection, and shall be set at
35 levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making
36 allowances for grants and other sources of funds. The director shall submit a report to the
37 commission and the public each year that describes the number of employees and the activities
38 performed the previous calendar year to administer sections 444.760 to 444.790. For any
39 operator of a gravel mining operation where the annual tonnage of gravel mined by such operator
40 is less than five thousand tons, the total cost of submitting an application shall be three hundred
41 dollars. The issued permit shall be valid from the date of its issuance until the date specified in
42 the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.
43 Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site
44 fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand
45 dollars. Fees may be raised as allowed in this subsection after a regulation change that
46 demonstrates the need for increased fees.

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

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

57 7. Where mining or reclamation operations on acreage for which a permit has been
58 issued have not been completed, the permit shall be renewed. The operator shall submit a permit
59 renewal form furnished by the director for an additional permit year and pay a fee equal to an
60 application fee calculated pursuant to subsection 4 of this section, but in no case shall the
61 renewal fee for any operator be more than three thousand dollars. For any operator involved in
62 any gravel mining operation where the annual tonnage of gravel mined by such operator is less
63 than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit
64 renewal form furnished by the director for an additional permit year and payment of a fee of three
65 hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator,
66 the director shall approve the renewal. With approval of the director and operator, the permit
67 renewal may be extended for a portion of an additional year with a corresponding prorating of
68 the renewal fee.

69 8. Where one operator succeeds another at any uncompleted operation, either by sale,
70 assignment, lease or otherwise, the commission may release the first operator from all liability
71 pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have
72 been issued a permit and have otherwise complied with the requirements of sections 444.760 to
73 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections
74 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former
75 operator.

76 9. The application for a permit shall be accompanied by a plan of reclamation that meets
77 the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated
78 pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed
79 method of operation, reclamation, and a conservation plan for the affected area including
80 approximate dates and time of completion, and stating that the operation will meet the
81 requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant
82 to them.

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

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

94 (2) Adjacent to the proposed mine plan area, land upon which the mine plan area is
95 located, or adjacent land having a legal relationship with either the applicant or the owner of the
96 land upon which the mine plan area is located.

97 The notices shall include the name and address of the operator, a legal description consisting of
98 county, section, township and range, the number of acres involved, a statement that the operator
99 plans to mine a specified mineral during a specified time, and the address of the commission.
100 The notices shall also contain a statement that any person with a direct, personal interest in one
101 or more of the factors the director may consider in issuing a permit may request a public meeting
102 or file written comments to the director no later than fifteen days following the final public notice
103 publication date. If any person requests a public meeting, the applicant shall cooperate with the
104 director in making all necessary arrangements for the public meeting to be held in a reasonably
105 convenient location and at a reasonable time for interested participants, and the applicant shall
106 bear the expenses.

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

113 12. Fees imposed pursuant to this section shall become effective August 28, 2007, and
114 shall expire on December 31, ~~2018~~ **2024**. No other provisions of this section shall expire.

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

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees
2 imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective
3 October 1, 1990, and shall expire December 31, 2018. Fees imposed pursuant to subsection 4
4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall
5 expire on December 31, 2018. The clean water commission shall promulgate rules and

6 regulations on the procedures for billing and collection. All sums received through the payment
7 of fees shall be placed in the state treasury and credited to an appropriate subaccount of the
8 natural resources protection fund created in section 640.220. Moneys in the subaccount shall be
9 expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees
10 collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public
11 water district or other publicly owned treatment works are state fees. Five percent of the fee
12 revenue collected shall be retained by the city, public sewer district, public water district or other
13 publicly owned treatment works as reimbursement of billing and collection expenses.

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

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

20 ~~[4. The director of the department of natural resources shall conduct a comprehensive
21 review of the fee structure in sections 644.052 and 644.053. The review shall include
22 stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to
23 the general assembly by December 31, 2012, which shall include its findings and a recommended
24 plan for the fee structure. The plan shall also include time lines for permit issuance, provisions
25 for expedited permits, and recommendations for any other improved services provided by the fee
26 funding.]~~

644.057. Notwithstanding any statutory fee amounts or maximums to the contrary, the
2 director of the department of natural resources may conduct a comprehensive review and propose
3 changes to the clean water fee structure set forth in sections 644.052, 644.053, and 644.061. The
4 comprehensive review shall include stakeholder meetings in order to solicit stakeholder input
5 from each of the following groups: agriculture, industry, municipalities, public and private
6 wastewater facilities, and the development community. Upon completion of the comprehensive
7 review, the department shall submit a proposed fee structure with stakeholder agreement to the
8 clean water commission. The commission shall review such recommendations at the
9 forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent
10 meeting. In no case shall the clean water commission adopt or recommend any clean water fee
11 in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority
12 or five of seven commissioners, the fee structure recommendations, the commission shall
13 authorize the department to file a notice of proposed rulemaking containing the recommended
14 fee structure, and after considering public comments, may authorize the department to file the
15 order of rulemaking for such rule with the joint committee on administrative rules pursuant to

16 sections 536.021 and 536.024 no later than December first of the same year. If such rules are not
17 disapproved by the general assembly in the manner set out below, they shall take effect on
18 January first of the following calendar year and the fee structures set forth in sections 644.052,
19 644.053, and 644.061 shall expire upon the effective date of the commission-adopted fee
20 structure, contrary to section 644.054. Any regulation promulgated under this subsection shall
21 be deemed to be beyond the scope and authority provided in this subsection, or detrimental to
22 permit applicants, if the general assembly, within the first sixty calendar days of the regular
23 session immediately following the filing of such regulation disapproves the regulation by
24 concurrent resolution. If the general assembly so disapproves any regulation filed under this
25 subsection, the department and the commission shall not implement the proposed fee structure
26 and shall continue to use the previous fee structure. The authority of the commission to further
27 revise the fee structure provided by this section shall expire on August 28, 2024. **Any fee, bond,**
28 **or assessment structure established pursuant to the process in this section shall expire on**
29 **August 28, 2024.**

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

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