

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 54
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Energy and Environment April 18, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 54 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0467L.03C

AN ACT

To repeal sections 260.200, 260.250, 414.420, and 643.079, RSMo, and to enact in lieu thereof ten new sections relating to environmental regulation, with an effective date.

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

Section A. Sections 260.200, 260.250, 414.420, and 643.079, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 260.200, 260.250, 393.1020, 393.1025, 393.1030, 393.1035, 393.1040, 414.420, 643.079, and 1, to read as follows:

260.200. 1. The following words and phrases when used in sections 260.200 to 260.345 shall mean:

(1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including alkaline-manganese button cell batteries intended for use in watches, calculators, and other electronic products, and larger-sized alkaline-manganese batteries in general household use;

(2) **"Bioreactor", a municipal solid waste disposal area or portion of a municipal solid waste disposal area where the controlled addition of liquid waste or water accelerates both the decomposition of waste and landfill gas generation;**

(3) "Button cell battery" or "button cell", any small alkaline-manganese or mercuric-oxide battery having the size and shape of a button;

[(3)] (4) "City", any incorporated city, town, or village;

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.

13 [(4)] (5) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic
14 concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved
15 by rule or policy of the department for fill, reclamation or other beneficial use;

16 [(5)] (6) "Closure", the permanent cessation of active disposal operations, abandonment
17 of the disposal area, revocation of the permit or filling with waste of all areas and volumes
18 specified in the permit and preparing the area for long-term care;

19 [(6)] (7) "Closure plan", plans, designs and relevant data which specify the methods and
20 schedule by which the operator will complete or cease disposal operations, prepare the area for
21 long-term care, and make the area suitable for other uses, to achieve the purposes of sections
22 260.200 to 260.345 and the regulations promulgated thereunder;

23 [(7)] (8) "Conference, conciliation and persuasion", a process of verbal or written
24 communications consisting of meetings, reports, correspondence or telephone conferences
25 between authorized representatives of the department and the alleged violator. The process shall,
26 at a minimum, consist of one offer to meet with the alleged violator tendered by the department.
27 During any such meeting, the department and the alleged violator shall negotiate in good faith
28 to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

29 [(8)] (9) "Demolition landfill", a solid waste disposal area used for the controlled
30 disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete
31 and inert solids insoluble in water;

32 [(9)] (10) "Department", the department of natural resources;

33 [(10)] (11) "Director", the director of the department of natural resources;

34 [(11)] (12) "District", a solid waste management district established under section
35 260.305;

36 [(12)] (13) "Financial assurance instrument", an instrument or instruments, including,
37 but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund,
38 submitted by the applicant to ensure proper closure and postclosure care and corrective action
39 of a solid waste disposal area in the event that the operator fails to correctly perform closure and
40 postclosure care and corrective action requirements, except that the financial test for the
41 corporate guarantee shall not exceed one and one-half times the estimated cost of closure and
42 postclosure. The form and content of the financial assurance instrument shall meet or exceed
43 the requirements of the department. The instrument shall be reviewed and approved or
44 disapproved by the attorney general;

45 [(13)] (14) "Flood area", any area inundated by the one hundred year flood event, or the
46 flood event with a one percent chance of occurring in any given year;

47 [(14)] **(15)** "Household consumer", an individual who generates used motor oil through
48 the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery
49 powered by an internal combustion engine;

50 [(15)] **(16)** "Household consumer used motor oil collection center", any site or facility
51 that accepts or aggregates and stores used motor oil collected only from household consumers
52 or farmers who generate an average of twenty-five gallons per month or less of used motor oil
53 in a calendar year. This section shall not preclude a commercial generator from operating a
54 household consumer used motor oil collection center;

55 [(16)] **(17)** "Household consumer used motor oil collection system", any used motor oil
56 collection center at publicly owned facilities or private locations, any curbside collection of
57 household consumer used motor oil, or any other household consumer used motor oil collection
58 program determined by the department to further the purposes of sections 260.200 to 260.345;

59 [(17)] **(18)** "Infectious waste", waste in quantities and characteristics as determined by
60 the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood
61 and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated
62 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be
63 infectious; provided, however, that infectious waste does not mean waste treated to department
64 specifications;

65 [(18)] **(19)** "Lead-acid battery", a battery designed to contain lead and sulfuric acid with
66 a nominal voltage of at least six volts and of the type intended for use in motor vehicles and
67 watercraft;

68 [(19)] **(20)** "Major appliance", clothes washers and dryers, water heaters, trash
69 compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners,
70 refrigerators and freezers;

71 [(20)] **(21)** "Mercuric-oxide battery" or "mercury battery", a battery having a
72 mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte,
73 including mercuric-oxide button cell batteries generally intended for use in hearing aids and
74 larger size mercuric-oxide batteries used primarily in medical equipment;

75 [(21)] **(22)** "Minor violation", a violation which possesses a small potential to harm the
76 environment or human health or cause pollution, was not knowingly committed, and is not
77 defined by the United States Environmental Protection Agency as other than minor;

78 [(22)] **(23)** "Motor oil", any oil intended for use in a motor vehicle, as defined in section
79 301.010, RSMo, train, vessel, airplane, heavy equipment, or other machinery powered by an
80 internal combustion engine;

81 [(23)] **(24)** "Motor vehicle", as defined in section 301.010, RSMo;

82 [(24)] **(25)** "Operator" and "permittee", anyone so designated, and shall include cities,
83 counties, other political subdivisions, authority, state agency or institution, or federal agency or
84 institution;

85 [(25)] **(26)** "Permit modification", any permit issued by the department which alters or
86 modifies the provisions of an existing permit previously issued by the department;

87 [(26)] **(27)** "Person", any individual, partnership, corporation, association, institution,
88 city, county, other political subdivision, authority, state agency or institution, or federal agency
89 or institution;

90 [(27)] **(28)** "Postclosure plan", plans, designs and relevant data which specify the
91 methods and schedule by which the operator shall perform necessary monitoring and care for the
92 area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations
93 promulgated thereunder;

94 [(28)] **(29)** "Recovered materials", those materials which have been diverted or removed
95 from the solid waste stream for sale, use, reuse or recycling, whether or not they require
96 subsequent separation and processing;

97 [(29)] **(30)** "Recycled content", the proportion of fiber in a newspaper which is derived
98 from postconsumer waste;

99 [(30)] **(31)** "Recycling", the separation and reuse of materials which might otherwise be
100 disposed of as solid waste;

101 [(31)] **(32)** "Resource recovery", a process by which recyclable and recoverable material
102 is removed from the waste stream to the greatest extent possible, as determined by the
103 department and pursuant to department standards, for reuse or remanufacture;

104 [(32)] **(33)** "Resource recovery facility", a facility in which recyclable and recoverable
105 material is removed from the waste stream to the greatest extent possible, as determined by the
106 department and pursuant to department standards, for reuse or remanufacture;

107 [(33)] **(34)** "Sanitary landfill", a solid waste disposal area which accepts commercial and
108 residential solid waste;

109 [(34)] **(35)** "Scrap tire", a tire that is no longer suitable for its original intended purpose
110 because of wear, damage, or defect;

111 [(35)] **(36)** "Scrap tire collection center", a site where scrap tires are collected prior to
112 being offered for recycling or processing and where fewer than five hundred tires are kept on site
113 on any given day;

114 [(36)] **(37)** "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel
115 supplement or converted into a useable product. Baled or compressed tires used in structures,
116 or used at recreational facilities, or used for flood or erosion control shall be considered an end
117 use;

118 [(37)] (38) "Scrap tire generator", a person who sells tires at retail or any other person,
119 firm, corporation, or government entity that generates scrap tires;

120 [(38)] (39) "Scrap tire processing facility", a site where tires are reduced in volume by
121 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or
122 disposal;

123 [(39)] (40) "Scrap tire site", a site at which five hundred or more scrap tires are
124 accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap
125 tires for the generation of energy or converts scrap tires to a useful product;

126 [(40)] (41) "Solid waste", garbage, refuse and other discarded materials including, but
127 not limited to, solid and semisolid waste materials resulting from industrial, commercial,
128 agricultural, governmental and domestic activities, but does not include hazardous waste as
129 defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte,
130 slag or other waste material resulting from mining, milling or smelting;

131 [(41)] (42) "Solid waste disposal area", any area used for the disposal of solid waste from
132 more than one residential premises, or one or more commercial, industrial, manufacturing,
133 recreational, or governmental operations;

134 [(42)] (43) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and
135 may be:

136 (a) A solid waste collection fee imposed at the point of waste collection; or

137 (b) A solid waste disposal fee imposed at the disposal site;

138 [(43)] (44) "Solid waste management area", a solid waste disposal area which also
139 includes one or more of the functions contained in the definitions of recycling, resource recovery
140 facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste
141 processing facility, excluding incineration;

142 [(44)] (45) "Solid waste management system", the entire process of managing solid waste
143 in a manner which minimizes the generation and subsequent disposal of solid waste, including
144 waste reduction, source separation, collection, storage, transportation, recycling, resource
145 recovery, volume minimization, processing, market development, and disposal of solid wastes;

146 [(45)] (46) "Solid waste processing facility", any facility where solid wastes are salvaged
147 and processed, including:

148 (a) A transfer station; or

149 (b) An incinerator which operates with or without energy recovery but excluding waste
150 tire end-user facilities; or

151 (c) A material recovery facility which operates with or without composting;

152 [(46)] (47) "Solid waste technician", an individual who has successfully completed
153 training in the practical aspects of the design, operation and maintenance of a permitted solid

154 waste processing facility or solid waste disposal area in accordance with sections 260.200 to
155 260.345;

156 [(47)] **(48)** "Tire", a continuous solid or pneumatic rubber covering encircling the wheel
157 of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in
158 chapter 301, RSMo, except farm tractors and farm implements owned and operated by a family
159 farm or family farm corporation as defined in section 350.010, RSMo;

160 [(48)] **(49)** "Used motor oil", any motor oil which, as a result of use, becomes unsuitable
161 for its original purpose due to loss of original properties or the presence of impurities, but used
162 motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have
163 been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations,
164 oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,
165 quenching oils, and transformer oils;

166 [(49)] **(50)** "Utility waste landfill", a solid waste disposal area used for fly ash waste,
167 bottom ash waste, slag waste and flue gas emission control waste generated primarily from the
168 combustion of coal or other fossil fuels;

169 [(50)] **(51)** "Yard waste", leaves, grass clippings, yard and garden vegetation and
170 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

171 2. For the purposes of this section and sections 260.270 to [260.278] **260.279** and any
172 rules in place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall
173 be used synonymously with and in place of "waste", as it applies only to scrap tires.

260.250. 1. After January 1, 1991, major appliances, waste oil and lead-acid batteries
2 shall not be disposed of in a solid waste disposal area. After January 1, 1992, yard waste shall
3 not be disposed of in a solid waste disposal area, **except as otherwise provided in this**
4 **subsection. After August 28, 2007, yard waste may be disposed of in a municipal solid**
5 **waste disposal area or portion of a municipal solid waste disposal area provided that:**

6 **(1) The department has approved the municipal solid waste disposal area or**
7 **portion of a solid waste disposal area to operate as a bioreactor under 40 CFR Part 258.4;**
8 **and**

9 **(2) The landfill gas produced by the bioreactor shall be used for the generation of**
10 **electricity.**

11 2. After January 1, 1991, waste oil shall not be incinerated without energy recovery.

12 3. Each district, county and city shall address the recycling, reuse and handling of
13 aluminum containers, glass containers, newspapers, whole tires, plastic beverage containers and
14 steel containers in its solid waste management plan consistent with sections 260.250 to 260.345.

393.1020. 1. It is the general assembly's intent to encourage the development and
2 **utilization of technically feasible and economical renewable technologies, creating cleaner**

3 and more sustainable forms of energy for the residents of the state. It is for this reason that
4 sections 393.1020 to 393.1040 shall be known as the "Green Power Initiative".

5 2. The definitions provided in section 386.020, RSMo, shall apply to sections
6 393.1020 to 393.1040. As used in sections 393.1020 to 393.1040, the following terms mean:

7 (1) "Department", the department of natural resources;

8 (2) "Eligible renewable energy technology", sources of energy that shall be
9 considered renewable for purposes of this section shall include but not be limited to the
10 following:

11 (a) Solar, including photovoltaic cells, concentrating solar power technologies, and
12 low temperature solar collectors;

13 (b) Wind;

14 (c) Hydroelectric, not including pump-storage;

15 (d) Hydrogen from renewable sources;

16 (e) Biomass, any organic matter available on a renewable basis, including dedicated
17 energy crops and trees, agricultural food and feed crops, agricultural crop wastes and
18 residues, wood wastes and residues, animal waste, aquatic plants, biogas from landfills or
19 wastewater treatment plants; and

20 (f) Other renewable energy sources defined by rule by the commission after
21 consultation with the department;

22 (3) "Energy efficiency", verifiable reductions in energy consumption, or verifiable
23 reductions in the rate of energy consumption growth, as defined by rule by the commission
24 after consultation with the department, as a result of measures implemented by electrical
25 corporations and electricity consumers which may include, but not be limited to, pricing
26 signals, electronic controls, education, information, infrastructure improvements, and the
27 use of high efficiency equipment and lighting;

28 (4) "Total retail electric sales", the kilowatt-hours of electricity delivered in a year
29 by an electrical corporation to its Missouri retail customers.

393.1025. 1. Each electrical corporation shall make a good faith effort to generate
2 or procure sufficient electricity generated by an eligible renewable energy technology, and
3 support energy efficiency measures, so that by 2012, four percent of total retail electric
4 sales in the aggregate by electrical corporations is generated by eligible renewable energy
5 technologies, increasing to eight percent by 2015, and eleven percent generated by eligible
6 renewable energy technologies by 2020. Generation provided by any existing eligible
7 renewable energy technology, owned, controlled, or purchased by electrical corporations,
8 that are operational prior to August 28, 2007, shall be applied towards meeting the
9 objective so long as it continues to generate electricity. Credit towards the objective also

10 may be achieved through energy efficiency that includes electrical corporation and
11 consumer efforts to reduce the consumption of electric energy. After consulting with the
12 department, the commission may establish intermediate goals for the use of renewable
13 energy technologies as part of its rulemaking process.

14 2. By July 1, 2008, the commission shall, after consultation with the department,
15 adopt rules that integrate into its resource planning rules the renewable energy objective
16 of subsection 1 of this section and the criteria and standards by which it will measure an
17 electrical corporation's efforts to meet that objective to determine whether it is making the
18 required good faith effort. In this rulemaking, the commission shall include criteria and
19 standards that, at a minimum, shall:

20 (1) Protect against adverse economic impacts, including the costs of any
21 transmission investments necessary to access eligible renewable energy technologies, on the
22 ratepayers and shareholders;

23 (2) Protect against undesirable impacts on the reliability of each electrical
24 corporation's system;

25 (3) Consider environmental compliance costs, present and future, of each source
26 being evaluated; and

27 (4) Consider technical feasibility, providing for flexibility in meeting the objective
28 in the event electrical corporations are, for good cause shown, unable to meet in aggregate
29 the objective of this section.

30 3. In its rulemaking under this section, the commission shall provide for a weighted
31 scale of how energy produced by various eligible renewable energy technologies shall count
32 toward an electrical corporation's objective. In establishing this scale, the commission
33 shall consider the attributes of various technologies and fuels and shall establish a system
34 that grants multiple credits toward the objective for those technologies and fuels the
35 commission determines are in the public interest to encourage. The commission may also
36 grant multiple credits toward the objective for generation in the state or procurement of
37 electricity generated in the state that uses an eligible renewable energy technology.

38 4. The commission shall develop rules as provided in this section in consultation
39 with the department as necessary to implement the requirements of section 393.1025. Any
40 rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created
41 under the authority delegated in this section and section 393.1020 shall become effective
42 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
43 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
44 nonseverable and if any of the powers vested with the general assembly pursuant to
45 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule

46 are subsequently held unconstitutional, then the grant of rulemaking authority and any
47 rule proposed or adopted after August 28, 2007, shall be invalid and void.

393.1030. 1. Each electric corporation shall submit to the commission a biennial
2 report by December thirty-first, beginning in 2009, on its plans, activities, and progress
3 with regard to the objective of section 393.1025, demonstrating to the commission that it
4 is making the required good faith effort. The report must be submitted in a format
5 prescribed by the commission, not to exceed fifty pages, and it shall include the following:

6 (1) Sufficient data to specify and verify the status of its renewable energy mix
7 relative to the good faith objective;

8 (2) Sufficient data to specify and verify the status of the electric corporation's and
9 its customers' energy efficiency efforts relative to the good faith objective;

10 (3) Efforts taken to meet the objective;

11 (4) Any obstacles encountered or anticipated in meeting the objective; and

12 (5) Potential solutions to the obstacles.

13 2. The commission shall compile the information provided under subsection 1 of
14 this section and biennially report by July first, beginning in 2010, to the governor, the
15 speaker of the house of representatives, the president pro tempore of the senate, the chairs
16 of the committees in the house of representatives and senate with jurisdiction over energy
17 and environment policy issues, and the department as to the progress of electrical
18 corporations in the state in increasing the amount of renewable energy provided to retail
19 customers and increasing energy efficiency, with any recommendations for regulatory or
20 legislative action. In addition, the Missouri director of the department of economic
21 development shall issue a biennial report by July first, beginning in 2010, on the impact of
22 the renewable portfolio standard on the Missouri economy and the director of the
23 department of natural resources shall issue a biennial report by July first, beginning in
24 2010, on the environmental impact of sections 393.1020 to 393.1040. The biennial reporting
25 requirements under this subsection shall end after July 1, 2022.

393.1035. 1. Electricity produced by fuel combustion may only count toward an
2 electrical corporation's objectives if the generation facility complies with all federal and
3 state statutes and rules.

4 2. An electrical corporation may blend or co-fire a fuel listed in subsection 2 of
5 section 393.1020, with other fuels in the generation facility, but only the percentage of
6 electricity that is attributable to a fuel listed in that section can be counted toward an
7 electric corporation's renewable energy objectives.

393.1040. In addition to the renewable energy objectives set forth in sections
2 393.1025, 393.1030, and 393.1035, it is also the policy of this state to encourage electrical

3 corporations to develop and administer energy efficiency initiatives that reduce the annual
4 growth in energy consumption and the need to build additional electric generation
5 capacity.

414.420. 1. As used in this section, the term "alternative fuel" shall have the same
2 meaning as in section 414.400.

3 2. There is hereby created the "Missouri [Ethanol and Other Renewable Fuel Sources]
4 **Alternative Fuels** Commission" composed of [seven] **nine** members, including two members
5 of the senate of different political parties appointed by the president pro tem of the senate, two
6 members of the house of representatives of different political parties appointed by the speaker
7 of the house, and [three] **five** other persons appointed by the governor, with the advice and
8 consent of the senate. The members appointed by the governor [may include, but are not limited
9 to,] **shall be** persons engaged in [the ethanol production industry] **industries that produce**
10 **alternative fuels, wholesale alternative fuels, or retail alternative fuels**, and no more than two
11 of such members shall **represent an alternative fuel producer, retailer, or wholesaler and no**
12 **more than three of such members shall** be of the same political party. The members appointed
13 by the governor shall be appointed for a term of four years[, except that of the first members
14 appointed, one shall serve for a term of two years, one shall serve for a term of three years, and
15 one shall serve for a term of four years]. Vacancies in the membership of the commission shall
16 be filled in the same manner as the original appointments. The commission shall elect a member
17 of its own group as chairman at the first meeting, which shall be called by the governor. The
18 commission shall meet at least four times in a calendar year at the call of the chairman. [The
19 commission shall promote the continued production of ethanol and the continued usage of
20 ethanol and fuel ethanol blends, as defined in section 142.027, RSMo, and the production and
21 usage of other renewable fuel sources, in this state. The commission shall report to each regular
22 session of the general assembly its recommendations for legislation in the field of the promotion
23 of the ethanol industry and related subjects in this state.] Members of the commission shall serve
24 without compensation but shall be reimbursed for actual and necessary expenses incurred in the
25 performance of their duties.

26 3. The commission shall:

27 (1) **Make recommendations to the governor and general assembly on changes to**
28 **state law to facilitate the sale and distribution of alternative fuels and alternative fuel**
29 **vehicles;**

30 (2) **Promote the development, sale, distribution, and consumption of alternative**
31 **fuels;**

32 (3) **Promote the development and use of alternative fuel vehicles and technology**
33 **that will enhance the use of alternative and renewable transportation fuels;**

34 **(4) Educate consumers about alternative fuels, including but not limited to ethanol**
35 **and biodiesel;**

36 **(5) Develop a long-range plan for the state to reduce consumption of petroleum**
37 **fuels; and**

38 **(6) Submit an annual report to the governor and the general assembly.**

643.079. 1. Any air contaminant source required to obtain a permit issued under sections
2 643.010 to 643.190 shall pay annually beginning April 1, 1993, a fee as provided herein. For the
3 first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted.
4 Thereafter, the fee shall be [annually] set **every three years** by the commission by rule and shall
5 be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than
6 forty dollars per ton of regulated air contaminant emitted in the previous calendar year. **If**
7 **necessary, the commission may make annual adjustments to the fee by rule.** The fee shall
8 be set at an amount consistent with the need to fund the reasonable cost of administering sections
9 643.010 to 643.190, taking into account other moneys received pursuant to sections 643.010 to
10 643.190. For the purpose of determining the amount of air contaminant emissions on which the
11 fees authorized under this section are assessed, a facility shall be considered one source under
12 the definition of subsection 2 of section 643.078, except that a facility with multiple operating
13 permits shall pay the emission fees authorized under this section separately for air contaminants
14 emitted under each individual permit.

15 2. A source which produces charcoal from wood shall pay an annual emission fee under
16 this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be
17 based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated
18 air contaminant emitted for the first four thousand tons of each contaminant emitted in the
19 amount established by the commission pursuant to subsection 1 of this section, reduced
20 according to the following schedule:

21 (1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be
22 reduced by one hundred percent;

23 (2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall
24 be reduced by eighty percent;

25 (3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall
26 be reduced by sixty percent.

27 3. The fees imposed in subsection 2 of this section shall not be imposed or collected after
28 the year 2000 unless the general assembly reimposes the fee.

29 4. Each air contaminant source with a permit issued under sections 643.010 to 643.190
30 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each
31 year but no air contaminant source shall pay fees on total emissions of regulated air contaminants

32 in excess of twelve thousand tons in any calendar year. A permitted air contaminant source
33 which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per
34 ton set by the commission. An air contaminant source which pays emission fees to a holder of
35 a certificate of authority issued pursuant to section 643.140 may deduct such fees from any
36 amount due under this section. The fees imposed in this section shall not be applied to carbon
37 oxide emissions. The fees imposed in subsection 1 and this subsection shall not be applied to
38 sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV,
39 Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq., any sooner than
40 January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent
41 with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the
42 regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit
43 shall be reduced by the amount of the service fee paid by that Phase I affected unit pursuant to
44 subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall
45 follow the procedures set forth in subsection 1 and this subsection and shall not be applied
46 retroactively.

47 5. Moneys collected under this section shall be transmitted to the director of revenue for
48 deposit in appropriate subaccounts of the natural resources protection fund created in section
49 640.220, RSMo. A subaccount shall be maintained for fees paid by air contaminant sources
50 which are required to be permitted under Title V of the federal Clean Air Act, as amended, 42
51 U.S.C. Section 7661, et seq., and used, upon appropriation, to fund activities by the department
52 to implement the operating permits program authorized by Title V of the federal Clean Air Act,
53 as amended. Another subaccount shall be maintained for fees paid by air contaminant sources
54 which are not required to be permitted under Title V of the federal Clean Air Act as amended,
55 and used, upon appropriation, to fund other air pollution control program activities. Another
56 subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase
57 I affected units which are subject to the requirements of Title IV, Section 404, of the federal
58 Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon appropriation,
59 to fund air pollution control program activities. The provisions of section 33.080, RSMo, to the
60 contrary notwithstanding, moneys in the fund shall not revert to general revenue at the end of
61 each biennium. Interest earned by moneys in the subaccounts shall be retained in the
62 subaccounts. The per-ton fees established under subsection 1 of this section may be adjusted
63 annually, consistent with the need to fund the reasonable costs of the program, but shall not be
64 less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per
65 ton of regulated air contaminant. The first adjustment shall apply to moneys payable on April
66 1, 1994, and shall be based upon the general price level for the twelve-month period ending on
67 August thirty-first of the previous calendar year.

68 6. The department may initiate a civil action in circuit court against any air contaminant
69 source which has not remitted the appropriate fees within thirty days. In any judgment against
70 the source, the department shall be awarded interest at a rate determined pursuant to section
71 408.030, RSMo, and reasonable attorney's fees. In any judgment against the department, the
72 source shall be awarded reasonable attorney's fees.

73 7. The department shall not suspend or revoke a permit for an air contaminant source
74 solely because the source has not submitted the fees pursuant to this section.

75 8. Any Phase I affected unit which is subject to the requirements of Title IV, Section
76 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall pay annually beginning
77 April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year
78 as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for
79 each Phase I affected generating unit to help fund the administration of sections 643.010 to
80 643.190. Thereafter, the service fee shall be annually set by the commission by rule, following
81 public hearing, based on an annual allocation prepared by the department showing the details of
82 all costs and expenses upon which such fees are based consistent with the department's
83 reasonable needs to administer and implement sections 643.010 to 643.190 and to fulfill its
84 responsibilities with respect to Phase I affected units, but such service fee shall not exceed
85 twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located
86 on one or more contiguous tracts of land with any Phase II generating unit that pays fees under
87 subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this
88 subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public
89 roads, highways and railroads, which is under the control of or owned by the permit holder and
90 operated as a single enterprise.

91 9. The department of natural resources shall determine the fees due pursuant to this
92 section by the state of Missouri and its departments, agencies and institutions, including two- and
93 four-year institutions of higher education. The director of the department of natural resources
94 shall forward the various totals due to the joint committee on capital improvements and the
95 directors of the individual departments, agencies and institutions. The departments, as part of
96 the budget process, shall annually request by specific line item appropriation funds to pay said
97 fees and capital funding for projects determined to significantly improve air quality. If the
98 general assembly fails to appropriate funds for emissions fees as specifically requested, the
99 departments, agencies and institutions shall pay said fees from other sources of revenue or funds
100 available. The state of Missouri and its departments, agencies and institutions may receive
101 assistance from the small business technical assistance program established pursuant to section
102 643.173.

- Section 1. The commissioner of administration shall ensure that no less than**
2 seventy percent of new purchases for the state vehicle fleet are flexible fuel vehicles that
3 can operate on fuel blended with eighty-five percent ethanol.

Section B. Section A of this act shall become effective January 1, 2008.

Unofficial

Bill

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