

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 28

AN ACT

To repeal sections 43.543, 49.266, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the environment, with penalty provisions and an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 43.543, 49.266, 60.185, 60.195, 60.301,
2 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570,
3 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670,
4 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020,
5 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235,
6 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395,
7 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012,
8 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052,
9 and 644.054, RSMo, are repealed and sixty-three new sections

1 enacted in lieu thereof, to be known as sections 43.543, 49.266,
2 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540,
3 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610,
4 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185,
5 256.117, 256.438, 258.010, 258.060, 258.070, 258.080, 260.200,
6 260.205, 260.214, 260.235, 260.249, 260.262, 260.365, 260.380,
7 260.390, 260.395, 260.475, 261.023, 444.772, 621.250, 640.010,
8 640.012, 640.017, 640.026, 640.065, 640.075, 640.080, 640.715,
9 640.725, 643.079, 644.029, 644.051, 644.052, 644.054, 644.057,
10 644.062, 1, and 2, to read as follows:

11 43.543. Any state agency listed in section 621.045, the
12 division of professional registration of the department of
13 insurance, financial institutions and professional registration,
14 the department of social services, the supreme court of Missouri,
15 the state courts administrator, the department of elementary and
16 secondary education, the department of natural resources, the
17 Missouri lottery, the Missouri gaming commission, or any state,
18 municipal, or county agency which screens persons seeking
19 employment with such agencies or issuance or renewal of a
20 license, permit, certificate, or registration of authority from
21 such agencies; or any state, municipal, or county agency or
22 committee, or state school of higher education which is
23 authorized by state statute or executive order, or local or
24 county ordinance to screen applicants or candidates seeking or
25 considered for employment, assignment, contracting, or
26 appointment to a position within state, municipal, or county
27 government; or the Missouri peace officers standards and
28 training, POST, commission which screens persons, not employed by

1 a criminal justice agency, who seek enrollment or access into a
2 certified POST training academy police school, or persons seeking
3 a permit to purchase or possess a firearm for employment as a
4 watchman, security personnel, or private investigator; or law
5 enforcement agencies which screen persons seeking issuance or
6 renewal of a license, permit, certificate, or registration to
7 purchase or possess a firearm shall submit two sets of
8 fingerprints to the Missouri state highway patrol, Missouri
9 criminal records repository, for the purpose of checking the
10 person's criminal history. The first set of fingerprints shall
11 be used to search the Missouri criminal records repository and
12 the second set shall be submitted to the Federal Bureau of
13 Investigation to be used for searching the federal criminal
14 history files if necessary. The fingerprints shall be submitted
15 on forms and in the manner prescribed by the Missouri state
16 highway patrol. Fees assessed for the searches shall be paid by
17 the applicant or in the manner prescribed by the Missouri state
18 highway patrol. Notwithstanding the provisions of section
19 610.120, all records related to any criminal history information
20 discovered shall be accessible and available to the state,
21 municipal, or county agency making the record request.

22 49.266. 1. The county commission in all counties of the
23 first, second or fourth classification may by order or ordinance
24 promulgate reasonable regulations concerning the use of county
25 property, the hours, conditions, methods and manner of such use
26 and the regulation of pedestrian and vehicular traffic and
27 parking thereon.

28 2. Violation of any regulation so adopted under subsection

1 1 of this section is an infraction.

2 3. Upon a determination by the state fire marshal that a
3 burn ban order is appropriate for a county because:

4 (1) An actual or impending occurrence of a natural disaster
5 of major proportions within the county jeopardizes the safety and
6 welfare of the inhabitants of such county; and

7 (2) The U.S. Drought Monitor has designated the county as
8 an area of severe, extreme, or exceptional drought,

9
10 the county commission may adopt an order or ordinance issuing a
11 burn ban, which may carry a penalty of up to a class A
12 misdemeanor. State agencies responsible for fire management or
13 suppression activities and persons conducting agricultural
14 burning using best management practices shall not be subject to
15 the provisions of this subsection. The ability of an individual,
16 organization, or corporation to sell fireworks shall not be
17 affected by the issuance of a burn ban. The county burn ban may
18 prohibit the explosion or ignition of any missile or skyrocket as
19 the terms "missile" and "skyrocket" are defined by the 2012
20 edition of the American Fireworks Standards Laboratory, but shall
21 not ban the explosion or ignition of any other consumer fireworks
22 as the term "consumer fireworks" is defined under section
23 320.106.

24 4. The regulations so adopted shall be codified, printed
25 and made available for public use and adequate signs concerning
26 smoking, traffic and parking regulations shall be posted.

27 60.185. The county surveyor of every county or city shall:

28 (1) Keep a fair and correct record of all surveys made by

1 himself and his deputies, in a well-bound book, with a convenient
2 index, to be procured at the expense of the county or city for
3 that purpose, which books and indexes shall be the property of
4 such county or city, and shall be known as the county surveyor's
5 plat book, and every such surveyor shall record in such book a
6 plat of all surveys executed by him or his deputies, within two
7 weeks after the plat of survey has been certified to, and such
8 books shall be kept at the county seat or city hall and subject
9 to inspection by any person interested therein, under the
10 supervision of the county surveyor for such county or city;

11 (2) Number his surveys progressively;

12 (3) Deliver a copy of any plat of survey to any person
13 requiring such a copy, on payment of an amount equal to the fees
14 allowed to the recorder of deeds for such a document, so long as
15 such records shall remain in his possession, and after such
16 record shall have been deposited in the office of the recorder of
17 deeds, the recorder shall, on the request of anyone and on
18 payment of his fees for such service, deliver to such person a
19 duly certified copy of such records under the seal of his office,
20 which shall be accepted as evidence, to all intents and purposes,
21 as the originals themselves;

22 (4) Maintain a copy of corner restoration documents as
23 required in section 60.321 when provided by the Missouri
24 department of [natural resources] agriculture, and subject to
25 inspection and copying by any person interested therein during
26 the normal office hours of the county on payment of the fees
27 allowed to the recorder for similar documents.

28 60.195. The several county commissions in this state are

1 hereby authorized, in all cases wherein they shall consider it to
2 be the interest of their counties, to obtain from the Missouri
3 department of [natural resources] agriculture a certified copy of
4 so much of the field notes of all surveys lying within their
5 counties, respectively, which have been and may be made by the
6 United States, as relates to the description of the township,
7 section, fractional section, quarter section and legal
8 subdivisional corners, the variation of the needle at which the
9 east and west boundaries of township or range lines were run, the
10 length of the north and south, as well as east and west sectional
11 lines; also, the fallings of all east and west township and
12 sectional lines the same to be filed in the office of the county
13 surveyor of their counties, respectively.

14 60.301. Whenever the following words and terms are used in
15 this chapter they shall have the following meaning unless the
16 context clearly indicates that a different meaning is intended:

17 (1) "Corners of the United States public land survey",
18 those points that determine the boundaries of the various
19 subdivisions represented on the official plat such as the
20 township corner, the section corner, the quarter-section corner,
21 grant corner and meander corner;

22 (2) "Existent corner", a corner whose position can be
23 identified by verifying the evidence of the original monument or
24 its accessories, or by some physical evidence described in the
25 field notes, or located by an acceptable supplemental survey
26 record or some physical evidence thereof, or by testimony. The
27 physical evidence of a corner may have been entirely obliterated
28 but the corner will be considered existent if its position can be

1 recovered through the testimony of one or more witnesses who have
2 a dependable knowledge of the original location. A legally
3 reestablished corner shall have the same status as an existent
4 corner;

5 (3) "Lost corner", a corner whose position cannot be
6 determined, beyond reasonable doubt, either from traces of the
7 original marks or from acceptable evidence or testimony that
8 bears upon the original position;

9 (4) "Monument", the physical object which marks the corner
10 point determined by the surveying process. The accessories, such
11 as bearing trees, bearing objects, reference monuments, mounds of
12 stone and other similar objects that aid in identifying the
13 corner position, are also considered a part of a corner monument;

14 (5) "Obliterated, decayed or destroyed corner", an existent
15 corner at whose point there are no remaining traces of the
16 original monument or its accessories, but whose location has been
17 perpetuated by subsequent surveys, or the point may be recovered
18 beyond reasonable doubt by the acts and testimony of local
19 residents, competent surveyors, other qualified local authorities
20 or witnesses, or by some acceptable record evidence. A position
21 that depends upon the use of collateral evidence can be accepted
22 only if duly supported, generally through proper relation to
23 known corners, and agreement with the field notes regarding
24 distances to natural objects, stream crossings, line trees, etc.,
25 or unquestionable testimony;

26 (6) "Original government survey", that survey executed
27 under the authority of the United States government as recorded
28 on the official plats and field notes of the United States public

1 land survey maintained by the Missouri department of [natural
2 resources] agriculture;

3 (7) "Proportionate measurement", a measurement of a line
4 that gives equal relative weight to all parts of the line. The
5 excess or deficiency between two existent corners is so
6 distributed that the amount of excess or deficiency given to each
7 interval bears the same proportion to the whole difference as the
8 record length of the interval bears to the whole record distance:

9 (a) "Single proportionate measurement", a measurement of a
10 line applied to a new measurement made between known points on a
11 line to determine one or more positions on that line;

12 (b) "Double proportionate measurement", a measurement
13 applied to a new measurement made between four known corners, two
14 each on intersecting meridional and latitudinal lines, for the
15 purpose of relating the intersection to both. The procedure is
16 described as follows: First, measurements will be made between
17 the nearest existent corners north and south of the lost corner.
18 A temporary point will be determined to locate the latitude of
19 the lost corner on the straight line connecting the existent
20 corners and at the proper proportionate distance. Second,
21 measurements will be made between the nearest existent corners
22 east and west of the lost corner. A temporary point will be
23 determined to locate the longitude of the lost corner on the
24 straight line connecting the existent corners and at the
25 proportionate distance. Third, determine the location of the
26 lost corner at the intersection of an east-west line through the
27 point determining the latitude of the lost corner with a
28 north-south line through the point determining the longitude of

1 the lost corner. When the total length of the line between the
2 nearest existing corners was not measured in the original
3 government survey, the record distance from one existing corner
4 to the lost corner will be used instead of the proportionate
5 distance. This exception will apply to either or both of the
6 east-west or north-south lines;

7 (8) "Record distance", the distance or length as shown on
8 the original government survey. In determining record distances,
9 consideration shall be given as to whether the distance was
10 measured on a random or true line.

11 60.321. For the purpose of perpetuating the corners of the
12 United States public land survey, every surveyor who
13 reestablishes a lost corner or restores an existent corner shall
14 monument the corner and shall file an instrument showing such
15 reestablishment or restoration with the Missouri department of
16 [natural resources] agriculture, in accordance with the
17 specifications and procedures adopted by the Missouri department
18 of [natural resources] agriculture. Any surveyor who willfully
19 and knowingly fails to perpetuate corners in accordance with this
20 section is guilty of misconduct in the practice of land
21 surveying.

22 60.451. 1. For the purpose of more precisely defining the
23 Missouri coordinate system of 1927, the following definition by
24 the United States Coast and Geodetic Survey is adopted:

25 (1) The Missouri coordinate system of 1927, east zone, is a
26 transverse Mercator projection of the Clarke spheroid of 1866,
27 having a central meridian 90 degrees -- 30 minutes west of
28 Greenwich, on which meridian the scale is set at one part in

1 fifteen thousand too small. The origin of coordinates is at the
2 intersection of the meridian 90 degrees -- 30 minutes west of
3 Greenwich and the parallel 35 degrees -- 50 minutes north
4 latitude. This origin is given the coordinates: $x = 500,000$
5 feet and $y = 0$ feet;

6 (2) The Missouri coordinate system of 1927, central zone,
7 is a transverse Mercator projection of the Clarke spheroid of
8 1866, having a central meridian 92 degrees -- 30 minutes west of
9 Greenwich, on which meridian the scale is set at one part in
10 fifteen thousand too small. The origin of coordinates is at the
11 intersection of the meridian 92 degrees -- 30 minutes west of
12 Greenwich and the parallel of 35 degrees -- 50 minutes north
13 latitude. This origin is given the coordinates: $x = 500,000$
14 feet and $y = 0$ feet;

15 (3) The Missouri coordinate system of 1927, west zone, is a
16 transverse Mercator projection of the Clarke spheroid of 1866,
17 having a central meridian 94 degrees -- 30 minutes west of
18 Greenwich, on which meridian the scale is set at one part in
19 seventeen thousand too small. The origin of coordinates is at
20 the intersection of the meridian 94 degrees -- 30 minutes west of
21 Greenwich and the parallel 36 degrees -- 10 minutes north
22 latitude. This origin is given the coordinates: $x = 500,000$
23 feet and $y = 0$ feet.

24 2. For purposes of more precisely defining the Missouri
25 coordinate system of 1983, the following definition by the
26 National Ocean Survey/National Geodetic Survey is adopted:

27 (1) The Missouri coordinate system 1983, east zone, is a
28 transverse Mercator projection of the North American Datum of

1 1983 having a central meridian 90 degrees -- 30 minutes west of
2 Greenwich, on which meridian the scale is set at one part in
3 fifteen thousand too small. The origin of coordinates is at the
4 intersection of the meridian 90 degrees -- 30 minutes west of
5 Greenwich and the parallel 35 degrees -- 50 minutes north
6 latitude. This origin is given the coordinates: $x = 250,000$
7 meters and $y = 0$ meters;

8 (2) The Missouri coordinate system 1983, central zone, is a
9 transverse Mercator projection of the North American Datum of
10 1983 having a central meridian 92 degrees -- 30 minutes west of
11 Greenwich, on which meridian the scale is set at one part in
12 fifteen thousand too small. The origin of coordinates is at the
13 intersection of the meridian 92 degrees -- 30 minutes west of
14 Greenwich and the parallel of 35 degrees -- 50 minutes north
15 latitude. This origin is given the coordinates: $x = 500,000$
16 meters and $y = 0$ meters;

17 (3) The Missouri coordinate system 1983, west zone, is a
18 transverse Mercator projection of the North American Datum of
19 1983 having a central meridian 94 degrees -- 30 minutes west of
20 Greenwich, on which meridian the scale is set at one part in
21 seventeen thousand too small. The origin of coordinates is at
22 the intersection of the meridian 94 degrees -- 30 minutes west of
23 Greenwich and the parallel 36 degrees -- 10 minutes north
24 latitude. This origin is given the coordinates: $x = 850,000$
25 meters and $y = 0$ meters.

26 3. The position of either Missouri coordinate system shall
27 be as marked on the ground by horizontal control stations
28 established in conformity with the standards adopted by the

1 department of [natural resources] agriculture for first-order and
2 second-order work, whose geodetic positions have been rigidly
3 adjusted on the appropriate datum and whose coordinates have been
4 computed on the system defined in this section. Any such station
5 may be used for establishing a survey connection with the
6 Missouri coordinate system.

7 60.510. The functions, duties and responsibilities of the
8 department of [natural resources] agriculture shall be as
9 follows:

10 (1) To restore, maintain, and preserve the land survey
11 monuments, section corners, and quarter section corners
12 established by the United States public land survey within
13 Missouri, together with all pertinent field notes, plats and
14 documents; and also to restore, establish, maintain, and preserve
15 Missouri state and county boundary markers and other boundary
16 markers considered by the department of [natural resources]
17 agriculture to be of importance, or otherwise established by law;

18 (2) To design and cause to be placed at established public
19 land survey corner sites, where practical, substantial monuments
20 permanently indicating, with words and figures, the exact
21 location involved, but if such monuments cannot be placed at the
22 exact corner point, then witness corners of similar design shall
23 be placed as near by as possible, with words and figures
24 indicating the bearing and distance to the true corner;

25 (3) To establish, maintain, and provide safe storage
26 facilities for a comprehensive system of recordation of
27 information respecting all monuments established by the United
28 States public land survey within this state, and such records as

1 may be pertinent to the department of [natural resources']
2 agriculture's establishment or maintenance of other land corners,
3 Missouri state coordinate system stations and accessories, and
4 survey monuments in general;

5 (4) To provide the framework for all geodetic positioning
6 activities in the state. The foundational elements include
7 latitude, longitude, and elevation which contribute to informed
8 decision making and impact on a wide range of important
9 activities including mapping and geographic information systems,
10 flood risk determination, transportation, land use and ecosystem
11 management and use of the Missouri state coordinate system, as
12 established by sections 60.401 to 60.491;

13 (5) To collect and preserve information obtained from
14 surveys made by those authorized to establish land monuments or
15 land boundaries, and to assist in the proper recording of the
16 same by the duly constituted county officials, or otherwise;

17 (6) To furnish, upon reasonable request and tender of the
18 required fees therefor, certified copies of records created or
19 maintained by the department of [natural resources] agriculture
20 which, when certified by the state land surveyor or a designated
21 assistant, shall be admissible in evidence in any court in this
22 state, as the original record; and

23 (7) To prescribe, and disseminate to those engaged in the
24 business of land surveying, regulations designed to assist in
25 uniform and professional surveying methods and standards in this
26 state.

27 60.530. The state land surveyor shall, under guidance of
28 the department of [natural resources] agriculture and with the

1 recommendation of the land survey commission, carry out the
2 routine functions and duties of the department of [natural
3 resources] agriculture, as prescribed in sections 60.510 to
4 60.620 and section 60.670. He or she shall, whenever practical,
5 cause all land surveys, except geodetic surveys, to be executed,
6 under his or her direction by the registered county surveyor or a
7 local registered land surveyor when no registered county surveyor
8 exists. He or she shall perform such other work and acts as
9 shall, in the judgment of the department of [natural resources]
10 agriculture and with the recommendation of the land survey
11 commission, be necessary and proper to carry out the objectives
12 of sections 60.510 to 60.620 and section 60.670 and, within the
13 limits of appropriations made therefor and subject to the
14 approval of the department of [natural resources and the state
15 merit system] agriculture, employ and fix the compensation of
16 such additional employees as may be necessary to carry out the
17 provisions of sections 60.510 to 60.620 and section 60.670.

18 60.540. The department of [natural resources] agriculture
19 may acquire, in the name of the state of Missouri, lands or
20 interests therein, where necessary, to establish permanent
21 control stations; and may lease or purchase or acquire by
22 negotiation or condemnation, where necessary, land for the
23 establishment of an office of the land survey program of the
24 department of [natural resources] agriculture. If condemnation
25 is necessary, the attorney general shall bring the suit in the
26 name of the state in the same manner as authorized by law for the
27 acquisition of lands by the state transportation department.

28 60.550. The custody and ownership of the original United

1 States public land survey corners and accessories, including all
2 restoration and replacements thereof and all accessories,
3 belonging to the state of Missouri is hereby transferred to the
4 department of [natural resources] agriculture. The department of
5 [natural resources] agriculture shall see that the markers are
6 maintained, and the alteration, removal, disfiguration or
7 destruction of any of the corners or accessories, without
8 specific permission of the department of [natural resources]
9 agriculture, is an act of destruction of state property and is a
10 misdemeanor. Any person convicted thereof shall be punished as
11 provided by law. Each of the several prosecuting attorneys is
12 specifically directed to prosecute for the violation of this
13 section for any act of destruction which occurs in his county.

14 60.560. Upon their request, the state attorney general
15 shall advise the land survey commission or the department of
16 [natural resources] agriculture or the state land surveyor with
17 respect to any legal matter, and shall represent the land survey
18 commission or department of [natural resources] agriculture in
19 any proceeding in any court of the state in which the land survey
20 commission or land survey program shall be a party.

21 60.570. 1. The permanent headquarters of the land survey
22 program shall be at or near to the principal office of the
23 Missouri state geological survey. Until such time as other
24 headquarters can be obtained by the land survey program, the
25 state geologist shall [assign] provide such space in the state
26 geological survey building as may be available. No department
27 shall charge any fee over or above the amount paid to the office
28 of administration for utilization of the building. The land

1 survey program may also establish and maintain regional offices
2 in the metropolitan areas of the state for the storage and
3 distribution of local survey record information.

4 2. The building that occupies the permanent headquarters of
5 the land survey program may be renamed and referred to as the
6 "Robert E. Myers Building".

7 60.580. The state land surveyor or any and all employees of
8 the department of [natural resources] agriculture have the right
9 to enter upon private property for the purpose of making surveys,
10 or for searching for, locating, relocating, or remonumenting land
11 monuments, leveling stations, or section corners. Should any of
12 these persons necessarily damage property of the owner in making
13 the surveys or searches or remonumentations, the department of
14 [natural resources] agriculture may make reasonable payment for
15 the damage from funds available for that purpose. However,
16 department of [natural resources] agriculture employees are
17 personally liable for any damage caused by their wantonness,
18 willfulness or negligence. All department of [natural resources]
19 agriculture employees are immune from arrest for trespass in
20 performing their legal duties as stated in sections 60.510 to
21 60.620 and section 60.670.

22 60.590. 1. On request of the department of [natural
23 resources] agriculture or the state land surveyor, all city and
24 county recorders of deeds, together with all departments, boards
25 or agencies of state government, county, or city government,
26 shall furnish to the department of [natural resources]
27 agriculture or the state land surveyor certified copies of
28 desired records which are in their custody. This service shall

1 be free of cost when possible; otherwise, it shall be at actual
2 cost of reproduction of the records. On the same basis of cost,
3 the department of [natural resources] agriculture shall furnish
4 records within its custody to other agencies or departments of
5 state, county or city, certifying them.

6 2. The department of [natural resources] agriculture may
7 produce, reproduce and sell maps, plats, reports, studies, and
8 records, and the commission shall recommend to the department of
9 [natural resources] agriculture the charges therefor. All income
10 received shall be promptly deposited in the state treasury to the
11 credit of the department of [natural resources document]
12 agriculture land survey revolving services fund.

13 60.595. 1. The "Department of [Natural Resources]
14 Agriculture Land Survey Revolving Services Fund" is hereby
15 created. All funds received by the department of [natural
16 resources] agriculture from the delivery of services and the sale
17 or resale of maps, plats, reports, studies, records and other
18 publications and documents and surveying information, on paper or
19 in electronic format, by the department shall be credited to the
20 fund. The director of the department shall administer the fund.
21 The state treasurer is the custodian of the fund and shall
22 approve disbursements from the fund requested by the director of
23 the department. When appropriated, moneys in the fund shall be
24 used to purchase goods, equipment, hardware and software,
25 maintenance and licenses, software and database development and
26 maintenance, personal services, and other services that will
27 ultimately be used to provide copies of information maintained or
28 provided by the land survey program, reprint maps, publications

1 or other documents requested by governmental agencies or members
2 of the general public; to publish the maps, publications or other
3 documents or to purchase maps, publications or other documents
4 for resale; and to pay shipping charges, [laboratory services,
5 core library fees, workshop fees, conference fees,
6 interdivisional cooperative agreements,] but for no other
7 purpose.

8 2. Effective August 28, 2013, a transfer of monies between
9 the department of natural resources revolving services fund,
10 created in section 640.065, and the department of agriculture
11 land survey revolving services fund shall be made such that only
12 the balance related to the reproduction and sale of land survey
13 documents is transferred to the department of agriculture land
14 survey revolving services fund.

15 3. An unencumbered balance in the fund at the end of the
16 fiscal year not exceeding one million dollars is exempt from the
17 provisions of section 33.080 relating to the transfer of
18 unexpended balances to the general revenue fund.

19 [3.] 4. The department of [natural resources] agriculture
20 shall report all income to and expenditures from such fund on a
21 quarterly basis to the house budget committee and the senate
22 appropriations committee.

23 60.600. Every employee of the department of [natural
24 resources] agriculture who is engaged in work required by law to
25 be done by a registered land surveyor will be so registered. No
26 employee of the department of [natural resources] agriculture
27 shall engage in private land surveying or consultation while
28 employed by the department of [natural resources] agriculture.

1 60.610. Whenever the department of [natural resources]
2 agriculture deems it expedient, and when funds appropriated
3 permit, the department of [natural resources] agriculture may
4 enter into any contract with agencies of the United States, with
5 agencies of other states, or with private persons, registered
6 land surveyors or professional engineers, in order to plan and
7 execute desired land surveys or geodetic surveys, or to plan and
8 execute other projects which are within the scope and purpose of
9 sections 60.510 to 60.620 and section 60.670.

10 60.620. 1. There is hereby created the "Land Survey
11 Commission", within the department of [natural resources]
12 agriculture. The commission shall consist of seven members, six
13 of whom shall be appointed by the governor. Members shall reside
14 in this state. Members of the commission shall hold office for
15 terms of three years, but of the original appointments, two
16 members shall serve for one year, two members shall serve for two
17 years, and two members shall serve for three years. Members may
18 serve only three consecutive terms on the commission.

19 2. The land survey commission shall consist of the
20 following persons:

21 (1) Four members who shall be registered land surveyors, one
22 of which shall be a county surveyor;

23 (2) One member who shall represent the real estate or land
24 title industry;

25 (3) One member who shall represent the public and have an
26 interest in and knowledge of land surveying; and

27 (4) The director of the department of [natural resources]
28 agriculture or his or her designee.

1 The members in subdivisions (1) to (3) of this subsection shall
2 be appointed by the governor with advice and consent of the
3 senate and each shall serve until his or her successor is duly
4 appointed.

5 3. The land survey commission shall elect a chairman
6 annually. The commission shall meet semiannually and at other
7 such times as called by the chairman of the commission and shall
8 have a quorum when at least four members are present.

9 4. The land survey commission members shall serve without
10 compensation but shall be reimbursed for actual and necessary
11 expenses incurred in the performance of their official duties.

12 5. The land survey commission shall provide the director of
13 the department of [natural resources] agriculture and the state
14 land surveyor with recommendations on the operation and the
15 planning and prioritization of the land survey program and the
16 design of regulations needed to carry out the functions, duties,
17 and responsibilities of the department of [natural resources]
18 agriculture in sections 60.510 to 60.620 and section 60.670.

19 6. The land survey commission shall recommend to the
20 department of [natural resources] agriculture:

21 (1) A person to be selected and appointed state land
22 surveyor, who shall be the chief administrative officer of the
23 land survey program. The state land surveyor shall be selected
24 [under the state merit system] on the basis of professional
25 experience and registration;

26 (2) Prioritization and execution of projects which are
27 within the scope and purpose of sections 60.510 to 60.620 and
28 section 60.670;

1 (3) Prioritization and selection of public land survey
2 corner monuments to be reestablished through the county
3 cooperative contracts in accordance with sections 8.285 to 8.291;
4 and

5 (4) Approval of all other contracts for the planning and
6 execution of projects which are within the scope and purpose of
7 sections 60.510 to 60.620 and section 60.670 and in accordance
8 with sections 8.285 to 8.291.

9 7. The commission shall, at least annually, prepare a
10 report, which shall be available to the general public, of the
11 review by the commission of the land survey program, stating its
12 findings, conclusions, and recommendations to the director.

13 8. By December 1, 2013, the commission shall provide a
14 report to the department of [natural resources] agriculture and
15 general assembly that recommends the appropriate administrative
16 or overhead cost rate that will be charged to the program, where
17 such cost rate shall include all indirect services provided by
18 the [division of geology and land survey,] department of [natural
19 resources,] agriculture and office of administration.

20 60.653. 1. It shall be the duty of the recorder of deeds
21 to maintain a copy of all survey plats delivered to his custody
22 in an appropriate file medium capable of reproduction.

23 2. Survey plats shall be placed in the plat books or such
24 other record books as have been previously established.

25 3. A duplicate of the recorded survey plat shall be
26 provided to the land survey [division] program of the department
27 of [natural resources] agriculture at an amount not to exceed the
28 actual cost of the duplicate.

1 4. The recorder shall maintain an index of all survey
2 plats, subdivision plats, and condominium plats by section,
3 township, and range and by subdivision or condominium name.

4 5. Copies of survey plats shall be evidence in all courts
5 of justice when properly certified under the hand and official
6 seal of the recorder.

7 60.670. 1. As used in this section, the following terms
8 shall mean:

9 (1) "Cadastral parcel mapping", an accurately delineated
10 identification of all real property parcels. The cadastral map
11 is based upon the USPLSS. For cadastral parcel maps the position
12 of the legal framework is derived from the USPLSS, existing tax
13 maps, and tax database legal descriptions, recorded deeds,
14 recorded surveys, and recorded subdivision plats;

15 (2) "Digital cadastral parcel mapping", encompasses the
16 concepts of automated mapping, graphic display and output, data
17 analysis, and database management as pertains to cadastral parcel
18 mapping. Digital cadastral parcel mapping systems consist of
19 hardware, software, data, people, organizations, and
20 institutional arrangements for collecting, storing, analyzing,
21 and disseminating information about the location and areas of
22 parcels and the USPLSS;

23 (3) "USPLSS" or "United States Public Land Survey System",
24 a survey executed under the authority of the United States
25 government as recorded on the official plats and field notes of
26 the United States public land survey maintained by the land
27 survey program of the department of [natural resources]
28 agriculture;

1 (4) "Tax map", a document or map for taxation purposes
2 representing the location, dimensions, and other relevant
3 information pertaining to a parcel of land subject to property
4 taxes.

5 2. The office of the state land surveyor established within
6 the department of [natural resources] agriculture shall
7 promulgate rules and regulations establishing minimum standards
8 for digital cadastral parcel mapping. Any rule or portion of a
9 rule, as that term is defined in section 536.010, that is created
10 under the authority delegated in this section shall become
11 effective only if it complies with and is subject to all of the
12 provisions of chapter 536 and, if applicable, section 536.028.
13 This section and chapter 536 are nonseverable and if any of the
14 powers vested with the general assembly pursuant to chapter 536
15 to review, to delay the effective date, or to disapprove and
16 annul a rule are subsequently held unconstitutional, then the
17 grant of rulemaking authority and any rule proposed or adopted
18 after August 28, 2010, shall be invalid and void.

19 3. Any map designed and used to reflect legal property
20 descriptions or boundaries for use in a digital cadastral mapping
21 system shall comply with the rules promulgated under this
22 section, unless the party requesting the map specifies otherwise
23 in writing, the map was designed and in use prior to the
24 promulgation of the rules, or the parties requesting and
25 designing the map have already agreed to the terms of their
26 contract on the effective date of the rules promulgation.

27 236.410. 1. There is hereby created a "Dam and Reservoir
28 Safety Council", whose domicile for the purposes of sections

1 236.400 to 236.500 shall be the department of natural resources
2 of the state of Missouri, for the regulation of dam and reservoir
3 safety. The council shall consist of seven members, no more than
4 four of whom shall be members of the same political party,
5 appointed by the governor with the advice and consent of the
6 senate.

7 2. The members of the council shall have a background of
8 academic training or professional experience directly related to
9 the design of dams and reservoirs. At least two members of the
10 council shall be professional engineers registered in the state
11 of Missouri, one of whom shall represent the general public; at
12 least one member shall be an engineering geologist; at least one
13 member, in addition to the professional engineer, shall be a
14 representative of the general public; two members shall be from
15 industry, one of whom shall be earthmoving contractors; and one
16 member shall be the owner of a dam or reservoir. Of the seven
17 members, three shall be from each of the three United States
18 congressional districts in this state with the highest number of
19 dams. The members shall serve for a term of two years; except,
20 of the first appointments three shall be appointed for one year.
21 The governor shall fill any vacancy on the council and may remove
22 any appointed member for cause. The council shall annually elect
23 a chairman and vice chairman from among its members. The council
24 shall meet regularly but not less than quarterly. Special
25 meetings and hearings may be called upon delivery of written
26 notice to each member of the council signed by the director, the
27 chief engineer, the council chairman or four of the council
28 members. Four members of the council shall constitute a quorum

1 to transact the business of the council. The council shall
2 decide all questions by a majority vote of those present and
3 constituting a quorum. The members of this council shall not
4 receive any compensations other than for actual travel and
5 subsistence when acting officially as members of the council.
6 The council shall prepare and present an annual report to the
7 general assembly by December thirty-first of each year.

8 253.090. 1. All revenue derived from privileges,
9 conveniences, contracts or otherwise, all moneys received by
10 gifts, bequests or contributions or from county or municipal
11 sources and all moneys received from the operation of
12 concessions, projects or facilities and from resale items shall
13 be paid into the state treasury to the credit of the "State Park
14 Earnings Fund", which is hereby created. The state treasurer
15 shall invest moneys in the fund in the same manner as other funds
16 are invested. All interest and moneys earned on such investments
17 shall be credited to the fund. In the event any state park or
18 any part thereof is taken under the power of eminent domain by
19 the federal government the moneys paid for the taking shall be
20 deposited in the state park earnings fund. The fund shall be
21 used solely for the payment of the expenditures of the department
22 of natural resources in the administration of this law, except
23 that in any fiscal year the department may expend a sum not to
24 exceed fifty percent of the preceding fiscal year's deposits to
25 the state park earnings fund for the purpose of:

26 (1) Paying the principal and interest of revenue bonds
27 issued;

28 (2) Providing an interest and sinking fund;

- 1 (3) Providing a reasonable reserve fund;
2 (4) Providing a reasonable fund for depreciation; and
3 (5) Paying for feasibility reports necessary for the
4 issuing of revenue bonds.

5 2. Notwithstanding the provisions of section 33.080 to the
6 contrary, any moneys remaining in the fund at the end of the
7 biennium shall not revert to the credit of the general revenue
8 fund.

9 3. A good and sufficient bond conditioned upon the faithful
10 performance of the contract and compliance with this law shall be
11 required of all contractors.

12 4. Any person who contracts pursuant to this section with
13 the state shall keep true and accurate records of his or her
14 receipts and disbursements arising out of the performance of the
15 contract and shall permit the department of natural resources and
16 the state auditor to audit such records.

17 253.180. No person shall allow any domestic or other animal
18 under his control or ownership to range within any state park at
19 any time, unless as authorized under section 253.185.

20 253.185. 1. Except for the provisions of subsection 2 of
21 this section, domestic household animals shall not be allowed in
22 any state park unless restrained by a leash not longer than ten
23 feet held by some person or firmly affixed to some stationary
24 object so as to prevent the animal from ranging at large. No
25 domestic household or other animal shall be allowed inside any
26 state park building under the control of either the department of
27 natural resources or a concessionaire licensed by the department
28 of natural resources unless permission is granted by the

1 department of natural resources.

2 2. The department of natural resources may designate a
3 specified area within any state park to serve as a dog park or an
4 off-leash area for domestic household animals.

5 256.117. 1. Funds from department of natural resources
6 [document] revolving services fund created in section [60.595]
7 640.065 may be used to purchase, acquire and copy maps described
8 in sections 256.112 to 256.117, as well as all services necessary
9 for the operation of the map repository.

10 2. All funds from the sale of maps and products from the
11 mine map repository shall be deposited in the department of
12 natural resources [document] revolving services fund created in
13 section [60.595] 640.065.

14 256.438. 1. There is hereby established in the state
15 treasury a fund to be known as the "Multi-Purpose Water Resource
16 Program Renewable Water Program Fund", which shall consist of all
17 money deposited in such fund from whatever source, whether public
18 or private. Notwithstanding the provisions of section 33.080 to
19 the contrary, any moneys remaining in the fund at the end of the
20 biennium shall not revert to the credit of the general revenue
21 fund. The state treasurer shall invest moneys in the fund in the
22 same manner as other funds are invested. Any interest and other
23 moneys earned on such investments shall be credited to the fund.
24 Any unexpended balance in such fund at the end of any
25 appropriation period shall not be transferred to the general
26 revenue fund and, accordingly, shall be exempt from the
27 provisions of section 33.080 relating to the transfer of funds to
28 the general revenue funds of the state by the state treasurer.

1 2. Upon appropriation, the department of natural resources
2 shall use money in the fund created by this section for the
3 purposes of carrying out the provisions of sections 256.435 to
4 256.445, including, but not limited to, the provision of grants
5 or other financial assistance, and, if such limitations or
6 conditions are imposed, only upon such other limitations or
7 conditions specified in the instrument that appropriates, grants,
8 bequeaths, or otherwise authorizes the transmission of money to
9 the fund.

10 258.010. 1. [There shall be a "State Interagency Council
11 for Outdoor Recreation" composed of the following state agencies:

- 12 (1) Department of agriculture;
- 13 (2) Office of administration;
- 14 (3) Department of social services;
- 15 (4) Department of economic development;
- 16 (5) Department of conservation;
- 17 (6) Department of natural resources;
- 18 (7) Department of transportation;
- 19 (8) University of Missouri]

20 The department of natural
21 resources shall be responsible for convening any committee,
22 council, or board the department deems necessary or advisable in
23 order for the department to perform any functions or duties
24 related to state parks or historic sites, recreational trails,
25 outdoor recreation, any federal grant program pursuant to
26 chapters 253 and 258, any federal land and water conservation
27 fund act, 28 U.S.C. 206, or any other law.

28 2. The department of natural resources shall provide all
staff support and office space for [the council] any such bodies.

1 258.060. The [state inter-agency council for outdoor
2 recreation] department of natural resources shall be:

3 (1) The official state agency for liaison with the federal
4 bureau of outdoor recreation;

5 (2) The official state agency to receive and disburse
6 federal funds available to this state for overall outdoor
7 recreation planning and any recreational trails planning or
8 programs;

9 (3) The official state agency to receive and allocate to
10 the appropriate agency, or political subdivision, federal funds
11 available for outdoor recreation or recreational trails programs;
12 and

13 (4) Shall provide a forum for consideration of outdoor
14 recreation problems affecting member agencies and as an advisory
15 and planning agency for overall outdoor recreational programs.
16 The [council] department may provide information and advisory
17 services for any political subdivision requesting its services.

18 258.070. Representatives of [the member agencies] any
19 committee, council, or board convened by the department pursuant
20 to section 258.010 shall not receive any additional compensation
21 for their services [as representatives on the council], and all
22 expenses of any agency representatives shall be paid by their
23 respective agency.

24 258.080. 1. There is hereby created in the state treasury
25 for the use of the [state inter-agency council for outdoor
26 recreation] department of natural resources a fund to be known as
27 "The Inter-Agency Council Fund". All federal moneys received by
28 the state of Missouri from the Land and Water Conservation Fund

1 Act of 1965, Public Law 88-578, shall be deposited in the fund.

2 2. Moneys deposited in the fund shall, upon appropriation
3 by the general assembly to the [state inter-agency council for
4 outdoor recreation] department, be received and expended or
5 allocated by the [state inter-agency council] department for
6 outdoor recreation for outdoor recreation planning, acquisition
7 and development and for no other purposes; provided, however,
8 that not less than fifty percent of the moneys appropriated shall
9 be allocated by [said council] the department to political
10 subdivisions of the state of Missouri, none of which moneys so
11 allocated shall be expended for the improvement or operation of
12 projects under the supervision or control of any state agency.

13 3. Any unexpended balance in [the inter-agency council]
14 such fund at the end of any appropriation period shall not be
15 transferred to the general revenue fund of the state treasury
16 and, accordingly, shall be exempt from the provisions of section
17 33.080 relating to transfer of funds to the general revenue funds
18 of the state by the state treasurer.

19 260.200. 1. The following words and phrases when used in
20 sections 260.200 to 260.345 shall mean:

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

28 (2) "Applicant", a person or persons seeking or holding a

1 facility permit;

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

6 [(3)] (4) "Button cell battery" or "button cell", any small
7 alkaline-manganese or mercuric-oxide battery having the size and
8 shape of a button;

9 [(4)] (5) "City", any incorporated city, town, or village;

10 [(5)] (6) "Clean fill", uncontaminated soil, rock, sand,
11 gravel, concrete, asphaltic concrete, cinderblocks, brick,
12 minimal amounts of wood and metal, and inert solids as approved
13 by rule or policy of the department for fill, reclamation or
14 other beneficial use;

15 [(6)] (7) "Closure", the permanent cessation of active
16 disposal operations, abandonment of the disposal area, revocation
17 of the permit or filling with waste of all areas and volumes
18 specified in the permit and preparing the area for long-term
19 care;

20 [(7)] (8) "Closure plan", plans, designs and relevant data
21 which specify the methods and schedule by which the operator will
22 complete or cease disposal operations, prepare the area for
23 long-term care, and make the area suitable for other uses, to
24 achieve the purposes of sections 260.200 to 260.345 and the
25 regulations promulgated thereunder;

26 [(8)] (9) "Conference, conciliation and persuasion", a
27 process of verbal or written communications consisting of
28 meetings, reports, correspondence or telephone conferences

1 between authorized representatives of the department and the
2 alleged violator. The process shall, at a minimum, consist of
3 one offer to meet with the alleged violator tendered by the
4 department. During any such meeting, the department and the
5 alleged violator shall negotiate in good faith to eliminate the
6 alleged violation and shall attempt to agree upon a plan to
7 achieve compliance;

8 [(9)] (10) "Construction and demolition waste", waste
9 materials from the construction and demolition of residential,
10 industrial, or commercial structures, but shall not include
11 materials defined as clean fill under this section;

12 [(10)] (11) "Demolition landfill", a solid waste disposal
13 area used for the controlled disposal of demolition wastes,
14 construction materials, brush, wood wastes, soil, rock, concrete
15 and inert solids insoluble in water;

16 [(11)] (12) "Department", the department of natural
17 resources;

18 [(12)] (13) "Director", the director of the department of
19 natural resources;

20 [(13)] (14) "Disclosure statement", a sworn statement or
21 affirmation, in such form as may be required by the director of
22 the department of natural resources, which includes:

23 (a) The full names and business address of key personnel;

24 (b) The full name and business address of any entity, other
25 than a natural person, that collects, transfers, processes,
26 treats, stores, or disposes of solid waste in which all key
27 personnel holds an equity interest of seven percent or more;

28 (c) A description of the business experience of all key

1 personnel listed in the disclosure statement;

2 (d) For the five year period ending on the date the sworn
3 disclosure statement or affirmation is signed by key personnel:

4 a. A listing organized by issuing federal, state, or county
5 or county equivalent regulatory body of all environmental permits
6 or licenses for the collection, transfer, treatment, processing,
7 storage, or disposal of solid waste issued to or held by any key
8 personnel;

9 b. A listing and explanation of notices of violation which
10 shall by rule be defined, prosecutions, or other administrative
11 enforcement actions resulting in an adjudication or conviction;

12 c. A listing of license or permit suspensions, revocations,
13 or denials issued by any state, the federal government or a
14 county or county equivalent, which are pending or have concluded
15 with a finding of violation or entry of a consent agreement
16 regarding an allegation of civil or criminal violation of law,
17 regulation or requirement relating to the collection, transfer,
18 treatment, processing, storage, or disposal of solid waste or
19 violation of the environmental statutes of other states or
20 federal statutes;

21 d. An itemized list of all felony convictions under the
22 laws of the state of Missouri or the equivalent thereof under the
23 laws of any other jurisdiction; and a listing of any findings of
24 guilt for any crimes or criminal acts an element of which
25 involves restraint of trade, price-fixing, intimidation of the
26 customers of another person or for engaging in any other acts
27 which may have the effect of restraining or limiting competition
28 concerning activities regulated pursuant to this chapter or

1 similar laws of other states or the federal government including,
2 but not limited to, racketeering or violation of antitrust laws
3 of any key personnel;

4 (15) "District", a solid waste management district
5 established under section 260.305;

6 ~~[(14)]~~ (16) "Financial assurance instrument", an instrument
7 or instruments, including, but not limited to, cash or surety
8 bond, letters of credit, corporate guarantee or secured trust
9 fund, submitted by the applicant to ensure proper closure and
10 postclosure care and corrective action of a solid waste disposal
11 area in the event that the operator fails to correctly perform
12 closure and postclosure care and corrective action requirements,
13 except that the financial test for the corporate guarantee shall
14 not exceed one and one-half times the estimated cost of closure
15 and postclosure. The form and content of the financial assurance
16 instrument shall meet or exceed the requirements of the
17 department. The instrument shall be reviewed and approved or
18 disapproved by the attorney general;

19 ~~[(15)]~~ (17) "Flood area", any area inundated by the one
20 hundred year flood event, or the flood event with a one percent
21 chance of occurring in any given year;

22 ~~[(16)]~~ (18) "Household consumer", an individual who
23 generates used motor oil through the maintenance of the
24 individual's personal motor vehicle, vessel, airplane, or other
25 machinery powered by an internal combustion engine;

26 ~~[(17)]~~ (19) "Household consumer used motor oil collection
27 center", any site or facility that accepts or aggregates and
28 stores used motor oil collected only from household consumers or

1 farmers who generate an average of twenty-five gallons per month
2 or less of used motor oil in a calendar year. This section shall
3 not preclude a commercial generator from operating a household
4 consumer used motor oil collection center;

5 [(18)] (20) "Household consumer used motor oil collection
6 system", any used motor oil collection center at publicly owned
7 facilities or private locations, any curbside collection of
8 household consumer used motor oil, or any other household
9 consumer used motor oil collection program determined by the
10 department to further the purposes of sections 260.200 to
11 260.345;

12 [(19)] (21) "Infectious waste", waste in quantities and
13 characteristics as determined by the department by rule,
14 including isolation wastes, cultures and stocks of etiologic
15 agents, blood and blood products, pathological wastes, other
16 wastes from surgery and autopsy, contaminated laboratory wastes,
17 sharps, dialysis unit wastes, discarded biologicals known or
18 suspected to be infectious; provided, however, that infectious
19 waste does not mean waste treated to department specifications;

20 (22) "Key personnel", the applicant itself and any person
21 employed by the applicant in a managerial capacity, or empowered
22 to make discretionary decisions with respect to the solid waste
23 operations of the applicant in Missouri, but shall not include
24 employees exclusively engaged in the physical or mechanical
25 collection, transfer, transportation, treatment, processing,
26 storage, or disposal of solid waste and such other employees as
27 the director of the department of natural resources may designate
28 by regulation. If the applicant has not previously conducted

1 solid waste operations in Missouri, the term also includes any
2 officer, director, partner of the applicant, or any holder of
3 seven percent or more of the equity or debt of the applicant. If
4 any holder of seven percent or more of the equity or debt of the
5 applicant or of any key personnel is not a natural person, the
6 term includes all key personnel of that entity, provided that
7 where such entity is a chartered lending institution or a
8 reporting company under the federal Securities Exchange Act of
9 1934, the term does not include key personnel of such entity.
10 Provided further that the term means the chief executive officer
11 of any agency of the United States or of any agency or political
12 subdivision of the state of Missouri, and all key personnel of
13 any person, other than a natural person, that operates a landfill
14 or other facility for the collection, transfer, treatment,
15 processing, storage, or disposal of nonhazardous solid waste
16 under contract with or for one of those governmental entities;

17 [(20)] (23) "Lead-acid battery", a battery designed to
18 contain lead and sulfuric acid with a nominal voltage of at least
19 six volts and of the type intended for use in motor vehicles and
20 watercraft;

21 [(21)] (24) "Major appliance", clothes washers and dryers,
22 water heaters, trash compactors, dishwashers, conventional ovens,
23 ranges, stoves, woodstoves, air conditioners, refrigerators and
24 freezers;

25 [(22)] (25) "Mercuric-oxide battery" or "mercury battery",
26 a battery having a mercuric-oxide positive electrode, a zinc
27 negative electrode, and an alkaline electrolyte, including
28 mercuric-oxide button cell batteries generally intended for use

1 in hearing aids and larger size mercuric-oxide batteries used
2 primarily in medical equipment;

3 [(23)] (26) "Minor violation", a violation which possesses
4 a small potential to harm the environment or human health or
5 cause pollution, was not knowingly committed, and is not defined
6 by the United States Environmental Protection Agency as other
7 than minor;

8 [(24)] (27) "Motor oil", any oil intended for use in a
9 motor vehicle, as defined in section 301.010, train, vessel,
10 airplane, heavy equipment, or other machinery powered by an
11 internal combustion engine;

12 [(25)] (28) "Motor vehicle", as defined in section 301.010;

13 [(26)] (29) "Operator" and "permittee", anyone so
14 designated, and shall include cities, counties, other political
15 subdivisions, authority, state agency or institution, or federal
16 agency or institution;

17 [(27)] (30) "Permit modification", any permit issued by the
18 department which alters or modifies the provisions of an existing
19 permit previously issued by the department;

20 [(28)] (31) "Person", any individual, partnership, limited
21 liability company, corporation, association, trust, institution,
22 city, county, other political subdivision, authority, state
23 agency or institution, or federal agency or institution, or any
24 other legal entity;

25 [(29)] (32) "Plasma arc technology", a process that
26 converts electrical energy into thermal energy. This electric
27 arc is created when an ionized gas transfers electric power
28 between two or more electrodes;

1 [(30)] (33) "Postclosure plan", plans, designs and relevant
2 data which specify the methods and schedule by which the operator
3 shall perform necessary monitoring and care for the area after
4 closure to achieve the purposes of sections 260.200 to 260.345
5 and the regulations promulgated thereunder;

6 [(31)] (34) "Recovered materials", those materials which
7 have been diverted or removed from the solid waste stream for
8 sale, use, reuse or recycling, whether or not they require
9 subsequent separation and processing;

10 [(32)] (35) "Recycled content", the proportion of fiber in
11 a newspaper which is derived from postconsumer waste;

12 [(33)] (36) "Recycling", the separation and reuse of
13 materials which might otherwise be disposed of as solid waste;

14 [(34)] (37) "Resource recovery", a process by which
15 recyclable and recoverable material is removed from the waste
16 stream to the greatest extent possible, as determined by the
17 department and pursuant to department standards, for reuse or
18 remanufacture;

19 [(35)] (38) "Resource recovery facility", a facility in
20 which recyclable and recoverable material is removed from the
21 waste stream to the greatest extent possible, as determined by
22 the department and pursuant to department standards, for reuse or
23 remanufacture;

24 [(36)] (39) "Sanitary landfill", a solid waste disposal
25 area which accepts commercial and residential solid waste;

26 [(37)] (40) "Scrap tire", a tire that is no longer suitable
27 for its original intended purpose because of wear, damage, or
28 defect;

1 [(38)] (41) "Scrap tire collection center", a site where
2 scrap tires are collected prior to being offered for recycling or
3 processing and where fewer than five hundred tires are kept on
4 site on any given day;

5 [(39)] (42) "Scrap tire end-user facility", a site where
6 scrap tires are used as a fuel or fuel supplement or converted
7 into a useable product. Baled or compressed tires used in
8 structures, or used at recreational facilities, or used for flood
9 or erosion control shall be considered an end use;

10 [(40)] (43) "Scrap tire generator", a person who sells
11 tires at retail or any other person, firm, corporation, or
12 government entity that generates scrap tires;

13 [(41)] (44) "Scrap tire processing facility", a site where
14 tires are reduced in volume by shredding, cutting, or chipping or
15 otherwise altered to facilitate recycling, resource recovery, or
16 disposal;

17 [(42)] (45) "Scrap tire site", a site at which five hundred
18 or more scrap tires are accumulated, but not including a site
19 owned or operated by a scrap tire end-user that burns scrap tires
20 for the generation of energy or converts scrap tires to a useful
21 product;

22 [(43)] (46) "Solid waste", garbage, refuse and other
23 discarded materials including, but not limited to, solid and
24 semisolid waste materials resulting from industrial, commercial,
25 agricultural, governmental and domestic activities, but does not
26 include hazardous waste as defined in sections 260.360 to
27 260.432, recovered materials, overburden, rock, tailings, matte,
28 slag or other waste material resulting from mining, milling or

1 smelting;

2 [(44)] (47) "Solid waste disposal area", any area used for
3 the disposal of solid waste from more than one residential
4 premises, or one or more commercial, industrial, manufacturing,
5 recreational, or governmental operations;

6 [(45)] (48) "Solid waste fee", a fee imposed pursuant to
7 sections 260.200 to 260.345 and may be:

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

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

12 [(46)] (49) "Solid waste management area", a solid waste
13 disposal area which also includes one or more of the functions
14 contained in the definitions of recycling, resource recovery
15 facility, waste tire collection center, waste tire processing
16 facility, waste tire site or solid waste processing facility,
17 excluding incineration;

18 [(47)] (50) "Solid waste management system", the entire
19 process of managing solid waste in a manner which minimizes the
20 generation and subsequent disposal of solid waste, including
21 waste reduction, source separation, collection, storage,
22 transportation, recycling, resource recovery, volume
23 minimization, processing, market development, and disposal of
24 solid wastes;

25 [(48)] (51) "Solid waste processing facility", any facility
26 where solid wastes are salvaged and processed, including:

27 (a) A transfer station; or

28 (b) An incinerator which operates with or without energy

1 recovery but excluding waste tire end-user facilities; or

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

4 (d) A plasma arc technology facility;

5 [(49)] (52) "Solid waste technician", an individual who has
6 successfully completed training in the practical aspects of the
7 design, operation and maintenance of a permitted solid waste
8 processing facility or solid waste disposal area in accordance
9 with sections 260.200 to 260.345;

10 [(50)] (53) "Tire", a continuous solid or pneumatic rubber
11 covering encircling the wheel of any self-propelled vehicle not
12 operated exclusively upon tracks, or a trailer as defined in
13 chapter 301, except farm tractors and farm implements owned and
14 operated by a family farm or family farm corporation as defined
15 in section 350.010;

16 [(51)] (54) "Used motor oil", any motor oil which, as a
17 result of use, becomes unsuitable for its original purpose due to
18 loss of original properties or the presence of impurities, but
19 used motor oil shall not include ethylene glycol, oils used for
20 solvent purposes, oil filters that have been drained of free
21 flowing used oil, oily waste, oil recovered from oil tank
22 cleaning operations, oil spilled to land or water, or industrial
23 nonlube oils such as hydraulic oils, transmission oils, quenching
24 oils, and transformer oils;

25 [(52)] (55) "Utility waste landfill", a solid waste
26 disposal area used for fly ash waste, bottom ash waste, slag
27 waste and flue gas emission control waste generated primarily
28 from the combustion of coal or other fossil fuels;

1 [(53)] (56) "Yard waste", leaves, grass clippings, yard and
2 garden vegetation and Christmas trees. The term does not include
3 stumps, roots or shrubs with intact root balls.

4 2. For the purposes of this section and sections 260.270 to
5 260.279 and any rules in place as of August 28, 2005, or
6 promulgated under said sections, the term "scrap" shall be used
7 synonymously with and in place of waste, as it applies only to
8 scrap tires.

9 260.205. 1. It shall be unlawful for any person to operate
10 a solid waste processing facility or solid waste disposal area of
11 a solid waste management system without first obtaining an
12 operating permit from the department. It shall be unlawful for
13 any person to construct a solid waste processing facility or
14 solid waste disposal area without first obtaining a construction
15 permit from the department pursuant to this section. A current
16 authorization to operate issued by the department pursuant to
17 sections 260.200 to 260.345 shall be considered to be a permit to
18 operate for purposes of this section for all solid waste disposal
19 areas and processing facilities existing on August 28, 1995. A
20 permit shall not be issued for a sanitary landfill to be located
21 in a flood area, as determined by the department, where flood
22 waters are likely to significantly erode final cover. A permit
23 shall not be required to operate a waste stabilization lagoon,
24 settling pond or other water treatment facility which has a valid
25 permit from the Missouri clean water commission even though the
26 facility may receive solid or semisolid waste materials.

27 2. No person or operator may apply for or obtain a permit
28 to construct a solid waste disposal area unless the person has

1 requested the department to conduct a preliminary site
2 investigation and obtained preliminary approval from the
3 department. The department shall, within sixty days of such
4 request, conduct a preliminary investigation and approve or
5 disapprove the site.

6 3. All proposed solid waste disposal areas for which a
7 preliminary site investigation request pursuant to subsection 2
8 of this section is received by the department on or after August
9 28, 1999, shall be subject to a public involvement activity as
10 part of the permit application process. The activity shall
11 consist of the following:

12 (1) The applicant shall notify the public of the
13 preliminary site investigation approval within thirty days after
14 the receipt of such approval. Such public notification shall be
15 by certified mail to the governing body of the county or city in
16 which the proposed disposal area is to be located and by
17 certified mail to the solid waste management district in which
18 the proposed disposal area is to be located;

19 (2) Within ninety days after the preliminary site
20 investigation approval, the department shall conduct a public
21 awareness session in the county in which the proposed disposal
22 area is to be located. The department shall provide public
23 notice of such session by both printed and broadcast media at
24 least thirty days prior to such session. Printed notification
25 shall include publication in at least one newspaper having
26 general circulation within the county in which the proposed
27 disposal area is to be located. Broadcast notification shall
28 include public service announcements on radio stations that have

1 broadcast coverage within the county in which the proposed
2 disposal area is to be located. The intent of such public
3 awareness session shall be to provide general information to
4 interested citizens on the design and operation of solid waste
5 disposal areas;

6 (3) At least sixty days prior to the submission to the
7 department of a report on the results of a detailed site
8 investigation pursuant to subsection 4 of this section, the
9 applicant shall conduct a community involvement session in the
10 county in which the proposed disposal area is to be located.
11 Department staff shall attend any such session. The applicant
12 shall provide public notice of such session by both printed and
13 broadcast media at least thirty days prior to such session.
14 Printed notification shall include publication in at least one
15 newspaper having general circulation within the county in which
16 the proposed disposal area is to be located. Broadcast
17 notification shall include public service announcements on radio
18 stations that have broadcast coverage within the county in which
19 the proposed disposal area is to be located. Such public notices
20 shall include the addresses of the applicant and the department
21 and information on a public comment period. Such public comment
22 period shall begin on the day of the community involvement
23 session and continue for at least thirty days after such session.
24 The applicant shall respond to all persons submitting comments
25 during the public comment period no more than thirty days after
26 the receipt of such comments;

27 (4) If a proposed solid waste disposal area is to be
28 located in a county or city that has local planning and zoning

1 requirements, the applicant shall not be required to conduct a
2 community involvement session if the following conditions are
3 met:

4 (a) The local planning and zoning requirements include a
5 public meeting;

6 (b) The applicant notifies the department of intent to
7 utilize such meeting in lieu of the community involvement session
8 at least thirty days prior to such meeting;

9 (c) The requirements of such meeting include providing
10 public notice by printed or broadcast media at least thirty days
11 prior to such meeting;

12 (d) Such meeting is held at least thirty days prior to the
13 submission to the department of a report on the results of a
14 detailed site investigation pursuant to subsection 4 of this
15 section;

16 (e) The applicant submits to the department a record of
17 such meeting;

18 (f) A public comment period begins on the day of such
19 meeting and continues for at least fourteen days after such
20 meeting, and the applicant responds to all persons submitting
21 comments during such public comment period no more than fourteen
22 days after the receipt of such comments.

23 4. No person may apply for or obtain a permit to construct
24 a solid waste disposal area unless the person has submitted to
25 the department a plan for conducting a detailed surface and
26 subsurface geologic and hydrologic investigation and has obtained
27 geologic and hydrologic site approval from the department. The
28 department shall approve or disapprove the plan within thirty

1 days of receipt. The applicant shall conduct the investigation
2 pursuant to the plan and submit the results to the department.
3 The department shall provide approval or disapproval within sixty
4 days of receipt of the investigation results.

5 5. (1) Every person desiring to construct a solid waste
6 processing facility or solid waste disposal area shall make
7 application for a permit on forms provided for this purpose by
8 the department. Every applicant shall submit evidence of
9 financial responsibility with the application. Any applicant who
10 relies in part upon a parent corporation for this demonstration
11 shall also submit evidence of financial responsibility for that
12 corporation and any other subsidiary thereof.

13 (2) Every applicant shall provide a financial assurance
14 instrument or instruments to the department prior to the granting
15 of a construction permit for a solid waste disposal area. The
16 financial assurance instrument or instruments shall be
17 irrevocable, meet all requirements established by the department
18 and shall not be cancelled, revoked, disbursed, released or
19 allowed to terminate without the approval of the department.
20 After the cessation of active operation of a sanitary landfill,
21 or other solid waste disposal area as designed by the department,
22 neither the guarantor nor the operator shall cancel, revoke or
23 disburse the financial assurance instrument or allow the
24 instrument to terminate until the operator is released from
25 postclosure monitoring and care responsibilities pursuant to
26 section 260.227.

27 (3) The applicant for a permit to construct a solid waste
28 disposal area shall provide the department with plans,

1 specifications, and such other data as may be necessary to comply
2 with the purpose of sections 260.200 to 260.345. The application
3 shall demonstrate compliance with all applicable local planning
4 and zoning requirements. The department shall make an
5 investigation of the solid waste disposal area and determine
6 whether it complies with the provisions of sections 260.200 to
7 260.345 and the rules and regulations adopted pursuant to
8 sections 260.200 to 260.345. Within twelve consecutive months of
9 the receipt of an application for a construction permit the
10 department shall approve or deny the application. The department
11 shall issue rules and regulations establishing time limits for
12 permit modifications and renewal of a permit for a solid waste
13 disposal area. The time limit shall be consistent with this
14 chapter.

15 (4) The applicant for a permit to construct a solid waste
16 processing facility shall provide the department with plans,
17 specifications and such other data as may be necessary to comply
18 with the purpose of sections 260.200 to 260.345. Within one
19 hundred eighty days of receipt of the application, the department
20 shall determine whether it complies with the provisions of
21 sections 260.200 to 260.345. Within twelve consecutive months of
22 the receipt of an application for a permit to construct an
23 incinerator as defined in section 260.200 or a material recovery
24 facility as defined in section 260.200, and within six months for
25 permit modifications, the department shall approve or deny the
26 application. Permits issued for solid waste facilities shall be
27 for the anticipated life of the facility.

28 (5) If the department fails to approve or deny an

1 application for a permit or a permit modification within the time
2 limits specified in subdivisions (3) and (4) of this subsection,
3 the applicant may maintain an action in the circuit court of Cole
4 County or that of the county in which the facility is located or
5 is to be sited. The court shall order the department to show
6 cause why it has not acted on the permit and the court may, upon
7 the presentation of evidence satisfactory to the court, order the
8 department to issue or deny such permit or permit modification.
9 Permits for solid waste disposal areas, whether issued by the
10 department or ordered to be issued by a court, shall be for the
11 anticipated life of the facility.

12 (6) The applicant for a permit to construct a solid waste
13 processing facility shall pay an application fee of one thousand
14 dollars. Upon completion of the department's evaluation of the
15 application, but before receiving a permit, the applicant shall
16 reimburse the department for all reasonable costs incurred by the
17 department up to a maximum of four thousand dollars. The
18 applicant for a permit to construct a solid waste disposal area
19 shall pay an application fee of two thousand dollars. Upon
20 completion of the department's evaluations of the application,
21 but before receiving a permit, the applicant shall reimburse the
22 department for all reasonable costs incurred by the department up
23 to a maximum of eight thousand dollars. Applicants who withdraw
24 their application before the department completes its evaluation
25 shall be required to reimburse the department for costs incurred
26 in the evaluation. The department shall not collect the fees
27 authorized in this subdivision unless it complies with the time
28 limits established in this section.

1 (7) When the review reveals that the facility or area does
2 conform with the provisions of sections 260.200 to 260.345 and
3 the rules and regulations adopted pursuant to sections 260.200 to
4 260.345, the department shall approve the application and shall
5 issue a permit for the construction of each solid waste
6 processing facility or solid waste disposal area as set forth in
7 the application and with any permit terms and conditions which
8 the department deems appropriate. In the event that the facility
9 or area fails to meet the rules and regulations adopted pursuant
10 to sections 260.200 to 260.345, the department shall issue a
11 report to the applicant stating the reason for denial of a
12 permit.

13 6. Plans, designs, and relevant data for the construction
14 of solid waste processing facilities and solid waste disposal
15 areas shall be submitted to the department by a registered
16 professional engineer licensed by the state of Missouri for
17 approval prior to the construction, alteration or operation of
18 such a facility or area.

19 7. Any person or operator as defined in section 260.200 who
20 intends to obtain a construction permit in a solid waste
21 management district with an approved solid waste management plan
22 shall request a recommendation in support of the application from
23 the executive board created in section 260.315. The executive
24 board shall consider the impact of the proposal on, and the
25 extent to which the proposal conforms to, the approved district
26 solid waste management plan prepared pursuant to section 260.325.
27 The executive board shall act upon the request for a
28 recommendation within sixty days of receipt and shall submit a

1 resolution to the department specifying its position and its
2 recommendation regarding conformity of the application to the
3 solid waste plan. The board's failure to submit a resolution
4 constitutes recommendation of the application. The department
5 may consider the application, regardless of the board's action
6 thereon and may deny the construction permit if the application
7 fails to meet the requirements of sections 260.200 to 260.345, or
8 if the application is inconsistent with the district's solid
9 waste management plan.

10 8. If the site proposed for a solid waste disposal area is
11 not owned by the applicant, the owner or owners of the site shall
12 acknowledge that an application pursuant to sections 260.200 to
13 260.345 is to be submitted by signature or signatures thereon.
14 The department shall provide the owner with copies of all
15 communication with the operator, including inspection reports and
16 orders issued pursuant to section 260.230.

17 9. The department shall not issue a permit for the
18 operation of a solid waste disposal area designed to serve a city
19 with a population of greater than four hundred thousand located
20 in more than one county, if the site is located within one-half
21 mile of an adjoining municipality, without the approval of the
22 governing body of such municipality. The governing body shall
23 conduct a public hearing within fifteen days of notice, shall
24 publicize the hearing in at least one newspaper having general
25 circulation in the municipality, and shall vote to approve or
26 disapprove the land disposal facility within thirty days after
27 the close of the hearing.

28 10. Upon receipt of an application for a permit to

1 construct a solid waste processing facility or disposal area, the
2 department shall notify the public of such receipt:

3 (1) By legal notice published in a newspaper of general
4 circulation in the area of the proposed disposal area or
5 processing facility;

6 (2) By certified mail to the governing body of the county
7 or city in which the proposed disposal area or processing
8 facility is to be located; and

9 (3) By mail to the last known address of all record owners
10 of contiguous real property or real property located within one
11 thousand feet of the proposed disposal area and, for a proposed
12 processing facility, notice as provided in section 64.875 or
13 section 89.060, whichever is applicable.

14 (4) If an application for a construction permit meets all
15 statutory and regulatory requirements for issuance, a public
16 hearing on the draft permit shall be held by the department in
17 the county in which the proposed solid waste disposal area is to
18 be located prior to the issuance of the permit. The department
19 shall provide public notice of such hearing by both printed and
20 broadcast media at least thirty days prior to such hearing.
21 Printed notification shall include publication in at least one
22 newspaper having general circulation within the county in which
23 the proposed disposal area is to be located. Broadcast
24 notification shall include public service announcements on radio
25 stations that have broadcast coverage within the county in which
26 the proposed disposal area is to be located.

27 11. After the issuance of a construction permit for a solid
28 waste disposal area, but prior to the beginning of disposal

1 operations, the owner and the department shall execute an
2 easement to allow the department, its agents or its contractors
3 to enter the premises to complete work specified in the closure
4 plan, or to monitor or maintain the site or to take remedial
5 action during the postclosure period. After issuance of a
6 construction permit for a solid waste disposal area, but prior to
7 the beginning of disposal operations, the owner shall submit
8 evidence that he or she has recorded, in the office of the
9 recorder of deeds in the county where the disposal area is
10 located, a notice and covenant running with the land that the
11 property has been permitted as a solid waste disposal area and
12 prohibits use of the land in any manner which interferes with the
13 closure and, where appropriate, postclosure plans filed with the
14 department.

15 12. Every person desiring to obtain a permit to operate a
16 solid waste disposal area or processing facility shall submit
17 applicable information and apply for an operating permit from the
18 department. The department shall review the information and
19 determine, within sixty days of receipt, whether it complies with
20 the provisions of sections 260.200 to 260.345 and the rules and
21 regulations adopted pursuant to sections 260.200 to 260.345.
22 When the review reveals that the facility or area does conform
23 with the provisions of sections 260.200 to 260.345 and the rules
24 and regulations adopted pursuant to sections 260.200 to 260.345,
25 the department shall issue a permit for the operation of each
26 solid waste processing facility or solid waste disposal area and
27 with any permit terms and conditions which the department deems
28 appropriate. In the event that the facility or area fails to

1 meet the rules and regulations adopted pursuant to sections
2 260.200 to 260.345, the department shall issue a report to the
3 applicant stating the reason for denial of a permit.

4 13. Each solid waste disposal area, except utility waste
5 landfills unless otherwise and to the extent required by the
6 department, and those solid waste processing facilities
7 designated by rule, shall be operated under the direction of a
8 certified solid waste technician in accordance with sections
9 260.200 to 260.345 and the rules and regulations promulgated
10 pursuant to sections 260.200 to 260.345.

11 14. Base data for the quality and quantity of groundwater
12 in the solid waste disposal area shall be collected and submitted
13 to the department prior to the operation of a new or expansion of
14 an existing solid waste disposal area. Base data shall include a
15 chemical analysis of groundwater drawn from the proposed solid
16 waste disposal area.

17 15. Leachate collection and removal systems shall be
18 incorporated into new or expanded sanitary landfills which are
19 permitted after August 13, 1986. The department shall assess the
20 need for a leachate collection system for all types of solid
21 waste disposal areas, other than sanitary landfills, and the need
22 for monitoring wells when it evaluates the application for all
23 new or expanded solid waste disposal areas. The department may
24 require an operator of a solid waste disposal area to install a
25 leachate collection system before the beginning of disposal
26 operations, at any time during disposal operations for unfilled
27 portions of the area, or for any portion of the disposal area as
28 a part of a remedial plan. The department may require the

1 operator to install monitoring wells before the beginning of
2 disposal operations or at any time during the operational life or
3 postclosure care period if it concludes that conditions at the
4 area warrant such monitoring. The operator of a demolition
5 landfill or utility waste landfill shall not be required to
6 install a leachate collection and removal system or monitoring
7 wells unless otherwise and to the extent the department so
8 requires based on hazardous waste characteristic criteria or site
9 specific geohydrological characteristics or conditions.

10 16. Permits granted by the department, as provided in
11 sections 260.200 to 260.345, shall be subject to suspension for a
12 designated period of time, civil penalty or revocation whenever
13 the department determines that the solid waste processing
14 facility or solid waste disposal area is, or has been, operated
15 in violation of sections 260.200 to 260.345 or the rules or
16 regulations adopted pursuant to sections 260.200 to 260.345, or
17 has been operated in violation of any permit terms and
18 conditions, or is creating a public nuisance, health hazard, or
19 environmental pollution. In the event a permit is suspended or
20 revoked, the person named in the permit shall be fully informed
21 as to the reasons for such action.

22 17. Each permit for operation of a facility or area shall
23 be issued only to the person named in the application. Permits
24 are transferable as a modification to the permit. An application
25 to transfer ownership shall identify the proposed permittee. A
26 disclosure statement for the proposed permittee listing
27 violations contained in [subsection 19 of this section] the
28 definition of disclosure statement found in section 260.200 shall

1 be submitted to the department. The operation and design plans
2 for the facility or area shall be updated to provide compliance
3 with the currently applicable law and rules. A financial
4 assurance instrument in such an amount and form as prescribed by
5 the department shall be provided for solid waste disposal areas
6 by the proposed permittee prior to transfer of the permit. The
7 financial assurance instrument of the original permittee shall
8 not be released until the new permittee's financial assurance
9 instrument has been approved by the department and the transfer
10 of ownership is complete.

11 18. Those solid waste disposal areas permitted on January
12 1, 1996, shall, upon submission of a request for permit
13 modification, be granted a solid waste management area operating
14 permit if the request meets reasonable requirements set out by
15 the department.

16 19. In case a permit required pursuant to this section is
17 denied or revoked, the person may request a hearing in accordance
18 with section 260.235.

19 20. [Any person seeking a permit or renewal of a permit to
20 operate a commercial solid waste processing facility, or a solid
21 waste disposal area shall, concurrently with the filing of
22 application for a permit, file a disclosure statement with the
23 department of natural resources. The disclosure statement shall
24 include, but not be limited to, a listing of any felony
25 convictions by state or federal agencies, and a listing of other
26 enforcement actions, sanctions, permit revocations or denials by
27 any state or federal authority of every person seeking a permit,
28 including officers, directors, partners and facility or location

1 managers of each person seeking a permit, any violations of
2 Missouri environmental statutes, violations of the environmental
3 statutes of other states or federal statutes and a listing of
4 convictions for any crimes or criminal acts, an element of which
5 involves restraint of trade, price-fixing, intimidation of the
6 customers of another person or for engaging in any other acts
7 which may have the effect of restraining or limiting competition
8 concerning activities regulated pursuant to this chapter or
9 similar laws of other states or the federal government; except
10 that convictions for violations by entities purchased or acquired
11 by an applicant or permittee which occurred prior to the purchase
12 or acquisition shall not be included. The department shall by
13 rule, define those environmental violations which must be
14 reported pursuant to this section. For purposes of this section,
15 additional persons as required by rule shall be named in the
16 statement and violations or convictions of such persons shall be
17 listed. The department or its representative shall verify the
18 information provided on the disclosure statement prior to permit
19 issuance. The disclosure statement shall be used by the
20 department in determining whether a permit should be granted or
21 denied on the basis of the applicant's status as a habitual
22 violator; however, the department has the authority to make a
23 habitual violator determination independent of the information
24 contained in the disclosure statement. After permit issuance,
25 each facility shall annually file an updated disclosure statement
26 with the department of natural resources on or before March
27 thirty-first of each year. Any county, district, municipality,
28 authority or other political subdivision of this state which owns

1 and operates a sanitary landfill shall be exempt from the
2 provisions of this subsection] Every applicant for a permit shall
3 file a disclosure statement with the information required by and
4 on a form developed by the department of natural resources at the
5 same time the application for a permit is filed with the
6 department.

7 21. [Any person seeking a permit to operate a solid waste
8 disposal area, a solid waste processing facility or a resource
9 recovery facility shall, concurrently with the filing of the
10 application for a permit, disclose any convictions in this state
11 of municipal or county public health or land use ordinances
12 related to the management of solid waste. If the department
13 finds that there has been a continuing pattern of serious
14 adjudicated violations by the applicant, the department may deny
15 the application] Upon request of the director of the department
16 of natural resources, the applicant for a permit, any person that
17 could reasonably be expected to be involved in management
18 activities of the solid waste disposal area or solid waste
19 processing facility, or any person who has a controlling interest
20 in any permittee shall be required to submit to a criminal
21 background check under section 43.543.

22 22. All persons required to file a disclosure statement
23 shall provide any assistance or information requested by the
24 director or by the Missouri state highway patrol and shall
25 cooperate in any inquiry or investigation conducted by the
26 department and any inquiry, investigation or hearing conducted by
27 the director. If, upon issuance of a formal request to answer
28 any inquiry or produce information, evidence or testimony, any

1 person required to file a disclosure statement refuses to comply,
2 the application of an applicant or the permit of a permittee may
3 be denied or revoked by the director.

4 23. If any of the information required to be included in
5 the disclosure statement changes, or if any additional
6 information should be added after the filing of the statement,
7 the person required to file it shall provide that information to
8 the director in writing, within thirty days after the change or
9 addition. The failure to provide such information within thirty
10 days may constitute the basis for the revocation of or denial of
11 an application for any permit issued or applied for in accordance
12 with this section, but only if, prior to any such denial or
13 revocation, the director notifies the applicant or permittee of
14 the director's intention to do so and gives the applicant or
15 permittee fourteen days from the date of the notice to explain
16 why the information was not provided within the required thirty-
17 day period. The director shall consider this information when
18 determining whether to revoke, deny or conditionally grant the
19 permit.

20 24. No person shall be required to submit the disclosure
21 statement required by this section if the person is a corporation
22 or an officer, director or shareholder of that corporation or any
23 subsidiary thereof, and that corporation:

24 (1) Has on file and in effect with the federal Securities
25 and Exchange Commission a registration statement required under
26 Section 5, Chapter 38, Title 1 of the Securities Act of 1933, as
27 amended, 15 U.S.C. Section 77e(c);

28 (2) Submits to the director with the application for a

1 permit evidence of the registration described in subdivision (1)
2 of this subsection and a copy of the corporation's most recent
3 annual form 10-K or an equivalent report; and

4 (3) Submits to the director on the anniversary date of the
5 issuance of any permit it holds under the Missouri solid waste
6 management law evidence of registration described in subdivision
7 (1) of this subsection and a copy of the corporation's most
8 recent annual form 10-K or an equivalent report.

9 25. After permit issuance, each facility shall annually
10 file an update to the disclosure statement with the department of
11 natural resources on or before March thirty-first of each year.
12 Failure to provide such update may result in penalties as
13 provided for under section 260.240.

14 26. Any county, district, municipality, authority, or other
15 political subdivision of this state which owns and operates a
16 sanitary landfill shall be exempt from the requirement for the
17 filing of the disclosure statement and annual update to the
18 disclosure statement.

19 27. Any person seeking a permit to operate a solid waste
20 disposal area, a solid waste processing facility, or a resource
21 recovery facility shall, concurrently with the filing of the
22 application for a permit, disclose any convictions in this state,
23 county or county equivalent public health or land use ordinances
24 related to the management of solid waste. If the department
25 finds that there has been a continuing pattern of adjudicated
26 violations by the applicant, the department may deny the
27 application.

28 28. No permit to construct or permit to operate shall be

1 required pursuant to this section for any utility waste landfill
2 located in a county of the third classification with a township
3 form of government which has a population of at least eleven
4 thousand inhabitants and no more than twelve thousand five
5 hundred inhabitants according to the most recent decennial
6 census, if such utility waste landfill complies with all design
7 and operating standards and closure requirements applicable to
8 utility waste landfills pursuant to sections 260.200 to 260.345
9 and provided that no waste disposed of at such utility waste
10 landfill is considered hazardous waste pursuant to the Missouri
11 hazardous waste law.

12 260.214. 1. Preliminary site investigation approval shall
13 not be required for any municipal utility located in a county of
14 the first classification with more than two hundred sixty but
15 fewer than three hundred thousand inhabitants to proceed with a
16 utility waste landfill detailed site investigation. Nothing in
17 this section shall preclude the department from exercising its
18 existing authority to approve or disapprove the site upon
19 completion of the detailed site investigation. Solely for
20 purposes of conducting the public involvement activity described
21 in subsection 3 of section 260.205, the effective date of this
22 section shall be considered the date of approval of the
23 preliminary site investigation.

24 2. If any provision of this section or the application
25 thereof to anyone or to any circumstance is held invalid, the
26 remainder of this act and the application of such provisions to
27 others or other circumstances shall not be affected thereby.

28 260.235. [1.] Any person aggrieved by a forfeiture of any

1 financial assurance instrument, civil or administrative penalty
2 or denial, suspension or revocation of a permit required by
3 section 260.205 or a modification to a permit issued under
4 section 260.205 or any disapproval of the plan required by
5 section 260.220, may [within thirty days of notice of such action
6 request a hearing] appeal such decision as provided in section
7 621.250, subject to judicial review as provided by law. The
8 notice of the department shall be effected by certified mail and
9 shall set forth the reasons for such forfeiture, disapproval,
10 denial, suspension, civil penalty or revocation. The department
11 may seek an injunction in the circuit court in which the facility
12 is located requiring the facility for which the transfer of
13 ownership has been denied, or the permit or modification of the
14 permit has been denied, suspended or revoked, to cease operations
15 from the date ordered by the court until such time as the appeal
16 is resolved or obtain a performance bond in the amount and manner
17 as prescribed by rule. The department's action seeking an
18 injunction shall be based on the seriousness of the threat to the
19 environment which continued operation of the facility poses.

20 [The] A bond may be required in order to stay the effect of the
21 department's action until the appeal is resolved, in which case
22 such bond shall remain in place until the appeal is resolved. If
23 the department's decision is upheld, the bond shall be forfeited
24 and placed in a separate subaccount of the solid waste management
25 fund.

26 [2. The hearing shall be conducted by the director or his
27 designated representative in accordance with the procedures set
28 forth in sections 536.070, 536.073, 536.077, 536.080, and

1 536.090. The decision of the department shall become final thirty
2 days after delivery or certified mailing of a copy of it to the
3 person. Such decisions may be appealed to the administrative
4 hearing commission pursuant to sections 536.063 to 536.095 and
5 shall be subject to judicial review of a final decision as
6 provided in sections 536.100 to 536.140.]

7 260.249. 1. In addition to any other remedy provided by
8 law, upon a determination by the director that a provision of
9 sections 260.200 to 260.281, or a standard, limitation, order,
10 rule or regulation promulgated pursuant thereto, or a term or
11 condition of any permit has been violated, the director may issue
12 an order assessing an administrative penalty upon the violator
13 under this section. An administrative penalty shall not be
14 imposed until the director has sought to resolve the violations
15 through conference, conciliation and persuasion and shall not be
16 imposed for minor violations of sections 260.200 to 260.281 or
17 minor violation of any standard, limitation, order, rule or
18 regulation promulgated pursuant to sections 260.200 to 260.281 or
19 minor violations of any term or condition of a permit issued
20 pursuant to sections 260.200 to 260.281 or any violations of
21 sections 260.200 to 260.281 by any person resulting from
22 mismanagement of solid waste generated and managed on the
23 property of the place of residence of the person. If the
24 violation is resolved through conference, conciliation and
25 persuasion, no administrative penalty shall be assessed unless
26 the violation has caused, or has the potential to cause, a risk
27 to human health or to the environment, or has caused or has
28 potential to cause pollution, or was knowingly committed, or is

1 defined by the United States Environmental Protection Agency as
2 other than minor. Any order assessing an administrative penalty
3 shall state that an administrative penalty is being assessed
4 under this section and that the person subject to the penalty may
5 appeal as provided by section 260.235 and section 621.250. Any
6 such order that fails to state the statute under which the
7 penalty is being sought, the manner of collection or rights of
8 appeal shall result in the state's waiving any right to
9 collection of the penalty.

10 2. The department shall promulgate rules and regulations
11 for the assessment of administrative penalties. The amount of
12 the administrative penalty assessed per day of violation for each
13 violation under this section shall not exceed the amount of the
14 civil penalty specified in section 260.240. Such rules shall
15 reflect the criteria used for the administrative penalty matrix
16 as provided for in the Resource Conservation and Recovery Act, 42
17 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm
18 which the violation causes, or may cause, the violator's previous
19 compliance record, and any other factors which the department may
20 reasonably deem relevant. An administrative penalty shall be
21 paid within sixty days from the date of issuance of the order
22 assessing the penalty. Any person subject to an administrative
23 penalty may appeal as provided in section 260.235 and section
24 621.250. Any appeal will stay the due date of such
25 administrative penalty until the appeal is resolved. Any person
26 who fails to pay an administrative penalty by the final due date
27 shall be liable to the state for a surcharge of fifteen percent
28 of the penalty plus ten percent per annum on any amounts owed.

1 Any administrative penalty paid pursuant to this section shall be
2 handled in accordance with section 7 of article IX of the state
3 constitution. An action may be brought in the appropriate
4 circuit court to collect any unpaid administrative penalty, and
5 for attorney's fees and costs incurred directly in the collection
6 thereof.

7 3. An administrative penalty shall not be increased in
8 those instances where department action, or failure to act, has
9 caused a continuation of the violation that was a basis for the
10 penalty. Any administrative penalty must be assessed within two
11 years following the department's initial discovery of such
12 alleged violation, or from the date the department in the
13 exercise of ordinary diligence should have discovered such
14 alleged violation.

15 4. The state may elect to assess an administrative penalty,
16 or, in lieu thereof, to request that the attorney general or
17 prosecutor file an appropriate legal action seeking a civil
18 penalty in the appropriate circuit court.

19 5. Any final order imposing an administrative penalty [is
20 subject to judicial review upon the filing of a petition pursuant
21 to section 536.100] may be appealed by any person subject to the
22 administrative penalty as provided in section 260.235 and section
23 621.250, subject to judicial review as provided by law. No
24 judicial review shall be available until all administrative
25 remedies are exhausted.

26 260.262. A person selling lead-acid batteries at retail or
27 offering lead-acid batteries for retail sale in the state shall:

28 (1) Accept, at the point of transfer, in a quantity at

1 least equal to the number of new lead-acid batteries purchased,
2 used lead-acid batteries from customers, if offered by customers;

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

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

8 (b) Recycle your used batteries; and

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

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

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

1 agricultural operations upon written certification by the
2 purchaser; and

3 (5) The department of revenue shall administer, collect,
4 and enforce the fee authorized pursuant to this section pursuant
5 to the same procedures used in the administration, collection,
6 and enforcement of the general state sales and use tax imposed
7 pursuant to chapter 144 except as provided in this section. The
8 proceeds of the battery fee, less four percent of the proceeds,
9 which shall be retained by the department of revenue as
10 collection costs, shall be transferred by the department of
11 revenue into the hazardous waste fund, created pursuant to
12 section 260.391. The fee created in subdivision (4) and this
13 subdivision shall be effective October 1, 2005. The provisions
14 of subdivision (4) and this subdivision shall terminate December
15 31, ~~[2013]~~ 2018.

16 260.365. 1. There is hereby created a hazardous waste
17 management agency to be known as the "Hazardous Waste Management
18 Commission of the State of Missouri", whose domicile for the
19 purpose of sections 260.350 to 260.430 shall be deemed to be that
20 of the department of natural resources of the state of Missouri.
21 The commission shall consist of seven members appointed by the
22 governor with the advice and consent of the senate. No more than
23 four members shall belong to the same political party. All
24 members shall be representative of the general interest of the
25 public and shall have an interest in and knowledge of waste
26 management and the effects of improper waste management on health
27 and the environment and shall serve in a manner consistent with
28 the purposes of sections 260.350 to 260.430. ~~[Three]~~ Four of the

1 members, but no more than [~~three~~] four, one for each interest,
2 shall be knowledgeable of and may be employed in agriculture, the
3 retail petroleum industry, the waste generating industry and the
4 waste management industry. Except for the industry members, no
5 member shall receive, or have received during the previous two
6 years, a significant portion of income directly or indirectly
7 from any license or permit holder or applicant for license or
8 permit under any waste management act. At the first meeting of
9 the commission and annually thereafter, the members shall select
10 from among themselves a chairman and a vice chairman. Prior to
11 any vote on any variance, appeal or order, they shall adopt a
12 voting rule to exclude from such vote any member with a conflict
13 of interest with respect to the matter at issue.

14 2. The members' terms of office shall be four years and
15 until their successors are selected and qualified, except that,
16 of those first appointed, three shall have a term of three years,
17 two shall have a term of two years and two shall have a term of
18 one year as designated by the governor at the time of
19 appointment. There is no limitation on the number of terms any
20 appointed member may serve. If a vacancy occurs the governor may
21 appoint a member for the remaining portion of the unexpired term
22 created by the vacancy. The governor may remove any appointed
23 member for cause. The members of the commission shall be
24 reimbursed for actual and necessary expenses incurred in the
25 performance of their duties, and shall receive fifty dollars per
26 day for each day spent in the performance of their official
27 duties while in attendance at regular commission meetings.

28 3. The commission shall hold at least four regular meetings

1 each year and such additional meetings as the chairman deems
2 desirable at a place and time to be fixed by the chairman.
3 Special meetings may be called by three members of the commission
4 upon delivery of written notice to each member of the commission.
5 Reasonable written notice of all meetings shall be given by the
6 department to all members of the commission. Four members of the
7 commission shall constitute a quorum. All powers and duties
8 conferred upon members of the commission shall be exercised
9 personally by the members and not by alternates or
10 representatives. All actions of the commission shall be taken at
11 meetings open to the public. Any member absent from four
12 consecutive regular commission meetings for any cause whatsoever
13 shall be deemed to have resigned and the vacancy shall be filled
14 immediately in accordance with this section.

15 260.380. 1. After six months from the effective date of
16 the standards, rules and regulations adopted by the commission
17 pursuant to section 260.370, hazardous waste generators located
18 in Missouri shall:

19 (1) Promptly file and maintain with the department, on
20 registration forms it provides for this purpose, information on
21 hazardous waste generation and management as specified by rules
22 and regulations. Hazardous waste generators shall pay a one
23 hundred dollar registration fee upon initial registration, and a
24 one hundred dollar registration renewal fee annually thereafter
25 to maintain an active registration. Such fees shall be deposited
26 in the hazardous waste fund created in section 260.391;

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

1 (3) Segregate all hazardous wastes from all nonhazardous
2 wastes and from noncompatible wastes, materials and other
3 potential hazards as specified by standards, rules and
4 regulations;

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

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

13 (6) Unless provided otherwise in the rules and regulations,
14 provide a separate manifest to the transporter for each load of
15 hazardous waste transported from the premises where it was
16 generated. The generator shall specify the destination of such
17 load on the manifest. The manner in which the manifest shall be
18 completed, signed and filed with the department shall be in
19 accordance with rules and regulations;

20 (7) Utilize for treatment, resource recovery, disposal or
21 storage of all hazardous wastes, only a hazardous waste facility
22 authorized to operate pursuant to sections 260.350 to 260.430 or
23 the federal Resource Conservation and Recovery Act, or a state
24 hazardous waste management program authorized pursuant to the
25 federal Resource Conservation and Recovery Act, or any facility
26 exempted from the permit required pursuant to section 260.395;

27 (8) Collect and maintain such records, perform such
28 monitoring or analyses, and submit such reports on any hazardous

1 waste generated, its transportation and final disposition, as
2 specified in sections 260.350 to 260.430 and rules and
3 regulations adopted pursuant to sections 260.350 to 260.430;

4 (9) Make available to the department upon request samples
5 of waste and all records relating to hazardous waste generation
6 and management for inspection and copying and allow the
7 department to make unhampered inspections at any reasonable time
8 of hazardous waste generation and management facilities located
9 on the generator's property and hazardous waste generation and
10 management practices carried out on the generator's property;

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

20 (a) All moneys payable pursuant to the provisions of this
21 subdivision shall be promptly transmitted to the department of
22 revenue, which shall deposit the same in the state treasury to
23 the credit of the hazardous waste fund created in section
24 260.391;

25 (b) The hazardous waste management commission shall
26 establish and submit to the department of revenue procedures
27 relating to the collection of the fees authorized by this
28 subdivision. Such procedures shall include, but not be limited

1 to, necessary records identifying the quantities of hazardous
2 waste registered, the form and submission of reports to accompany
3 the payment of fees, the time and manner of payment of fees,
4 which shall not be more often than quarterly;

5 (c) The director of the department of natural resources may
6 conduct a comprehensive review of the fee structure set forth in
7 this section. The comprehensive review shall include stakeholder
8 meetings in order to solicit stakeholder input from each of the
9 following groups: cement kiln representatives, chemical
10 companies, large and small hazardous waste generators, and any
11 other interested parties. Upon completion of the comprehensive
12 review, the department shall submit proposed changes to the fee
13 structure with stakeholder agreement to the hazardous waste
14 management commission. The commission shall, upon receiving the
15 department's recommendations, review such recommendations at the
16 forthcoming regular or special meeting. The commission shall not
17 take a vote on the fee structure until the following regular
18 meeting. If the commission approves, by vote of two-thirds
19 majority, the hazardous waste fee structure recommendations, the
20 commission shall promulgate by regulation and publish the
21 recommended fee structure no later than October first of the same
22 year. The commission shall file the order of rulemaking for such
23 rule with the joint committee on administrative rules pursuant to
24 sections 536.021 and 536.024 no later than December first of the
25 same year. If such rules are not disapproved by the general
26 assembly in the manner set out below, they shall take effect on
27 January first of the next odd-numbered year and the fee structure
28 set out in this section shall expire upon the effective date of

1 the commission adopted fee structure, contrary to subsection 4 of
2 this section. Any regulation promulgated under this subsection
3 shall be deemed to be beyond the scope and authority provided in
4 this subsection, or detrimental to permit applicants, if the
5 general assembly, within the first sixty calendar days of the
6 regular session immediately following the promulgation of such
7 regulation, by concurrent resolution, shall disapprove the fee
8 structure contained in such regulation. If the general assembly
9 so disapproves any regulation promulgated under this subsection,
10 the hazardous waste management commission shall continue to use
11 the fee structure set forth in the most recent preceding
12 regulation promulgated under this subsection. This subsection
13 shall expire on August 28, 2023.

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

20 3. Exempted from the requirements of this section are
21 individual householders and farmers who generate only small
22 quantities of hazardous waste and any person the commission
23 determines generates only small quantities of hazardous waste on
24 an infrequent basis, except that:

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

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

8 (a) Any storage, treatment or disposal site authorized to
9 operate pursuant to sections 260.350 to 260.430 or the federal
10 Resource Conservation and Recovery Act, or a state hazardous
11 waste management program authorized pursuant to the federal
12 Resource Conservation and Recovery Act which the department
13 designates for this purpose; or

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

16 4. Failure to pay the fee, or any portion thereof,
17 prescribed in this section by the due date shall result in the
18 imposition of a penalty equal to fifteen percent of the original
19 fee. The fee prescribed in this section shall expire December
20 31, ~~[2013]~~ 2018, except that the department shall levy and
21 collect this fee for any hazardous waste generated prior to such
22 date and reported to the department.

23 260.390. 1. After six months from the effective date of
24 the standards, rules and regulations adopted by the commission
25 pursuant to section 260.370, hazardous waste facility owners or
26 operators shall:

27 (1) Not construct, substantially alter or operate[,
28 including all postclosure activities and operations specified in

1 the rules and regulations,] a hazardous waste facility without
2 first obtaining a hazardous waste facility permit from the
3 department as specified in section 260.395;

4 (2) Operate the facility according to the standards, rules
5 and regulations adopted under sections 260.350 to 260.430 and all
6 terms and conditions of the permit;

7 (3) Unless otherwise provided in sections 260.350 to
8 260.430 or the rules and regulations adopted hereunder, accept
9 delivery of hazardous waste only if delivery is by a hazardous
10 waste transporter holding a license under sections 260.350 to
11 260.430, the shipment is accompanied by a manifest properly
12 completed by both the generator and transporter and their
13 facility is the destination indicated by the generator on the
14 manifest. Exempted from the requirements of this subsection are
15 deliveries, when directed by the department, from householders,
16 farmers and other persons exempted from generator
17 responsibilities under provisions of section 260.380 and
18 deliveries made in emergency situations as specified in sections
19 260.350 to 260.550 or the rules and regulations adopted
20 hereunder. For such exempted deliveries they shall make a record
21 of any waste accepted, its type, quantity, origin and the
22 identity of the person making the delivery and promptly report
23 this information to the department;

24 (4) Complete, sign and file the facility operator portion
25 of the manifest as specified in rules and regulations adopted
26 under sections 260.350 to 260.430;

27 (5) Whenever final disposition is to be achieved at another
28 hazardous waste or exempted facility, initiate a new manifest and

1 comply with the other responsibilities of generators specified in
2 sections 260.350 to 260.430 and in rules and regulations and
3 terms and conditions of their permit adopted or issued hereunder;

4 (6) Collect and maintain such records, submit such reports
5 and perform such monitoring as specified in sections 260.350 to
6 260.430 and in rules and regulations and terms and conditions of
7 their permit adopted or issued hereunder;

8 (7) Make available to the department, upon request, samples
9 of wastes received and all records, for inspection and copying,
10 relating to hazardous waste management and allow the department
11 to make unhampered inspections at any reasonable time of all
12 facilities and equipment.

13 2. All hazardous waste landfills shall collect, on behalf
14 of the state from each hazardous waste generator or transporter,
15 a tax equal to two percent of the gross charges and fees charged
16 such generator for disposal at the landfill site to be placed in
17 the hazardous waste fund to be used solely for the administration
18 of sections 260.350 to 260.430. The tax shall be accounted for
19 separately on the statement of charges and fees made to the
20 hazardous waste generator and shall be collected at the time of
21 the collection of such charges and fees. All moneys payable
22 under the provisions of this subsection shall be promptly
23 transmitted to the department of revenue, which shall daily
24 deposit the same in the state treasury to the credit of the
25 hazardous waste fund. The hazardous waste management commission
26 shall establish and submit to the department of revenue
27 procedures relating to the collection of the taxes authorized by
28 this subsection. Such procedures shall include, but not be

1 limited to, necessary records identifying the quantities of
2 hazardous waste received, the form and submission of reports to
3 accompany the payment of taxes, the time and manner of payment of
4 taxes, which shall not be more often than quarterly.

5 3. The owner or operator of a hazardous waste disposal
6 facility must close that facility upon termination of its
7 operation, and shall after closure of the facility provide for
8 protection during a postclosure care period, in accordance with
9 the requirements of the commission, including the funds necessary
10 for same. Protection shall include, but not be limited to,
11 monitoring and maintenance subject to the rules and regulations
12 of the hazardous waste management commission. The owner or
13 operator shall maintain a hazardous waste facility permit for the
14 postclosure care period. The operator and the state may enter
15 into an agreement consistent with the rules and regulations of
16 the hazardous waste management commission where the state may
17 accept deed to, and monitor and maintain the site.

18 4. All owners or operators of hazardous waste facilities
19 who have obtained, or are required to obtain, a hazardous waste
20 facility permit from the department and who accept, on a
21 commercial basis for remuneration, hazardous waste from off-site
22 sources, but not including wastes generated by the same person at
23 other sites located in Missouri or within a metropolitan
24 statistical area located partially in Missouri and owned or
25 operated by the same person and transferred to the hazardous
26 waste facility, for treatment, storage or disposal, shall pay
27 fees for inspections conducted by the department to determine
28 compliance with sections 260.350 to 260.430 and the rules

1 promulgated thereunder. Hazardous waste facility inspection fees
2 shall be specified by the hazardous waste management commission
3 by rule. The inspection fees shall be used by the department as
4 specified in subsection 3 of section 260.391.

5 260.395. 1. After six months from the effective date of
6 the standards, rules and regulations adopted by the commission
7 pursuant to section 260.370, it shall be unlawful for any person
8 to transport any hazardous waste in this state without first
9 obtaining a hazardous waste transporter license. Any person
10 transporting hazardous waste in this state shall file an
11 application for a license pursuant to this subsection which
12 shall:

13 (1) Be submitted on a form provided for this purpose by the
14 department and shall furnish the department with such equipment
15 identification and data as may be necessary to demonstrate to the
16 satisfaction of the department that equipment engaged in such
17 transportation of hazardous waste, and other equipment as
18 designated in rules and regulations pursuant to sections 260.350
19 to 260.430, is adequate to provide protection of the health of
20 humans and the environment and to comply with the provisions of
21 any federal hazardous waste management act and sections 260.350
22 to 260.430 and the standards, rules and regulations adopted
23 pursuant to sections 260.350 to 260.430. If approved by the
24 department, this demonstration of protection may be satisfied by
25 providing certification that the equipment so identified meets
26 and will be operated in accordance with the rules and regulations
27 of the Missouri public service commission and the federal
28 Department of Transportation for the transportation of the types

1 of hazardous materials for which it will be used;

2 (2) Include, as specified by rules and regulations,
3 demonstration of financial responsibility, including, but not
4 limited to, guarantees, liability insurance, posting of bond or
5 any combination thereof which shall be related to the number of
6 units, types and sizes of equipment to be used in the transport
7 of hazardous waste by the applicant;

8 (3) Include, as specified in rules and regulations, a fee
9 payable to the state of Missouri which shall consist of an annual
10 application fee, plus an annual use fee based upon tonnage,
11 mileage or a combination of tonnage and mileage. The fees
12 established pursuant to this subdivision shall be set to
13 generate, as nearly as is practicable, six hundred thousand
14 dollars annually. No fee shall be collected pursuant to this
15 subdivision from railroads that pay a fee pursuant to subsection
16 19 of this section. Fees collected pursuant to this subdivision
17 shall be deposited in the hazardous waste fund created pursuant
18 to section 260.391.

19 2. If the department determines the application conforms to
20 the provisions of any federal hazardous waste management act and
21 sections 260.350 to 260.430 and the standards, rules and
22 regulations adopted pursuant to sections 260.350 to 260.430, it
23 shall issue the hazardous waste transporter license with such
24 terms and conditions as it deems necessary to protect the health
25 of humans and the environment. The department shall act within
26 ninety days after receipt of the application. If the department
27 denies the license, it shall issue a report to the applicant
28 stating the reason for denial of the license.

1 3. A license may be suspended or revoked whenever the
2 department determines that the equipment is or has been operated
3 in violation of any provision of sections 260.350 to 260.430 or
4 any standard, rule or regulation, order, or license term or
5 condition adopted or issued pursuant to sections 260.350 to
6 260.430, poses a threat to the health of humans or the
7 environment, or is creating a public nuisance.

8 4. Whenever a license is issued, renewed, denied, suspended
9 or revoked by the department, any aggrieved person, by petition
10 filed with the department within thirty days of the decision, may
11 appeal such decision and shall be entitled to a hearing as
12 provided in section 260.400.

13 5. A license shall be issued for a period of one year and
14 shall be renewed upon proper application by the holder and a
15 determination by the department that the applicant is in
16 compliance with all provisions of sections 260.350 to 260.430 and
17 all standards, rules and regulations, orders and license terms
18 and conditions adopted or issued pursuant to sections 260.350 to
19 260.430.

20 6. A license is not required for the transport of any
21 hazardous waste on the premises where it is generated or onto
22 contiguous property owned by the generator thereof, or for those
23 persons exempted in section 260.380. Nothing in this subsection
24 shall be interpreted to preclude the department from inspecting
25 unlicensed hazardous waste transporting equipment and to require
26 that it be adequate to provide protection for the health of
27 humans and the environment.

28 7. After six months from the effective date of the

1 standards, rules and regulations adopted by the commission
2 pursuant to section 260.370, it shall be unlawful for any person
3 to construct, substantially alter or operate, including
4 [postclosure activities and] operations specified in the rules
5 and regulations, a hazardous waste facility without first
6 obtaining a hazardous waste facility permit for such
7 construction, alteration or operation from the department. Such
8 person must submit to the department at least ninety days prior
9 to submitting a permit application a letter of intent to
10 construct, substantially alter or operate any hazardous waste
11 disposal facility. The person must file an application within
12 one hundred eighty days of the filing of a letter of intent
13 unless granted an extension by the commission. The department
14 shall publish such letter of intent as specified in section
15 493.050 within ten days of receipt of such letter. The letter
16 shall be published once each week for four weeks in the county
17 where the hazardous waste disposal facility is proposed. Once
18 such letter is submitted, all conditions for the permit
19 application evaluation purposes in existence as of the date of
20 submission shall be deemed frozen, in that no subsequent action
21 by any person to change such conditions in an attempt to thwart a
22 fair and impartial decision on the application for a permit shall
23 be allowed as grounds for denial of the permit. Any person
24 before constructing, substantially altering or operating a
25 hazardous waste facility in this state shall file an application
26 for a permit which shall:

27 (1) Be submitted on a form provided for this purpose by the
28 department and shall furnish the department with plans,

1 specifications and such other data as may be necessary to
2 demonstrate to the satisfaction of the department that such
3 facility does or will provide adequate protection of the health
4 of humans and the environment and does or will comply with the
5 provisions of any federal hazardous waste management act and
6 sections 260.350 to 260.430 and the standards, rules and
7 regulations adopted pursuant to sections 260.350 to 260.430;

8 (2) Include plans, designs, engineering reports and
9 relevant data for construction, alteration or operation of a
10 hazardous waste facility, to be submitted to the department by a
11 registered professional engineer licensed by this state;

12 (3) Include, as specified by rules and regulations,
13 demonstration of financial responsibility, including, but not
14 limited to, guarantees, liability insurance, posting of bond or
15 any combination thereof, which shall be related to type and size
16 of facility;

17 (4) Include such environmental and geologic information,
18 assessments and studies as required by the rules and regulations
19 of the commission;

20 (5) [Submit with the application for a hazardous waste
21 disposal or treatment facility a profile of the environmental and
22 economic characteristics of the area as required by the
23 commission, including the extent of air pollution and groundwater
24 contamination; and a profile of the health characteristics of the
25 area which identifies all serious illness, the rate of which
26 exceeds the state average for such illness, which might be
27 attributable to environmental contamination;

28 (6) Include a fee payable to the state of Missouri which

1 shall not exceed one thousand dollars, which shall cover the
2 first year of the permit, if issued, but which is not refundable.
3 If the permit is issued for more than one year, a fee equal in
4 amount to the first year's fee shall be paid to the state of
5 Missouri prior to issuance of the permit for each year the permit
6 is to be in effect beyond the first year;

7 [(7)] (6) The department shall supervise any field work
8 undertaken to collect geologic and engineering data for
9 submission with the application. The state geologist and
10 departmental engineers shall review the geologic and engineering
11 plans, respectively, and attest to their accuracy and adequacy.
12 The applicant shall pay all reasonable costs, as determined by
13 the commission, incurred by the department pursuant to this
14 subsection.

15 8. (1) Prior to issuing or renewing a hazardous waste
16 facility permit, the department shall issue public notice by
17 press release or advertisement and shall notify all record owners
18 of adjoining property by mail directed to the last known address,
19 and the village, town or city, if any, and the county in which
20 the hazardous waste facility is located; and, upon request, shall
21 hold a public hearing after public notice as required in this
22 subsection at a location convenient to the area affected by the
23 issuance of the permit.

24 (2) Prior to issuing[, reviewing every five years as
25 required in subsection 12 of this section,] or renewing a
26 hazardous waste disposal facility permit the department shall
27 issue public notice by press release and advertisement and shall
28 notify all record owners of property, within one mile of the

1 outer boundaries of the site, by mail directed to the last known
2 address; and shall hold a public hearing after public notice as
3 required in this subsection at a location convenient to the area
4 affected by the issuance of the permit.

5 9. If the department determines that the application
6 conforms to the provisions of any federal hazardous waste
7 management act and sections 260.350 to 260.430 and the standards,
8 rules and regulations adopted pursuant to sections 260.350 to
9 260.430, it shall issue the hazardous waste facility permit, with
10 such terms and conditions and require such testing and
11 construction supervision as it deems necessary to protect the
12 health of humans or the environment. The department shall act
13 within one hundred and eighty days after receipt of the
14 application. If the department denies the permit, it shall issue
15 a report to the applicant stating the reason for denial of a
16 permit.

17 10. A permit may be suspended or revoked whenever the
18 department determines that the hazardous waste facility is, or
19 has been, operated in violation of any provision of sections
20 260.350 to 260.430 or any standard, rule or regulation, order or
21 permit term or condition adopted or issued pursuant to sections
22 260.350 to 260.430, poses a threat to the health of humans or the
23 environment or is creating a public nuisance.

24 11. Whenever a permit is issued, renewed, denied, suspended
25 or revoked by the department, any aggrieved person, by petition
26 filed with the department within thirty days of the decision, may
27 appeal such decision and shall be entitled to a hearing as
28 provided in section 260.400.

1 12. A permit shall be issued for a fixed term, which shall
2 not exceed ten years in the case of any land disposal facility,
3 storage facility, incinerator, or other treatment facility. [Each
4 permit for a land disposal facility shall be reviewed five years
5 after the date of its issuance or reissuance and shall be
6 modified as necessary to assure that the facility continues to
7 comply with the currently applicable requirements of federal and
8 state law.] Nothing in this subsection shall preclude the
9 department from reviewing and modifying a permit at any time
10 during its term. Review of any application for a permit renewal
11 shall consider improvements in the state of control and
12 measurement technology as well as changes in applicable
13 regulations. Each permit issued pursuant to this section shall
14 contain such terms and conditions as the department determines
15 necessary to protect human health and the environment, and upon
16 proper application by the holder and a determination by the
17 department that the applicant is in compliance with all
18 provisions of sections 260.350 to 260.430 and all standards,
19 rules and regulations, orders and permit terms and conditions
20 adopted or issued pursuant to sections 260.350 to 260.430.

21 13. A hazardous waste facility permit is not required for:

22 (1) On-site storage of hazardous wastes where such storage
23 is exempted by the commission by rule or regulation; however,
24 such storage must conform to the provisions of any federal
25 hazardous waste management act and sections 260.350 to 260.430
26 and the applicable standards, rules and regulations adopted
27 pursuant to sections 260.350 to 260.430 and any other applicable
28 hazardous materials storage and spill-prevention requirements

1 provided by law;

2 (2) A publicly owned treatment works which has an operating
3 permit pursuant to section 644.051 and is in compliance with that
4 permit;

5 (3) A resource recovery facility which the department
6 certifies uses hazardous waste as a supplement to, or substitute
7 for, nonwaste material, and that the sole purpose of the facility
8 is manufacture of a product rather than treatment or disposal of
9 hazardous wastes;

10 (4) That portion of a facility engaged in hazardous waste
11 resource recovery, when the facility is engaged in both resource
12 recovery and hazardous waste treatment or disposal, provided the
13 owner or operator can demonstrate to the department's
14 satisfaction and the department finds that such portion is not
15 intended and is not used for hazardous waste treatment or
16 disposal.

17 14. Facilities exempted pursuant to subsection 13 of this
18 section must comply with the provisions of subdivisions (3) to
19 (7) of section 260.390 and such other requirements, to be
20 specified by rules and regulations, as are necessary to comply
21 with any federal hazardous waste management act or regulations
22 hereunder. Generators who use such an exempted facility shall
23 keep records of hazardous wastes transported, except by legal
24 flow through sewer lines, to the facility and submit such records
25 to the department in accordance with the provisions of section
26 260.380 and the standards, rules and regulations adopted pursuant
27 to sections 260.350 to 260.430. Any person, before constructing,
28 altering or operating a resource recovery facility in this state

1 shall file an application for a certification. Such application
2 shall include:

3 (1) Plans, designs, engineering reports and other relevant
4 information as specified by rule that demonstrate that the
5 facility is designed and will operate in a manner protective of
6 human health and the environment; and

7 (2) An application fee of not more than five hundred
8 dollars for a facility that recovers waste generated at the same
9 facility or an application fee of not more than one thousand
10 dollars for a facility that recovers waste generated at off-site
11 sources. Such fees shall be deposited in the hazardous waste
12 fund created in section 260.391. The department shall review such
13 application for conformance with applicable laws, rules and
14 standard engineering principles and practices. The applicant
15 shall pay to the department all reasonable costs, as determined
16 by the commission, incurred by the department pursuant to this
17 subsection. All such funds shall be deposited in the hazardous
18 waste fund created in section 260.391.

19 15. The owner or operator of any hazardous waste facility
20 in existence on September 28, 1977, who has achieved federal
21 interim status pursuant to 42 U.S.C. 6925(e), and who has
22 submitted to the department Part A of the federal facility permit
23 application, may continue to receive and manage hazardous wastes
24 in the manner as specified in the Part A application, and in
25 accordance with federal interim status requirements, until
26 completion of the administrative disposition of a permit
27 application submitted pursuant to sections 260.350 to 260.430.
28 The department may at any time require submission of, or the

1 owner or operator may at any time voluntarily submit, a complete
2 application for a permit pursuant to sections 260.350 to 260.430
3 and commission regulations. The authority to operate pursuant to
4 this subsection shall cease one hundred eighty days after the
5 department has notified an owner or operator that an application
6 for permit pursuant to sections 260.350 to 260.430 must be
7 submitted, unless within such time the owner or operator submits
8 a completed application therefor. Upon submission of a complete
9 application, the authority to operate pursuant to this subsection
10 shall continue for such reasonable time as is required to
11 complete the administrative disposition of the permit
12 application. If a facility loses its federal interim status, or
13 the Environmental Protection Agency requires the owner or
14 operator to submit Part B of the federal application, the
15 department shall notify the owner or operator that an application
16 for a permit must be submitted pursuant to this subsection. In
17 addition to compliance with the federal interim status
18 requirements, the commission shall have the authority to adopt
19 regulations requiring persons operating pursuant to this
20 subsection to meet additional state interim status requirements.

21 16. [A license or permit shall not be issued to any person
22 who is determined by the department to habitually engage in or to
23 have habitually engaged in hazardous waste management practices
24 which pose a threat to the health of humans or the environment or
25 who is determined by the department to habitually violate or to
26 have habitually violated the requirements of the Missouri solid
27 or hazardous waste laws, the solid or hazardous waste laws of
28 other states or federal laws pertaining to hazardous waste. Nor

1 shall a license or permit be issued to any person who has been
2 adjudged in contempt of any court order enforcing the provisions
3 of the Missouri solid or hazardous waste laws, the solid or
4 hazardous waste laws of other states or federal laws pertaining
5 to hazardous waste or who has offered, in person or through an
6 agent, any inducement, including any discussion of potential
7 employment opportunities, to any employee of the department when
8 such person has an application for a permit pending or a permit
9 under review. For the purposes of this subsection, the term
10 "person" shall include any officer or management employee of the
11 applicant, or any officer or management employee of any
12 corporation or business which owns an interest in the applicant,
13 or any officer or management employee of any business which is
14 owned either wholly or in part by any person, corporation, or
15 business which owns an interest in the applicant.

16 17.] No person, otherwise qualified pursuant to sections
17 260.350 to 260.430 for a license to transport hazardous wastes or
18 for a permit to construct, substantially alter or operate a
19 hazardous waste facility, shall be denied such license or permit
20 on the basis of a lack of need for such transport service or such
21 facility because of the existence of other services or facilities
22 capable of meeting that need; except that permits for hazardous
23 waste facilities may be denied on determination made by the
24 department that the financial resources of the persons applying
25 are such that the continued operation of the sites in accordance
26 with sections 260.350 to 260.430 cannot be reasonably assured or
27 on determination made by the department that the probable volume
28 of business is insufficient to ensure and maintain the solvency

1 of then existing permitted hazardous waste facilities.

2 [18.] 17. All hazardous waste landfills constructed after
3 October 31, 1980, shall have a leachate collection system. The
4 rules and regulations of the commission shall treat and protect
5 all aquifers to the same level of protection. The provisions of
6 this subsection shall not apply to the disposal of tailings and
7 slag resulting from mining, milling and primary smelting
8 operations.

9 [19.] 18. Any railroad corporation as defined in section
10 388.010 that transports any hazardous waste as defined in section
11 260.360 or any hazardous substance as defined in section 260.500
12 shall pay an annual fee of three hundred fifty dollars. Fees
13 collected pursuant to this subsection shall be deposited in the
14 hazardous waste fund created in section 260.391.

15 260.475. 1. Every hazardous waste generator located in
16 Missouri shall pay, in addition to the fees imposed in section
17 260.380, a fee of twenty-five dollars per ton annually on all
18 hazardous waste which is discharged, deposited, dumped or placed
19 into or on the soil as a final action, and two dollars per ton on
20 all other hazardous waste transported off site. No fee shall be
21 imposed upon any hazardous waste generator who registers less
22 than ten tons of hazardous waste annually pursuant to section
23 260.380, or upon:

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

27 (2) Fly ash waste, bottom ash waste, slag waste and flue
28 gas emission control waste generated primarily from the

1 combustion of coal or other fossil fuels;

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

6 (4) Cement kiln dust waste;

7 (5) Waste oil; or

8 (6) Hazardous waste that is:

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

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

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

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

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

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

24 4. If any generator or transporter fails or refuses to pay
25 the fees imposed by this section, or fails or refuses to furnish
26 any information reasonably requested by the department relating
27 to such fees, there shall be imposed, in addition to the fee
28 determined to be owed, a penalty of fifteen percent of the fee

1 shall be deposited in the hazardous waste fund.

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

8 6. The state treasurer is authorized to deposit all of the
9 moneys in the hazardous waste fund in any of the qualified
10 depositories of the state. All such deposits shall be secured in
11 such a manner and shall be made upon such terms and conditions as
12 are now or may hereafter be provided for by law relative to state
13 deposits. Interest received on such deposits shall be credited
14 to the hazardous waste fund.

15 7. This fee shall expire December 31, ~~[2013]~~ 2018, except
16 that the department shall levy and collect this fee for any
17 hazardous waste generated prior to such date and reported to the
18 department.

19 8. The director of the department of natural resources may
20 conduct a comprehensive review of the fee structure set forth in
21 this section. The comprehensive review shall include stakeholder
22 meetings in order to solicit stakeholder input from each of the
23 following groups: cement kiln representatives, chemical
24 companies, large and small hazardous waste generators, and any
25 other interested parties. Upon completion of the comprehensive
26 review, the department shall submit proposed changes to the fee
27 structure with stakeholder agreement to the hazardous waste
28 management commission. The commission shall, upon receiving the

1 department's recommendations, review such recommendations at the
2 forthcoming regular or special meeting. The commission shall not
3 take a vote on the fee structure until the following regular
4 meeting. If the commission approves, by vote of two-thirds
5 majority, the hazardous waste fee structure recommendations, the
6 commission shall promulgate by regulation and publish the
7 recommended fee structure no later than October first of the same
8 year. The commission shall file the order of rulemaking for such
9 rule with the joint committee on administrative rules pursuant to
10 sections 536.021 and 536.024 no later than December first of the
11 same year. If such rules are not disapproved by the general
12 assembly in the manner set out below, they shall take effect on
13 January first of the next odd-numbered year and the fee structure
14 set out in this section shall expire upon the effective date of
15 the commission adopted fee structure, contrary to subsection 9 of
16 this section. Any regulation promulgated under this subsection
17 shall be deemed to be beyond the scope and authority provided in
18 this subsection, or detrimental to permit applicants, if the
19 general assembly, within the first sixty calendar days of the
20 regular session immediately following the promulgation of such
21 regulation, by concurrent resolution, shall disapprove the fee
22 structure contained in such regulation. If the general assembly
23 so disapproves any regulation promulgated under this subsection,
24 the hazardous waste management commission shall continue to use
25 the fee structure set forth in the most recent preceding
26 regulation promulgated under this subsection. This subsection
27 shall expire on August 28, 2023.

28 261.023. 1. There is hereby created a department of

1 agriculture to be headed by a director of the department of
2 agriculture to be appointed by the governor, by and with the
3 advice and consent of the senate. The director shall possess the
4 qualifications presently provided by law for the position of
5 commissioner of agriculture.

6 2. All powers, duties and functions now vested by law to
7 the commissioner of the department of agriculture and the
8 department of agriculture, chapter 261 and others, are
9 transferred by type I transfer to the director of the department
10 of agriculture and to the department of agriculture herein
11 created.

12 3. The state horticultural society created by sections
13 262.010 and 262.020 is transferred by type I transfer to the
14 department of agriculture.

15 4. All the powers, duties, and functions vested in the
16 state milk board, chapter 196, are transferred to the department
17 of agriculture by type III transfer. The appointed members of
18 the board shall be nominated by the department director, and
19 appointed by the governor with the advice and consent of the
20 senate. The department of health and senior services shall
21 retain the powers, duties and functions assigned by chapter 196.

22 5. All the powers, duties, functions and properties of the
23 state fruit experiment station, chapter 262, are transferred by
24 type I transfer to the Southwest Missouri State University and
25 fruit experiment station board of trustees is abolished.

26 6. All the powers, duties and functions of the department
27 of revenue relating to the inspection of motor fuel and special
28 fuel distributors, chapters 323 and 414, are transferred by type

1 I transfer to the department of agriculture and to the director
2 of that department. The collection of the taxes provided in
3 chapters 142 and 136, however, shall be made by the department of
4 revenue.

5 7. All the powers, duties, and functions of the land survey
6 program of the department of natural resources are transferred to
7 the department of agriculture by type I transfer.

8 444.772. 1. Any operator desiring to engage in surface
9 mining shall make written application to the director for a
10 permit.

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

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

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

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

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

23 (5) The written consent of the applicant and any other
24 persons necessary to grant access to the commission or the
25 director to the area of land affected under application from the
26 date of application until the expiration of any permit granted
27 under the application and thereafter for such time as is
28 necessary to assure compliance with all provisions of sections

1 444.500 to 444.790 or any rule or regulation promulgated pursuant
2 to them. Permit applications submitted by operators who mine an
3 annual tonnage of less than ten thousand tons shall be required
4 to include written consent from the operator to grant access to
5 the commission or the director to the area of land affected;

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

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

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

15 4. The application shall be accompanied by a bond, security
16 or certificate meeting the requirements of section 444.778, a
17 geologic resources fee authorized under section 256.700, and a
18 permit fee approved by the commission not to exceed one thousand
19 dollars. The commission may also require a fee for each site
20 listed on a permit not to exceed four hundred dollars for each
21 site. If mining operations are not conducted at a site for six
22 months or more during any year, the fee for such site for that
23 year shall be reduced by fifty percent. The commission may also
24 require a fee for each acre bonded by the operator pursuant to
25 section 444.778 not to exceed twenty dollars per acre. If such
26 fee is assessed, the per-acre fee on all acres bonded by a single
27 operator that exceed a total of two hundred acres shall be
28 reduced by fifty percent. In no case shall the total fee for any

1 permit be more than three thousand dollars. Permit and renewal
2 fees shall be established by rule, except for the initial fees as
3 set forth in this subsection, and shall be set at levels that
4 recover the cost of administering and enforcing sections 444.760
5 to 444.790, making allowances for grants and other sources of
6 funds. The director shall submit a report to the commission and
7 the public each year that describes the number of employees and
8 the activities performed the previous calendar year to administer
9 sections 444.760 to 444.790. For any operator of a gravel mining
10 operation where the annual tonnage of gravel mined by such
11 operator is less than five thousand tons, the total cost of
12 submitting an application shall be three hundred dollars. The
13 issued permit shall be valid from the date of its issuance until
14 the date specified in the mine plan unless sooner revoked or
15 suspended as provided in sections 444.760 to 444.790. Beginning
16 August 28, 2007, the fees shall be set at a permit fee of eight
17 hundred dollars, a site fee of four hundred dollars, and an acre
18 fee of ten dollars, with a maximum fee of three thousand dollars.
19 Fees may be raised as allowed in this subsection after a
20 regulation change that demonstrates the need for increased fees.

21 5. An operator desiring to have his or her permit amended
22 to cover additional land may file an amended application with the
23 commission. Upon receipt of the amended application, and such
24 additional fee and bond as may be required pursuant to the
25 provisions of sections 444.760 to 444.790, the director shall, if
26 the applicant complies with all applicable regulatory
27 requirements, issue an amendment to the original permit covering
28 the additional land described in the amended application.

1 6. An operation may withdraw any land covered by a permit,
2 excepting affected land, by notifying the commission thereof, in
3 which case the penalty of the bond or security filed by the
4 operator pursuant to the provisions of sections 444.760 to
5 444.790 shall be reduced proportionately.

6 7. Where mining or reclamation operations on acreage for
7 which a permit has been issued have not been completed, the
8 permit shall be renewed. The operator shall submit a permit
9 renewal form furnished by the director for an additional permit
10 year and pay a fee equal to an application fee calculated
11 pursuant to subsection 4 of this section, but in no case shall
12 the renewal fee for any operator be more than three thousand
13 dollars. For any operator involved in any gravel mining
14 operation where the annual tonnage of gravel mined by such
15 operator is less than five thousand tons, the permit as to such
16 acreage shall be renewed by applying on a permit renewal form
17 furnished by the director for an additional permit year and
18 payment of a fee of three hundred dollars. Upon receipt of the
19 completed permit renewal form and fee from the operator, the
20 director shall approve the renewal. With approval of the
21 director and operator, the permit renewal may be extended for a
22 portion of an additional year with a corresponding prorating of
23 the renewal fee.

24 8. Where one operator succeeds another at any uncompleted
25 operation, either by sale, assignment, lease or otherwise, the
26 commission may release the first operator from all liability
27 pursuant to sections 444.760 to 444.790 as to that particular
28 operation if both operators have been issued a permit and have

1 otherwise complied with the requirements of sections 444.760 to
2 444.790 and the successor operator assumes as part of his or her
3 obligation pursuant to sections 444.760 to 444.790 all liability
4 for the reclamation of the area of land affected by the former
5 operator.

6 9. The application for a permit shall be accompanied by a
7 plan of reclamation that meets the requirements of sections
8 444.760 to 444.790 and the rules and regulations promulgated
9 pursuant thereto, and shall contain a verified statement by the
10 operator setting forth the proposed method of operation,
11 reclamation, and a conservation plan for the affected area
12 including approximate dates and time of completion, and stating
13 that the operation will meet the requirements of sections 444.760
14 to 444.790, and any rule or regulation promulgated pursuant to
15 them.

16 10. At the time that a permit application is deemed
17 complete by the director, the operator shall publish a notice of
18 intent to operate a surface mine in any newspaper qualified
19 pursuant to section 493.050 to publish legal notices in any
20 county where the land is located. If the director does not
21 respond to a permit application within forty-five calendar days,
22 the application shall be deemed to be complete. Notice in the
23 newspaper shall be posted once a week for four consecutive weeks
24 beginning no more than ten days after the application is deemed
25 complete. The operator shall also send notice of intent to
26 operate a surface mine by certified mail to the governing body of
27 the counties or cities in which the proposed area is located, and
28 to the last known addresses of all record landowners of

1 contiguous real property or real property located adjacent to the
2 proposed mine plan area. The notices shall include the name and
3 address of the operator, a legal description consisting of
4 county, section, township and range, the number of acres
5 involved, a statement that the operator plans to mine a specified
6 mineral during a specified time, and the address of the
7 commission. The notices shall also contain a statement that any
8 person with a direct, personal interest in one or more of the
9 factors the commission may consider in issuing a permit may
10 request a public meeting, a public hearing or file written
11 comments to the director no later than fifteen days following the
12 final public notice publication date.

13 11. The commission may approve a permit application or
14 permit amendment whose operation or reclamation plan deviates
15 from the requirements of sections 444.760 to 444.790 if it can be
16 demonstrated by the operator that the conditions present at the
17 surface mining location warrant an exception. The criteria
18 accepted for consideration when evaluating the merits of an
19 exception or variance to the requirements of sections 444.760 to
20 444.790 shall be established by regulations.

21 12. Fees imposed pursuant to this section shall become
22 effective August 28, 2007, and shall expire on December 31,
23 ~~[2013]~~ 2018. No other provisions of this section shall expire.

24 621.250. 1. All authority to hear contested case
25 administrative appeals granted in chapters 236, 256, 260, 444,
26 640, 643, and 644, and to the hazardous waste management
27 commission in chapter 260, the land reclamation commission in
28 chapter 444, the safe drinking water commission in chapter 640,

1 the air conservation commission in chapter 643, and the clean
2 water commission in chapter 644 shall be transferred to the
3 administrative hearing commission under this chapter. The
4 authority to render final decisions after hearing on appeals
5 heard by the administrative hearing commission shall remain with
6 the commissions listed in this subsection. For appeals pursuant
7 to chapter 236, chapter 256, section 260.235, or section 260.249,
8 the administrative hearing commission shall render a final
9 decision rather than a recommended decision. The administrative
10 hearing commission may render [a] its recommended or final
11 decision after hearing or through stipulation, consent order,
12 agreed settlement or by disposition in the nature of default
13 judgment, judgment on the pleadings, or summary determination,
14 consistent with the requirements of this subsection and the rules
15 and procedures of the administrative hearing commission.

16 2. Except as otherwise provided by law, any person or
17 entity who is a party to, or who is aggrieved or adversely
18 affected by, any finding, order, decision, or assessment for
19 which the authority to hear appeals was transferred to the
20 administrative hearing commission in subsection 1 of this section
21 may file a notice of appeal with the administrative hearing
22 commission within thirty days after any such finding, order,
23 decision, or assessment is placed in the United States mail or
24 within thirty days of any such finding, order, decision, or
25 assessment being delivered, whichever is earlier. Within ninety
26 days after the date on which the notice of appeal is filed the
27 administrative hearing commission may hold hearings, and within
28 one hundred twenty days after the date on which the notice of

1 appeal is filed shall make a recommended decision [based on those
2 hearings or shall make a recommended decision based on
3 stipulation of the parties, consent order, agreed settlement or
4 by disposition in the nature of default judgment, judgment on the
5 pleadings, or summary determination], or a final decision where
6 applicable, in accordance with the requirements of this
7 [subsection] section and the rules and procedures of the
8 administrative hearing commission; provided, however, that the
9 dates by which the administrative hearing commission is required
10 to hold hearings and make a recommended decision may be extended
11 at the sole discretion of the permittee as either petitioner or
12 intervenor in the appeal.

13 3. Any decision by the director of the department of
14 natural resources that may be appealed as provided in subsection
15 1 of this section shall contain a notice of the right of appeal
16 in substantially the following language: "If you were adversely
17 affected by this decision, you may be entitled to pursue an
18 appeal [to have the matter heard by] before the administrative
19 hearing commission. To appeal, you must file a petition with the
20 administrative hearing commission within thirty days after the
21 date this decision was mailed or the date it was delivered,
22 whichever date was earlier. If any such petition is sent by
23 registered mail or certified mail, it will be deemed filed on the
24 date it is mailed; if it is sent by any method other than
25 registered mail or certified mail, it will be deemed filed on the
26 date it is received by the administrative hearing commission."
27 Within fifteen days after the administrative hearing commission
28 renders [its] a recommended decision, it shall transmit the

1 record and a transcript of the proceedings, together with the
2 administrative hearing commission's recommended decision to the
3 commission having authority to issue a final decision. The final
4 decision of the commission shall be issued within one hundred
5 eighty days of the date the notice of appeal in subsection 2 of
6 this section is filed and shall be based only on the facts and
7 evidence in the hearing record; provided, however, that the date
8 by which the commission is required to issue a final decision may
9 be extended at the sole discretion of the permittee as either
10 petitioner or intervenor in the appeal. The commission may adopt
11 the recommended decision as its final decision. The commission
12 may change a finding of fact or conclusion of law made by the
13 administrative hearing commission, or may vacate or modify the
14 recommended decision issued by the administrative hearing
15 commission, only if the commission states in writing the specific
16 reason for a change made under this subsection.

17 4. In the event the person filing the appeal prevails in
18 any dispute under this section, interest shall be allowed upon
19 any amount found to have been wrongfully collected or erroneously
20 paid at the rate established by the director of the department of
21 revenue under section 32.065.

22 5. Appropriations shall be made from the respective funds
23 of the [various commissions] department of natural resources to
24 cover the administrative hearing commission's costs associated
25 with these appeals.

26 6. In all matters heard by the administrative hearing
27 commission under this section, the burden of proof shall comply
28 with section 640.012. The hearings shall be conducted by the

1 administrative hearing commission in accordance with the
2 provisions of chapter 536 and its regulations promulgated
3 thereunder.

4 7. No cause of action or appeal arising out of any finding,
5 order, decision, or assessment of any of the commissions listed
6 in subsection 1 of this section shall accrue in any court unless
7 the party seeking to file such cause of action or appeal shall
8 have filed a notice of appeal and received a final decision in
9 accordance with the provisions of this section.

10 640.010. 1. There is hereby created a department of
11 natural resources in charge of a director appointed by the
12 governor, by and with the advice and consent of the senate. The
13 director shall administer the programs assigned to the department
14 relating to environmental control and the conservation and
15 management of natural resources. The director shall coordinate
16 and supervise all staff and other personnel assigned to the
17 department. He shall faithfully cause to be executed all
18 policies established by the boards and commissions assigned to
19 the department, be subject to their decisions as to all
20 substantive and procedural rules and his or her decisions shall
21 be subject to appeal [to the board or commission on request of
22 the board or commission or by affected parties] as provided by
23 law. The director shall recommend policies to the various boards
24 and commissions assigned to the department to achieve effective
25 and coordinated environmental control and natural resource
26 conservation policies.

27 2. The director shall appoint directors of staff to service
28 each of the policy making boards or commissions assigned to the

1 department. Each director of staff shall be qualified by
2 education, training and experience in the technical matters of
3 the board to which he is assigned and his or her appointment
4 shall be approved by the board to which he is assigned and he
5 shall be removed or reassigned on their request in writing to the
6 director of the department. All other employees of the
7 department and of each board and commission assigned to the
8 department shall be appointed by the director of the department
9 in accord with chapter 36, and shall be assigned and may be
10 reassigned as required by the director of the department in such
11 a manner as to provide optimum service, efficiency and economy.

12 3. The air conservation commission, chapter 203 and others,
13 the clean water commission, chapter 204 and others, are
14 transferred by type II transfer to the department of natural
15 resources. The governor shall appoint the members of these
16 bodies in accord with the laws establishing them, with the advice
17 and consent of the senate. The bodies hereby transferred shall
18 retain all rulemaking and hearing powers allotted by law, as well
19 as those of any bodies transferred to their jurisdiction. All
20 the powers, duties and functions of the state environmental
21 improvement authority, chapter 260 and others, are transferred by
22 type III transfer to the air conservation commission. All the
23 powers, duties and functions of the water resources board,
24 chapter 256 and others, are transferred by type I transfer to the
25 clean water commission and the board is abolished. No member of
26 the clean water commission shall receive or shall have received,
27 during the previous two years from the date of his or her
28 appointment, a significant portion of his or her income directly

1 or indirectly from permit holders or applicants for a permit
2 under the jurisdiction of the clean water commission. The state
3 park board, chapter 253, is transferred to the department of
4 natural resources by type I transfer.

5 4. All the powers, duties and functions of the state soil
6 and water districts commission, chapter 278 and others, are
7 transferred by a type II transfer to the department.

8 5. All the powers, duties and functions of the state
9 geologist, chapter 256 and others, are transferred by type I
10 transfer to the department of natural resources. [All the
11 powers, duties and functions of the state land survey authority,
12 chapter 60, are transferred to the department of natural
13 resources by type I transfer and the authority is abolished.]
14 All the powers, duties and functions of the state oil and gas
15 council, chapter 259 and others, are transferred to the
16 department of natural resources by type II transfer. The
17 director of the department shall appoint a state geologist who
18 shall have the duties to supervise and coordinate the work
19 formerly done by the departments or authorities abolished by this
20 subsection, and shall provide staff services for the state oil
21 and gas council.

22 6. All the powers, duties and functions of the land
23 reclamation commission, chapter 444 and others, are transferred
24 to the department of natural resources by type II transfer. All
25 necessary personnel required by the commission shall be selected,
26 employed and discharged by the commission. The director of the
27 department shall not have the authority to abolish positions.

28 7. The functions performed by the division of health in

1 relation to the maintenance of a safe quality of water dispensed
2 to the public, sections 640.100 to 640.115, and others, and for
3 licensing and regulating solid waste management systems and plans
4 are transferred by type I transfer to the department of natural
5 resources.

6 [8. (1) The state interagency council for outdoor
7 recreation, chapter 258, is transferred to the department of
8 natural resources by type II transfer. The council shall consist
9 of representatives of the following state agencies: department
10 of agriculture; department of conservation; office of
11 administration; department of natural resources; department of
12 economic development; department of social services; department
13 of transportation; and the University of Missouri.

14 (2) The council shall function as provided in chapter 258,
15 except that the department of natural resources shall provide all
16 staff services as required by the council notwithstanding the
17 provisions of sections 258.030 and 258.040, and all personnel and
18 property of the council are hereby transferred by type I transfer
19 to the department of natural resources and the office of
20 executive secretary to the council is abolished.]

21 640.012. In all [matters] contested case administrative
22 appeals heard by the [department of natural resources in this
23 chapter and chapters 260, 278, 444, 643, and 644, the hazardous
24 waste management commission in chapter 260, the state soil and
25 water districts commission in chapter 278, the land reclamation
26 commission in chapter 444, the safe drinking water commission in
27 this chapter, the air conservation commission in chapter 643, and
28 the clean water commission in chapter 644] administrative hearing

1 commission pursuant to section 621.250, the burden of proof shall
2 be upon the department of natural resources [or the commission
3 that issued] to demonstrate the lawfulness of the finding, order,
4 decision or assessment being appealed, except that in matters
5 involving the denial of a permit, license or registration, the
6 burden of proof shall be on the applicant for such permit,
7 license or registration.

8 640.017. 1. Notwithstanding any other provision of law,
9 for activities that may require multiple environmental state
10 permits or certifications, an applicant may [request to
11 coordinate] directly petition the director for purposes of
12 approving or denying such permits or certifications, and for
13 purposes of coordinating a unified permit schedule with the
14 department which covers the timing and order to obtain such
15 permits in a coordinated and streamlined process. In determining
16 the schedule, the department and applicant shall consider which
17 permits are most critical for the regulated activity, the need
18 for unified public participation for all of the regulated aspects
19 of the permitted activity, the applicant's anticipated staging of
20 construction and financing for the permitted activity, and the
21 applicant's use of innovative environmental approaches or
22 strategies to minimize its environmental impacts.

23 2. In order to facilitate a unified and streamlined
24 permitting process, the director shall develop and implement a
25 process to coordinate the processing of multiple environmental
26 permits, certifications, or permit modifications from a single
27 applicant.

28 3. The department may initiate the unified permits process

1 for a class of similar activities by notifying any known
2 applicants interested in those regulated activities of the intent
3 to use the unified process. To the extent practicable and
4 consistent with the purposes of this section, the department
5 shall coordinate with interested applicants on the unified permit
6 schedule.

7 [3.] 4. The [department] process developed and implemented
8 by the director shall include working with such applicants in an
9 effort to help determine, at the earliest stage, all of the
10 permits required for a specific proposed activity based on
11 information provided by the applicant; additional information
12 regarding the proposed activity may result in different permits
13 being required. The department shall [propose] inform applicants
14 that a unified permitting schedule [to interested applicants] is
15 available. Any multiple-permit applicant may decline at any time
16 to have its permits processed in accordance with the schedule and
17 instead proceed [in] on a permit-by-permit approach. The
18 department shall publicize the order and tentative schedule on
19 the department's internet website.

20 [4.] 5. Following the establishment of a unified permit
21 schedule, the director shall notify the applicant in writing of
22 the order in which the applicant shall obtain permits. The
23 department shall proceed to consider applications accordingly and
24 may only modify the schedule with the consent of the applicant
25 through the date of the public hearing. Each application shall
26 be reviewed by the department based solely on its own merits and
27 compliance with the applicable law.

28 [5.] 6. The department shall coordinate with the applicant,

1 to the extent possible, to align the unified permit process so
2 that all public meetings or hearings related to the permits are
3 consolidated into one hearing in a location near the facility.

4 [6.] 7. In furtherance of this section, the director may
5 waive otherwise applicable procedural requirements related to
6 timing as set forth in state environmental laws or rules found in
7 this chapter and chapters 236, 259, 260, 444, 643, and 644, so
8 long as:

9 (1) The public comment periods related to each permit are
10 not shortened; and

11 (2) The unified permitting schedule does not impair the
12 ability of the applicant or the department to comply with
13 substantive legal requirements related to the permit application.

14 [7.] 8. The director shall promulgate rules to implement
15 the provisions of this section. Any rule or portion of a rule,
16 as that term is defined in section 536.010, that is created under
17 the authority delegated in this section shall become effective
18 only if it complies with and is subject to all of the provisions
19 of chapter 536 and, if applicable, section 536.028. This section
20 and chapter 536 are nonseverable and if any of the powers vested
21 with the general assembly under chapter 536 to review, to delay
22 the effective date, or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2008,
25 shall be invalid and void.

26 640.026. 1. The department of natural resources shall, by
27 December 1, 2013, and annually thereafter, develop a list of all
28 documents produced for external dissemination, excluding permits,

1 that the department utilizes to implement enforcement actions or
2 penalties levied by the department which have not been
3 established in statute or have not been promulgated pursuant to
4 chapter 536. The list and all documents referenced shall be
5 provided to the joint committee on administrative rules for the
6 purpose of a review, in consultation with the department, to
7 determine if the documents are statements of general
8 applicability that implement, interpret, or prescribe law or
9 policy that should be subject to the rulemaking process
10 prescribed in chapter 536.

11 2. All documents, excluding permits and rules, produced by
12 the department for external dissemination shall contain:

13 (1) The name of the department;

14 (2) The name of the division of the department, if
15 applicable;

16 (3) The name of the director of the division, if
17 applicable;

18 (4) The calendar date on which the document was produced;
19 and

20 (5) A disclosure statement stating: "Nothing in this
21 document may be used to implement any enforcement action or levy
22 any penalty unless promulgated by rule under chapter 536 or
23 authorized by statute."

24 3. The list and all documents required by this section to
25 be provided to the joint committee on administrative rules shall
26 be satisfied by providing either physical copies of both a list
27 and all documents, excluding permits, or by providing a list of
28 documents accompanied by a separate uniform resource locator for

1 each listed document.

2 640.065. 1. The "Department of Natural Resources Revolving
3 Services Fund" is hereby created. All funds received by the
4 department of natural resources from the delivery of services and
5 the sale or resale of maps, plats, reports, studies, records, and
6 other publications and documents, on paper or in electronic
7 format, shall be credited to the fund. The director of the
8 department shall administer the fund. The state treasurer is the
9 custodian of the fund and may approve disbursements from the fund
10 requested by the director of the department. When appropriated,
11 moneys in the fund shall be used to purchase goods, equipment,
12 hardware and software, maintenance and licenses, software and
13 database development and maintenance, personal services, and
14 other services that will ultimately be used to provide copies of
15 information maintained or provided by the department, reprint
16 maps, publications or other documents requested by governmental
17 agencies or members of the general public; to publish the maps,
18 publications, or other documents; to purchase maps, publications,
19 or other documents for resale; and to pay shipping charges,
20 laboratory services, core library fees, workshop fees, conference
21 fees, and interdivisional cooperative agreements, but for no
22 other purpose.

23 2. The department of natural resources may produce,
24 reproduce, and sell maps, plats, reports, studies, and records
25 and shall fix the charge therefor. All income received shall be
26 promptly deposited in the state treasury to the credit of the
27 department of natural resources revolving services fund.

28 3. An unencumbered balance not exceeding one million

1 dollars in the department of natural resources revolving services
2 fund at the end of the fiscal year is exempt from the provisions
3 of section 33.080 relating to the transfer of unexpended balances
4 to the general revenue fund.

5 4. The department of natural resources shall report all
6 income to and expenditures from such fund on a quarterly basis to
7 the house of representatives budget committee and the senate
8 appropriations committee.

9 640.075. The department of natural resources is authorized
10 to gather data, photographs and such other materials as may be
11 necessary and to prepare, edit and publish from time to time, as
12 deemed necessary, copies of a brochure on the Thomas Hart Benton
13 murals in the house lounge and on other major works of art of the
14 Missouri state capitol. The brochure shall be sold at a price to
15 be set by the department of natural resources. The proceeds from
16 the sale of the brochure shall be deposited in the state treasury
17 to the credit of the natural resources [document] revolving
18 services fund created in section [60.595] 640.065.

19 640.080. 1. For Missouri state parks' designated swim
20 beaches, a standard that measures E. coli using the Environmental
21 Protection Agency's Method 1603, or any other equivalent method
22 that measures culturable E. coli, with the geometric mean (GM) of
23 weekly sampling of one hundred ninety colony forming units per
24 one hundred milliliters shall be utilized.

25 2. If beaches exceed the GM standard established in
26 subsection 1 of this section, the department of natural resources
27 shall post the beach with signs that state "Swimming is Not
28 Recommended".

1 3. The department reserves the right to close a beach in
2 the event of a documented health risk including things such as
3 but not limited to wastewater by-pass, extremely high sampling
4 values, spills of hazardous chemicals, or localized outbreaks of
5 an infectious disease.

6 640.715. 1. Prior to filing an application to acquire [a
7 construction] an operating permit for a new or expanded facility
8 from the department, the owner or operator of any class IA, class
9 IB, or class IC concentrated animal feeding operation shall
10 provide the following information to the department, to the
11 county governing body and to all adjoining property owners of
12 property located within one and one-half times the buffer
13 distance as specified in subsection 2 of section 640.710 for the
14 size of the proposed facility:

15 (1) The number of animals anticipated at such facility;

16 (2) The waste handling plan and general layout of the
17 facility;

18 (3) The location and number of acres of such facility;

19 (4) Name, address, telephone number and registered agent
20 for further information as it relates to subdivisions (1) to (3)
21 of this subsection;

22 (5) Notice that the department will accept written comments
23 from the public for a period of thirty days; and

24 (6) The address of the regional or state office of the
25 department. The department shall require proof of such
26 notification upon accepting an application for [a construction]
27 an operating permit for a new or expanded facility. The
28 department shall accept written comments from the public for

1 thirty days after receipt of application for [construction] such
2 permit.

3 2. The department shall not issue [a] an operating permit
4 to a facility described in subsection 1 of this section to engage
5 in any activity regulated by the department unless the applicant
6 is in compliance with sections 640.700 to 640.755.

7 3. The department shall issue [a] an operating permit or
8 respond with a letter of comment to the owner or operator of such
9 facility within forty-five days of receiving a completed permit
10 application and verification of compliance with subsection 1 of
11 this section.

12 640.725. 1. The owner or operator of any flush system
13 animal waste wet handling facility shall employ one or more
14 persons who shall once per week visually inspect the [animal
15 waste wet handling facility and lagoons for unauthorized
16 discharge and structural integrity at least every twelve hours
17 with a deviation of not to exceed three hours] gravity outfall
18 lines, recycle pump stations, recycle force mains, and
19 appurtenances for any release to any containment structure
20 required by section 640.730. The owner or operator shall also
21 visually inspect once per day any lagoon whose water level is
22 less than twelve inches from the emergency spillway. The owner
23 or operator of the facility shall keep records of each
24 inspection. Such records shall be retained for three years. The
25 department shall provide or approve a form provided by the owner
26 or operator for each facility for such inspections.

27 2. All new construction permits for flush system animal
28 waste wet handling facilities shall have an electronic or

1 mechanical shutoff of the system in the event of pipe stoppage.
2 As of July 1, 1997, all existing flush system animal waste wet
3 handling facilities shall have, at a minimum, an electronic or
4 mechanical shutoff of the system in the event of pipe stoppage or
5 backflow.

6 643.079. 1. Any air contaminant source required to obtain
7 a permit issued under sections 643.010 to 643.355 shall pay
8 annually beginning April 1, 1993, a fee as provided herein. For
9 the first year the fee shall be twenty-five dollars per ton of
10 each regulated air contaminant emitted. Thereafter, the fee
11 shall be set every three years by the commission by rule and
12 shall be at least twenty-five dollars per ton of regulated air
13 contaminant emitted but not more than forty dollars per ton of
14 regulated air contaminant emitted in the previous calendar year.
15 If necessary, the commission may make annual adjustments to the
16 fee by rule. The fee shall be set at an amount consistent with
17 the need to fund the reasonable cost of administering sections
18 643.010 to 643.355, taking into account other moneys received
19 pursuant to sections 643.010 to 643.355. For the purpose of
20 determining the amount of air contaminant emissions on which the
21 fees authorized under this section are assessed, a facility shall
22 be considered one source under the definition of subsection 2 of
23 section 643.078, except that a facility with multiple operating
24 permits shall pay the emission fees authorized under this section
25 separately for air contaminants emitted under each individual
26 permit.

27 2. A source which produces charcoal from wood shall pay an
28 annual emission fee under this subsection in lieu of the fee

1 established in subsection 1 of this section. The fee shall be
2 based upon a maximum fee of twenty-five dollars per ton and
3 applied upon each ton of regulated air contaminant emitted for
4 the first four thousand tons of each contaminant emitted in the
5 amount established by the commission pursuant to subsection 1 of
6 this section, reduced according to the following schedule:

7 (1) For fees payable under this subsection in the years
8 1993 and 1994, the fee shall be reduced by one hundred percent;

9 (2) For fees payable under this subsection in the years
10 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

11 (3) For fees payable under this subsection in the years
12 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

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

16 4. Each air contaminant source with a permit issued under
17 sections 643.010 to 643.355 shall pay the fee for the first four
18 thousand tons of each regulated air contaminant emitted each year
19 but no air contaminant source shall pay fees on total emissions
20 of regulated air contaminants in excess of twelve thousand tons
21 in any calendar year. A permitted air contaminant source which
22 emitted less than one ton of all regulated pollutants shall pay a
23 fee equal to the amount per ton set by the commission. An air
24 contaminant source which pays emission fees to a holder of a
25 certificate of authority issued pursuant to section 643.140 may
26 deduct such fees from any amount due under this section. The
27 fees imposed in this section shall not be applied to carbon oxide
28 emissions. The fees imposed in subsection 1 and this subsection

1 shall not be applied to sulfur dioxide emissions from any Phase I
2 affected unit subject to the requirements of Title IV, Section
3 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651,
4 et seq., any sooner than January 1, 2000. The fees imposed on
5 emissions from Phase I affected units shall be consistent with
6 and shall not exceed the provisions of the federal Clean Air Act,
7 as amended, and the regulations promulgated thereunder. Any such
8 fee on emissions from any Phase I affected unit shall be reduced
9 by the amount of the service fee paid by that Phase I affected
10 unit pursuant to subsection 8 of this section in that year. Any
11 fees that may be imposed on Phase I sources shall follow the
12 procedures set forth in subsection 1 and this subsection and
13 shall not be applied retroactively.

14 5. Moneys collected under this section shall be transmitted
15 to the director of revenue for deposit in appropriate subaccounts
16 of the natural resources protection fund created in section
17 640.220. A subaccount shall be maintained for fees paid by air
18 contaminant sources which are required to be permitted under
19 Title V of the federal Clean Air Act, as amended, 42 U.S.C.
20 Section 7661, et seq., and used, upon appropriation, to fund
21 activities by the department to implement the operating permits
22 program authorized by Title V of the federal Clean Air Act, as
23 amended. Another subaccount shall be maintained for fees paid by
24 air contaminant sources which are not required to be permitted
25 under Title V of the federal Clean Air Act as amended, and used,
26 upon appropriation, to fund other air pollution control program
27 activities. Another subaccount shall be maintained for service
28 fees paid under subsection 8 of this section by Phase I affected

1 units which are subject to the requirements of Title IV, Section
2 404, of the federal Clean Air Act Amendments of 1990, as amended,
3 42 U.S.C. 7651, and used, upon appropriation, to fund air
4 pollution control program activities. The provisions of section
5 33.080 to the contrary notwithstanding, moneys in the fund shall
6 not revert to general revenue at the end of each biennium.

7 Interest earned by moneys in the subaccounts shall be retained in
8 the subaccounts. The per-ton fees established under subsection 1
9 of this section may be adjusted annually, consistent with the
10 need to fund the reasonable costs of the program, but shall not
11 be less than twenty-five dollars per ton of regulated air
12 contaminant nor more than forty dollars per ton of regulated air
13 contaminant. The first adjustment shall apply to moneys payable
14 on April 1, 1994, and shall be based upon the general price level
15 for the twelve-month period ending on August thirty-first of the
16 previous calendar year.

17 6. The department may initiate a civil action in circuit
18 court against any air contaminant source which has not remitted
19 the appropriate fees within thirty days. In any judgment against
20 the source, the department shall be awarded interest at a rate
21 determined pursuant to section 408.030 and reasonable attorney's
22 fees. In any judgment against the department, the source shall
23 be awarded reasonable attorney's fees.

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

27 8. Any Phase I affected unit which is subject to the
28 requirements of Title IV, Section 404, of the federal Clean Air

1 Act, as amended, 42 U.S.C. 7651, shall pay annually beginning
2 April 1, 1993, and terminating December 31, 1999, a service fee
3 for the previous calendar year as provided herein. For the first
4 year, the service fee shall be twenty-five thousand dollars for
5 each Phase I affected generating unit to help fund the
6 administration of sections 643.010 to 643.355. Thereafter, the
7 service fee shall be annually set by the commission by rule,
8 following public hearing, based on an annual allocation prepared
9 by the department showing the details of all costs and expenses
10 upon which such fees are based consistent with the department's
11 reasonable needs to administer and implement sections 643.010 to
12 643.355 and to fulfill its responsibilities with respect to Phase
13 I affected units, but such service fee shall not exceed
14 twenty-five thousand dollars per generating unit. Any such Phase
15 I affected unit which is located on one or more contiguous tracts
16 of land with any Phase II generating unit that pays fees under
17 subsection 1 or subsection 2 of this section shall be exempt from
18 paying service fees under this subsection. A "contiguous tract
19 of land" shall be defined to mean adjacent land, excluding public
20 roads, highways and railroads, which is under the control of or
21 owned by the permit holder and operated as a single enterprise.

22 9. The department of natural resources shall determine the
23 fees due pursuant to this section by the state of Missouri and
24 its departments, agencies and institutions, including two- and
25 four-year institutions of higher education. The director of the
26 department of natural resources shall forward the various totals
27 due to the joint committee on capital improvements and the
28 directors of the individual departments, agencies and

1 institutions. The departments, as part of the budget process,
2 shall annually request by specific line item appropriation funds
3 to pay said fees and capital funding for projects determined to
4 significantly improve air quality. If the general assembly fails
5 to appropriate funds for emissions fees as specifically
6 requested, the departments, agencies and institutions shall pay
7 said fees from other sources of revenue or funds available. The
8 state of Missouri and its departments, agencies and institutions
9 may receive assistance from the small business technical
10 assistance program established pursuant to section 643.173.

11 10. The director of the department of natural resources may
12 conduct a comprehensive review of the fee structure set forth in
13 this section. The comprehensive review shall include stakeholder
14 meetings in order to solicit stakeholder input from each of the
15 following groups: electric utilities, mineral and metallic
16 mining and processing facilities, cement kiln representatives,
17 and any other interested industrial or business entities or
18 interested parties. Upon completion of the comprehensive review,
19 the department shall submit proposed changes to the fee structure
20 with stakeholder agreement to the air conservation commission.
21 The commission shall, upon receiving the department's
22 recommendations, review such recommendations at the forthcoming
23 regular or special meeting. The commission shall review fee
24 structure recommendations from the department. The commission
25 shall not take a vote on the fee structure recommendations until
26 the following regular or special meeting. If the commission
27 approves, by vote of two-thirds majority or five of seven
28 commissioners, the fee structure recommendations, the commission

1 shall promulgate by regulation and publish the recommended fee
2 structure no later than October first of the same year. The
3 commission shall file the order of rulemaking for such rule with
4 the joint committee on administrative rules pursuant to sections
5 536.021 and 536.024 no later than December first of the same
6 year. If such rules are not disapproved by the general assembly
7 in the manner set out below, they shall take effect on January
8 first of the next odd-numbered year and the fee structure set out
9 in this section shall expire upon the effective date of the
10 commission adopted fee structure. Any regulation promulgated
11 under this subsection shall be deemed to be beyond the scope and
12 authority provided in this subsection, or detrimental to permit
13 applicants, if the general assembly, within the first sixty
14 calendar days of the regular session immediately following the
15 promulgation of such regulation, by concurrent resolution, shall
16 disapprove the fee structure contained in such regulation. If
17 the general assembly so disapproves any regulation promulgated
18 under this subsection, the air conservation commission shall
19 continue to use the fee structure set forth in the most recent
20 preceding regulation promulgated under this subsection. This
21 subsection shall expire on August 28, 2023.

22 644.029. The department shall allow an appropriate schedule
23 of compliance for a permittee to make upgrades or changes to its
24 facilities that are necessary to meet new water quality
25 requirements. For publicly owned treatment works, schedules of
26 compliance shall be consistent with affordability findings made
27 under section 644.145. For privately owned treatment works,
28 schedules of compliance shall be negotiated with the facilities

1 recognizing their financial capabilities and shall reflect
2 statewide performance expectations. The department shall
3 incorporate new water quality requirements into existing permits
4 at the time of permit renewal unless there are compelling reasons
5 to implement these requirements earlier through permit
6 modifications. All new permit applicants may be required to
7 meet any new water quality standards or classifications
8 prescribed by the commission.

9 644.051. 1. It is unlawful for any person:

10 (1) To cause pollution of any waters of the state or to
11 place or cause or permit to be placed any water contaminant in a
12 location where it is reasonably certain to cause pollution of any
13 waters of the state;

14 (2) To discharge any water contaminants into any waters of
15 the state which reduce the quality of such waters below the water
16 quality standards established by the commission;

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

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

25 2. It shall be unlawful for any person to [build, erect,
26 alter, replace,] operate, use or maintain any water contaminant
27 or point source in this state that is subject to standards, rules
28 or regulations promulgated pursuant to the provisions of sections

1 644.006 to 644.141 unless such person holds [a] an operating
2 permit from the commission, subject to such exceptions as the
3 commission may prescribe by rule or regulation. However, no
4 operating permit shall be required of any person for any emission
5 into publicly owned treatment facilities or into publicly owned
6 sewer systems tributary to publicly owned treatment works.

7 3. [Every proposed water contaminant or point source which,
8 when constructed or installed or established, will be subject to
9 any federal water pollution control act or sections 644.006 to
10 644.141 or regulations promulgated pursuant to the provisions of
11 such act shall make application to the director for a permit at
12 least thirty days prior to the initiation of construction or
13 installation or establishment. Every water contaminant or point
14 source in existence when regulations or sections 644.006 to
15 644.141 become effective shall make application to the director
16 for a permit within sixty days after the regulations or sections
17 644.006 to 644.141 become effective, whichever shall be earlier.
18 The director shall promptly investigate each application, which
19 investigation shall include such hearings and notice, and
20 consideration of such comments and recommendations as required by
21 sections 644.006 to 644.141 and any federal water pollution
22 control act. If the director determines that the source meets or
23 will meet the requirements of sections 644.006 to 644.141 and the
24 regulations promulgated pursuant thereto, the director shall
25 issue a permit with such conditions as he or she deems necessary
26 to ensure that the source will meet the requirements of sections
27 644.006 to 644.141 and any federal water pollution control act as
28 it applies to sources in this state. If the director determines

1 that the source does not meet or will not meet the requirements
2 of either act and the regulations pursuant thereto, the director
3 shall deny the permit pursuant to the applicable act and issue
4 any notices required by sections 644.006 to 644.141 and any
5 federal water pollution control act] It shall be unlawful for any
6 person to construct, build, replace or make major modification to
7 any point source or collection system that is principally
8 designed to convey or discharge human sewage to waters of the
9 state, unless such person obtains a construction permit from the
10 commission, except as provided in this section. The following
11 activities shall be excluded from construction permit
12 requirements:

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

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

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

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

23
24 However, nothing shall prevent the department from taking action
25 to assure protection of the environment and human health. A
26 construction permit may be required where necessary as determined
27 by the department, including the following:

28 (a) Substantial deviation from the commission's design

1 standards;

2 (b) To correct noncompliance;

3 (c) When an unauthorized discharge has occurred or has the
4 potential to occur; or

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

6
7 In addition, any point source that proposes to construct an
8 earthen storage structure to hold, convey, contain, store or
9 treat domestic, agricultural, or industrial process wastewater
10 also shall be subject to the construction permit provisions of
11 this subsection. All other construction-related activities at
12 point sources shall be exempt from the construction permit
13 requirements. All activities that are exempted from the
14 construction permit requirement are subject to the following
15 conditions:

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

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

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

1 complete.

2
3 A governmental unit may apply to the department for authorization
4 to operate a local supervised program, and the department may
5 authorize such a program. A local supervised program would
6 recognize the governmental unit's engineering capacity and
7 ability to conduct engineering work, supervise construction and
8 maintain compliance with relevant operating permit requirements.

9 4. Before issuing [a permit to build or enlarge a water
10 contaminant or point source or reissuing any permit] any permit
11 required by this section, the director shall issue such notices,
12 conduct such hearings, and consider such factors, comments and
13 recommendations as required by sections 644.006 to 644.141 or any
14 federal water pollution control act. The director shall
15 determine if any state or any provisions of any federal water
16 pollution control act the state is required to enforce, any state
17 or federal effluent limitations or regulations, water
18 quality-related effluent limitations, national standards of
19 performance, toxic and pretreatment standards, or water quality
20 standards which apply to the source, or any such standards in the
21 vicinity of the source, are being exceeded, and shall determine
22 the impact on such water quality standards from the source. The
23 director, in order to effectuate the purposes of sections 644.006
24 to 644.141, shall deny a permit if the source will violate any
25 such acts, regulations, limitations or standards or will
26 appreciably affect the water quality standards or the water
27 quality standards are being substantially exceeded, unless the
28 permit is issued with such conditions as to make the source

1 comply with such requirements within an acceptable time schedule.

2 5. The director shall grant or deny the permit within sixty
3 days after all requirements of the Federal Water Pollution
4 Control Act concerning issuance of permits have been satisfied
5 unless the application does not require any permit pursuant to
6 any federal water pollution control act. The director or the
7 commission may require the applicant to provide and maintain such
8 facilities or to conduct such tests and monitor effluents as
9 necessary to determine the nature, extent, quantity or degree of
10 water contaminant discharged or released from the source,
11 establish and maintain records and make reports regarding such
12 determination.

13 6. The director shall promptly notify the applicant in
14 writing of his or her action and if the permit is denied state
15 the reasons therefor. The applicant may appeal to the commission
16 from the denial of a permit or from any condition in any permit
17 by filing notice of appeal with the commission within thirty days
18 of the notice of denial or issuance of the permit. After a final
19 action is taken on a new or reissued general permit, a potential
20 applicant for the general permit who can demonstrate that he or
21 she is or may be adversely affected by any permit term or
22 condition may appeal the terms and conditions of the general
23 permit within thirty days of the department's issuance of the
24 general permit. In no event shall a permit constitute permission
25 to violate the law or any standard, rule or regulation
26 promulgated pursuant thereto.

27 7. In any hearing held pursuant to this section that
28 involves a permit, license, or registration, the burden of proof

1 is on the party specified in section 640.012. Any decision of
2 the commission made pursuant to a hearing held pursuant to this
3 section is subject to judicial review as provided in section
4 644.071.

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

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

13 10. No manufacturing or processing plant or operating
14 location shall be required to pay more than one operating fee.
15 Operating permits shall be issued for a period not to exceed five
16 years after date of issuance, except that general permits shall
17 be issued for a five-year period, and also except that neither a
18 construction nor an annual permit shall be required for a single
19 residence's waste treatment facilities. Applications for renewal
20 of a site-specific operating permit shall be filed at least one
21 hundred eighty days prior to the expiration of the existing
22 permit. Applications seeking to renew coverage under a general
23 permit shall be submitted at least thirty days prior to the
24 expiration of the general permit, unless the permittee has been
25 notified by the director that an earlier application must be
26 made. General permits may be applied for and issued
27 electronically once made available by the director.

28 11. Every permit issued to municipal or any publicly owned

1 treatment works or facility shall require the permittee to
2 provide the clean water commission with adequate notice of any
3 substantial new introductions of water contaminants or pollutants
4 into such works or facility from any source for which such notice
5 is required by sections 644.006 to 644.141 or any federal water
6 pollution control act. Such permit shall also require the
7 permittee to notify the clean water commission of any substantial
8 change in volume or character of water contaminants or pollutants
9 being introduced into its treatment works or facility by a source
10 which was introducing water contaminants or pollutants into its
11 works at the time of issuance of the permit. Notice must
12 describe the quality and quantity of effluent being introduced or
13 to be introduced into such works or facility by a source which
14 was introducing water contaminants or pollutants into its works
15 at the time of issuance of the permit. Notice must describe the
16 quality and quantity of effluent being introduced or to be
17 introduced into such works or facility and the anticipated impact
18 of such introduction on the quality or quantity of effluent to be
19 released from such works or facility into waters of the state.

20 12. The director or the commission may require the filing
21 or posting of a bond as a condition for the issuance of permits
22 for construction of temporary or future water treatment
23 facilities or facilities that utilize innovative technology for
24 wastewater treatment in an amount determined by the commission to
25 be sufficient to ensure compliance with all provisions of
26 sections 644.006 to 644.141, and any rules or regulations of the
27 commission and any condition as to such construction in the
28 permit. For the purposes of this section, "innovative technology

1 for wastewater treatment" shall mean a completely new and
2 generally unproven technology in the type or method of its
3 application that bench testing or theory suggest has
4 environmental, efficiency, and cost benefits beyond the standard
5 technologies. No bond shall be required for designs approved by
6 any federal agency or environmental regulatory agency of another
7 state. The bond shall be signed by the applicant as principal,
8 and by a corporate surety licensed to do business in the state of
9 Missouri and approved by the commission. The bond shall remain
10 in effect until the terms and conditions of the permit are met
11 and the provisions of sections 644.006 to 644.141 and rules and
12 regulations promulgated pursuant thereto are complied with.

13 13. (1) The department shall issue or deny applications
14 for construction and site-specific operating permits received
15 after January 1, 2001, within one hundred eighty days of the
16 department's receipt of an application. For general construction
17 and operating permit applications received after January 1, 2001,
18 that do not require a public participation process, the
19 department shall issue or deny the permits within sixty days of
20 the department's receipt of an application. For an application
21 seeking coverage under a renewed general permit that does not
22 require an individual public participation process, the director
23 shall issue or deny the permit within sixty days of the
24 director's receipt of the application, or upon issuance of the
25 general permit, whichever is later. In regard to an application
26 seeking coverage under an initial general permit that does not
27 require an individual public participation process, the director
28 shall issue or deny the permit within sixty days of the

1 department's receipt of the application. For an application
2 seeking coverage under a renewed general permit that requires an
3 individual public participation process, the director shall issue
4 or deny the permit within ninety days of the director's receipt
5 of the application, or upon issuance of the general permit,
6 whichever is later. In regard to an application for an initial
7 general permit that requires an individual public participation
8 process, the director shall issue or deny the permit within
9 ninety days of the director's receipt of the application.

10 (2) If the department fails to issue or deny with good
11 cause a construction or operating permit application within the
12 time frames established in subdivision (1) of this subsection,
13 the department shall refund the full amount of the initial
14 application fee within forty-five days of failure to meet the
15 established time frame. If the department fails to refund the
16 application fee within forty-five days, the refund amount shall
17 accrue interest at a rate established pursuant to section 32.065.

18 (3) Permit fee disputes may be appealed to the commission
19 within thirty days of the date established in subdivision (2) of
20 this subsection. If the applicant prevails in a permit fee
21 dispute appealed to the commission, the commission may order the
22 director to refund the applicant's permit fee plus interest and
23 reasonable attorney's fees as provided in sections 536.085 and
24 536.087. A refund of the initial application or annual fee does
25 not waive the applicant's responsibility to pay any annual fees
26 due each year following issuance of a permit.

27 (4) No later than December 31, 2001, the commission shall
28 promulgate regulations defining shorter review time periods than

1 the time frames established in subdivision (1) of this
2 subsection, when appropriate, for different classes of
3 construction and operating permits. In no case shall commission
4 regulations adopt permit review times that exceed the time frames
5 established in subdivision (1) of this subsection. The
6 department's failure to comply with the commission's permit
7 review time periods shall result in a refund of said permit fees
8 as set forth in subdivision (2) of this subsection. On a
9 semiannual basis, the department shall submit to the commission a
10 report which describes the different classes of permits and
11 reports on the number of days it took the department to issue
12 each permit from the date of receipt of the application and show
13 averages for each different class of permits.

14 (5) During the department's technical review of the
15 application, the department may request the applicant submit
16 supplemental or additional information necessary for adequate
17 permit review. The department's technical review letter shall
18 contain a sufficient description of the type of additional
19 information needed to comply with the application requirements.

20 (6) Nothing in this subsection shall be interpreted to mean
21 that inaction on a permit application shall be grounds to violate
22 any provisions of sections 644.006 to 644.141 or any rules
23 promulgated pursuant to sections 644.006 to 644.141.

24 14. The department shall respond to all requests for
25 individual certification under Section 401 of the Federal Clean
26 Water Act within the lesser of sixty days or the allowed response
27 period established pursuant to applicable federal regulations
28 without request for an extension period unless such extension is

1 determined by the commission to be necessary to evaluate
2 significant impacts on water quality standards and the commission
3 establishes a timetable for completion of such evaluation in a
4 period of no more than one hundred eighty days.

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

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

14 17. Prior to the development of a new general permit or
15 reissuance of a general permit for aquaculture, land disturbance
16 requiring a storm water permit, or reissuance of a general permit
17 under which fifty or more permits were issued under a general
18 permit during the immediately preceding five-year period for a
19 designated category of water contaminant sources, the director
20 shall implement a public participation process complying with the
21 following minimum requirements:

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

26 (2) The director shall publish notice of his intent to
27 issue a new general permit or reissue a general permit by posting
28 notice on the department's website at least one hundred eighty

1 days before the proposed effective date of the general permit;

2 (3) The director shall hold a public informational meeting
3 to provide information on anticipated permit conditions and
4 requirements and to receive informal comments from permittees and
5 other interested persons. The director shall include notice of
6 the public informational meeting with the notice of intent to
7 issue a new general permit or reissue a general permit under
8 subdivision (2) of this subsection. The notice of the public
9 informational meeting, including the date, time and location,
10 shall be posted on the department's website at least thirty days
11 in advance of the public meeting. If the meeting is being held
12 for reissuance of a general permit, notice shall also be made by
13 electronic mail to all permittees holding the current general
14 permit which is expiring. Notice to current permittees shall be
15 made at least twenty days prior to the public meeting;

16 (4) The director shall hold a thirty-day public comment
17 period to receive comments on the general permit template with
18 the thirty-day comment period expiring at least sixty days prior
19 to the effective date of the general permit. Scanned copies of
20 the comments received during the public comment period shall be
21 posted on the department's website within five business days
22 after close of the public comment period;

23 (5) A revised draft of a general permit template and the
24 director's response to comments submitted during the public
25 comment period shall be posted on the department's website at
26 least forty-five days prior to issuance of the general permit.
27 At least forty-five days prior to issuance of the general permit
28 the department shall notify all persons who submitted comments to

1 the department that these documents have been posted to the
2 department's website;

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

5 18. Notices required to be made by the department pursuant
6 to subsection 17 of this section may be made by electronic mail.
7 The department shall not be required to make notice to any
8 permittee or other person who has not provided a current
9 electronic mail address to the department. In the event the
10 department chooses to make material modifications to the general
11 permit before its expiration, the department shall follow the
12 public participation process described in subsection 17 of this
13 section.

14 19. The provisions of subsection 17 of this section shall
15 become effective beginning January 1, 2013.

16 644.052. 1. Persons with operating permits or permits by
17 rule issued pursuant to this chapter shall pay fees pursuant to
18 subsections 2 to 8 and 12 to 13 of this section. Persons with a
19 sewer service connection to public sewer systems owned or
20 operated by a city, public sewer district, public water district
21 or other publicly owned treatment works shall pay a permit fee
22 pursuant to subsections 10 and 11 of this section.

23 2. A privately owned treatment works or an industry which
24 treats only human sewage shall annually pay a fee based upon the
25 design flow of the facility as follows:

26 (1) One hundred dollars if the design flow is less than
27 five thousand gallons per day;

28 (2) One hundred fifty dollars if the design flow is equal

1 to or greater than five thousand gallons per day but less than
2 six thousand gallons per day;

3 (3) One hundred seventy-five dollars if the design flow is
4 equal to or greater than six thousand gallons per day but less
5 than seven thousand gallons per day;

6 (4) Two hundred dollars if the design flow is equal to or
7 greater than seven thousand gallons per day but less than eight
8 thousand gallons per day;

9 (5) Two hundred twenty-five dollars if the design flow is
10 equal to or greater than eight thousand gallons per day but less
11 than nine thousand gallons per day;

12 (6) Two hundred fifty dollars if the design flow is equal
13 to or greater than nine thousand gallons per day but less than
14 ten thousand gallons per day;

15 (7) Three hundred seventy-five dollars if the design flow
16 is equal to or greater than ten thousand gallons per day but less
17 than eleven thousand gallons per day;

18 (8) Four hundred dollars if the design flow is equal to or
19 greater than eleven thousand gallons per day but less than twelve
20 thousand gallons per day;

21 (9) Four hundred fifty dollars if the design flow is equal
22 to or greater than twelve thousand gallons per day but less than
23 thirteen thousand gallons per day;

24 (10) Five hundred dollars if the design flow is equal to or
25 greater than thirteen thousand gallons per day but less than
26 fourteen thousand gallons per day;

27 (11) Five hundred fifty dollars if the design flow is equal
28 to or greater than fourteen thousand gallons per day but less

1 than fifteen thousand gallons per day;

2 (12) Six hundred dollars if the design flow is equal to or
3 greater than fifteen thousand gallons per day but less than
4 sixteen thousand gallons per day;

5 (13) Six hundred fifty dollars if the design flow is equal
6 to or greater than sixteen thousand gallons per day but less than
7 seventeen thousand gallons per day;

8 (14) Eight hundred dollars if the design flow is equal to
9 or greater than seventeen thousand gallons per day but less than
10 twenty thousand gallons per day;

11 (15) One thousand dollars if the design flow is equal to or
12 greater than twenty thousand gallons per day but less than
13 twenty-three thousand gallons per day;

14 (16) Two thousand dollars if the design flow is equal to or
15 greater than twenty-three thousand gallons per day but less than
16 twenty-five thousand gallons per day;

17 (17) Two thousand five hundred dollars if the design flow
18 is equal to or greater than twenty-five thousand gallons per day
19 but less than thirty thousand gallons per day;

20 (18) Three thousand dollars if the design flow is equal to
21 or greater than thirty thousand gallons per day but less than one
22 million gallons per day; or

23 (19) Three thousand five hundred dollars if the design flow
24 is equal to or greater than one million gallons per day.

25 3. Persons who produce industrial process wastewater which
26 requires treatment and who apply for or possess a site-specific
27 permit shall annually pay:

28 (1) Five thousand dollars if the industry is a class IA

1 animal feeding operation as defined by the commission; or

2 (2) For facilities issued operating permits based upon
3 categorical standards pursuant to the Federal Clean Water Act and
4 regulations implementing such act:

5 (a) Three thousand five hundred dollars if the design flow
6 is less than one million gallons per day; or

7 (b) Five thousand dollars if the design flow is equal to or
8 greater than one million gallons per day.

9 4. Persons who apply for or possess a site-specific permit
10 solely for industrial storm water shall pay an annual fee of:

11 (1) One thousand three hundred fifty dollars if the design
12 flow is less than one million gallons per day; or

13 (2) Two thousand three hundred fifty dollars if the design
14 flow is equal to or greater than one million gallons per day.

15 5. Persons who produce industrial process wastewater who
16 are not included in subsection 2 or 3 of this section shall
17 annually pay:

18 (1) One thousand five hundred dollars if the design flow is
19 less than one million gallons per day; or

20 (2) Two thousand five hundred dollars if the design flow is
21 equal to or greater than one million gallons per day.

22 6. Persons who apply for or possess a general permit shall
23 pay:

24 (1) Three hundred dollars for the discharge of storm water
25 from a land disturbance site;

26 (2) Fifty dollars annually for the operation of a chemical
27 fertilizer or pesticide facility;

28 (3) One hundred fifty dollars for the operation of an

1 animal feeding operation or a concentrated animal feeding
2 operation;

3 (4) One hundred fifty dollars annually for new permits for
4 the discharge of process water or storm water potentially
5 contaminated by activities not included in subdivisions (1) to
6 (3) of this subsection. Persons paying fees pursuant to this
7 subdivision with existing general permits on August 27, 2000, and
8 persons paying fees pursuant to this subdivision who receive
9 renewed general permits on the same facility after August 27,
10 2000, shall pay sixty dollars annually;

11 (5) Up to two hundred fifty dollars annually for the
12 operation of an aquaculture facility.

13 7. Requests for modifications to state operating permits on
14 entities that charge a service connection fee pursuant to
15 subsection 10 of this section shall be accompanied by a two
16 hundred dollar fee. The department may waive the fee if it is
17 determined that the necessary modification was either initiated
18 by the department or caused by an error made by the department.

19 8. Requests for state operating permit modifications other
20 than those described in subsection 7 of this section shall be
21 accompanied by a fee equal to twenty-five percent of the annual
22 operating fee assessed for the facility pursuant to this section.
23 However, requests for modifications for such operating permits
24 that seek name changes, address changes, or other nonsubstantive
25 changes to the operating permit shall be accompanied by a fee of
26 one hundred dollars. The department may waive the fee if it is
27 determined that the necessary modification was either initiated
28 by the department or caused by an error made by the department.

1 9. Persons requesting water quality certifications in
2 accordance with Section 401 of the Federal Clean Water Act shall
3 pay a fee of seventy-five dollars and shall submit the standard
4 application form for a Section 404 permit as administered by the
5 U.S. Army Corps of Engineers or similar information required for
6 other federal licenses and permits, except that the fee is waived
7 for water quality certifications issued and accepted for
8 activities authorized pursuant to a general permit or nationwide
9 permit by the U.S. Army Corps of Engineers.

10 10. Persons with a direct or indirect sewer service
11 connection to a public sewer system owned or operated by a city,
12 public sewer district, public water district, or other publicly
13 owned treatment works shall pay an annual fee per water service
14 connection as provided in this subsection. Customers served by
15 multiple water service connections shall pay such fee for each
16 water service connection, except that no single facility served
17 by multiple connections shall pay more than a total of seven
18 hundred dollars per year. The fees provided for in this
19 subsection shall be collected by the agency billing such customer
20 for sewer service and remitted to the department. The fees may
21 be collected in monthly, quarterly or annual increments, and
22 shall be remitted to the department no less frequently than
23 annually. The fees collected shall not exceed the amounts
24 specified in this subsection and, except as provided in
25 subsection 11 of this section, shall be collected at the
26 specified amounts unless adjusted by the commission in rules.
27 The annual fees shall not exceed:

28 (1) For sewer systems that serve more than thirty-five

1 thousand customers, forty cents per residential customer as
2 defined by the provider of said sewer service until such time as
3 the commission promulgates rules defining the billing procedure;

4 (2) For sewer systems that serve equal to or less than
5 thirty-five thousand but more than twenty thousand customers,
6 fifty cents per residential customer as defined by the provider
7 of said sewer service until such time as the commission
8 promulgates rules defining the billing procedure;

9 (3) For sewer systems that serve equal to or less than
10 twenty thousand but more than seven thousand customers, sixty
11 cents per residential customer as defined by the provider of said
12 sewer service until such time as the commission promulgates rules
13 defining the billing procedure;

14 (4) For sewer systems that serve equal to or less than
15 seven thousand but more than one thousand customers, seventy
16 cents per residential customer as defined by the provider of said
17 sewer service until such time as the commission promulgates rules
18 defining the billing procedure;

19 (5) For sewer systems that serve equal to or less than one
20 thousand customers, eighty cents per residential customer as
21 defined by the provider of said sewer service until such time as
22 the commission promulgates rules defining the billing procedure;

23 (6) Three dollars for commercial or industrial customers
24 not served by a public water system as defined in chapter 640;

25 (7) Three dollars per water service connection for all
26 other customers with water service connections of less than or
27 equal to one inch excluding taps for fire suppression and
28 irrigation systems;

1 (8) Ten dollars per water service connection for all other
2 customers with water service connections of more than one inch
3 but less than or equal to four inches, excluding taps for fire
4 suppression and irrigation systems;

5 (9) Twenty-five dollars per water service connection for
6 all other customers with water service connections of more than
7 four inches, excluding taps for fire suppression and irrigation
8 systems.

9 11. Customers served by any district formed pursuant to the
10 provisions of section 30(a) of article VI of the Missouri
11 Constitution shall pay the fees set forth in subsection 10 of
12 this section according to the following schedule:

13 (1) From August 28, 2000, through September 30, 2001,
14 customers of any such district shall pay fifty percent of such
15 fees; and

16 (2) Beginning October 1, 2001, customers of any such
17 districts shall pay one hundred percent of such fees.

18 12. Persons submitting a notice of intent to operate
19 pursuant to a permit by rule shall pay a filing fee of
20 twenty-five dollars.

21 13. For any general permit issued to a state agency for
22 highway construction pursuant to subdivision (1) of subsection 6
23 of this section, a single fee may cover all sites subject to the
24 permit.

25 644.054. 1. Fees imposed in sections 644.052 and 644.053
26 shall, except for those fees imposed pursuant to subsection 4 and
27 subsections 6 to 13 of section 644.052, become effective October
28 1, 1990, and shall expire [September 1, 2013] December 31, 2018.

1 Fees imposed pursuant to subsection 4 and subsections 6 to 13 of
2 section 644.052 shall become effective August 28, 2000, and shall
3 expire on [~~September 1, 2013~~] December 31, 2018. The clean water
4 commission shall promulgate rules and regulations on the
5 procedures for billing and collection. All sums received through
6 the payment of fees shall be placed in the state treasury and
7 credited to an appropriate subaccount of the natural resources
8 protection fund created in section 640.220. Moneys in the
9 subaccount shall be expended, upon appropriation, solely for the
10 administration of sections 644.006 to 644.141. Fees collected
11 pursuant to subsection 10 of section 644.052 by a city, a public
12 sewer district, a public water district or other publicly owned
13 treatment works are state fees. Five percent of the fee revenue
14 collected shall be retained by the city, public sewer district,
15 public water district or other publicly owned treatment works as
16 reimbursement of billing and collection expenses.

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

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

26 4. The director of the department of natural resources
27 shall conduct a comprehensive review of the fee structure in
28 sections 644.052 and 644.053. The review shall include

1 stakeholder meetings in order to solicit stakeholder input. The
2 director shall submit a report to the general assembly by
3 December 31, 2012, which shall include its findings and a
4 recommended plan for the fee structure. The plan shall also
5 include time lines for permit issuance, provisions for expedited
6 permits, and recommendations for any other improved services
7 provided by the fee funding.

8 644.057. The director of the department of natural
9 resources may conduct a comprehensive review of the clean water
10 fee structure set forth in sections 644.052 and 644.053. The
11 comprehensive review shall include stakeholder meetings in order
12 to solicit stakeholder input from each of the following groups:
13 agriculture, industry, municipalities, public and private
14 wastewater facilities, and the development community. Upon
15 completion of the comprehensive review, the department shall
16 submit proposed changes to the fee structure with stakeholder
17 agreement to the clean water commission. The commission shall,
18 upon receiving the department's recommendations, review such
19 recommendations at the forthcoming regular or special meeting
20 under subsection 3 of section 644.021. The commission shall not
21 take a vote on the clean water fee structure recommendations
22 until the following regular or special meeting. In no case shall
23 the clean water commission adopt or recommend any clean water fee
24 in excess of five thousand dollars. If the commission approves,
25 by vote of two-thirds majority or five of seven commissioners,
26 the clean water fee structure recommendations, the commission
27 shall promulgate by regulation and publish the recommended clean
28 water fee structure no later than October first of the same year.

1 The commission shall file the order of rulemaking for such rule
2 with the joint committee on administrative rules pursuant to
3 sections 536.021 and 536.024 no later than December first of the
4 same year. If such rules are not disapproved by the general
5 assembly in the manner set out below, they shall take effect on
6 January first of the next odd-numbered year and the fee
7 structures set forth in sections 644.052 and 644.053 shall expire
8 upon the effective date of the commission adopted fee structure,
9 contrary to section 644.054. Any regulation promulgated under
10 this subsection shall be deemed to be beyond the scope and
11 authority provided in this subsection, or detrimental to permit
12 applicants, if the general assembly, within the first sixty
13 calendar days of the regular session immediately following the
14 promulgation of such regulation, by concurrent resolution, shall
15 disapprove the fee structure contained in such regulation. If
16 the general assembly so disapproves any regulation promulgated
17 under this subsection, the clean water commission shall continue
18 to use the fee structure set forth in the most recent preceding
19 regulation promulgated under this subsection. This section shall
20 expire on August 28, 2023.

21 644.062. 1. The director may grant provisional variances
22 whenever it is determined, upon application of adequate proof,
23 that compliance on a short-term basis with the limitations
24 prescribed in sections 644.006 to 644.141, or rule, standard,
25 requirement, limitation, or order of the director adopted thereto
26 due to conditions beyond reasonable control such as extended
27 elevated temperatures or extreme drought conditions will result
28 in an arbitrary or unreasonable hardship that exists solely

1 because of the regulatory requirement in question and the costs
2 of compliance are substantial and certain. If the hardship
3 complained of consists solely of the need for a reasonable delay
4 in which to correct a violation of sections 644.006 to 644.141,
5 or rule, standard, requirement, limitation, or order of the
6 director, the director shall condition the grant of such variance
7 upon the posting of sufficient performance bond or other security
8 to assure the completion of the work covered by the variance. In
9 granting such provisional variance, the director shall consider
10 the hardship imposed by requiring compliance on a short-term
11 basis and adverse impacts that may result from granting the
12 provisional variance. The director shall exercise wide
13 discretion in weighing the equities involved and the advantages
14 and disadvantages to the applicant and to those affected by water
15 contaminants emitted by the applicant.

16 2. Any provisional variance granted by the director under
17 this section shall be for a period not to exceed forty-five days.
18 A provisional variance may be extended by the director up to an
19 additional forty-five days, but in no event longer than ninety
20 days in one calendar year.

21 3. Any person seeking a provisional variance shall file a
22 petition for a variance with the director describing the
23 conditions or circumstances giving rise to the request for
24 relief. There shall be a two hundred fifty dollar filing fee
25 payable to the state of Missouri with each petition for
26 provisional variance. The director shall promptly investigate
27 the petition and shall take action within fourteen days of the
28 request. If the director denies the petition, the person may

1 initiate a proceeding under section 644.061. The director may
2 condition any provisional variance as sections 644.006 to
3 644.141, or rule, standard, requirement, limitation or order of
4 the director may require.

5 4. If the director grants a provisional variance under this
6 section, he or she shall promptly notify the petitioner and shall
7 file a copy of the written decision with the commission. The
8 commission must maintain, for public inspection, copies of all
9 provisional variances filed with it by the director.

10 Section 1. 1. Upon public notice, the division of state
11 parks shall once each year hold a stakeholder meeting in each
12 park district.

13 2. A stakeholder may petition the director of state parks
14 regarding any policy or park issue that has been presented to the
15 relevant facility manager and district supervisor. The director,
16 or his or her designee, shall respond to the stakeholder within
17 fourteen days and may schedule a stakeholder meeting to determine
18 if action is warranted in response to the petition. If a
19 stakeholder meeting occurs, the director shall notify the
20 stakeholder in writing that either no action is warranted or that
21 specific action will be undertaken within thirty days of the
22 meeting. The decision of the director shall be final and not
23 subject to review.

24 3. For purposes of this section, "stakeholder" shall mean
25 any person with an interest in the subject matter of the petition
26 who has visited the park in the past sixty days.

27 Section 2. 1. There is hereby established a joint
28 committee of the general assembly, which shall be known as the

1 "Joint Committee on Solid Waste Management District Operations",
2 which shall be composed of five members of the senate, with no
3 more than three members of one party, and five members of the
4 house of representatives, with no more than three members of one
5 party. The senate members of the committee shall be appointed by
6 the president pro tempore of the senate and the house members by
7 the speaker of the house of representatives. The committee shall
8 select either a chairperson or co-chairpersons, one of whom shall
9 be a member of the senate and one a member of the house of
10 representatives. A majority of the members shall constitute a
11 quorum. Meetings of the committee may be called at such time and
12 place as the chairperson or chairpersons designate.

13 2. The committee shall examine solid waste management
14 district operations, including but not limited to the efficiency,
15 efficacy, and reasonableness of costs and expenses of such
16 districts to Missouri taxpayers.

17 3. The joint committee may hold hearings as it deems
18 advisable and may obtain any input or information necessary to
19 fulfill its obligations. The committee may make reasonable
20 requests for staff assistance from the research and
21 appropriations staffs of the house and senate and the committee
22 on legislative research, as well as the department of natural
23 resources and representatives of solid waste management
24 districts.

25 4. The joint committee shall prepare a final report,
26 together with its recommendations for any legislative action
27 deemed necessary, for submission to the general assembly by
28 December 31, 2013, at which time the joint committee shall be

1 dissolved.

2 5. Members of the committee shall receive no compensation
3 but may be reimbursed for reasonable and necessary expenses
4 associated with the performance of their official duties.

5 [258.020. The member agencies shall be
6 represented on the council by the executive head of the
7 agency. The executive head of any member agency may
8 from time to time authorize any member of the agency's
9 staff to represent it on the council and to fully
10 exercise any of the powers and duties of an agency
11 representative.]

12
13 [258.030. 1. The officers of the council shall
14 be a chairman and vice chairman appointed by the
15 governor from the executive heads of the agencies
16 represented on the council. A chairman may serve more
17 than one term.

18 2. Duties of the chairman shall be to see that
19 policies and directives of the council are carried out
20 by the executive secretary and to preside at meetings
21 of the council. If the chairman cannot perform the
22 duties, the vice chairman shall assume them.]

23
24 [260.379. 1. The department of natural resources
25 shall not issue a permit to any person for the
26 operation of any facility or issue any license to any
27 person under the authority of sections 260.350 to
28 260.434, if such person has had three or more
29 convictions, which convictions occurred after July 9,
30 1990, and within any five-year period within the courts
31 of the United States or of any state except Missouri or
32 had two or more convictions within a Missouri court
33 after July 9, 1990, and within any five-year period,
34 for any crimes or criminal acts, an element of which
35 involves restraint of trade, price-fixing, intimidation
36 of the customers of any person or for engaging in any
37 other acts which may have the effect of restraining or
38 limiting competition concerning activities regulated
39 under this chapter or similar laws of other states or
40 the federal government; except that convictions for
41 violations by entities purchased or acquired by an
42 applicant or permittee which occurred prior to the
43 purchase or acquisition shall not be included. For the
44 purpose of this section, the term "person" shall
45 include any business organization or entity, successor
46 corporation, partnership or subsidiary of any business
47 organization or entity, and the owners and officers

1 thereof, or the entity submitting the application.

2 2. The director shall suspend, revoke or not
3 renew the permit or license of any person issued
4 pursuant to sections 260.350 to 260.434, if such person
5 has had two or more convictions in any court of the
6 United States or of any state other than Missouri or
7 two or more convictions within a Missouri court for
8 crimes as specified herein if such conviction occurred
9 after July 9, 1990, and within any five-year period.

10 3. Any person applying for a permit or license
11 under sections 260.350 to 260.434 shall notify the
12 director of any conviction for any act which would have
13 the effect of limiting competition. Any person with a
14 permit or license shall notify the department of any
15 such conviction within thirty days of the conviction or
16 plea. Failure to notify the director is a class D
17 felony and subject to a fine of one thousand dollars
18 per day for each day unreported.

19 4. Provided that after a period of five years
20 after a permit has been revoked under the provisions of
21 this section, the person, firm or corporation affected
22 may apply for rehabilitation and reinstatement to the
23 director of the department. The department shall
24 promulgate the necessary rules and regulations for
25 rehabilitation and reinstatement. The time period for
26 same shall not exceed five years.]

27
28 [260.434. 1. The department shall assess the
29 transportation system serving a proposed site for a new
30 hazardous waste resource recovery, treatment or
31 disposal facility as a part of its review of the
32 application for a permit. The department shall examine
33 the transportation route or routes to ensure that the
34 design and maintenance of such route or routes provides
35 adequate safety for the public using or living near the
36 route or routes. The department may designate or
37 prohibit specific routes, limit use of approved routes
38 during certain time periods or impose other reasonable
39 restrictions upon the transportation of hazardous waste
40 to or from the facility.

41 2. The department shall review the capability of
42 local governments near a proposed site to respond to an
43 emergency involving the transportation of hazardous
44 waste or an emergency at the hazardous waste resource
45 recovery, treatment or disposal facility when it
46 reviews an application for a permit. The department
47 shall reassess that capability whenever the operator
48 proposes recovering, treating or disposing of a
49 hazardous waste which is substantially more toxic,
50 corrosive, ignitable or reactive than those wastes
51 approved under the current permit. The department may

1 require the operator to provide supplemental emergency
2 response capability to ensure public safety.

3 3. The department shall enter into an interagency
4 agreement with the department of transportation and the
5 department of public safety to permit the sharing of
6 information and to assign responsibility for performing
7 the assessment required in this section.]

8 Section B. Because immediate action is necessary to ensure
9 an operational clean water fee structure, and to ensure public
10 safety, the enactment of sections 640.080 and 644.057 of this act
11 is deemed necessary for the immediate preservation of the public
12 health, welfare, peace and safety, and is hereby declared to be
13 an emergency act within the meaning of the constitution, and the
14 enactment of sections 640.080 and 644.057 of this act shall be in
15 full force and effect upon its passage and approval.