

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 650

AN ACT

To repeal sections 43.543, 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, 260.320, 260.325, 260.330, 260.335, 260.345, 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-seven new sections relating to the department of natural resources, with penalty provisions and an emergency clause for certain sections.

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

1           Section A. Sections 43.543, 60.185, 60.195, 60.301, 60.321,  
2 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580,  
3 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410,  
4 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030,  
5 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249,  
6 260.262, 260.320, 260.325, 260.330, 260.335, 260.345, 260.365,  
7 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023,  
8 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715,  
9 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, are  
10 repealed and sixty-seven new sections enacted in lieu thereof, to

1 be known as sections 43.543, 60.185, 60.195, 60.301, 60.321,  
2 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580,  
3 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410,  
4 253.090, 253.180, 253.185, 256.117, 256.438, 258.010, 258.060,  
5 258.070, 258.080, 260.200, 260.205, 260.214, 260.235, 260.249,  
6 260.262, 260.320, 260.325, 260.330, 260.335, 260.345, 260.365,  
7 260.380, 260.390, 260.395, 260.475, 261.023, 444.772, 621.250,  
8 640.010, 640.012, 640.017, 640.026, 640.065, 640.075, 640.080,  
9 640.236, 640.715, 640.725, 643.079, 644.029, 644.051, 644.052,  
10 644.054, 644.057, 644.062, and 1, 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 60.185. The county surveyor of every county or city shall:

23 (1) Keep a fair and correct record of all surveys made by  
24 himself and his deputies, in a well-bound book, with a convenient  
25 index, to be procured at the expense of the county or city for  
26 that purpose, which books and indexes shall be the property of  
27 such county or city, and shall be known as the county surveyor's  
28 plat book, and every such surveyor shall record in such book a

1 plat of all surveys executed by him or his deputies, within two  
2 weeks after the plat of survey has been certified to, and such  
3 books shall be kept at the county seat or city hall and subject  
4 to inspection by any person interested therein, under the  
5 supervision of the county surveyor for such county or city;

6 (2) Number his surveys progressively;

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

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

23 60.195. The several county commissions in this state are  
24 hereby authorized, in all cases wherein they shall consider it to  
25 be the interest of their counties, to obtain from the Missouri  
26 department of [natural resources] agriculture a certified copy of  
27 so much of the field notes of all surveys lying within their  
28 counties, respectively, which have been and may be made by the

1 United States, as relates to the description of the township,  
2 section, fractional section, quarter section and legal  
3 subdivisional corners, the variation of the needle at which the  
4 east and west boundaries of township or range lines were run, the  
5 length of the north and south, as well as east and west sectional  
6 lines; also, the fallings of all east and west township and  
7 sectional lines the same to be filed in the office of the county  
8 surveyor of their counties, respectively.

9 60.301. Whenever the following words and terms are used in  
10 this chapter they shall have the following meaning unless the  
11 context clearly indicates that a different meaning is intended:

12 (1) "Corners of the United States public land survey",  
13 those points that determine the boundaries of the various  
14 subdivisions represented on the official plat such as the  
15 township corner, the section corner, the quarter-section corner,  
16 grant corner and meander corner;

17 (2) "Existent corner", a corner whose position can be  
18 identified by verifying the evidence of the original monument or  
19 its accessories, or by some physical evidence described in the  
20 field notes, or located by an acceptable supplemental survey  
21 record or some physical evidence thereof, or by testimony. The  
22 physical evidence of a corner may have been entirely obliterated  
23 but the corner will be considered existent if its position can be  
24 recovered through the testimony of one or more witnesses who have  
25 a dependable knowledge of the original location. A legally  
26 reestablished corner shall have the same status as an existent  
27 corner;

28 (3) "Lost corner", a corner whose position cannot be

1 determined, beyond reasonable doubt, either from traces of the  
2 original marks or from acceptable evidence or testimony that  
3 bears upon the original position;

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

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

21 (6) "Original government survey", that survey executed  
22 under the authority of the United States government as recorded  
23 on the official plats and field notes of the United States public  
24 land survey maintained by the Missouri department of [natural  
25 resources] agriculture;

26 (7) "Proportionate measurement", a measurement of a line  
27 that gives equal relative weight to all parts of the line. The  
28 excess or deficiency between two existent corners is so

1 distributed that the amount of excess or deficiency given to each  
2 interval bears the same proportion to the whole difference as the  
3 record length of the interval bears to the whole record distance:

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

7 (b) "Double proportionate measurement", a measurement  
8 applied to a new measurement made between four known corners, two  
9 each on intersecting meridional and latitudinal lines, for the  
10 purpose of relating the intersection to both. The procedure is  
11 described as follows: First, measurements will be made between  
12 the nearest existent corners north and south of the lost corner.  
13 A temporary point will be determined to locate the latitude of  
14 the lost corner on the straight line connecting the existent  
15 corners and at the proper proportionate distance. Second,  
16 measurements will be made between the nearest existent corners  
17 east and west of the lost corner. A temporary point will be  
18 determined to locate the longitude of the lost corner on the  
19 straight line connecting the existent corners and at the  
20 proportionate distance. Third, determine the location of the  
21 lost corner at the intersection of an east-west line through the  
22 point determining the latitude of the lost corner with a  
23 north-south line through the point determining the longitude of  
24 the lost corner. When the total length of the line between the  
25 nearest existing corners was not measured in the original  
26 government survey, the record distance from one existing corner  
27 to the lost corner will be used instead of the proportionate  
28 distance. This exception will apply to either or both of the

1 east-west or north-south lines;

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

6 60.321. For the purpose of perpetuating the corners of the  
7 United States public land survey, every surveyor who  
8 reestablishes a lost corner or restores an existent corner shall  
9 monument the corner and shall file an instrument showing such  
10 reestablishment or restoration with the Missouri department of  
11 [natural resources] agriculture, in accordance with the  
12 specifications and procedures adopted by the Missouri department  
13 of [natural resources] agriculture. Any surveyor who willfully  
14 and knowingly fails to perpetuate corners in accordance with this  
15 section is guilty of misconduct in the practice of land  
16 surveying.

17 60.451. 1. For the purpose of more precisely defining the  
18 Missouri coordinate system of 1927, the following definition by  
19 the United States Coast and Geodetic Survey is adopted:

20 (1) The Missouri coordinate system of 1927, east zone, is a  
21 transverse Mercator projection of the Clarke spheroid of 1866,  
22 having a central meridian 90 degrees -- 30 minutes west of  
23 Greenwich, on which meridian the scale is set at one part in  
24 fifteen thousand too small. The origin of coordinates is at the  
25 intersection of the meridian 90 degrees -- 30 minutes west of  
26 Greenwich and the parallel 35 degrees -- 50 minutes north  
27 latitude. This origin is given the coordinates:  $x = 500,000$   
28 feet and  $y = 0$  feet;



1           (2) The Missouri coordinate system of 1927, central zone,  
2 is a transverse Mercator projection of the Clarke spheroid of  
3 1866, having a central meridian 92 degrees -- 30 minutes west of  
4 Greenwich, on which meridian the scale is set at one part in  
5 fifteen thousand too small. The origin of coordinates is at the  
6 intersection of the meridian 92 degrees -- 30 minutes west of  
7 Greenwich and the parallel of 35 degrees -- 50 minutes north  
8 latitude. This origin is given the coordinates:  $x = 500,000$   
9 feet and  $y = 0$  feet;

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

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

22           (1) The Missouri coordinate system 1983, east zone, is a  
23 transverse Mercator projection of the North American Datum of  
24 1983 having a central meridian 90 degrees -- 30 minutes west of  
25 Greenwich, on which meridian the scale is set at one part in  
26 fifteen thousand too small. The origin of coordinates is at the  
27 intersection of the meridian 90 degrees -- 30 minutes west of  
28 Greenwich and the parallel 35 degrees -- 50 minutes north

1 latitude. This origin is given the coordinates:  $x = 250,000$   
2 meters and  $y = 0$  meters;

3 (2) The Missouri coordinate system 1983, central zone, is a  
4 transverse Mercator projection of the North American Datum of  
5 1983 having a central meridian 92 degrees -- 30 minutes west of  
6 Greenwich, on which meridian the scale is set at one part in  
7 fifteen thousand too small. The origin of coordinates is at the  
8 intersection of the meridian 92 degrees -- 30 minutes west of  
9 Greenwich and the parallel of 35 degrees -- 50 minutes north  
10 latitude. This origin is given the coordinates:  $x = 500,000$   
11 meters and  $y = 0$  meters;

12 (3) The Missouri coordinate system 1983, west zone, is a  
13 transverse Mercator projection of the North American Datum of  
14 1983 having a central meridian 94 degrees -- 30 minutes west of  
15 Greenwich, on which meridian the scale is set at one part in  
16 seventeen thousand too small. The origin of coordinates is at  
17 the intersection of the meridian 94 degrees -- 30 minutes west of  
18 Greenwich and the parallel 36 degrees -- 10 minutes north  
19 latitude. This origin is given the coordinates:  $x = 850,000$   
20 meters and  $y = 0$  meters.

21 3. The position of either Missouri coordinate system shall  
22 be as marked on the ground by horizontal control stations  
23 established in conformity with the standards adopted by the  
24 department of [natural resources] agriculture for first-order and  
25 second-order work, whose geodetic positions have been rigidly  
26 adjusted on the appropriate datum and whose coordinates have been  
27 computed on the system defined in this section. Any such station  
28 may be used for establishing a survey connection with the

1 Missouri coordinate system.

2 60.510. The functions, duties and responsibilities of the  
3 department of [natural resources] agriculture shall be as  
4 follows:

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

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

20 (3) To establish, maintain, and provide safe storage  
21 facilities for a comprehensive system of recordation of  
22 information respecting all monuments established by the United  
23 States public land survey within this state, and such records as  
24 may be pertinent to the department of [natural resources']  
25 agriculture's establishment or maintenance of other land corners,  
26 Missouri state coordinate system stations and accessories, and  
27 survey monuments in general;

28 (4) To provide the framework for all geodetic positioning

1 activities in the state. The foundational elements include  
2 latitude, longitude, and elevation which contribute to informed  
3 decision making and impact on a wide range of important  
4 activities including mapping and geographic information systems,  
5 flood risk determination, transportation, land use and ecosystem  
6 management and use of the Missouri state coordinate system, as  
7 established by sections 60.401 to 60.491;

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

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

18 (7) To prescribe, and disseminate to those engaged in the  
19 business of land surveying, regulations designed to assist in  
20 uniform and professional surveying methods and standards in this  
21 state.

22 60.530. The state land surveyor shall, under guidance of  
23 the department of [natural resources] agriculture and with the  
24 recommendation of the land survey commission, carry out the  
25 routine functions and duties of the department of [natural  
26 resources] agriculture, as prescribed in sections 60.510 to  
27 60.620 and section 60.670. He or she shall, whenever practical,  
28 cause all land surveys, except geodetic surveys, to be executed,

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

13 60.540. The department of [natural resources] agriculture  
14 may acquire, in the name of the state of Missouri, lands or  
15 interests therein, where necessary, to establish permanent  
16 control stations; and may lease or purchase or acquire by  
17 negotiation or condemnation, where necessary, land for the  
18 establishment of an office of the land survey program of the  
19 department of [natural resources] agriculture. If condemnation  
20 is necessary, the attorney general shall bring the suit in the  
21 name of the state in the same manner as authorized by law for the  
22 acquisition of lands by the state transportation department.

23 60.550. The custody and ownership of the original United  
24 States public land survey corners and accessories, including all  
25 restoration and replacements thereof and all accessories,  
26 belonging to the state of Missouri is hereby transferred to the  
27 department of [natural resources] agriculture. The department of  
28 [natural resources] agriculture shall see that the markers are

1 maintained, and the alteration, removal, disfiguration or  
2 destruction of any of the corners or accessories, without  
3 specific permission of the department of [natural resources]  
4 agriculture, is an act of destruction of state property and is a  
5 misdemeanor. Any person convicted thereof shall be punished as  
6 provided by law. Each of the several prosecuting attorneys is  
7 specifically directed to prosecute for the violation of this  
8 section for any act of destruction which occurs in his county.

9 60.560. Upon their request, the state attorney general  
10 shall advise the land survey commission or the department of  
11 [natural resources] agriculture or the state land surveyor with  
12 respect to any legal matter, and shall represent the land survey  
13 commission or department of [natural resources] agriculture in  
14 any proceeding in any court of the state in which the land survey  
15 commission or land survey program shall be a party.

16 60.570. 1. The permanent headquarters of the land survey  
17 program shall be at or near to the principal office of the  
18 Missouri state geological survey. Until such time as other  
19 headquarters can be obtained by the land survey program, the  
20 state geologist shall [assign] provide such space in the state  
21 geological survey building as may be available. The land survey  
22 program may also establish and maintain regional offices in the  
23 metropolitan areas of the state for the storage and distribution  
24 of local survey record information.

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

28 60.580. The state land surveyor or any and all employees of

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

15 60.590. 1. On request of the department of [natural  
16 resources] agriculture or the state land surveyor, all city and  
17 county recorders of deeds, together with all departments, boards  
18 or agencies of state government, county, or city government,  
19 shall furnish to the department of [natural resources]  
20 agriculture or the state land surveyor certified copies of  
21 desired records which are in their custody. This service shall  
22 be free of cost when possible; otherwise, it shall be at actual  
23 cost of reproduction of the records. On the same basis of cost,  
24 the department of [natural resources] agriculture shall furnish  
25 records within its custody to other agencies or departments of  
26 state, county or city, certifying them.

27 2. The department of [natural resources] agriculture may  
28 produce, reproduce and sell maps, plats, reports, studies, and

1 records, and the commission shall recommend to the department of  
2 [natural resources] agriculture the charges therefor. All income  
3 received shall be promptly deposited in the state treasury to the  
4 credit of the department of [natural resources document]  
5 agriculture land survey revolving services fund.

6 60.595. 1. The "Department of [Natural Resources]  
7 Agriculture Land Survey Revolving Services Fund" is hereby  
8 created. All funds received by the department of [natural  
9 resources] agriculture from the delivery of services and the sale  
10 or resale of maps, plats, reports, studies, records and other  
11 publications and documents and surveying information, on paper or  
12 in electronic format, by the department shall be credited to the  
13 fund. The director of the department shall administer the fund.  
14 The state treasurer is the custodian of the fund and shall  
15 approve disbursements from the fund requested by the director of  
16 the department. When appropriated, moneys in the fund shall be  
17 used to purchase goods, equipment, hardware and software,  
18 maintenance and licenses, software and database development and  
19 maintenance, personal services, and other services that will  
20 ultimately be used to provide copies of information maintained or  
21 provided by the land survey program, reprint maps, publications  
22 or other documents requested by governmental agencies or members  
23 of the general public; to publish the maps, publications or other  
24 documents or to purchase maps, publications or other documents  
25 for resale; and to pay shipping charges, [laboratory services,  
26 core library fees, workshop fees, conference fees,  
27 interdivisional cooperative agreements,] but for no other  
28 purpose.



1           2. Effective August 28, 2013, a transfer of monies between  
2 the department of natural resources revolving services fund,  
3 created in section 640.065, and the department of agriculture  
4 land survey revolving services fund shall be made such that only  
5 the balance related to the reproduction and sale of land survey  
6 documents is transferred to the department of agriculture land  
7 survey revolving services fund.

8           3. An unencumbered balance in the fund at the end of the  
9 fiscal year not exceeding one million dollars is exempt from the  
10 provisions of section 33.080 relating to the transfer of  
11 unexpended balances to the general revenue fund.

12           [3.] 4. The department of [natural resources] agriculture  
13 shall report all income to and expenditures from such fund on a  
14 quarterly basis to the house budget committee and the senate  
15 appropriations committee.

16           60.600. Every employee of the department of [natural  
17 resources] agriculture who is engaged in work required by law to  
18 be done by a registered land surveyor will be so registered. No  
19 employee of the department of [natural resources] agriculture  
20 shall engage in private land surveying or consultation while  
21 employed by the department of [natural resources] agriculture.

22           60.610. Whenever the department of [natural resources]  
23 agriculture deems it expedient, and when funds appropriated  
24 permit, the department of [natural resources] agriculture may  
25 enter into any contract with agencies of the United States, with  
26 agencies of other states, or with private persons, registered  
27 land surveyors or professional engineers, in order to plan and  
28 execute desired land surveys or geodetic surveys, or to plan and

1 execute other projects which are within the scope and purpose of  
2 sections 60.510 to 60.620 and section 60.670.

3 60.620. 1. There is hereby created the "Land Survey  
4 Commission", within the department of [natural resources]  
5 agriculture. The commission shall consist of seven members, six  
6 of whom shall be appointed by the governor. Members shall reside  
7 in this state. Members of the commission shall hold office for  
8 terms of three years, but of the original appointments, two  
9 members shall serve for one year, two members shall serve for two  
10 years, and two members shall serve for three years. Members may  
11 serve only three consecutive terms on the commission.

12 2. The land survey commission shall consist of the  
13 following persons:

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

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

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

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

22  
23 The members in subdivisions (1) to (3) of this subsection shall  
24 be appointed by the governor with advice and consent of the  
25 senate and each shall serve until his or her successor is duly  
26 appointed.

27 3. The land survey commission shall elect a chairman  
28 annually. The commission shall meet semiannually and at other

1 such times as called by the chairman of the commission and shall  
2 have a quorum when at least four members are present.

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

6 5. The land survey commission shall provide the director of  
7 the department of [natural resources] agriculture and the state  
8 land surveyor with recommendations on the operation and the  
9 planning and prioritization of the land survey program and the  
10 design of regulations needed to carry out the functions, duties,  
11 and responsibilities of the department of [natural resources]  
12 agriculture in sections 60.510 to 60.620 and section 60.670.

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

15 (1) A person to be selected and appointed state land  
16 surveyor, who shall be the chief administrative officer of the  
17 land survey program. The state land surveyor shall be selected  
18 [under the state merit system] on the basis of professional  
19 experience and registration;

20 (2) Prioritization and execution of projects which are  
21 within the scope and purpose of sections 60.510 to 60.620 and  
22 section 60.670;

23 (3) Prioritization and selection of public land survey  
24 corner monuments to be reestablished through the county  
25 cooperative contracts in accordance with sections 8.285 to 8.291;  
26 and

27 (4) Approval of all other contracts for the planning and  
28 execution of projects which are within the scope and purpose of

1 sections 60.510 to 60.620 and section 60.670 and in accordance  
2 with sections 8.285 to 8.291.

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

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

14 60.653. 1. It shall be the duty of the recorder of deeds  
15 to maintain a copy of all survey plats delivered to his custody  
16 in an appropriate file medium capable of reproduction.

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

19 3. A duplicate of the recorded survey plat shall be  
20 provided to the land survey [division] program of the department  
21 of [natural resources] agriculture at an amount not to exceed the  
22 actual cost of the duplicate.

23 4. The recorder shall maintain an index of all survey  
24 plats, subdivision plats, and condominium plats by section,  
25 township, and range and by subdivision or condominium name.

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

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

3           (1) "Cadastral parcel mapping", an accurately delineated  
4 identification of all real property parcels. The cadastral map  
5 is based upon the USPLSS. For cadastral parcel maps the position  
6 of the legal framework is derived from the USPLSS, existing tax  
7 maps, and tax database legal descriptions, recorded deeds,  
8 recorded surveys, and recorded subdivision plats;

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

17           (3) "USPLSS" or "United States Public Land Survey System",  
18 a survey executed under the authority of the United States  
19 government as recorded on the official plats and field notes of  
20 the United States public land survey maintained by the land  
21 survey program of the department of [natural resources]  
22 agriculture;

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

27           2. The office of the state land surveyor established within  
28 the department of [natural resources] agriculture shall

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

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

21 236.410. 1. There is hereby created a "Dam and Reservoir  
22 Safety Council", whose domicile for the purposes of sections  
23 236.400 to 236.500 shall be the department of natural resources  
24 of the state of Missouri, for the regulation of dam and reservoir  
25 safety. The council shall consist of seven members, no more than  
26 four of whom shall be members of the same political party,  
27 appointed by the governor with the advice and consent of the  
28 senate.

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

1 general assembly by December thirty-first of each year.

2 253.090. 1. All revenue derived from privileges,  
3 conveniences, contracts or otherwise, all moneys received by  
4 gifts, bequests or contributions or from county or municipal  
5 sources and all moneys received from the operation of  
6 concessions, projects or facilities and from resale items shall  
7 be paid into the state treasury to the credit of the "State Park  
8 Earnings Fund", which is hereby created. The state treasurer  
9 shall invest moneys in the fund in the same manner as other funds  
10 are invested. All interest and moneys earned on such investments  
11 shall be credited to the fund. In the event any state park or  
12 any part thereof is taken under the power of eminent domain by  
13 the federal government the moneys paid for the taking shall be  
14 deposited in the state park earnings fund. The fund shall be  
15 used solely for the payment of the expenditures of the department  
16 of natural resources in the administration of this law, except  
17 that in any fiscal year the department may expend a sum not to  
18 exceed fifty percent of the preceding fiscal year's deposits to  
19 the state park earnings fund for the purpose of:

- 20 (1) Paying the principal and interest of revenue bonds  
21 issued;
- 22 (2) Providing an interest and sinking fund;
- 23 (3) Providing a reasonable reserve fund;
- 24 (4) Providing a reasonable fund for depreciation; and
- 25 (5) Paying for feasibility reports necessary for the  
26 issuing of revenue bonds.

27 2. Notwithstanding the provisions of section 33.080 to the  
28 contrary, any moneys remaining in the fund at the end of the



1 biennium shall not revert to the credit of the general revenue  
2 fund.

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

6 4. Any person who contracts pursuant to this section with  
7 the state shall keep true and accurate records of his or her  
8 receipts and disbursements arising out of the performance of the  
9 contract and shall permit the department of natural resources and  
10 the state auditor to audit such records.

11 253.180. No person shall allow any domestic or other animal  
12 under his control or ownership to range within any state park at  
13 any time, unless as authorized under section 253.185.

14 253.185. 1. Except for the provisions of subsection 2 of  
15 this section, domestic household animals shall not be allowed in  
16 any state park unless restrained by a leash not longer than ten  
17 feet held by some person or firmly affixed to some stationary  
18 object so as to prevent the animal from ranging at large. No  
19 domestic household or other animal shall be allowed inside any  
20 state park building under the control of either the department of  
21 natural resources or a concessionaire licensed by the department  
22 of natural resources unless permission is granted by the  
23 department of natural resources.

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

27 256.117. 1. Funds from department of natural resources  
28 [document] revolving services fund created in section [60.595]

1 640.065 may be used to purchase, acquire and copy maps described  
2 in sections 256.112 to 256.117, as well as all services necessary  
3 for the operation of the map repository.

4 2. All funds from the sale of maps and products from the  
5 mine map repository shall be deposited in the department of  
6 natural resources [document] revolving services fund created in  
7 section [60.595] 640.065.

8 256.438. 1. There is hereby established in the state  
9 treasury a fund to be known as the "Multi-Purpose Water Resource  
10 Program Renewable Water Program Fund", which shall consist of all  
11 money deposited in such fund from whatever source, whether public  
12 or private. Notwithstanding the provisions of section 33.080 to  
13 the contrary, any moneys remaining in the fund at the end of the  
14 biennium shall not revert to the credit of the general revenue  
15 fund. The state treasurer shall invest moneys in the fund in the  
16 same manner as other funds are invested. Any interest and other  
17 moneys earned on such investments shall be credited to the fund.  
18 Any unexpended balance in such fund at the end of any  
19 appropriation period shall not be transferred to the general  
20 revenue fund and, accordingly, shall be exempt from the  
21 provisions of section 33.080 relating to the transfer of funds to  
22 the general revenue funds of the state by the state treasurer.

23 2. Upon appropriation, the department of natural resources  
24 shall use money in the fund created by this section for the  
25 purposes of carrying out the provisions of sections 256.435 to  
26 256.445, including, but not limited to, the provision of grants  
27 or other financial assistance, and, if such limitations or  
28 conditions are imposed, only upon such other limitations or

1 conditions specified in the instrument that appropriates, grants,  
2 bequeaths, or otherwise authorizes the transmission of money to  
3 the fund.

4 258.010. 1. [There shall be a "State Interagency Council  
5 for Outdoor Recreation" composed of the following state agencies:

- 6 (1) Department of agriculture;
- 7 (2) Office of administration;
- 8 (3) Department of social services;
- 9 (4) Department of economic development;
- 10 (5) Department of conservation;
- 11 (6) Department of natural resources;
- 12 (7) Department of transportation;
- 13 (8) University of Missouri]

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

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

24 258.060. The [state inter-agency council for outdoor  
25 recreation] department of natural resources shall be:

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

28 (2) The official state agency to receive and disburse  
federal funds available to this state for overall outdoor

1 recreation planning and any recreational trails planning or  
2 programs;

3 (3) The official state agency to receive and allocate to  
4 the appropriate agency, or political subdivision, federal funds  
5 available for outdoor recreation or recreational trails programs;  
6 and

7 (4) Shall provide a forum for consideration of outdoor  
8 recreation problems affecting member agencies and as an advisory  
9 and planning agency for overall outdoor recreational programs.  
10 The [council] department may provide information and advisory  
11 services for any political subdivision requesting its services.

12 258.070. Representatives of [the member agencies] any  
13 committee, council, or board convened by the department pursuant  
14 to section 258.010 shall not receive any additional compensation  
15 for their services [as representatives on the council], and all  
16 expenses of any agency representatives shall be paid by their  
17 respective agency.

18 258.080. 1. There is hereby created in the state treasury  
19 for the use of the [state inter-agency council for outdoor  
20 recreation] department of natural resources a fund to be known as  
21 "The Inter-Agency Council Fund". All federal moneys received by  
22 the state of Missouri from the Land and Water Conservation Fund  
23 Act of 1965, Public Law 88-578, shall be deposited in the fund.

24 2. Moneys deposited in the fund shall, upon appropriation  
25 by the general assembly to the [state inter-agency council for  
26 outdoor recreation] department, be received and expended or  
27 allocated by the [state inter-agency council] department for  
28 outdoor recreation for outdoor recreation planning, acquisition

1 and development and for no other purposes; provided, however,  
2 that not less than fifty percent of the moneys appropriated shall  
3 be allocated by [said council] the department to political  
4 subdivisions of the state of Missouri, none of which moneys so  
5 allocated shall be expended for the improvement or operation of  
6 projects under the supervision or control of any state agency.

7 3. Any unexpended balance in [the inter-agency council]  
8 such fund at the end of any appropriation period shall not be  
9 transferred to the general revenue fund of the state treasury  
10 and, accordingly, shall be exempt from the provisions of section  
11 33.080 relating to transfer of funds to the general revenue funds  
12 of the state by the state treasurer.

13 260.200. 1. The following words and phrases when used in  
14 sections 260.200 to 260.345 shall mean:

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

22 (2) "Applicant", a person or persons seeking or holding a  
23 facility permit;

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

28 ~~[(3)]~~ (4) "Button cell battery" or "button cell", any small

1 alkaline-manganese or mercuric-oxide battery having the size and  
2 shape of a button;

3 [(4)] (5) "City", any incorporated city, town, or village;

4 [(5)] (6) "Clean fill", uncontaminated soil, rock, sand,  
5 gravel, concrete, asphaltic concrete, cinderblocks, brick,  
6 minimal amounts of wood and metal, and inert solids as approved  
7 by rule or policy of the department for fill, reclamation or  
8 other beneficial use;

9 [(6)] (7) "Closure", the permanent cessation of active  
10 disposal operations, abandonment of the disposal area, revocation  
11 of the permit or filling with waste of all areas and volumes  
12 specified in the permit and preparing the area for long-term  
13 care;

14 [(7)] (8) "Closure plan", plans, designs and relevant data  
15 which specify the methods and schedule by which the operator will  
16 complete or cease disposal operations, prepare the area for  
17 long-term care, and make the area suitable for other uses, to  
18 achieve the purposes of sections 260.200 to 260.345 and the  
19 regulations promulgated thereunder;

20 [(8)] (9) "Conference, conciliation and persuasion", a  
21 process of verbal or written communications consisting of  
22 meetings, reports, correspondence or telephone conferences  
23 between authorized representatives of the department and the  
24 alleged violator. The process shall, at a minimum, consist of  
25 one offer to meet with the alleged violator tendered by the  
26 department. During any such meeting, the department and the  
27 alleged violator shall negotiate in good faith to eliminate the  
28 alleged violation and shall attempt to agree upon a plan to

1 achieve compliance;

2 [(9)] (10) "Construction and demolition waste", waste  
3 materials from the construction and demolition of residential,  
4 industrial, or commercial structures, but shall not include  
5 materials defined as clean fill under this section;

6 [(10)] (11) "Demolition landfill", a solid waste disposal  
7 area used for the controlled disposal of demolition wastes,  
8 construction materials, brush, wood wastes, soil, rock, concrete  
9 and inert solids insoluble in water;

10 [(11)] (12) "Department", the department of natural  
11 resources;

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

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

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

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

22 (c) A description of the business experience of all key  
23 personnel listed in the disclosure statement;

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

26 a. A listing organized by issuing federal, state, or county  
27 or county equivalent regulatory body of all environmental permits  
28 or licenses for the collection, transfer, treatment, processing,

1 storage, or disposal of solid waste issued to or held by any key  
2 personnel;

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

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

15 d. An itemized list of all felony convictions under the  
16 laws of the state of Missouri or the equivalent thereof under the  
17 laws of any other jurisdiction; and a listing of any findings of  
18 guilt for any crimes or criminal acts an element of which  
19 involves restraint of trade, price-fixing, intimidation of the  
20 customers of another person or for engaging in any other acts  
21 which may have the effect of restraining or limiting competition  
22 concerning activities regulated pursuant to this chapter or  
23 similar laws of other states or the federal government including,  
24 but not limited to, racketeering or violation of antitrust laws  
25 of any key personnel;

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

28 [(14)] (16) "Financial assurance instrument", an instrument



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

13 [(15)] (17) "Flood area", any area inundated by the one  
14 hundred year flood event, or the flood event with a one percent  
15 chance of occurring in any given year;

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

20 [(17)] (19) "Household consumer used motor oil collection  
21 center", any site or facility that accepts or aggregates and  
22 stores used motor oil collected only from household consumers or  
23 farmers who generate an average of twenty-five gallons per month  
24 or less of used motor oil in a calendar year. This section shall  
25 not preclude a commercial generator from operating a household  
26 consumer used motor oil collection center;

27 [(18)] (20) "Household consumer used motor oil collection  
28 system", any used motor oil collection center at publicly owned

1 facilities or private locations, any curbside collection of  
2 household consumer used motor oil, or any other household  
3 consumer used motor oil collection program determined by the  
4 department to further the purposes of sections 260.200 to  
5 260.345;

6 [(19)] (21) "Infectious waste", waste in quantities and  
7 characteristics as determined by the department by rule,  
8 including isolation wastes, cultures and stocks of etiologic  
9 agents, blood and blood products, pathological wastes, other  
10 wastes from surgery and autopsy, contaminated laboratory wastes,  
11 sharps, dialysis unit wastes, discarded biologicals known or  
12 suspected to be infectious; provided, however, that infectious  
13 waste does not mean waste treated to department specifications;

14 (22) "Key personnel", the applicant itself and any person  
15 employed by the applicant in a managerial capacity, or empowered  
16 to make discretionary decisions with respect to the solid waste  
17 operations of the applicant in Missouri, but shall not include  
18 employees exclusively engaged in the physical or mechanical  
19 collection, transfer, transportation, treatment, processing,  
20 storage, or disposal of solid waste and such other employees as  
21 the director of the department of natural resources may designate  
22 by regulation. If the applicant has not previously conducted  
23 solid waste operations in Missouri, the term also includes any  
24 officer, director, partner of the applicant, or any holder of  
25 seven percent or more of the equity or debt of the applicant. If  
26 any holder of seven percent or more of the equity or debt of the  
27 applicant or of any key personnel is not a natural person, the  
28 term includes all key personnel of that entity, provided that

1 where such entity is a chartered lending institution or a  
2 reporting company under the federal Securities Exchange Act of  
3 1934, the term does not include key personnel of such entity.  
4 Provided further that the term means the chief executive officer  
5 of any agency of the United States or of any agency or political  
6 subdivision of the state of Missouri, and all key personnel of  
7 any person, other than a natural person, that operates a landfill  
8 or other facility for the collection, transfer, treatment,  
9 processing, storage, or disposal of nonhazardous solid waste  
10 under contract with or for one of those governmental entities;

11 [(20)] (23) "Lead-acid battery", a battery designed to  
12 contain lead and sulfuric acid with a nominal voltage of at least  
13 six volts and of the type intended for use in motor vehicles and  
14 watercraft;

15 [(21)] (24) "Major appliance", clothes washers and dryers,  
16 water heaters, trash compactors, dishwashers, conventional ovens,  
17 ranges, stoves, woodstoves, air conditioners, refrigerators and  
18 freezers;

19 [(22)] (25) "Mercuric-oxide battery" or "mercury battery",  
20 a battery having a mercuric-oxide positive electrode, a zinc  
21 negative electrode, and an alkaline electrolyte, including  
22 mercuric-oxide button cell batteries generally intended for use  
23 in hearing aids and larger size mercuric-oxide batteries used  
24 primarily in medical equipment;

25 [(23)] (26) "Minor violation", a violation which possesses  
26 a small potential to harm the environment or human health or  
27 cause pollution, was not knowingly committed, and is not defined  
28 by the United States Environmental Protection Agency as other

1 than minor;

2 [(24)] (27) "Motor oil", any oil intended for use in a  
3 motor vehicle, as defined in section 301.010, train, vessel,  
4 airplane, heavy equipment, or other machinery powered by an  
5 internal combustion engine;

6 [(25)] (28) "Motor vehicle", as defined in section 301.010;

7 [(26)] (29) "Operator" and "permittee", anyone so  
8 designated, and shall include cities, counties, other political  
9 subdivisions, authority, state agency or institution, or federal  
10 agency or institution;

11 [(27)] (30) "Permit modification", any permit issued by the  
12 department which alters or modifies the provisions of an existing  
13 permit previously issued by the department;

14 [(28)] (31) "Person", any individual, partnership, limited  
15 liability company, corporation, association, trust, institution,  
16 city, county, other political subdivision, authority, state  
17 agency or institution, or federal agency or institution, or any  
18 other legal entity;

19 [(29)] (32) "Plasma arc technology", a process that  
20 converts electrical energy into thermal energy. This electric  
21 arc is created when an ionized gas transfers electric power  
22 between two or more electrodes;

23 [(30)] (33) "Postclosure plan", plans, designs and relevant  
24 data which specify the methods and schedule by which the operator  
25 shall perform necessary monitoring and care for the area after  
26 closure to achieve the purposes of sections 260.200 to 260.345  
27 and the regulations promulgated thereunder;

28 [(31)] (34) "Recovered materials", those materials which

1 have been diverted or removed from the solid waste stream for  
2 sale, use, reuse or recycling, whether or not they require  
3 subsequent separation and processing;

4 [(32)] (35) "Recycled content", the proportion of fiber in  
5 a newspaper which is derived from postconsumer waste;

6 [(33)] (36) "Recycling", the separation and reuse of  
7 materials which might otherwise be disposed of as solid waste;

8 [(34)] (37) "Resource recovery", a process by which  
9 recyclable and recoverable material is removed from the waste  
10 stream to the greatest extent possible, as determined by the  
11 department and pursuant to department standards, for reuse or  
12 remanufacture;

13 [(35)] (38) "Resource recovery facility", a facility in  
14 which recyclable and recoverable material is removed from the  
15 waste stream to the greatest extent possible, as determined by  
16 the department and pursuant to department standards, for reuse or  
17 remanufacture;

18 [(36)] (39) "Sanitary landfill", a solid waste disposal  
19 area which accepts commercial and residential solid waste;

20 [(37)] (40) "Scrap tire", a tire that is no longer suitable  
21 for its original intended purpose because of wear, damage, or  
22 defect;

23 [(38)] (41) "Scrap tire collection center", a site where  
24 scrap tires are collected prior to being offered for recycling or  
25 processing and where fewer than five hundred tires are kept on  
26 site on any given day;

27 [(39)] (42) "Scrap tire end-user facility", a site where  
28 scrap tires are used as a fuel or fuel supplement or converted

1 into a useable product. Baled or compressed tires used in  
2 structures, or used at recreational facilities, or used for flood  
3 or erosion control shall be considered an end use;

4 [(40)] (43) "Scrap tire generator", a person who sells  
5 tires at retail or any other person, firm, corporation, or  
6 government entity that generates scrap tires;

7 [(41)] (44) "Scrap tire processing facility", a site where  
8 tires are reduced in volume by shredding, cutting, or chipping or  
9 otherwise altered to facilitate recycling, resource recovery, or  
10 disposal;

11 [(42)] (45) "Scrap tire site", a site at which five hundred  
12 or more scrap tires are accumulated, but not including a site  
13 owned or operated by a scrap tire end-user that burns scrap tires  
14 for the generation of energy or converts scrap tires to a useful  
15 product;

16 [(43)] (46) "Solid waste", garbage, refuse and other  
17 discarded materials including, but not limited to, solid and  
18 semisolid waste materials resulting from industrial, commercial,  
19 agricultural, governmental and domestic activities, but does not  
20 include hazardous waste as defined in sections 260.360 to  
21 260.432, recovered materials, overburden, rock, tailings, matte,  
22 slag or other waste material resulting from mining, milling or  
23 smelting;

24 [(44)] (47) "Solid waste disposal area", any area used for  
25 the disposal of solid waste from more than one residential  
26 premises, or one or more commercial, industrial, manufacturing,  
27 recreational, or governmental operations;

28 [(45)] (48) "Solid waste fee", a fee imposed pursuant to

1 sections 260.200 to 260.345 and may be:

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

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

6 [(46)] (49) "Solid waste management area", a solid waste  
7 disposal area which also includes one or more of the functions  
8 contained in the definitions of recycling, resource recovery  
9 facility, waste tire collection center, waste tire processing  
10 facility, waste tire site or solid waste processing facility,  
11 excluding incineration;

12 [(47)] (50) "Solid waste management system", the entire  
13 process of managing solid waste in a manner which minimizes the  
14 generation and subsequent disposal of solid waste, including  
15 waste reduction, source separation, collection, storage,  
16 transportation, recycling, resource recovery, volume  
17 minimization, processing, market development, and disposal of  
18 solid wastes;

19 [(48)] (51) "Solid waste processing facility", any facility  
20 where solid wastes are salvaged and processed, including:

21 (a) A transfer station; or

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

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

26 (d) A plasma arc technology facility;

27 [(49)] (52) "Solid waste technician", an individual who has  
28 successfully completed training in the practical aspects of the

1 design, operation and maintenance of a permitted solid waste  
2 processing facility or solid waste disposal area in accordance  
3 with sections 260.200 to 260.345;

4 [(50)] (53) "Tire", a continuous solid or pneumatic rubber  
5 covering encircling the wheel of any self-propelled vehicle not  
6 operated exclusively upon tracks, or a trailer as defined in  
7 chapter 301, except farm tractors and farm implements owned and  
8 operated by a family farm or family farm corporation as defined  
9 in section 350.010;

10 [(51)] (54) "Used motor oil", any motor oil which, as a  
11 result of use, becomes unsuitable for its original purpose due to  
12 loss of original properties or the presence of impurities, but  
13 used motor oil shall not include ethylene glycol, oils used for  
14 solvent purposes, oil filters that have been drained of free  
15 flowing used oil, oily waste, oil recovered from oil tank  
16 cleaning operations, oil spilled to land or water, or industrial  
17 nonlube oils such as hydraulic oils, transmission oils, quenching  
18 oils, and transformer oils;

19 [(52)] (55) "Utility waste landfill", a solid waste  
20 disposal area used for fly ash waste, bottom ash waste, slag  
21 waste and flue gas emission control waste generated primarily  
22 from the combustion of coal or other fossil fuels;

23 [(53)] (56) "Yard waste", leaves, grass clippings, yard and  
24 garden vegetation and Christmas trees. The term does not include  
25 stumps, roots or shrubs with intact root balls.

26 2. For the purposes of this section and sections 260.270 to  
27 260.279 and any rules in place as of August 28, 2005, or  
28 promulgated under said sections, the term "scrap" shall be used



1 synonymously with and in place of waste, as it applies only to  
2 scrap tires.

3       260.205. 1. It shall be unlawful for any person to operate  
4 a solid waste processing facility or solid waste disposal area of  
5 a solid waste management system without first obtaining an  
6 operating permit from the department. It shall be unlawful for  
7 any person to construct a solid waste processing facility or  
8 solid waste disposal area without first obtaining a construction  
9 permit from the department pursuant to this section. A current  
10 authorization to operate issued by the department pursuant to  
11 sections 260.200 to 260.345 shall be considered to be a permit to  
12 operate for purposes of this section for all solid waste disposal  
13 areas and processing facilities existing on August 28, 1995. A  
14 permit shall not be issued for a sanitary landfill to be located  
15 in a flood area, as determined by the department, where flood  
16 waters are likely to significantly erode final cover. A permit  
17 shall not be required to operate a waste stabilization lagoon,  
18 settling pond or other water treatment facility which has a valid  
19 permit from the Missouri clean water commission even though the  
20 facility may receive solid or semisolid waste materials.

21       2. No person or operator may apply for or obtain a permit  
22 to construct a solid waste disposal area unless the person has  
23 requested the department to conduct a preliminary site  
24 investigation and obtained preliminary approval from the  
25 department. The department shall, within sixty days of such  
26 request, conduct a preliminary investigation and approve or  
27 disapprove the site.

28       3. All proposed solid waste disposal areas for which a

1 preliminary site investigation request pursuant to subsection 2  
2 of this section is received by the department on or after August  
3 28, 1999, shall be subject to a public involvement activity as  
4 part of the permit application process. The activity shall  
5 consist of the following:

6 (1) The applicant shall notify the public of the  
7 preliminary site investigation approval within thirty days after  
8 the receipt of such approval. Such public notification shall be  
9 by certified mail to the governing body of the county or city in  
10 which the proposed disposal area is to be located and by  
11 certified mail to the solid waste management district in which  
12 the proposed disposal area is to be located;

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

28 (3) At least sixty days prior to the submission to the

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

21 (4) If a proposed solid waste disposal area is to be  
22 located in a county or city that has local planning and zoning  
23 requirements, the applicant shall not be required to conduct a  
24 community involvement session if the following conditions are  
25 met:

26 (a) The local planning and zoning requirements include a  
27 public meeting;

28 (b) The applicant notifies the department of intent to

1 utilize such meeting in lieu of the community involvement session  
2 at least thirty days prior to such meeting;

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

6 (d) Such meeting is held at least thirty days prior to the  
7 submission to the department of a report on the results of a  
8 detailed site investigation pursuant to subsection 4 of this  
9 section;

10 (e) The applicant submits to the department a record of  
11 such meeting;

12 (f) A public comment period begins on the day of such  
13 meeting and continues for at least fourteen days after such  
14 meeting, and the applicant responds to all persons submitting  
15 comments during such public comment period no more than fourteen  
16 days after the receipt of such comments.

17 4. No person may apply for or obtain a permit to construct  
18 a solid waste disposal area unless the person has submitted to  
19 the department a plan for conducting a detailed surface and  
20 subsurface geologic and hydrologic investigation and has obtained  
21 geologic and hydrologic site approval from the department. The  
22 department shall approve or disapprove the plan within thirty  
23 days of receipt. The applicant shall conduct the investigation  
24 pursuant to the plan and submit the results to the department.  
25 The department shall provide approval or disapproval within sixty  
26 days of receipt of the investigation results.

27 5. (1) Every person desiring to construct a solid waste  
28 processing facility or solid waste disposal area shall make

1 application for a permit on forms provided for this purpose by  
2 the department. Every applicant shall submit evidence of  
3 financial responsibility with the application. Any applicant who  
4 relies in part upon a parent corporation for this demonstration  
5 shall also submit evidence of financial responsibility for that  
6 corporation and any other subsidiary thereof.

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

21 (3) The applicant for a permit to construct a solid waste  
22 disposal area shall provide the department with plans,  
23 specifications, and such other data as may be necessary to comply  
24 with the purpose of sections 260.200 to 260.345. The application  
25 shall demonstrate compliance with all applicable local planning  
26 and zoning requirements. The department shall make an  
27 investigation of the solid waste disposal area and determine  
28 whether it complies with the provisions of sections 260.200 to

1 260.345 and the rules and regulations adopted pursuant to  
2 sections 260.200 to 260.345. Within twelve consecutive months of  
3 the receipt of an application for a construction permit the  
4 department shall approve or deny the application. The department  
5 shall issue rules and regulations establishing time limits for  
6 permit modifications and renewal of a permit for a solid waste  
7 disposal area. The time limit shall be consistent with this  
8 chapter.

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

22 (5) If the department fails to approve or deny an  
23 application for a permit or a permit modification within the time  
24 limits specified in subdivisions (3) and (4) of this subsection,  
25 the applicant may maintain an action in the circuit court of Cole  
26 County or that of the county in which the facility is located or  
27 is to be sited. The court shall order the department to show  
28 cause why it has not acted on the permit and the court may, upon

1 the presentation of evidence satisfactory to the court, order the  
2 department to issue or deny such permit or permit modification.  
3 Permits for solid waste disposal areas, whether issued by the  
4 department or ordered to be issued by a court, shall be for the  
5 anticipated life of the facility.

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

23 (7) When the review reveals that the facility or area does  
24 conform with the provisions of sections 260.200 to 260.345 and  
25 the rules and regulations adopted pursuant to sections 260.200 to  
26 260.345, the department shall approve the application and shall  
27 issue a permit for the construction of each solid waste  
28 processing facility or solid waste disposal area as set forth in

1 the application and with any permit terms and conditions which  
2 the department deems appropriate. In the event that the facility  
3 or area fails to meet the rules and regulations adopted pursuant  
4 to sections 260.200 to 260.345, the department shall issue a  
5 report to the applicant stating the reason for denial of a  
6 permit.

7 6. Plans, designs, and relevant data for the construction  
8 of solid waste processing facilities and solid waste disposal  
9 areas shall be submitted to the department by a registered  
10 professional engineer licensed by the state of Missouri for  
11 approval prior to the construction, alteration or operation of  
12 such a facility or area.

13 7. Any person or operator as defined in section 260.200 who  
14 intends to obtain a construction permit in a solid waste  
15 management district with an approved solid waste management plan  
16 shall request a recommendation in support of the application from  
17 the executive board created in section 260.315. The executive  
18 board shall consider the impact of the proposal on, and the  
19 extent to which the proposal conforms to, the approved district  
20 solid waste management plan prepared pursuant to section 260.325.  
21 The executive board shall act upon the request for a  
22 recommendation within sixty days of receipt and shall submit a  
23 resolution to the department specifying its position and its  
24 recommendation regarding conformity of the application to the  
25 solid waste plan. The board's failure to submit a resolution  
26 constitutes recommendation of the application. The department  
27 may consider the application, regardless of the board's action  
28 thereon and may deny the construction permit if the application



1 fails to meet the requirements of sections 260.200 to 260.345, or  
2 if the application is inconsistent with the district's solid  
3 waste management plan.

4 8. If the site proposed for a solid waste disposal area is  
5 not owned by the applicant, the owner or owners of the site shall  
6 acknowledge that an application pursuant to sections 260.200 to  
7 260.345 is to be submitted by signature or signatures thereon.  
8 The department shall provide the owner with copies of all  
9 communication with the operator, including inspection reports and  
10 orders issued pursuant to section 260.230.

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

22 10. Upon receipt of an application for a permit to  
23 construct a solid waste processing facility or disposal area, the  
24 department shall notify the public of such receipt:

25 (1) By legal notice published in a newspaper of general  
26 circulation in the area of the proposed disposal area or  
27 processing facility;

28 (2) By certified mail to the governing body of the county

1 or city in which the proposed disposal area or processing  
2 facility is to be located; and

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

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

21 11. After the issuance of a construction permit for a solid  
22 waste disposal area, but prior to the beginning of disposal  
23 operations, the owner and the department shall execute an  
24 easement to allow the department, its agents or its contractors  
25 to enter the premises to complete work specified in the closure  
26 plan, or to monitor or maintain the site or to take remedial  
27 action during the postclosure period. After issuance of a  
28 construction permit for a solid waste disposal area, but prior to

1 the beginning of disposal operations, the owner shall submit  
2 evidence that he or she has recorded, in the office of the  
3 recorder of deeds in the county where the disposal area is  
4 located, a notice and covenant running with the land that the  
5 property has been permitted as a solid waste disposal area and  
6 prohibits use of the land in any manner which interferes with the  
7 closure and, where appropriate, postclosure plans filed with the  
8 department.

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

26 13. Each solid waste disposal area, except utility waste  
27 landfills unless otherwise and to the extent required by the  
28 department, and those solid waste processing facilities

1 designated by rule, shall be operated under the direction of a  
2 certified solid waste technician in accordance with sections  
3 260.200 to 260.345 and the rules and regulations promulgated  
4 pursuant to sections 260.200 to 260.345.

5 14. Base data for the quality and quantity of groundwater  
6 in the solid waste disposal area shall be collected and submitted  
7 to the department prior to the operation of a new or expansion of  
8 an existing solid waste disposal area. Base data shall include a  
9 chemical analysis of groundwater drawn from the proposed solid  
10 waste disposal area.

11 15. Leachate collection and removal systems shall be  
12 incorporated into new or expanded sanitary landfills which are  
13 permitted after August 13, 1986. The department shall assess the  
14 need for a leachate collection system for all types of solid  
15 waste disposal areas, other than sanitary landfills, and the need  
16 for monitoring wells when it evaluates the application for all  
17 new or expanded solid waste disposal areas. The department may  
18 require an operator of a solid waste disposal area to install a  
19 leachate collection system before the beginning of disposal  
20 operations, at any time during disposal operations for unfilled  
21 portions of the area, or for any portion of the disposal area as  
22 a part of a remedial plan. The department may require the  
23 operator to install monitoring wells before the beginning of  
24 disposal operations or at any time during the operational life or  
25 postclosure care period if it concludes that conditions at the  
26 area warrant such monitoring. The operator of a demolition  
27 landfill or utility waste landfill shall not be required to  
28 install a leachate collection and removal system or monitoring

1 wells unless otherwise and to the extent the department so  
2 requires based on hazardous waste characteristic criteria or site  
3 specific geohydrological characteristics or conditions.

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

16 17. Each permit for operation of a facility or area shall  
17 be issued only to the person named in the application. Permits  
18 are transferable as a modification to the permit. An application  
19 to transfer ownership shall identify the proposed permittee. A  
20 disclosure statement for the proposed permittee listing  
21 violations contained in [subsection 19 of this section] the  
22 definition of disclosure statement found in section 260.200 shall  
23 be submitted to the department. The operation and design plans  
24 for the facility or area shall be updated to provide compliance  
25 with the currently applicable law and rules. A financial  
26 assurance instrument in such an amount and form as prescribed by  
27 the department shall be provided for solid waste disposal areas  
28 by the proposed permittee prior to transfer of the permit. The

1 financial assurance instrument of the original permittee shall  
2 not be released until the new permittee's financial assurance  
3 instrument has been approved by the department and the transfer  
4 of ownership is complete.

5 18. Those solid waste disposal areas permitted on January  
6 1, 1996, shall, upon submission of a request for permit  
7 modification, be granted a solid waste management area operating  
8 permit if the request meets reasonable requirements set out by  
9 the department.

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

13 20. [Any person seeking a permit or renewal of a permit to  
14 operate a commercial solid waste processing facility, or a solid  
15 waste disposal area shall, concurrently with the filing of  
16 application for a permit, file a disclosure statement with the  
17 department of natural resources. The disclosure statement shall  
18 include, but not be limited to, a listing of any felony  
19 convictions by state or federal agencies, and a listing of other  
20 enforcement actions, sanctions, permit revocations or denials by  
21 any state or federal authority of every person seeking a permit,  
22 including officers, directors, partners and facility or location  
23 managers of each person seeking a permit, any violations of  
24 Missouri environmental statutes, violations of the environmental  
25 statutes of other states or federal statutes and a listing of  
26 convictions for any crimes or criminal acts, an element of which  
27 involves restraint of trade, price-fixing, intimidation of the  
28 customers of another person or for engaging in any other acts

1 which may have the effect of restraining or limiting competition  
2 concerning activities regulated pursuant to this chapter or  
3 similar laws of other states or the federal government; except  
4 that convictions for violations by entities purchased or acquired  
5 by an applicant or permittee which occurred prior to the purchase  
6 or acquisition shall not be included. The department shall by  
7 rule, define those environmental violations which must be  
8 reported pursuant to this section. For purposes of this section,  
9 additional persons as required by rule shall be named in the  
10 statement and violations or convictions of such persons shall be  
11 listed. The department or its representative shall verify the  
12 information provided on the disclosure statement prior to permit  
13 issuance. The disclosure statement shall be used by the  
14 department in determining whether a permit should be granted or  
15 denied on the basis of the applicant's status as a habitual  
16 violator; however, the department has the authority to make a  
17 habitual violator determination independent of the information  
18 contained in the disclosure statement. After permit issuance,  
19 each facility shall annually file an updated disclosure statement  
20 with the department of natural resources on or before March  
21 thirty-first of each year. Any county, district, municipality,  
22 authority or other political subdivision of this state which owns  
23 and operates a sanitary landfill shall be exempt from the  
24 provisions of this subsection] Every applicant for a permit shall  
25 file a disclosure statement with the information required by and  
26 on a form developed by the department of natural resources at the  
27 same time the application for a permit is filed with the  
28 department.

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

16           22. All persons required to file a disclosure statement  
17 shall provide any assistance or information requested by the  
18 director or by the Missouri state highway patrol and shall  
19 cooperate in any inquiry or investigation conducted by the  
20 department and any inquiry, investigation or hearing conducted by  
21 the director. If, upon issuance of a formal request to answer  
22 any inquiry or produce information, evidence or testimony, any  
23 person required to file a disclosure statement refuses to comply,  
24 the application of an applicant or the permit of a permittee may  
25 be denied or revoked by the director.

26           23. If any of the information required to be included in  
27 the disclosure statement changes, or if any additional  
28 information should be added after the filing of the statement,



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

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

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

22 (2) Submits to the director with the application for a  
23 permit evidence of the registration described in subdivision (1)  
24 of this subsection and a copy of the corporation's most recent  
25 annual form 10-K or an equivalent report; and

26 (3) Submits to the director on the anniversary date of the  
27 issuance of any permit it holds under the Missouri solid waste  
28 management law evidence of registration described in subdivision

1 (1) of this subsection and a copy of the corporation's most  
2 recent annual form 10-K or an equivalent report.

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

8 26. Any county, district, municipality, authority, or other  
9 political subdivision of this state which owns and operates a  
10 sanitary landfill shall be exempt from the requirement for the  
11 filing of the disclosure statement and annual update to the  
12 disclosure statement.

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

22 28. No permit to construct or permit to operate shall be  
23 required pursuant to this section for any utility waste landfill  
24 located in a county of the third classification with a township  
25 form of government which has a population of at least eleven  
26 thousand inhabitants and no more than twelve thousand five  
27 hundred inhabitants according to the most recent decennial  
28 census, if such utility waste landfill complies with all design

1 and operating standards and closure requirements applicable to  
2 utility waste landfills pursuant to sections 260.200 to 260.345  
3 and provided that no waste disposed of at such utility waste  
4 landfill is considered hazardous waste pursuant to the Missouri  
5 hazardous waste law.

6 260.214. 1. Preliminary site investigation approval shall  
7 not be required for any municipal utility located in a county of  
8 the first classification with more than two hundred sixty but  
9 fewer than three hundred thousand inhabitants to proceed with a  
10 utility waste landfill detailed site investigation. Nothing in  
11 this section shall preclude the department from exercising its  
12 existing authority to approve or disapprove the site upon  
13 completion of the detailed site investigation. Solely for  
14 purposes of conducting the public involvement activity described  
15 in subsection 3 of section 260.205, the effective date of this  
16 section shall be considered the date of approval of the  
17 preliminary site investigation.

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

22 260.235. [1.] Any person aggrieved by a forfeiture of any  
23 financial assurance instrument, civil or administrative penalty  
24 or denial, suspension or revocation of a permit required by  
25 section 260.205 or a modification to a permit issued under  
26 section 260.205 or any disapproval of the plan required by  
27 section 260.220, may [within thirty days of notice of such action  
28 request a hearing] appeal such decision as provided in section

1 621.250, subject to judicial review as provided by law. The  
2 notice of the department shall be effected by certified mail and  
3 shall set forth the reasons for such forfeiture, disapproval,  
4 denial, suspension, civil penalty or revocation. The department  
5 may seek an injunction in the circuit court in which the facility  
6 is located requiring the facility for which the transfer of  
7 ownership has been denied, or the permit or modification of the  
8 permit has been denied, suspended or revoked, to cease operations  
9 from the date ordered by the court until such time as the appeal  
10 is resolved or obtain a performance bond in the amount and manner  
11 as prescribed by rule. The department's action seeking an  
12 injunction shall be based on the seriousness of the threat to the  
13 environment which continued operation of the facility poses.

14 **[The] A bond may be required in order to stay the effect of the**  
15 **department's action until the appeal is resolved, in which case**  
16 **such bond** shall remain in place until the appeal is resolved. If  
17 the department's decision is upheld, the bond shall be forfeited  
18 and placed in a separate subaccount of the solid waste management  
19 fund.

20 **[2.** The hearing shall be conducted by the director or his  
21 designated representative in accordance with the procedures set  
22 forth in sections 536.070, 536.073, 536.077, 536.080, and  
23 536.090. The decision of the department shall become final thirty  
24 days after delivery or certified mailing of a copy of it to the  
25 person. Such decisions may be appealed to the administrative  
26 hearing commission pursuant to sections 536.063 to 536.095 and  
27 shall be subject to judicial review of a final decision as  
28 provided in sections 536.100 to 536.140.]

1           260.249. 1. In addition to any other remedy provided by  
2 law, upon a determination by the director that a provision of  
3 sections 260.200 to 260.281, or a standard, limitation, order,  
4 rule or regulation promulgated pursuant thereto, or a term or  
5 condition of any permit has been violated, the director may issue  
6 an order assessing an administrative penalty upon the violator  
7 under this section. An administrative penalty shall not be  
8 imposed until the director has sought to resolve the violations  
9 through conference, conciliation and persuasion and shall not be  
10 imposed for minor violations of sections 260.200 to 260.281 or  
11 minor violation of any standard, limitation, order, rule or  
12 regulation promulgated pursuant to sections 260.200 to 260.281 or  
13 minor violations of any term or condition of a permit issued  
14 pursuant to sections 260.200 to 260.281 or any violations of  
15 sections 260.200 to 260.281 by any person resulting from  
16 mismanagement of solid waste generated and managed on the  
17 property of the place of residence of the person. If the  
18 violation is resolved through conference, conciliation and  
19 persuasion, no administrative penalty shall be assessed unless  
20 the violation has caused, or has the potential to cause, a risk  
21 to human health or to the environment, or has caused or has  
22 potential to cause pollution, or was knowingly committed, or is  
23 defined by the United States Environmental Protection Agency as  
24 other than minor. Any order assessing an administrative penalty  
25 shall state that an administrative penalty is being assessed  
26 under this section and that the person subject to the penalty may  
27 appeal as provided by section 260.235 and section 621.250. Any  
28 such order that fails to state the statute under which the

1 penalty is being sought, the manner of collection or rights of  
2 appeal shall result in the state's waiving any right to  
3 collection of the penalty.

4 2. The department shall promulgate rules and regulations  
5 for the assessment of administrative penalties. The amount of  
6 the administrative penalty assessed per day of violation for each  
7 violation under this section shall not exceed the amount of the  
8 civil penalty specified in section 260.240. Such rules shall  
9 reflect the criteria used for the administrative penalty matrix  
10 as provided for in the Resource Conservation and Recovery Act, 42  
11 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm  
12 which the violation causes, or may cause, the violator's previous  
13 compliance record, and any other factors which the department may  
14 reasonably deem relevant. An administrative penalty shall be  
15 paid within sixty days from the date of issuance of the order  
16 assessing the penalty. Any person subject to an administrative  
17 penalty may appeal as provided in section 260.235 and section  
18 621.250. Any appeal will stay the due date of such  
19 administrative penalty until the appeal is resolved. Any person  
20 who fails to pay an administrative penalty by the final due date  
21 shall be liable to the state for a surcharge of fifteen percent  
22 of the penalty plus ten percent per annum on any amounts owed.  
23 Any administrative penalty paid pursuant to this section shall be  
24 handled in accordance with section 7 of article IX of the state  
25 constitution. An action may be brought in the appropriate  
26 circuit court to collect any unpaid administrative penalty, and  
27 for attorney's fees and costs incurred directly in the collection  
28 thereof.

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

9           4. The state may elect to assess an administrative penalty,  
10 or, in lieu thereof, to request that the attorney general or  
11 prosecutor file an appropriate legal action seeking a civil  
12 penalty in the appropriate circuit court.

13           5. Any final order imposing an administrative penalty [is  
14 subject to judicial review upon the filing of a petition pursuant  
15 to section 536.100] may be appealed by any person subject to the  
16 administrative penalty as provided in section 260.235 and section  
17 621.250, subject to judicial review as provided by law. No  
18 judicial review shall be available until all administrative  
19 remedies are exhausted.

20           260.262. A person selling lead-acid batteries at retail or  
21 offering lead-acid batteries for retail sale in the state shall:

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

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

28           (a) It is illegal to discard a motor vehicle battery or

1 other lead-acid battery;

2 (b) Recycle your used batteries; and

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

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

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

25 (5) The department of revenue shall administer, collect,  
26 and enforce the fee authorized pursuant to this section pursuant  
27 to the same procedures used in the administration, collection,  
28 and enforcement of the general state sales and use tax imposed



1 pursuant to chapter 144 except as provided in this section. The  
2 proceeds of the battery fee, less four percent of the proceeds,  
3 which shall be retained by the department of revenue as  
4 collection costs, shall be transferred by the department of  
5 revenue into the hazardous waste fund, created pursuant to  
6 section 260.391. The fee created in subdivision (4) and this  
7 subdivision shall be effective October 1, 2005. The provisions  
8 of subdivision (4) and this subdivision shall terminate December  
9 31, [2013] 2018.

10 260.320. 1. The executive board shall meet within thirty  
11 days after the selection of the initial members. The time and  
12 place of the first meeting of the board shall be designated by  
13 the council. A majority of the members of the board shall  
14 constitute a quorum. At its first meeting the board shall elect  
15 a chairman from its members and select a secretary, treasurer and  
16 such officers or employees as it deems expedient or necessary for  
17 the accomplishment of its purposes. The secretary and treasurer  
18 need not be members of the board.

19 2. The executive board may adopt, alter or repeal its own  
20 bylaws, rules and regulations governing the manner in which its  
21 business may be transacted, including procedures for the  
22 replacement of persons who habitually fail to attend board  
23 meetings, and may establish its fiscal year, adopt an official  
24 seal, apply for and accept grants, gifts or appropriations from  
25 any public or private sector, make all expenditures which are  
26 incidental and necessary to carry out its purposes and powers,  
27 and take such action, enter into such agreements and exercise all  
28 other powers and functions necessary or appropriate to carry out

1 the duties and purposes of sections 260.200 to 260.345.

2 3. The executive board shall:

3 (1) Review and comment upon applications for permits  
4 submitted pursuant to section 260.205, for solid waste processing  
5 facilities and solid waste disposal areas which are to be located  
6 within the region or, if located in an adjacent region, which  
7 will impact solid waste management practices within the region;

8 (2) [Prepare and recommend to the council a solid waste  
9 management plan for the district;

10 (3)] Identify illegal dump sites and provide all available  
11 information about such sites to the appropriate county prosecutor  
12 and to the department;

13 [(4)] (3) Establish an education program to inform the  
14 public about responsible waste management practices;

15 [(5)] (4) Establish procedures to minimize the introduction  
16 of small quantities of hazardous waste, including household  
17 hazardous waste, into the solid waste stream;

18 [(6)] (5) Assure adequate capacity to manage waste which is  
19 not otherwise removed from the solid waste stream; and

20 [(7)] (6) Appoint one or more geographically balanced  
21 advisory committees composed of the representatives of commercial  
22 generators, representatives of the solid waste management  
23 industry, and two citizens unaffiliated with a solid waste  
24 facility or operation to assess and make recommendations on solid  
25 waste management.

26 4. The executive board may enter into contracts with any  
27 person for services related to any component of the solid waste  
28 management system. Bid specifications for solid waste management

1 services shall be designed to meet the objectives of sections  
2 260.200 to 260.345, encourage small businesses to engage and  
3 compete in the delivery of waste management services and to  
4 minimize the long-run cost of managing solid waste. Bid  
5 specifications shall enumerate the minimum components and minimum  
6 quantities of waste products which shall be recycled by the  
7 successful bidder. The board shall divide the district into  
8 units to maximize access for small businesses when it requests  
9 bids for solid waste management services.

10 5. No person shall serve as a member of the council or of  
11 the executive board who is a stockholder, officer, agent,  
12 attorney or employee or who is in any way pecuniarily interested  
13 in any business which engages in any aspect of solid waste  
14 management regulated under sections 260.200 to 260.345; provided,  
15 however, that such member may own stock in a publicly traded  
16 corporation which may be involved in waste management as long as  
17 such holdings are not substantial.

18 260.325. [1. The executive board of each district shall  
19 submit to the department a plan which has been approved by the  
20 council for a solid waste management system serving areas within  
21 its jurisdiction and shall, from time to time, submit officially  
22 adopted revisions of its plan as it deems necessary or the  
23 department may require. In developing the district's solid waste  
24 management plan, the board shall consider the model plan  
25 distributed to the board pursuant to section 260.225. Districts  
26 may contract with a licensed professional engineer or as provided  
27 in chapter 70 for the development and submission of a joint plan.

28 2. The board shall hold at least one public hearing in each

1 county in the district when it prepares a proposed plan or  
2 substantial revisions to a plan in order to solicit public  
3 comments on the plan.

4 3. The solid waste management plan shall be submitted to  
5 the department within eighteen months of the formation of the  
6 district. The plan shall be prepared and submitted according to  
7 the procedures specified in section 260.220 and this section.

8 4. Each plan shall:

9 (1) Delineate areas within the district where solid waste  
10 management systems are in existence;

11 (2) Reasonably conform to the rules and regulations adopted  
12 by the department for implementation of sections 260.200 to  
13 260.345;

14 (3) Delineate provisions for the collection of recyclable  
15 materials or collection points for recyclable materials;

16 (4) Delineate provisions for the collection of compostable  
17 materials or collection points for compostable materials;

18 (5) Delineate provisions for the separation of household  
19 waste and other small quantities of hazardous waste at the source  
20 or prior to disposal;

21 (6) Delineate provisions for the orderly extension of solid  
22 waste management services in a manner consistent with the needs  
23 of the district, including economic impact, and in a manner which  
24 will minimize degradation of the waters or air of the state,  
25 prevent public nuisances or health hazards, promote recycling and  
26 waste minimization and otherwise provide for the safe and  
27 sanitary management of solid waste;

28 (7) Take into consideration existing comprehensive plans,

1 population trend projections, engineering and economics so as to  
2 delineate those portions of the district which may reasonably be  
3 expected to be served by a solid waste management system;

4 (8) Specify how the district will achieve a reduction in  
5 solid waste placed in sanitary landfills through waste  
6 minimization, reduction and recycling;

7 (9) Establish a timetable, with milestones, for the  
8 reduction of solid waste placed in a landfill through waste  
9 minimization, reduction and recycling;

10 (10) Establish an education program to inform the public  
11 about responsible waste management practices;

12 (11) Establish procedures to minimize the introduction of  
13 small quantities of hazardous waste, including household  
14 hazardous waste, into the solid waste stream;

15 (12) Establish a time schedule and proposed method of  
16 financing for the development, construction and operation of the  
17 planned solid waste management system together with the estimated  
18 cost thereof;

19 (13) Identify methods by which rural households that are  
20 not served by a regular solid waste collection service may  
21 participate in waste reduction, recycling and resource recovery  
22 efforts within the district; and

23 (14) Include such other reasonable information as the  
24 department shall require.

25 5. The board shall review the district's solid waste  
26 management plan at least every twenty-four months for the purpose  
27 of evaluating the district's progress in meeting the requirements  
28 and goals of the plan, and shall submit plan revisions to the

1 department and council.

2 6. In the event any plan or part thereof is disapproved,  
3 the department shall furnish any and all reasons for such  
4 disapproval and shall offer assistance for correcting  
5 deficiencies. The executive board shall within sixty days revise  
6 and resubmit the plan for approval or request a hearing in  
7 accordance with section 260.235. Any plan submitted by a  
8 district shall stand approved one hundred twenty days after  
9 submission unless the department disapproves the plan or some  
10 provision thereof.

11 7. The director may institute appropriate action under  
12 section 260.240 to compel submission of plans in accordance with  
13 sections 260.200 to 260.345 and the rules and regulations adopted  
14 pursuant to sections 260.200 to 260.345.

15 8. The provisions of section 260.215 to the contrary  
16 notwithstanding, any county within a region which on or after  
17 January 1, 1995, is not a member of a district shall by June 30,  
18 1995, submit a solid waste management plan to the department of  
19 natural resources. Any county which withdraws from a district  
20 and all cities within the county with a population over five  
21 hundred shall submit a solid waste plan or a revision to an  
22 existing plan to the department of natural resources within one  
23 hundred eighty days of its decision not to participate. The plan  
24 shall meet the requirements of section 260.220 and this section.

25 9. Funds may, upon appropriation, be made available to  
26 cities, counties and districts, under section 260.335, for the  
27 purpose of implementing the requirements of this section.

28 10.] The district board shall arrange for independent

1 financial audits of the records and accounts of its operations by  
2 a certified public accountant or a firm of certified public  
3 accountants. Districts receiving two hundred thousand dollars or  
4 more of financial assistance shall have annual independent  
5 financial audits and districts receiving less than two hundred  
6 thousand dollars of financial assistance shall have independent  
7 financial audits at least once every two years. The state  
8 auditor may examine the findings of such audits and may conduct  
9 audits of the districts. Subject to limitations caused by the  
10 availability resources, the department shall conduct a  
11 performance audit of grants to each district at least once every  
12 three years.

13 260.330. 1. Except as otherwise provided in subsection 6  
14 of this section, effective October 1, ~~[1990]~~ 2013, each operator  
15 of a solid waste sanitary landfill shall collect a charge equal  
16 to one dollar and ~~[fifty]~~ ninety cents per ton or its volumetric  
17 equivalent of solid waste accepted and each operator of the solid  
18 waste demolition landfill shall collect a charge equal to one  
19 dollar and twenty-seven cents per ton or its volumetric  
20 equivalent of solid waste accepted. Each operator shall submit  
21 the charge, less collection costs, to the department of natural  
22 resources for deposit in the "Solid Waste Management Fund" which  
23 is hereby created. On October 1, ~~[1992]~~ 2014, and thereafter,  
24 the charge imposed herein shall be adjusted annually by the same  
25 percentage as the increase in the general price level as measured  
26 by the Consumer Price Index for All Urban Consumers for the  
27 United States, or its successor index, as defined and officially  
28 recorded by the United States Department of Labor or its

1 successor agency. No annual adjustment shall be made to the  
2 charge imposed under this subsection during October 1, [2005]  
3 2014, to October 1, 2017, except an adjustment amount consistent  
4 with the need to fund the operating costs of the department and  
5 taking into account any annual percentage increase in the total  
6 of the volumetric equivalent of solid waste accepted in the prior  
7 year at solid waste sanitary landfills and demolition landfills  
8 and solid waste to be transported out of this state for disposal  
9 that is accepted at transfer stations. No annual increase during  
10 October 1, [2005] 2014, to October 1, 2017, shall exceed the  
11 percentage increase measured by the Consumer Price Index for All  
12 Urban Consumers for the United States, or its successor index, as  
13 defined and officially recorded by the United States Department  
14 of Labor or its successor agency and calculated on the percentage  
15 of revenues dedicated under subdivision (1) of subsection 2 of  
16 section 260.335. Any such annual adjustment shall only be made  
17 at the discretion of the director, subject to appropriations.  
18 Collection costs shall be established by the department and shall  
19 not exceed two percent of the amount collected pursuant to this  
20 section.

21 2. The department shall, by rule and regulation, provide  
22 for the method and manner of collection.

23 3. The charges established in this section shall be  
24 enumerated separately from the disposal fee charged by the  
25 landfill and may be passed through to persons who generated the  
26 solid waste. Moneys shall be transmitted to the department shall  
27 be no less than the amount collected less collection costs and in  
28 a form, manner and frequency as the department shall prescribe.



1 The provisions of section 33.080 to the contrary notwithstanding,  
2 moneys in the account shall not lapse to general revenue at the  
3 end of each biennium. Failure to collect the charge does not  
4 relieve the operator from responsibility for transmitting an  
5 amount equal to the charge to the department.

6 4. The department may examine or audit financial records  
7 and landfill activity records and measure landfill usage to  
8 verify the collection and transmittal of the charges established  
9 in this section. The department may promulgate by rule and  
10 regulation procedures to ensure and to verify that the charges  
11 imposed herein are properly collected and transmitted to the  
12 department.

13 5. Effective October 1, [1990] 2013, any person who  
14 operates a transfer station in Missouri shall transmit a fee to  
15 the department for deposit in the solid waste management fund  
16 which is equal to one dollar and [fifty] ninety cents per ton or  
17 its volumetric equivalent of solid waste accepted. Such fee  
18 shall be applicable to all solid waste to be transported out of  
19 the state for disposal. On October 1, [1992] 2014, and  
20 thereafter, the charge imposed herein shall be adjusted annually  
21 by the same percentage as the increase in the general price level  
22 as measured by the Consumer Price Index for All Urban Consumers  
23 for the United States, or its successor index, as defined and  
24 officially recorded by the United States Department of Labor or  
25 its successor agency. No annual adjustment shall be made to the  
26 charge imposed under this subsection during October 1, [2005]  
27 2014, to October 1, 2017, except an adjustment amount consistent  
28 with the need to fund the operating costs of the department and

1 taking into account any annual percentage increase in the total  
2 of the volumetric equivalent of solid waste accepted in the prior  
3 year at solid waste sanitary landfills and demolition landfills  
4 and solid waste to be transported out of this state for disposal  
5 that is accepted at transfer stations. No annual increase during  
6 October 1, ~~[2005]~~ 2014, to October 1, 2017, shall exceed the  
7 percentage increase measured by the Consumer Price Index for All  
8 Urban Consumers for the United States, or its successor index, as  
9 defined and officially recorded by the United States Department  
10 of Labor or its successor agency and calculated on the percentage  
11 of revenues dedicated under subdivision (1) of subsection 2 of  
12 section 260.335. Any such annual adjustment shall only be made  
13 at the discretion of the director, subject to appropriations.  
14 The department shall prescribe rules and regulations governing  
15 the transmittal of fees and verification of waste volumes  
16 transported out of state from transfer stations. Collection  
17 costs shall also be established by the department and shall not  
18 exceed two percent of the amount collected pursuant to this  
19 subsection. A transfer station with the sole function of  
20 separating materials for recycling or resource recovery  
21 activities shall not be subject to the fee imposed in this  
22 subsection.

23 6. Each political subdivision which owns an operational  
24 solid waste disposal area may designate, pursuant to this  
25 section, up to two free disposal days during each calendar year.  
26 On any such free disposal day, the political subdivision shall  
27 allow residents of the political subdivision to dispose of any  
28 solid waste which may be lawfully disposed of at such solid waste

1 disposal area free of any charge, and such waste shall not be  
2 subject to any state fee pursuant to this section. Notice of any  
3 free disposal day shall be posted at the solid waste disposal  
4 area site and in at least one newspaper of general circulation in  
5 the political subdivision no later than fourteen days prior to  
6 the free disposal day.

7 260.335. 1. Each fiscal year eight hundred thousand  
8 dollars from the solid waste management fund shall be made  
9 available, upon appropriation, to the department and the  
10 environmental improvement and energy resources authority to fund  
11 activities that promote the development and maintenance of  
12 markets for recovered materials. [Each fiscal year up to two  
13 hundred thousand dollars from the solid waste management fund be  
14 used by the department upon appropriation for grants to solid  
15 waste management districts for district grants and district  
16 operations. Only those solid waste management districts that are  
17 allocated fewer funds under subsection 2 of this section than if  
18 revenues had been allocated based on the criteria in effect in  
19 this section on August 27, 2004, are eligible for these grants.  
20 An eligible district shall receive a proportionate share of these  
21 grants based on that district's share of the total reduction in  
22 funds for eligible districts calculated by comparing the amount  
23 of funds allocated under subsection 2 of this section with the  
24 amount of funds that would have been allocated using the criteria  
25 in effect in this section on August 27, 2004.] The department  
26 and the authority shall establish a joint interagency agreement  
27 with the department of economic development to identify state  
28 priorities for market development and to develop the criteria to

1 be used to judge proposed projects. Additional moneys may be  
2 appropriated in subsequent fiscal years if requested. The  
3 authority shall establish a procedure to measure the  
4 effectiveness of the grant program under this subsection and  
5 shall provide a report to the governor and general assembly by  
6 January fifteenth of each year regarding the effectiveness of the  
7 program.

8 2. All remaining revenues deposited into the fund each  
9 fiscal year after moneys have been made available under  
10 subsection 1 of this section shall be allocated as follows:

11 (1) ~~Thirty-nine~~ Forty-five percent of the revenues shall  
12 be dedicated, upon appropriation, to the elimination of illegal  
13 solid waste disposal, to identify and prosecute persons disposing  
14 of solid waste illegally, to conduct solid waste permitting  
15 activities, to administer grants and perform other duties imposed  
16 in sections 260.200 to ~~260.345~~ 260.335 and section 260.432. In  
17 addition to the ~~thirty-nine~~ forty-five percent of the revenues,  
18 the department may receive any annual increase in the charge  
19 during October 1, ~~2005~~ 2014, to October 1, ~~2014~~ 2017, under  
20 section 260.330 and such increases shall be used solely to fund  
21 the operating costs of the department;

22 (2) ~~Sixty-one~~ Fifty-five percent of the revenues, except  
23 any annual increases in the charge under section 260.330 during  
24 October 1, ~~2005~~ 2014, to October 1, ~~2014~~ 2017, which shall be  
25 used solely to fund the operating costs of the department, shall  
26 be allocated through grants, upon appropriation, to participating  
27 cities, counties and districts. Revenues to be allocated under  
28 this subdivision shall be divided as follows: forty percent

1 shall be allocated based on the population of each district in  
2 the latest decennial census, and sixty percent shall be allocated  
3 based on the amount of revenue generated within each district.  
4 For the purposes of this subdivision, revenue generated within  
5 each district shall be determined from the previous year's data.  
6 No more than ~~[fifty]~~ ten percent of the revenue allocable under  
7 this subdivision may be allocated to the districts upon approval  
8 of the department for ~~[implementation of a solid waste management  
9 plan and]~~ district operations, and at least ~~[fifty]~~ ninety  
10 percent of the revenue allocable to the districts under this  
11 subdivision shall be allocated to the cities and counties of the  
12 district or to persons or entities providing solid waste  
13 management, waste reduction, recycling and related services in  
14 these cities and counties. Each district shall receive a minimum  
15 of seventy-five thousand dollars under this subdivision. After  
16 August 28, 2005, each district shall receive a minimum of  
17 ninety-five thousand dollars under this subdivision for district  
18 grants and district operations. ~~[Each district receiving moneys  
19 under this subdivision shall expend such moneys pursuant to a  
20 solid waste management plan required under section 260.325, and  
21 only in the case that the district is in compliance with planning  
22 requirements established by the department]~~. Moneys shall be  
23 awarded based upon grant applications. Any moneys remaining in  
24 any fiscal year due to insufficient or inadequate applications  
25 may be reallocated pursuant to this subdivision;

26 (3) Except for the amount up to one-fourth of the  
27 department's previous fiscal year expense, any remaining  
28 unencumbered funds generated under subdivision (1) of this

1 subsection in prior fiscal years shall be reallocated under this  
2 section;

3 (4) Funds may be made available under this subsection for  
4 the administration and grants of the used motor oil program  
5 described in section 260.253;

6 (5) The department and the environmental improvement and  
7 energy resources authority shall conduct sample audits of grants  
8 provided under this subsection.

9 3. [The advisory board created in section 260.345 shall  
10 recommend criteria to be used to allocate grant moneys to  
11 districts, cities and counties. These criteria shall establish a  
12 priority for proposals which provide methods of solid waste  
13 reduction and recycling.] The department shall promulgate  
14 criteria for evaluating grants by rule and regulation. [Projects  
15 of cities and counties located within a district which are funded  
16 by grants under this section shall conform to the district solid  
17 waste management plan.] These criteria shall establish the  
18 following order of priority:

19 (1) Grants to facilities of organizations employing  
20 individuals with disabilities under sections 178.900 to 178.960  
21 or sections 205.968 to 205.972;

22 (2) Grants for proposals which provide methods of solid  
23 waste reduction and recycling; and

24 (3) All other grants.

25 4. The funds awarded to the districts, counties and cities  
26 pursuant to this section [shall be used for the purposes set  
27 forth in sections 260.300 to 260.345, and] shall be used in  
28 addition to existing funds appropriated by counties and cities

1 for solid waste management and shall not supplant county or city  
2 appropriated funds.

3 5. The department, in conjunction with the solid waste  
4 advisory board, shall review the performance of all grant  
5 recipients to ensure that grant moneys were appropriately and  
6 effectively expended to further the purposes of the grant, as  
7 expressed in the recipient's grant application. The grant  
8 application shall contain specific goals and implementation  
9 dates, and grant recipients shall be contractually obligated to  
10 fulfill same. The department may require the recipient to submit  
11 periodic reports and such other data as are necessary, both  
12 during the grant period and up to five years thereafter, to  
13 ensure compliance with this section. The department may audit  
14 the records of any recipient to ensure compliance with this  
15 section. Recipients of grants under sections 260.300 to 260.345  
16 shall maintain such records as required by the department. If a  
17 grant recipient fails to maintain records or submit reports as  
18 required herein, refuses the department access to the records, or  
19 fails to meet the department's performance standards, the  
20 department may withhold subsequent grant payments, if any, and  
21 may compel the repayment of funds provided to the recipient  
22 pursuant to a grant.

23 6. The department shall provide for a security interest in  
24 any machinery or equipment purchased through grant moneys  
25 distributed pursuant to this section.

26 7. If the moneys are not transmitted to the department  
27 within the time frame established by the rule promulgated,  
28 interest shall be imposed on the moneys due the department at the

1 rate of ten percent per annum from the prescribed due date until  
2 payment is actually made. These interest amounts shall be  
3 deposited to the credit of the solid waste management fund.

4 260.345. A state "Solid Waste Advisory Board" is created  
5 within the department of natural resources. The advisory board  
6 shall be composed of the chairman of the executive board of each  
7 of the solid waste management districts and other members as  
8 provided in this section. Up to five additional members shall be  
9 appointed by the director of which two members shall represent  
10 the solid waste management industry and have an economic interest  
11 in or activity with any solid waste facility or operation, one  
12 member may represent the solid waste composting or recycling  
13 industry businesses, and the remaining members shall be public  
14 members who have demonstrated interest in solid waste management  
15 issues and shall have no economic interest in or activity with  
16 any solid waste facility or operation but may own stock in a  
17 publicly traded corporation which may be involved in waste  
18 management as long as such holdings are not substantial. The  
19 advisory board shall advise the department regarding:

20 (1) The efficacy of its technical assistance program;

21 (2) Solid waste management problems experienced by solid  
22 waste management districts;

23 (3) The effects of proposed rules and regulations upon  
24 solid waste management within the districts;

25 (4) [Criteria to be used in awarding grants pursuant to  
26 section 260.335;

27 (5)] Waste management issues pertinent to the districts;

28 [(6)] (5) The development of improved methods of solid



1 waste minimization, recycling and resource recovery; and

2 ~~[(7)]~~ (6) Such other matters as the advisory board may  
3 determine.

4 260.365. 1. There is hereby created a hazardous waste  
5 management agency to be known as the "Hazardous Waste Management  
6 Commission of the State of Missouri", whose domicile for the  
7 purpose of sections 260.350 to 260.430 shall be deemed to be that  
8 of the department of natural resources of the state of Missouri.  
9 The commission shall consist of seven members appointed by the  
10 governor with the advice and consent of the senate. No more than  
11 four members shall belong to the same political party. All  
12 members shall be representative of the general interest of the  
13 public and shall have an interest in and knowledge of waste  
14 management and the effects of improper waste management on health  
15 and the environment and shall serve in a manner consistent with  
16 the purposes of sections 260.350 to 260.430. ~~[Three]~~ Four of the  
17 members, but no more than ~~[three]~~ four, one for each interest,  
18 shall be knowledgeable of and may be employed in agriculture, the  
19 retail petroleum industry, the waste generating industry and the  
20 waste management industry. Except for the industry members, no  
21 member shall receive, or have received during the previous two  
22 years, a significant portion of income directly or indirectly  
23 from any license or permit holder or applicant for license or  
24 permit under any waste management act. At the first meeting of  
25 the commission and annually thereafter, the members shall select  
26 from among themselves a chairman and a vice chairman. Prior to  
27 any vote on any variance, appeal or order, they shall adopt a  
28 voting rule to exclude from such vote any member with a conflict

1 of interest with respect to the matter at issue.

2 2. The members' terms of office shall be four years and  
3 until their successors are selected and qualified, except that,  
4 of those first appointed, three shall have a term of three years,  
5 two shall have a term of two years and two shall have a term of  
6 one year as designated by the governor at the time of  
7 appointment. There is no limitation on the number of terms any  
8 appointed member may serve. If a vacancy occurs the governor may  
9 appoint a member for the remaining portion of the unexpired term  
10 created by the vacancy. The governor may remove any appointed  
11 member for cause. The members of the commission shall be  
12 reimbursed for actual and necessary expenses incurred in the  
13 performance of their duties, and shall receive fifty dollars per  
14 day for each day spent in the performance of their official  
15 duties while in attendance at regular commission meetings.

16 3. The commission shall hold at least four regular meetings  
17 each year and such additional meetings as the chairman deems  
18 desirable at a place and time to be fixed by the chairman.  
19 Special meetings may be called by three members of the commission  
20 upon delivery of written notice to each member of the commission.  
21 Reasonable written notice of all meetings shall be given by the  
22 department to all members of the commission. Four members of the  
23 commission shall constitute a quorum. All powers and duties  
24 conferred upon members of the commission shall be exercised  
25 personally by the members and not by alternates or  
26 representatives. All actions of the commission shall be taken at  
27 meetings open to the public. Any member absent from four  
28 consecutive regular commission meetings for any cause whatsoever

1 shall be deemed to have resigned and the vacancy shall be filled  
2 immediately in accordance with this section.

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

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

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

17 (3) Segregate all hazardous wastes from all nonhazardous  
18 wastes and from noncompatible wastes, materials and other  
19 potential hazards as specified by standards, rules and  
20 regulations;

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

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

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

8           (7) Utilize for treatment, resource recovery, disposal or  
9 storage of all hazardous wastes, only a hazardous waste facility  
10 authorized to operate pursuant to sections 260.350 to 260.430 or  
11 the federal Resource Conservation and Recovery Act, or a state  
12 hazardous waste management program authorized pursuant to the  
13 federal Resource Conservation and Recovery Act, or any facility  
14 exempted from the permit required pursuant to section 260.395;

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

20           (9) Make available to the department upon request samples  
21 of waste and all records relating to hazardous waste generation  
22 and management for inspection and copying and allow the  
23 department to make unhampered inspections at any reasonable time  
24 of hazardous waste generation and management facilities located  
25 on the generator's property and hazardous waste generation and  
26 management practices carried out on the generator's property;

27           (10) Pay annually, on or before January first of each year,  
28 effective January 1, 1982, a fee to the state of Missouri to be

1 placed in the hazardous waste fund. The fee shall be five  
2 dollars per ton or portion thereof of hazardous waste registered  
3 with the department as specified in subdivision (1) of this  
4 subsection for the twelve-month period ending June thirtieth of  
5 the previous year. However, the fee shall not exceed fifty-two  
6 thousand dollars per generator site per year nor be less than one  
7 hundred fifty dollars per generator site per year;

8 (a) All moneys payable pursuant to the provisions of this  
9 subdivision shall be promptly transmitted to the department of  
10 revenue, which shall deposit the same in the state treasury to  
11 the credit of the hazardous waste fund created in section  
12 260.391;

13 (b) The hazardous waste management commission shall  
14 establish and submit to the department of revenue procedures  
15 relating to the collection of the fees authorized by this  
16 subdivision. Such procedures shall include, but not be limited  
17 to, necessary records identifying the quantities of hazardous  
18 waste registered, the form and submission of reports to accompany  
19 the payment of fees, the time and manner of payment of fees,  
20 which shall not be more often than quarterly;

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

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

1 shall expire on August 28, 2023.

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

8           3. Exempted from the requirements of this section are  
9 individual householders and farmers who generate only small  
10 quantities of hazardous waste and any person the commission  
11 determines generates only small quantities of hazardous waste on  
12 an infrequent basis, except that:

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

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

24           (a) Any storage, treatment or disposal site authorized to  
25 operate pursuant to sections 260.350 to 260.430 or the federal  
26 Resource Conservation and Recovery Act, or a state hazardous  
27 waste management program authorized pursuant to the federal  
28 Resource Conservation and Recovery Act which the department

1 designates for this purpose; or

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

4 4. Failure to pay the fee, or any portion thereof,  
5 prescribed in this section by the due date shall result in the  
6 imposition of a penalty equal to fifteen percent of the original  
7 fee. The fee prescribed in this section shall expire December  
8 31, [2013] 2018, except that the department shall levy and  
9 collect this fee for any hazardous waste generated prior to such  
10 date and reported to the department.

11 260.390. 1. After six months from the effective date of  
12 the standards, rules and regulations adopted by the commission  
13 pursuant to section 260.370, hazardous waste facility owners or  
14 operators shall:

15 (1) Not construct, substantially alter or operate[,  
16 including all postclosure activities and operations specified in  
17 the rules and regulations,] a hazardous waste facility without  
18 first obtaining a hazardous waste facility permit from the  
19 department as specified in section 260.395;

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

23 (3) Unless otherwise provided in sections 260.350 to  
24 260.430 or the rules and regulations adopted hereunder, accept  
25 delivery of hazardous waste only if delivery is by a hazardous  
26 waste transporter holding a license under sections 260.350 to  
27 260.430, the shipment is accompanied by a manifest properly  
28 completed by both the generator and transporter and their



1 facility is the destination indicated by the generator on the  
2 manifest. Exempted from the requirements of this subsection are  
3 deliveries, when directed by the department, from householders,  
4 farmers and other persons exempted from generator  
5 responsibilities under provisions of section 260.380 and  
6 deliveries made in emergency situations as specified in sections  
7 260.350 to 260.550 or the rules and regulations adopted  
8 hereunder. For such exempted deliveries they shall make a record  
9 of any waste accepted, its type, quantity, origin and the  
10 identity of the person making the delivery and promptly report  
11 this information to the department;

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

15 (5) Whenever final disposition is to be achieved at another  
16 hazardous waste or exempted facility, initiate a new manifest and  
17 comply with the other responsibilities of generators specified in  
18 sections 260.350 to 260.430 and in rules and regulations and  
19 terms and conditions of their permit adopted or issued hereunder;

20 (6) Collect and maintain such records, submit such reports  
21 and perform such monitoring as specified in sections 260.350 to  
22 260.430 and in rules and regulations and terms and conditions of  
23 their permit adopted or issued hereunder;

24 (7) Make available to the department, upon request, samples  
25 of wastes received and all records, for inspection and copying,  
26 relating to hazardous waste management and allow the department  
27 to make unhampered inspections at any reasonable time of all  
28 facilities and equipment.

1           2. All hazardous waste landfills shall collect, on behalf  
2 of the state from each hazardous waste generator or transporter,  
3 a tax equal to two percent of the gross charges and fees charged  
4 such generator for disposal at the landfill site to be placed in  
5 the hazardous waste fund to be used solely for the administration  
6 of sections 260.350 to 260.430. The tax shall be accounted for  
7 separately on the statement of charges and fees made to the  
8 hazardous waste generator and shall be collected at the time of  
9 the collection of such charges and fees. All moneys payable  
10 under the provisions of this subsection shall be promptly  
11 transmitted to the department of revenue, which shall daily  
12 deposit the same in the state treasury to the credit of the  
13 hazardous waste fund. The hazardous waste management commission  
14 shall establish and submit to the department of revenue  
15 procedures relating to the collection of the taxes authorized by  
16 this subsection. Such procedures shall include, but not be  
17 limited to, necessary records identifying the quantities of  
18 hazardous waste received, the form and submission of reports to  
19 accompany the payment of taxes, the time and manner of payment of  
20 taxes, which shall not be more often than quarterly.

21           3. The owner or operator of a hazardous waste disposal  
22 facility must close that facility upon termination of its  
23 operation, and shall after closure of the facility provide for  
24 protection during a postclosure care period, in accordance with  
25 the requirements of the commission, including the funds necessary  
26 for same. Protection shall include, but not be limited to,  
27 monitoring and maintenance subject to the rules and regulations  
28 of the hazardous waste management commission. The owner or

1 operator shall maintain a hazardous waste facility permit for the  
2 postclosure care period. The operator and the state may enter  
3 into an agreement consistent with the rules and regulations of  
4 the hazardous waste management commission where the state may  
5 accept deed to, and monitor and maintain the site.

6 4. All owners or operators of hazardous waste facilities  
7 who have obtained, or are required to obtain, a hazardous waste  
8 facility permit from the department and who accept, on a  
9 commercial basis for remuneration, hazardous waste from off-site  
10 sources, but not including wastes generated by the same person at  
11 other sites located in Missouri or within a metropolitan  
12 statistical area located partially in Missouri and owned or  
13 operated by the same person and transferred to the hazardous  
14 waste facility, for treatment, storage or disposal, shall pay  
15 fees for inspections conducted by the department to determine  
16 compliance with sections 260.350 to 260.430 and the rules  
17 promulgated thereunder. Hazardous waste facility inspection fees  
18 shall be specified by the hazardous waste management commission  
19 by rule. The inspection fees shall be used by the department as  
20 specified in subsection 3 of section 260.391.

21 260.395. 1. After six months from the effective date of  
22 the standards, rules and regulations adopted by the commission  
23 pursuant to section 260.370, it shall be unlawful for any person  
24 to transport any hazardous waste in this state without first  
25 obtaining a hazardous waste transporter license. Any person  
26 transporting hazardous waste in this state shall file an  
27 application for a license pursuant to this subsection which  
28 shall:

1           (1) Be submitted on a form provided for this purpose by the  
2 department and shall furnish the department with such equipment  
3 identification and data as may be necessary to demonstrate to the  
4 satisfaction of the department that equipment engaged in such  
5 transportation of hazardous waste, and other equipment as  
6 designated in rules and regulations pursuant to sections 260.350  
7 to 260.430, is adequate to provide protection of the health of  
8 humans and the environment and to comply with the provisions of  
9 any federal hazardous waste management act and sections 260.350  
10 to 260.430 and the standards, rules and regulations adopted  
11 pursuant to sections 260.350 to 260.430. If approved by the  
12 department, this demonstration of protection may be satisfied by  
13 providing certification that the equipment so identified meets  
14 and will be operated in accordance with the rules and regulations  
15 of the Missouri public service commission and the federal  
16 Department of Transportation for the transportation of the types  
17 of hazardous materials for which it will be used;

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

24           (3) Include, as specified in rules and regulations, a fee  
25 payable to the state of Missouri which shall consist of an annual  
26 application fee, plus an annual use fee based upon tonnage,  
27 mileage or a combination of tonnage and mileage. The fees  
28 established pursuant to this subdivision shall be set to

1 generate, as nearly as is practicable, six hundred thousand  
2 dollars annually. No fee shall be collected pursuant to this  
3 subdivision from railroads that pay a fee pursuant to subsection  
4 19 of this section. Fees collected pursuant to this subdivision  
5 shall be deposited in the hazardous waste fund created pursuant  
6 to section 260.391.

7 2. If the department determines the application conforms to  
8 the provisions of any federal hazardous waste management act and  
9 sections 260.350 to 260.430 and the standards, rules and  
10 regulations adopted pursuant to sections 260.350 to 260.430, it  
11 shall issue the hazardous waste transporter license with such  
12 terms and conditions as it deems necessary to protect the health  
13 of humans and the environment. The department shall act within  
14 ninety days after receipt of the application. If the department  
15 denies the license, it shall issue a report to the applicant  
16 stating the reason for denial of the license.

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

24 4. Whenever a license 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           5. A license shall be issued for a period of one year and  
2 shall be renewed upon proper application by the holder and a  
3 determination by the department that the applicant is in  
4 compliance with all provisions of sections 260.350 to 260.430 and  
5 all standards, rules and regulations, orders and license terms  
6 and conditions adopted or issued pursuant to sections 260.350 to  
7 260.430.

8           6. A license is not required for the transport of any  
9 hazardous waste on the premises where it is generated or onto  
10 contiguous property owned by the generator thereof, or for those  
11 persons exempted in section 260.380. Nothing in this subsection  
12 shall be interpreted to preclude the department from inspecting  
13 unlicensed hazardous waste transporting equipment and to require  
14 that it be adequate to provide protection for the health of  
15 humans and the environment.

16           7. After six months from the effective date of the  
17 standards, rules and regulations adopted by the commission  
18 pursuant to section 260.370, it shall be unlawful for any person  
19 to construct, substantially alter or operate, including  
20 [postclosure activities and] operations specified in the rules  
21 and regulations, a hazardous waste facility without first  
22 obtaining a hazardous waste facility permit for such  
23 construction, alteration or operation from the department. Such  
24 person must submit to the department at least ninety days prior  
25 to submitting a permit application a letter of intent to  
26 construct, substantially alter or operate any hazardous waste  
27 disposal facility. The person must file an application within  
28 one hundred eighty days of the filing of a letter of intent

1 unless granted an extension by the commission. The department  
2 shall publish such letter of intent as specified in section  
3 493.050 within ten days of receipt of such letter. The letter  
4 shall be published once each week for four weeks in the county  
5 where the hazardous waste disposal facility is proposed. Once  
6 such letter is submitted, all conditions for the permit  
7 application evaluation purposes in existence as of the date of  
8 submission shall be deemed frozen, in that no subsequent action  
9 by any person to change such conditions in an attempt to thwart a  
10 fair and impartial decision on the application for a permit shall  
11 be allowed as grounds for denial of the permit. Any person  
12 before constructing, substantially altering or operating a  
13 hazardous waste facility in this state shall file an application  
14 for a permit which shall:

15 (1) Be submitted on a form provided for this purpose by the  
16 department and shall furnish the department with plans,  
17 specifications and such other data as may be necessary to  
18 demonstrate to the satisfaction of the department that such  
19 facility does or will provide adequate protection of the health  
20 of humans and the environment and does or will comply with the  
21 provisions of any federal hazardous waste management act and  
22 sections 260.350 to 260.430 and the standards, rules and  
23 regulations adopted pursuant to sections 260.350 to 260.430;

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

28 (3) Include, as specified by rules and regulations,

1 demonstration of financial responsibility, including, but not  
2 limited to, guarantees, liability insurance, posting of bond or  
3 any combination thereof, which shall be related to type and size  
4 of facility;

5 (4) Include such environmental and geologic information,  
6 assessments and studies as required by the rules and regulations  
7 of the commission;

8 (5) [Submit with the application for a hazardous waste  
9 disposal or treatment facility a profile of the environmental and  
10 economic characteristics of the area as required by the  
11 commission, including the extent of air pollution and groundwater  
12 contamination; and a profile of the health characteristics of the  
13 area which identifies all serious illness, the rate of which  
14 exceeds the state average for such illness, which might be  
15 attributable to environmental contamination;

16 (6)] Include a fee payable to the state of Missouri which  
17 shall not exceed one thousand dollars, which shall cover the  
18 first year of the permit, if issued, but which is not refundable.  
19 If the permit is issued for more than one year, a fee equal in  
20 amount to the first year's fee shall be paid to the state of  
21 Missouri prior to issuance of the permit for each year the permit  
22 is to be in effect beyond the first year;

23 [(7)] (6) The department shall supervise any field work  
24 undertaken to collect geologic and engineering data for  
25 submission with the application. The state geologist and  
26 departmental engineers shall review the geologic and engineering  
27 plans, respectively, and attest to their accuracy and adequacy.  
28 The applicant shall pay all reasonable costs, as determined by



1 the commission, incurred by the department pursuant to this  
2 subsection.

3 8. (1) Prior to issuing or renewing a hazardous waste  
4 facility permit, the department shall issue public notice by  
5 press release or advertisement and shall notify all record owners  
6 of adjoining property by mail directed to the last known address,  
7 and the village, town or city, if any, and the county in which  
8 the hazardous waste facility is located; and, upon request, shall  
9 hold a public hearing after public notice as required in this  
10 subsection at a location convenient to the area affected by the  
11 issuance of the permit.

12 (2) Prior to issuing[, reviewing every five years as  
13 required in subsection 12 of this section,] or renewing a  
14 hazardous waste disposal facility permit the department shall  
15 issue public notice by press release and advertisement and shall  
16 notify all record owners of property, within one mile of the  
17 outer boundaries of the site, by mail directed to the last known  
18 address; and shall hold a public hearing after public notice as  
19 required in this subsection at a location convenient to the area  
20 affected by the issuance of the permit.

21 9. If the department determines that the application  
22 conforms to the provisions of any federal hazardous waste  
23 management act and sections 260.350 to 260.430 and the standards,  
24 rules and regulations adopted pursuant to sections 260.350 to  
25 260.430, it shall issue the hazardous waste facility permit, with  
26 such terms and conditions and require such testing and  
27 construction supervision as it deems necessary to protect the  
28 health of humans or the environment. The department shall act

1 within one hundred and eighty days after receipt of the  
2 application. If the department denies the permit, it shall issue  
3 a report to the applicant stating the reason for denial of a  
4 permit.

5 10. A permit may be suspended or revoked whenever the  
6 department determines that the hazardous waste facility is, or  
7 has been, operated in violation of any provision of sections  
8 260.350 to 260.430 or any standard, rule or regulation, order or  
9 permit term or condition adopted or issued pursuant to sections  
10 260.350 to 260.430, poses a threat to the health of humans or the  
11 environment or is creating a public nuisance.

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

17 12. A permit shall be issued for a fixed term, which shall  
18 not exceed ten years in the case of any land disposal facility,  
19 storage facility, incinerator, or other treatment facility. [Each  
20 permit for a land disposal facility shall be reviewed five years  
21 after the date of its issuance or reissuance and shall be  
22 modified as necessary to assure that the facility continues to  
23 comply with the currently applicable requirements of federal and  
24 state law.] Nothing in this subsection shall preclude the  
25 department from reviewing and modifying a permit at any time  
26 during its term. Review of any application for a permit renewal  
27 shall consider improvements in the state of control and  
28 measurement technology as well as changes in applicable

1 regulations. Each permit issued pursuant to this section shall  
2 contain such terms and conditions as the department determines  
3 necessary to protect human health and the environment, and upon  
4 proper application by the holder and a determination by the  
5 department that the applicant is in compliance with all  
6 provisions of sections 260.350 to 260.430 and all standards,  
7 rules and regulations, orders and permit terms and conditions  
8 adopted or issued pursuant to sections 260.350 to 260.430.

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

10 (1) On-site storage of hazardous wastes where such storage  
11 is exempted by the commission by rule or regulation; however,  
12 such storage must conform to the provisions of any federal  
13 hazardous waste management act and sections 260.350 to 260.430  
14 and the applicable standards, rules and regulations adopted  
15 pursuant to sections 260.350 to 260.430 and any other applicable  
16 hazardous materials storage and spill-prevention requirements  
17 provided by law;

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

21 (3) A resource recovery facility which the department  
22 certifies uses hazardous waste as a supplement to, or substitute  
23 for, nonwaste material, and that the sole purpose of the facility  
24 is manufacture of a product rather than treatment or disposal of  
25 hazardous wastes;

26 (4) That portion of a facility engaged in hazardous waste  
27 resource recovery, when the facility is engaged in both resource  
28 recovery and hazardous waste treatment or disposal, provided the

1 owner or operator can demonstrate to the department's  
2 satisfaction and the department finds that such portion is not  
3 intended and is not used for hazardous waste treatment or  
4 disposal.

5 14. Facilities exempted pursuant to subsection 13 of this  
6 section must comply with the provisions of subdivisions (3) to  
7 (7) of section 260.390 and such other requirements, to be  
8 specified by rules and regulations, as are necessary to comply  
9 with any federal hazardous waste management act or regulations  
10 hereunder. Generators who use such an exempted facility shall  
11 keep records of hazardous wastes transported, except by legal  
12 flow through sewer lines, to the facility and submit such records  
13 to the department in accordance with the provisions of section  
14 260.380 and the standards, rules and regulations adopted pursuant  
15 to sections 260.350 to 260.430. Any person, before constructing,  
16 altering or operating a resource recovery facility in this state  
17 shall file an application for a certification. Such application  
18 shall include:

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

23 (2) An application fee of not more than five hundred  
24 dollars for a facility that recovers waste generated at the same  
25 facility or an application fee of not more than one thousand  
26 dollars for a facility that recovers waste generated at off-site  
27 sources. Such fees shall be deposited in the hazardous waste  
28 fund created in section 260.391. The department shall review such

1 application for conformance with applicable laws, rules and  
2 standard engineering principles and practices. The applicant  
3 shall pay to the department all reasonable costs, as determined  
4 by the commission, incurred by the department pursuant to this  
5 subsection. All such funds shall be deposited in the hazardous  
6 waste fund created in section 260.391.

7 15. The owner or operator of any hazardous waste facility  
8 in existence on September 28, 1977, who has achieved federal  
9 interim status pursuant to 42 U.S.C. 6925(e), and who has  
10 submitted to the department Part A of the federal facility permit  
11 application, may continue to receive and manage hazardous wastes  
12 in the manner as specified in the Part A application, and in  
13 accordance with federal interim status requirements, until  
14 completion of the administrative disposition of a permit  
15 application submitted pursuant to sections 260.350 to 260.430.  
16 The department may at any time require submission of, or the  
17 owner or operator may at any time voluntarily submit, a complete  
18 application for a permit pursuant to sections 260.350 to 260.430  
19 and commission regulations. The authority to operate pursuant to  
20 this subsection shall cease one hundred eighty days after the  
21 department has notified an owner or operator that an application  
22 for permit pursuant to sections 260.350 to 260.430 must be  
23 submitted, unless within such time the owner or operator submits  
24 a completed application therefor. Upon submission of a complete  
25 application, the authority to operate pursuant to this subsection  
26 shall continue for such reasonable time as is required to  
27 complete the administrative disposition of the permit  
28 application. If a facility loses its federal interim status, or

1 the Environmental Protection Agency requires the owner or  
2 operator to submit Part B of the federal application, the  
3 department shall notify the owner or operator that an application  
4 for a permit must be submitted pursuant to this subsection. In  
5 addition to compliance with the federal interim status  
6 requirements, the commission shall have the authority to adopt  
7 regulations requiring persons operating pursuant to this  
8 subsection to meet additional state interim status requirements.

9 16. [A license or permit shall not be issued to any person  
10 who is determined by the department to habitually engage in or to  
11 have habitually engaged in hazardous waste management practices  
12 which pose a threat to the health of humans or the environment or  
13 who is determined by the department to habitually violate or to  
14 have habitually violated the requirements of the Missouri solid  
15 or hazardous waste laws, the solid or hazardous waste laws of  
16 other states or federal laws pertaining to hazardous waste. Nor  
17 shall a license or permit be issued to any person who has been  
18 adjudged in contempt of any court order enforcing the provisions  
19 of the Missouri solid or hazardous waste laws, the solid or  
20 hazardous waste laws of other states or federal laws pertaining  
21 to hazardous waste or who has offered, in person or through an  
22 agent, any inducement, including any discussion of potential  
23 employment opportunities, to any employee of the department when  
24 such person has an application for a permit pending or a permit  
25 under review. For the purposes of this subsection, the term  
26 "person" shall include any officer or management employee of the  
27 applicant, or any officer or management employee of any  
28 corporation or business which owns an interest in the applicant,

1 or any officer or management employee of any business which is  
2 owned either wholly or in part by any person, corporation, or  
3 business which owns an interest in the applicant.

4 [17.] No person, otherwise qualified pursuant to sections  
5 260.350 to 260.430 for a license to transport hazardous wastes or  
6 for a permit to construct, substantially alter or operate a  
7 hazardous waste facility, shall be denied such license or permit  
8 on the basis of a lack of need for such transport service or such  
9 facility because of the existence of other services or facilities  
10 capable of meeting that need; except that permits for hazardous  
11 waste facilities may be denied on determination made by the  
12 department that the financial resources of the persons applying  
13 are such that the continued operation of the sites in accordance  
14 with sections 260.350 to 260.430 cannot be reasonably assured or  
15 on determination made by the department that the probable volume  
16 of business is insufficient to ensure and maintain the solvency  
17 of then existing permitted hazardous waste facilities.

18 [18.] 17. All hazardous waste landfills constructed after  
19 October 31, 1980, shall have a leachate collection system. The  
20 rules and regulations of the commission shall treat and protect  
21 all aquifers to the same level of protection. The provisions of  
22 this subsection shall not apply to the disposal of tailings and  
23 slag resulting from mining, milling and primary smelting  
24 operations.

25 [19.] 18. Any railroad corporation as defined in section  
26 388.010 that transports any hazardous waste as defined in section  
27 260.360 or any hazardous substance as defined in section 260.500  
28 shall pay an annual fee of three hundred fifty dollars. Fees

1 collected pursuant to this subsection shall be deposited in the  
2 hazardous waste fund created in section 260.391.

3 260.475. 1. Every hazardous waste generator located in  
4 Missouri shall pay, in addition to the fees imposed in section  
5 260.380, a fee of twenty-five dollars per ton annually on all  
6 hazardous waste which is discharged, deposited, dumped or placed  
7 into or on the soil as a final action, and two dollars per ton on  
8 all other hazardous waste transported off site. No fee shall be  
9 imposed upon any hazardous waste generator who registers less  
10 than ten tons of hazardous waste annually pursuant to section  
11 260.380, or upon:

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

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

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

22 (4) Cement kiln dust waste;

23 (5) Waste oil; or

24 (6) Hazardous waste that is:

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

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

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



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

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

6 3. All moneys collected or received by the department  
7 pursuant to this section shall be transmitted to the department  
8 of revenue for deposit in the state treasury to the credit of the  
9 hazardous waste fund created pursuant to section 260.391.

10 Following each annual reporting date, the state treasurer shall  
11 certify the amount deposited in the fund to the commission.

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

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

24 6. The state treasurer is authorized to deposit all of the  
25 moneys in the hazardous waste fund in any of the qualified  
26 depositories of the state. All such deposits shall be secured in  
27 such a manner and shall be made upon such terms and conditions as  
28 are now or may hereafter be provided for by law relative to state

1 deposits. Interest received on such deposits shall be credited  
2 to the hazardous waste fund.

3 7. This fee shall expire December 31, [2013] 2018, except  
4 that the department shall levy and collect this fee for any  
5 hazardous waste generated prior to such date and reported to the  
6 department.

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

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

16       261.023. 1. There is hereby created a department of  
17 agriculture to be headed by a director of the department of  
18 agriculture to be appointed by the governor, by and with the  
19 advice and consent of the senate. The director shall possess the  
20 qualifications presently provided by law for the position of  
21 commissioner of agriculture.

22       2. All powers, duties and functions now vested by law to  
23 the commissioner of the department of agriculture and the  
24 department of agriculture, chapter 261 and others, are  
25 transferred by type I transfer to the director of the department  
26 of agriculture and to the department of agriculture herein  
27 created.

28       3. The state horticultural society created by sections

1 262.010 and 262.020 is transferred by type I transfer to the  
2 department of agriculture.

3 4. All the powers, duties, and functions vested in the  
4 state milk board, chapter 196, are transferred to the department  
5 of agriculture by type III transfer. The appointed members of  
6 the board shall be nominated by the department director, and  
7 appointed by the governor with the advice and consent of the  
8 senate. The department of health and senior services shall  
9 retain the powers, duties and functions assigned by chapter 196.

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

14 6. All the powers, duties and functions of the department  
15 of revenue relating to the inspection of motor fuel and special  
16 fuel distributors, chapters 323 and 414, are transferred by type  
17 I transfer to the department of agriculture and to the director  
18 of that department. The collection of the taxes provided in  
19 chapters 142 and 136, however, shall be made by the department of  
20 revenue.

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

24 444.772. 1. Any operator desiring to engage in surface  
25 mining shall make written application to the director for a  
26 permit.

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

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

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

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

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

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

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

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

28           3. The application for a permit shall be accompanied by a

1 map in a scale and form specified by the commission by  
2 regulation.

3 4. The application shall be accompanied by a bond, security  
4 or certificate meeting the requirements of section 444.778, a  
5 geologic resources fee authorized under section 256.700, and a  
6 permit fee approved by the commission not to exceed one thousand  
7 dollars. The commission may also require a fee for each site  
8 listed on a permit not to exceed four hundred dollars for each  
9 site. If mining operations are not conducted at a site for six  
10 months or more during any year, the fee for such site for that  
11 year shall be reduced by fifty percent. The commission may also  
12 require a fee for each acre bonded by the operator pursuant to  
13 section 444.778 not to exceed twenty dollars per acre. If such  
14 fee is assessed, the per-acre fee on all acres bonded by a single  
15 operator that exceed a total of two hundred acres shall be  
16 reduced by fifty percent. In no case shall the total fee for any  
17 permit be more than three thousand dollars. Permit and renewal  
18 fees shall be established by rule, except for the initial fees as  
19 set forth in this subsection, and shall be set at levels that  
20 recover the cost of administering and enforcing sections 444.760  
21 to 444.790, making allowances for grants and other sources of  
22 funds. The director shall submit a report to the commission and  
23 the public each year that describes the number of employees and  
24 the activities performed the previous calendar year to administer  
25 sections 444.760 to 444.790. For any operator of a gravel mining  
26 operation where the annual tonnage of gravel mined by such  
27 operator is less than five thousand tons, the total cost of  
28 submitting an application shall be three hundred dollars. The

1 issued permit shall be valid from the date of its issuance until  
2 the date specified in the mine plan unless sooner revoked or  
3 suspended as provided in sections 444.760 to 444.790. Beginning  
4 August 28, 2007, the fees shall be set at a permit fee of eight  
5 hundred dollars, a site fee of four hundred dollars, and an acre  
6 fee of ten dollars, with a maximum fee of three thousand dollars.  
7 Fees may be raised as allowed in this subsection after a  
8 regulation change that demonstrates the need for increased fees.

9 5. An operator desiring to have his or her permit amended  
10 to cover additional land may file an amended application with the  
11 commission. Upon receipt of the amended application, and such  
12 additional fee and bond as may be required pursuant to the  
13 provisions of sections 444.760 to 444.790, the director shall, if  
14 the applicant complies with all applicable regulatory  
15 requirements, issue an amendment to the original permit covering  
16 the additional land described in the amended application.

17 6. An operation may withdraw any land covered by a permit,  
18 excepting affected land, by notifying the commission thereof, in  
19 which case the penalty of the bond or security filed by the  
20 operator pursuant to the provisions of sections 444.760 to  
21 444.790 shall be reduced proportionately.

22 7. Where mining or reclamation operations on acreage for  
23 which a permit has been issued have not been completed, the  
24 permit shall be renewed. The operator shall submit a permit  
25 renewal form furnished by the director for an additional permit  
26 year and pay a fee equal to an application fee calculated  
27 pursuant to subsection 4 of this section, but in no case shall  
28 the renewal fee for any operator be more than three thousand

1 dollars. For any operator involved in any gravel mining  
2 operation where the annual tonnage of gravel mined by such  
3 operator is less than five thousand tons, the permit as to such  
4 acreage shall be renewed by applying on a permit renewal form  
5 furnished by the director for an additional permit year and  
6 payment of a fee of three hundred dollars. Upon receipt of the  
7 completed permit renewal form and fee from the operator, the  
8 director shall approve the renewal. With approval of the  
9 director and operator, the permit renewal may be extended for a  
10 portion of an additional year with a corresponding prorating of  
11 the renewal fee.

12 8. Where one operator succeeds another at any uncompleted  
13 operation, either by sale, assignment, lease or otherwise, the  
14 commission may release the first operator from all liability  
15 pursuant to sections 444.760 to 444.790 as to that particular  
16 operation if both operators have been issued a permit and have  
17 otherwise complied with the requirements of sections 444.760 to  
18 444.790 and the successor operator assumes as part of his or her  
19 obligation pursuant to sections 444.760 to 444.790 all liability  
20 for the reclamation of the area of land affected by the former  
21 operator.

22 9. The application for a permit shall be accompanied by a  
23 plan of reclamation that meets the requirements of sections  
24 444.760 to 444.790 and the rules and regulations promulgated  
25 pursuant thereto, and shall contain a verified statement by the  
26 operator setting forth the proposed method of operation,  
27 reclamation, and a conservation plan for the affected area  
28 including approximate dates and time of completion, and stating



1 that the operation will meet the requirements of sections 444.760  
2 to 444.790, and any rule or regulation promulgated pursuant to  
3 them.

4 10. At the time that a permit application is deemed  
5 complete by the director, the operator shall publish a notice of  
6 intent to operate a surface mine in any newspaper qualified  
7 pursuant to section 493.050 to publish legal notices in any  
8 county where the land is located. If the director does not  
9 respond to a permit application within forty-five calendar days,  
10 the application shall be deemed to be complete. Notice in the  
11 newspaper shall be posted once a week for four consecutive weeks  
12 beginning no more than ten days after the application is deemed  
13 complete. The operator shall also send notice of intent to  
14 operate a surface mine by certified mail to the governing body of  
15 the counties or cities in which the proposed area is located, and  
16 to the last known addresses of all record landowners of  
17 contiguous real property or real property located adjacent to the  
18 proposed mine plan area. The notices shall include the name and  
19 address of the operator, a legal description consisting of  
20 county, section, township and range, the number of acres  
21 involved, a statement that the operator plans to mine a specified  
22 mineral during a specified time, and the address of the  
23 commission. The notices shall also contain a statement that any  
24 person with a direct, personal interest in one or more of the  
25 factors the commission may consider in issuing a permit may  
26 request a public meeting, a public hearing or file written  
27 comments to the director no later than fifteen days following the  
28 final public notice publication date.

1           11. The commission may approve a permit application or  
2 permit amendment whose operation or reclamation plan deviates  
3 from the requirements of sections 444.760 to 444.790 if it can be  
4 demonstrated by the operator that the conditions present at the  
5 surface mining location warrant an exception. The criteria  
6 accepted for consideration when evaluating the merits of an  
7 exception or variance to the requirements of sections 444.760 to  
8 444.790 shall be established by regulations.

9           12. Fees imposed pursuant to this section shall become  
10 effective August 28, 2007, and shall expire on December 31,  
11 ~~[2013]~~ 2018. No other provisions of this section shall expire.

12           621.250. 1. All authority to hear contested case  
13 administrative appeals granted in chapters 236, 256, 260, 444,  
14 640, 643, and 644, and to the hazardous waste management  
15 commission in chapter 260, the land reclamation commission in  
16 chapter 444, the safe drinking water commission in chapter 640,  
17 the air conservation commission in chapter 643, and the clean  
18 water commission in chapter 644 shall be transferred to the  
19 administrative hearing commission under this chapter. The  
20 authority to render final decisions after hearing on appeals  
21 heard by the administrative hearing commission shall remain with  
22 the commissions listed in this subsection. For appeals pursuant  
23 to chapter 236, chapter 256, section 260.235, or section 260.249,  
24 the administrative hearing commission shall render a final  
25 decision rather than a recommended decision. The administrative  
26 hearing commission may render [a] its recommended or final  
27 decision after hearing or through stipulation, consent order,  
28 agreed settlement or by disposition in the nature of default

1 judgment, judgment on the pleadings, or summary determination,  
2 consistent with the requirements of this subsection and the rules  
3 and procedures of the administrative hearing commission.

4 2. Except as otherwise provided by law, any person or  
5 entity who is a party to, or who is aggrieved or adversely  
6 affected by, any finding, order, decision, or assessment for  
7 which the authority to hear appeals was transferred to the  
8 administrative hearing commission in subsection 1 of this section  
9 may file a notice of appeal with the administrative hearing  
10 commission within thirty days after any such finding, order,  
11 decision, or assessment is placed in the United States mail or  
12 within thirty days of any such finding, order, decision, or  
13 assessment being delivered, whichever is earlier. Within ninety  
14 days after the date on which the notice of appeal is filed the  
15 administrative hearing commission may hold hearings, and within  
16 one hundred twenty days after the date on which the notice of  
17 appeal is filed shall make a recommended decision [based on those  
18 hearings or shall make a recommended decision based on  
19 stipulation of the parties, consent order, agreed settlement or  
20 by disposition in the nature of default judgment, judgment on the  
21 pleadings, or summary determination], or a final decision where  
22 applicable, in accordance with the requirements of this  
23 [subsection] section and the rules and procedures of the  
24 administrative hearing commission; provided, however, that the  
25 dates by which the administrative hearing commission is required  
26 to hold hearings and make a recommended decision may be extended  
27 at the sole discretion of the permittee as either petitioner or  
28 intervenor in the appeal.

1           3. Any decision by the director of the department of  
2 natural resources that may be appealed as provided in subsection  
3 1 of this section shall contain a notice of the right of appeal  
4 in substantially the following language: "If you were adversely  
5 affected by this decision, you may be entitled to pursue an  
6 appeal [to have the matter heard by] before the administrative  
7 hearing commission. To appeal, you must file a petition with the  
8 administrative hearing commission within thirty days after the  
9 date this decision was mailed or the date it was delivered,  
10 whichever date was earlier. If any such petition is sent by  
11 registered mail or certified mail, it will be deemed filed on the  
12 date it is mailed; if it is sent by any method other than  
13 registered mail or certified mail, it will be deemed filed on the  
14 date it is received by the administrative hearing commission."  
15 Within fifteen days after the administrative hearing commission  
16 renders [its] a recommended decision, it shall transmit the  
17 record and a transcript of the proceedings, together with the  
18 administrative hearing commission's recommended decision to the  
19 commission having authority to issue a final decision. The final  
20 decision of the commission shall be issued within one hundred  
21 eighty days of the date the notice of appeal in subsection 2 of  
22 this section is filed and shall be based only on the facts and  
23 evidence in the hearing record; provided, however, that the date  
24 by which the commission is required to issue a final decision may  
25 be extended at the sole discretion of the permittee as either  
26 petitioner or intervenor in the appeal. The commission may adopt  
27 the recommended decision as its final decision. The commission  
28 may change a finding of fact or conclusion of law made by the

1 administrative hearing commission, or may vacate or modify the  
2 recommended decision issued by the administrative hearing  
3 commission, only if the commission states in writing the specific  
4 reason for a change made under this subsection.

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

10 5. Appropriations shall be made from the respective funds  
11 of the [various commissions] department of natural resources to  
12 cover the administrative hearing commission's costs associated  
13 with these appeals.

14 6. In all matters heard by the administrative hearing  
15 commission under this section, the burden of proof shall comply  
16 with section 640.012. The hearings shall be conducted by the  
17 administrative hearing commission in accordance with the  
18 provisions of chapter 536 and its regulations promulgated  
19 thereunder.

20 7. No cause of action or appeal arising out of any finding,  
21 order, decision, or assessment of any of the commissions listed  
22 in subsection 1 of this section shall accrue in any court unless  
23 the party seeking to file such cause of action or appeal shall  
24 have filed a notice of appeal and received a final decision in  
25 accordance with the provisions of this section.

26 640.010. 1. There is hereby created a department of  
27 natural resources in charge of a director appointed by the  
28 governor, by and with the advice and consent of the senate. The

1 director shall administer the programs assigned to the department  
2 relating to environmental control and the conservation and  
3 management of natural resources. The director shall coordinate  
4 and supervise all staff and other personnel assigned to the  
5 department. He shall faithfully cause to be executed all  
6 policies established by the boards and commissions assigned to  
7 the department, be subject to their decisions as to all  
8 substantive and procedural rules and his or her decisions shall  
9 be subject to appeal [to the board or commission on request of  
10 the board or commission or by affected parties] as provided by  
11 law. The director shall recommend policies to the various boards  
12 and commissions assigned to the department to achieve effective  
13 and coordinated environmental control and natural resource  
14 conservation policies.

15 2. The director shall appoint directors of staff to service  
16 each of the policy making boards or commissions assigned to the  
17 department. Each director of staff shall be qualified by  
18 education, training and experience in the technical matters of  
19 the board to which he is assigned and his or her appointment  
20 shall be approved by the board to which he is assigned and he  
21 shall be removed or reassigned on their request in writing to the  
22 director of the department. All other employees of the  
23 department and of each board and commission assigned to the  
24 department shall be appointed by the director of the department  
25 in accord with chapter 36, and shall be assigned and may be  
26 reassigned as required by the director of the department in such  
27 a manner as to provide optimum service, efficiency and economy.

28 3. The air conservation commission, chapter 203 and others,

1 the clean water commission, chapter 204 and others, are  
2 transferred by type II transfer to the department of natural  
3 resources. The governor shall appoint the members of these  
4 bodies in accord with the laws establishing them, with the advice  
5 and consent of the senate. The bodies hereby transferred shall  
6 retain all rulemaking and hearing powers allotted by law, as well  
7 as those of any bodies transferred to their jurisdiction. All  
8 the powers, duties and functions of the state environmental  
9 improvement authority, chapter 260 and others, are transferred by  
10 type III transfer to the air conservation commission. All the  
11 powers, duties and functions of the water resources board,  
12 chapter 256 and others, are transferred by type I transfer to the  
13 clean water commission and the board is abolished. No member of  
14 the clean water commission shall receive or shall have received,  
15 during the previous two years from the date of his or her  
16 appointment, a significant portion of his or her income directly  
17 or indirectly from permit holders or applicants for a permit  
18 under the jurisdiction of the clean water commission. The state  
19 park board, chapter 253, is transferred to the department of  
20 natural resources by type I transfer.

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

24 5. All the powers, duties and functions of the state  
25 geologist, chapter 256 and others, are transferred by type I  
26 transfer to the department of natural resources. [All the  
27 powers, duties and functions of the state land survey authority,  
28 chapter 60, are transferred to the department of natural

1 resources by type I transfer and the authority is abolished.]  
2 All the powers, duties and functions of the state oil and gas  
3 council, chapter 259 and others, are transferred to the  
4 department of natural resources by type II transfer. The  
5 director of the department shall appoint a state geologist who  
6 shall have the duties to supervise and coordinate the work  
7 formerly done by the departments or authorities abolished by this  
8 subsection, and shall provide staff services for the state oil  
9 and gas council.

10 6. All the powers, duties and functions of the land  
11 reclamation commission, chapter 444 and others, are transferred  
12 to the department of natural resources by type II transfer. All  
13 necessary personnel required by the commission shall be selected,  
14 employed and discharged by the commission. The director of the  
15 department shall not have the authority to abolish positions.

16 7. The functions performed by the division of health in  
17 relation to the maintenance of a safe quality of water dispensed  
18 to the public, sections 640.100 to 640.115, and others, and for  
19 licensing and regulating solid waste management systems and plans  
20 are transferred by type I transfer to the department of natural  
21 resources.

22 [8. (1) The state interagency council for outdoor  
23 recreation, chapter 258, is transferred to the department of  
24 natural resources by type II transfer. The council shall consist  
25 of representatives of the following state agencies: department  
26 of agriculture; department of conservation; office of  
27 administration; department of natural resources; department of  
28 economic development; department of social services; department



1 of transportation; and the University of Missouri.

2 (2) The council shall function as provided in chapter 258,  
3 except that the department of natural resources shall provide all  
4 staff services as required by the council notwithstanding the  
5 provisions of sections 258.030 and 258.040, and all personnel and  
6 property of the council are hereby transferred by type I transfer  
7 to the department of natural resources and the office of  
8 executive secretary to the council is abolished.]

9 640.012. In all [matters] contested case administrative  
10 appeals heard by the [department of natural resources in this  
11 chapter and chapters 260, 278, 444, 643, and 644, the hazardous  
12 waste management commission in chapter 260, the state soil and  
13 water districts commission in chapter 278, the land reclamation  
14 commission in chapter 444, the safe drinking water commission in  
15 this chapter, the air conservation commission in chapter 643, and  
16 the clean water commission in chapter 644] administrative hearing  
17 commission pursuant to section 621.250, the burden of proof shall  
18 be upon the department of natural resources [or the commission  
19 that issued] to demonstrate the lawfulness of the finding, order,  
20 decision or assessment being appealed, except that in matters  
21 involving the denial of a permit, license or registration, the  
22 burden of proof shall be on the applicant for such permit,  
23 license or registration.

24 640.017. 1. Notwithstanding any other provision of law,  
25 for activities that may require multiple environmental state  
26 permits or certifications, an applicant may [request to  
27 coordinate] directly petition the director for purposes of  
28 approving or denying such permits or certifications, and for

1 purposes of coordinating a unified permit schedule with the  
2 department which covers the timing and order to obtain such  
3 permits in a coordinated and streamlined process. In determining  
4 the schedule, the department and applicant shall consider which  
5 permits are most critical for the regulated activity, the need  
6 for unified public participation for all of the regulated aspects  
7 of the permitted activity, the applicant's anticipated staging of  
8 construction and financing for the permitted activity, and the  
9 applicant's use of innovative environmental approaches or  
10 strategies to minimize its environmental impacts.

11 2. In order to facilitate a unified and streamlined  
12 permitting process, the director shall develop and implement a  
13 process to coordinate the processing of multiple environmental  
14 permits, certifications, or permit modifications from a single  
15 applicant.

16 3. The department may initiate the unified permits process  
17 for a class of similar activities by notifying any known  
18 applicants interested in those regulated activities of the intent  
19 to use the unified process. To the extent practicable and  
20 consistent with the purposes of this section, the department  
21 shall coordinate with interested applicants on the unified permit  
22 schedule.

23 [3.] 4. The [department] process developed and implemented  
24 by the director shall include working with such applicants in an  
25 effort to help determine, at the earliest stage, all of the  
26 permits required for a specific proposed activity based on  
27 information provided by the applicant; additional information  
28 regarding the proposed activity may result in different permits

1 being required. The department shall ~~[propose]~~ inform applicants  
2 that a unified permitting schedule ~~[to interested applicants]~~ is  
3 available. Any multiple-permit applicant may decline at any time  
4 to have its permits processed in accordance with the schedule and  
5 instead proceed ~~[in]~~ on a permit-by-permit approach. The  
6 department shall publicize the order and tentative schedule on  
7 the department's internet website.

8 [4.] 5. Following the establishment of a unified permit  
9 schedule, the director shall notify the applicant in writing of  
10 the order in which the applicant shall obtain permits. The  
11 department shall proceed to consider applications accordingly and  
12 may only modify the schedule with the consent of the applicant  
13 through the date of the public hearing. Each application shall  
14 be reviewed by the department based solely on its own merits and  
15 compliance with the applicable law.

16 [5.] 6. The department shall coordinate with the applicant,  
17 to the extent possible, to align the unified permit process so  
18 that all public meetings or hearings related to the permits are  
19 consolidated into one hearing in a location near the facility.

20 [6.] 7. In furtherance of this section, the director may  
21 waive otherwise applicable procedural requirements related to  
22 timing as set forth in state environmental laws or rules found in  
23 this chapter and chapters 236, 259, 260, 444, 643, and 644, so  
24 long as:

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

27 (2) The unified permitting schedule does not impair the  
28 ability of the applicant or the department to comply with

1 substantive legal requirements related to the permit application.

2 [7.] 8. The director shall promulgate rules to implement  
3 the provisions of this section. Any rule or portion of a rule,  
4 as that term is defined in section 536.010, that is created under  
5 the authority delegated in this section shall become effective  
6 only if it complies with and is subject to all of the provisions  
7 of chapter 536 and, if applicable, section 536.028. This section  
8 and chapter 536 are nonseverable and if any of the powers vested  
9 with the general assembly under chapter 536 to review, to delay  
10 the effective date, or to disapprove and annul a rule are  
11 subsequently held unconstitutional, then the grant of rulemaking  
12 authority and any rule proposed or adopted after August 28, 2008,  
13 shall be invalid and void.

14 640.026. 1. The department of natural resources shall, by  
15 December 1, 2013, and annually thereafter, develop a list of all  
16 documents produced for external dissemination, excluding permits,  
17 that the department utilizes to implement enforcement actions or  
18 penalties levied by the department which have not been  
19 established in statute or have not been promulgated pursuant to  
20 chapter 536. The list and all documents referenced shall be  
21 provided to the joint committee on administrative rules for the  
22 purpose of a review, in consultation with the department, to  
23 determine if the documents are statements of general  
24 applicability that implement, interpret, or prescribe law or  
25 policy that should be subject to the rulemaking process  
26 prescribed in chapter 536.

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

1           (1) The name of the department;

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

4           (3) The name of the director of the division, if  
5 applicable;

6           (4) The calendar date on which the document was produced;  
7 and

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

12           3. The list and all documents required by this section to  
13 be provided to the joint committee on administrative rules shall  
14 be satisfied by providing either physical copies of both a list  
15 and all documents, excluding permits, or by providing a list of  
16 documents accompanied by a separate uniform resource locator for  
17 each listed document.

18           640.065. 1. The "Department of Natural Resources Revolving  
19 Services Fund" is hereby created. All funds received by the  
20 department of natural resources from the delivery of services and  
21 the sale or resale of maps, plats, reports, studies, records, and  
22 other publications and documents, on paper or in electronic  
23 format, shall be credited to the fund. The director of the  
24 department shall administer the fund. The state treasurer is the  
25 custodian of the fund and may approve disbursements from the fund  
26 requested by the director of the department. When appropriated,  
27 moneys in the fund shall be used to purchase goods, equipment,  
28 hardware and software, maintenance and licenses, software and

1 database development and maintenance, personal services, and  
2 other services that will ultimately be used to provide copies of  
3 information maintained or provided by the department, reprint  
4 maps, publications or other documents requested by governmental  
5 agencies or members of the general public; to publish the maps,  
6 publications, or other documents; to purchase maps, publications,  
7 or other documents for resale; and to pay shipping charges,  
8 laboratory services, core library fees, workshop fees, conference  
9 fees, and interdivisional cooperative agreements, but for no  
10 other purpose.

11 2. The department of natural resources may produce,  
12 reproduce, and sell maps, plats, reports, studies, and records  
13 and shall fix the charge therefor. All income received shall be  
14 promptly deposited in the state treasury to the credit of the  
15 department of natural resources revolving services fund.

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

21 4. The department of natural resources shall report all  
22 income to and expenditures from such fund on a quarterly basis to  
23 the house of representatives budget committee and the senate  
24 appropriations committee.

25 640.075. The department of natural resources is authorized  
26 to gather data, photographs and such other materials as may be  
27 necessary and to prepare, edit and publish from time to time, as  
28 deemed necessary, copies of a brochure on the Thomas Hart Benton

1 murals in the house lounge and on other major works of art of the  
2 Missouri state capitol. The brochure shall be sold at a price to  
3 be set by the department of natural resources. The proceeds from  
4 the sale of the brochure shall be deposited in the state treasury  
5 to the credit of the natural resources [document] revolving  
6 services fund created in section [60.595] 640.065.

7 640.080. 1. For Missouri state parks' designated swim  
8 beaches, a standard that measures E. coli using the Environmental  
9 Protection Agency's Method 1603, or any other equivalent method  
10 that measures culturable E. coli, with the geometric mean (GM) of  
11 weekly sampling of one hundred ninety colony forming units per  
12 one hundred milliliters shall be utilized.

13 2. If beaches exceed the GM standard established in  
14 subsection 1 of this section, the department of natural resources  
15 shall post the beach with signs that state "Swimming is Not  
16 Recommended".

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

22 640.236. In all civil actions involving claims that arise  
23 from the ownership, maintenance, management, or control of  
24 underground hard rock mining or hard rock milling sites that  
25 ceased operations prior to January 1, 1975, or that arise from  
26 chat or tailings generated at those sites, brought against  
27 persons or entities alleged to have owned, maintained, managed,  
28 or controlled such sites, chat, or tailings at any time, such

1 persons and entities shall be exempt from punitive or exemplary  
2 damages with respect to all claims that relate in any way to the  
3 ownership, maintenance, management, or control of such sites,  
4 chat, or tailings, so long as such persons or entities or their  
5 employees, agents, owners, parent, subsidiary, or any related  
6 companies have made or are making good faith efforts to remediate  
7 such sites. Any evidence may be introduced to demonstrate good  
8 faith efforts to remediate, including substantial compliance with  
9 an order or permit issued by or negotiated with either the state  
10 of Missouri or the United States concerning remediation or  
11 closure. The total of any awards of punitive or exemplary  
12 damages shall not exceed one million dollars in the aggregate as  
13 to all defendants in a civil action within this section. The  
14 provisions of section 537.675 shall not apply to such action, and  
15 one-half of any such awards for punitive or exemplary damages  
16 shall be paid into the Missouri lead abatement loan fund  
17 established under section 701.337. Nothing in this section shall  
18 be construed as precluding any party from pursuing compensatory  
19 damages, including claims for natural resource damages.

20       640.715. 1. Prior to filing an application to acquire [a  
21 construction] an operating permit for a new or expanded facility  
22 from the department, the owner or operator of any class IA, class  
23 IB, or class IC concentrated animal feeding operation shall  
24 provide the following information to the department, to the  
25 county governing body and to all adjoining property owners of  
26 property located within one and one-half times the buffer  
27 distance as specified in subsection 2 of section 640.710 for the  
28 size of the proposed facility:



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

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

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

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

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

10 (6) The address of the regional or state office of the  
11 department. The department shall require proof of such  
12 notification upon accepting an application for [a construction]  
13 an operating permit for a new or expanded facility. The  
14 department shall accept written comments from the public for  
15 thirty days after receipt of application for [construction] such  
16 permit.

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

21 3. The department shall issue [a] an operating permit or  
22 respond with a letter of comment to the owner or operator of such  
23 facility within forty-five days of receiving a completed permit  
24 application and verification of compliance with subsection 1 of  
25 this section.

26 640.725. 1. The owner or operator of any flush system  
27 animal waste wet handling facility shall employ one or more  
28 persons who shall once per week visually inspect the [animal

1 waste wet handling facility and lagoons for unauthorized  
2 discharge and structural integrity at least every twelve hours  
3 with a deviation of not to exceed three hours] gravity outfall  
4 lines, recycle pump stations, recycle force mains, and  
5 appurtenances for any release to any containment structure  
6 required by section 640.730. The owner or operator shall also  
7 visually inspect once per day any lagoon whose water level is  
8 less than twelve inches from the emergency spillway. The owner  
9 or operator of the facility shall keep records of each  
10 inspection. Such records shall be retained for three years. The  
11 department shall provide or approve a form provided by the owner  
12 or operator for each facility for such inspections.

13 2. All new construction permits for flush system animal  
14 waste wet handling facilities shall have an electronic or  
15 mechanical shutoff of the system in the event of pipe stoppage.  
16 As of July 1, 1997, all existing flush system animal waste wet  
17 handling facilities shall have, at a minimum, an electronic or  
18 mechanical shutoff of the system in the event of pipe stoppage or  
19 backflow.

20 643.079. 1. Any air contaminant source required to obtain  
21 a permit issued under sections 643.010 to 643.355 shall pay  
22 annually beginning April 1, 1993, a fee as provided herein. For  
23 the first year the fee shall be twenty-five dollars per ton of  
24 each regulated air contaminant emitted. Thereafter, the fee  
25 shall be set every three years by the commission by rule and  
26 shall be at least twenty-five dollars per ton of regulated air  
27 contaminant emitted but not more than forty dollars per ton of  
28 regulated air contaminant emitted in the previous calendar year.

1 If necessary, the commission may make annual adjustments to the  
2 fee by rule. The fee shall be set at an amount consistent with  
3 the need to fund the reasonable cost of administering sections  
4 643.010 to 643.355, taking into account other moneys received  
5 pursuant to sections 643.010 to 643.355. For the purpose of  
6 determining the amount of air contaminant emissions on which the  
7 fees authorized under this section are assessed, a facility shall  
8 be considered one source under the definition of subsection 2 of  
9 section 643.078, except that a facility with multiple operating  
10 permits shall pay the emission fees authorized under this section  
11 separately for air contaminants emitted under each individual  
12 permit.

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

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

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

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

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

1 general assembly reimposes the fee.

2 4. Each air contaminant source with a permit issued under  
3 sections 643.010 to 643.355 shall pay the fee for the first four  
4 thousand tons of each regulated air contaminant emitted each year  
5 but no air contaminant source shall pay fees on total emissions  
6 of regulated air contaminants in excess of twelve thousand tons  
7 in any calendar year. A permitted air contaminant source which  
8 emitted less than one ton of all regulated pollutants shall pay a  
9 fee equal to the amount per ton set by the commission. An air  
10 contaminant source which pays emission fees to a holder of a  
11 certificate of authority issued pursuant to section 643.140 may  
12 deduct such fees from any amount due under this section. The  
13 fees imposed in this section shall not be applied to carbon oxide  
14 emissions. The fees imposed in subsection 1 and this subsection  
15 shall not be applied to sulfur dioxide emissions from any Phase I  
16 affected unit subject to the requirements of Title IV, Section  
17 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651,  
18 et seq., any sooner than January 1, 2000. The fees imposed on  
19 emissions from Phase I affected units shall be consistent with  
20 and shall not exceed the provisions of the federal Clean Air Act,  
21 as amended, and the regulations promulgated thereunder. Any such  
22 fee on emissions from any Phase I affected unit shall be reduced  
23 by the amount of the service fee paid by that Phase I affected  
24 unit pursuant to subsection 8 of this section in that year. Any  
25 fees that may be imposed on Phase I sources shall follow the  
26 procedures set forth in subsection 1 and this subsection and  
27 shall not be applied retroactively.

28 5. Moneys collected under this section shall be transmitted

1 to the director of revenue for deposit in appropriate subaccounts  
2 of the natural resources protection fund created in section  
3 640.220. A subaccount shall be maintained for fees paid by air  
4 contaminant sources which are required to be permitted under  
5 Title V of the federal Clean Air Act, as amended, 42 U.S.C.  
6 Section 7661, et seq., and used, upon appropriation, to fund  
7 activities by the department to implement the operating permits  
8 program authorized by Title V of the federal Clean Air Act, as  
9 amended. Another subaccount shall be maintained for fees paid by  
10 air contaminant sources which are not required to be permitted  
11 under Title V of the federal Clean Air Act as amended, and used,  
12 upon appropriation, to fund other air pollution control program  
13 activities. Another subaccount shall be maintained for service  
14 fees paid under subsection 8 of this section by Phase I affected  
15 units which are subject to the requirements of Title IV, Section  
16 404, of the federal Clean Air Act Amendments of 1990, as amended,  
17 42 U.S.C. 7651, and used, upon appropriation, to fund air  
18 pollution control program activities. The provisions of section  
19 33.080 to the contrary notwithstanding, moneys in the fund shall  
20 not revert to general revenue at the end of each biennium.  
21 Interest earned by moneys in the subaccounts shall be retained in  
22 the subaccounts. The per-ton fees established under subsection 1  
23 of this section may be adjusted annually, consistent with the  
24 need to fund the reasonable costs of the program, but shall not  
25 be less than twenty-five dollars per ton of regulated air  
26 contaminant nor more than forty dollars per ton of regulated air  
27 contaminant. The first adjustment shall apply to moneys payable  
28 on April 1, 1994, and shall be based upon the general price level

1 for the twelve-month period ending on August thirty-first of the  
2 previous calendar year.

3 6. The department may initiate a civil action in circuit  
4 court against any air contaminant source which has not remitted  
5 the appropriate fees within thirty days. In any judgment against  
6 the source, the department shall be awarded interest at a rate  
7 determined pursuant to section 408.030 and reasonable attorney's  
8 fees. In any judgment against the department, the source shall  
9 be awarded reasonable attorney's fees.

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

13 8. Any Phase I affected unit which is subject to the  
14 requirements of Title IV, Section 404, of the federal Clean Air  
15 Act, as amended, 42 U.S.C. 7651, shall pay annually beginning  
16 April 1, 1993, and terminating December 31, 1999, a service fee  
17 for the previous calendar year as provided herein. For the first  
18 year, the service fee shall be twenty-five thousand dollars for  
19 each Phase I affected generating unit to help fund the  
20 administration of sections 643.010 to 643.355. Thereafter, the  
21 service fee shall be annually set by the commission by rule,  
22 following public hearing, based on an annual allocation prepared  
23 by the department showing the details of all costs and expenses  
24 upon which such fees are based consistent with the department's  
25 reasonable needs to administer and implement sections 643.010 to  
26 643.355 and to fulfill its responsibilities with respect to Phase  
27 I affected units, but such service fee shall not exceed  
28 twenty-five thousand dollars per generating unit. Any such Phase

1 I affected unit which is located on one or more contiguous tracts  
2 of land with any Phase II generating unit that pays fees under  
3 subsection 1 or subsection 2 of this section shall be exempt from  
4 paying service fees under this subsection. A "contiguous tract  
5 of land" shall be defined to mean adjacent land, excluding public  
6 roads, highways and railroads, which is under the control of or  
7 owned by the permit holder and operated as a single enterprise.

8 9. The department of natural resources shall determine the  
9 fees due pursuant to this section by the state of Missouri and  
10 its departments, agencies and institutions, including two- and  
11 four-year institutions of higher education. The director of the  
12 department of natural resources shall forward the various totals  
13 due to the joint committee on capital improvements and the  
14 directors of the individual departments, agencies and  
15 institutions. The departments, as part of the budget process,  
16 shall annually request by specific line item appropriation funds  
17 to pay said fees and capital funding for projects determined to  
18 significantly improve air quality. If the general assembly fails  
19 to appropriate funds for emissions fees as specifically  
20 requested, the departments, agencies and institutions shall pay  
21 said fees from other sources of revenue or funds available. The  
22 state of Missouri and its departments, agencies and institutions  
23 may receive assistance from the small business technical  
24 assistance program established pursuant to section 643.173.

25 10. The director of the department of natural resources may  
26 conduct a comprehensive review of the fee structure set forth in  
27 this section. The comprehensive review shall include stakeholder  
28 meetings in order to solicit stakeholder input from each of the

1 following groups: electric utilities, mineral and metallic  
2 mining and processing facilities, cement kiln representatives,  
3 and any other interested industrial or business entities or  
4 interested parties. Upon completion of the comprehensive review,  
5 the department shall submit proposed changes to the fee structure  
6 with stakeholder agreement to the air conservation commission.  
7 The commission shall, upon receiving the department's  
8 recommendations, review such recommendations at the forthcoming  
9 regular or special meeting. The commission shall review fee  
10 structure recommendations from the department. The commission  
11 shall not take a vote on the fee structure recommendations until  
12 the following regular or special meeting. If the commission  
13 approves, by vote of two-thirds majority or five of seven  
14 commissioners, the fee structure recommendations, the commission  
15 shall promulgate by regulation and publish the recommended fee  
16 structure no later than October first of the same year. The  
17 commission shall file the order of rulemaking for such rule with  
18 the joint committee on administrative rules pursuant to sections  
19 536.021 and 536.024 no later than December first of the same  
20 year. If such rules are not disapproved by the general assembly  
21 in the manner set out below, they shall take effect on January  
22 first of the next odd-numbered year and the fee structure set out  
23 in this section shall expire upon the effective date of the  
24 commission adopted fee structure. Any regulation promulgated  
25 under this subsection shall be deemed to be beyond the scope and  
26 authority provided in this subsection, or detrimental to permit  
27 applicants, if the general assembly, within the first sixty  
28 calendar days of the regular session immediately following the



1 promulgation of such regulation, by concurrent resolution, shall  
2 disapprove the fee structure contained in such regulation. If  
3 the general assembly so disapproves any regulation promulgated  
4 under this subsection, the air conservation commission shall  
5 continue to use the fee structure set forth in the most recent  
6 preceding regulation promulgated under this subsection. This  
7 subsection shall expire on August 28, 2023.

8 644.029. The department shall allow an appropriate schedule  
9 of compliance for a permittee to make upgrades or changes to its  
10 facilities that are necessary to meet new water quality  
11 requirements. For publicly owned treatment works, schedules of  
12 compliance shall be consistent with affordability findings made  
13 under section 644.145. For privately owned treatment works,  
14 schedules of compliance shall be negotiated with the facilities  
15 recognizing their financial capabilities and shall reflect  
16 statewide performance expectations. The department shall  
17 incorporate new water quality requirements into existing permits  
18 at the time of permit renewal unless there are compelling reasons  
19 to implement these requirements earlier through permit  
20 modifications. All new permit applicants may be required to  
21 meet any new water quality standards or classifications  
22 prescribed by the commission.

23 644.051. 1. It is unlawful for any person:

24 (1) To cause pollution of any waters of the state or to  
25 place or cause or permit to be placed any water contaminant in a  
26 location where it is reasonably certain to cause pollution of any  
27 waters of the state;

28 (2) To discharge any water contaminants into any waters of

1 the state which reduce the quality of such waters below the water  
2 quality standards established by the commission;

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

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

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

21 3. [Every proposed water contaminant or point source which,  
22 when constructed or installed or established, will be subject to  
23 any federal water pollution control act or sections 644.006 to  
24 644.141 or regulations promulgated pursuant to the provisions of  
25 such act shall make application to the director for a permit at  
26 least thirty days prior to the initiation of construction or  
27 installation or establishment. Every water contaminant or point  
28 source in existence when regulations or sections 644.006 to

1 644.141 become effective shall make application to the director  
2 for a permit within sixty days after the regulations or sections  
3 644.006 to 644.141 become effective, whichever shall be earlier.  
4 The director shall promptly investigate each application, which  
5 investigation shall include such hearings and notice, and  
6 consideration of such comments and recommendations as required by  
7 sections 644.006 to 644.141 and any federal water pollution  
8 control act. If the director determines that the source meets or  
9 will meet the requirements of sections 644.006 to 644.141 and the  
10 regulations promulgated pursuant thereto, the director shall  
11 issue a permit with such conditions as he or she deems necessary  
12 to ensure that the source will meet the requirements of sections  
13 644.006 to 644.141 and any federal water pollution control act as  
14 it applies to sources in this state. If the director determines  
15 that the source does not meet or will not meet the requirements  
16 of either act and the regulations pursuant thereto, the director  
17 shall deny the permit pursuant to the applicable act and issue  
18 any notices required by sections 644.006 to 644.141 and any  
19 federal water pollution control act] It shall be unlawful for any  
20 person to construct, build, replace or make major modification to  
21 any point source or collection system that is principally  
22 designed to convey or discharge human sewage to waters of the  
23 state, unless such person obtains a construction permit from the  
24 commission, except as provided in this section. The following  
25 activities shall be excluded from construction permit  
26 requirements:

27 (1) Facilities greater than one million gallons per day  
28 that are authorized through a local supervised program, and are

1 not receiving any department financial assistance;

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

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

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

9  
10 However, nothing shall prevent the department from taking action  
11 to assure protection of the environment and human health. A  
12 construction permit may be required where necessary as determined  
13 by the department, including the following:

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

16 (b) To correct noncompliance;

17 (c) When an unauthorized discharge has occurred or has the  
18 potential to occur; or

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

20  
21 In addition, any point source that proposes to construct an  
22 earthen storage structure to hold, convey, contain, store or  
23 treat domestic, agricultural, or industrial process wastewater  
24 also shall be subject to the construction permit provisions of  
25 this subsection. All other construction-related activities at  
26 point sources shall be exempt from the construction permit  
27 requirements. All activities that are exempted from the  
28 construction permit requirement are subject to the following

1 conditions:

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

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

10 c. Such point source system may receive a post-construction  
11 site inspection by the department prior to receiving operating  
12 permit approval. A site inspection may be performed by the  
13 department, upon receipt of a complete operating permit  
14 application or submission of an engineer's statement of work  
15 complete.

16  
17 A governmental unit may apply to the department for authorization  
18 to operate a local supervised program, and the department may  
19 authorize such a program. A local supervised program would  
20 recognize the governmental unit's engineering capacity and  
21 ability to conduct engineering work, supervise construction and  
22 maintain compliance with relevant operating permit requirements.

23 4. Before issuing [a permit to build or enlarge a water  
24 contaminant or point source or reissuing any permit] any permit  
25 required by this section, the director shall issue such notices,  
26 conduct such hearings, and consider such factors, comments and  
27 recommendations as required by sections 644.006 to 644.141 or any  
28 federal water pollution control act. The director shall

1 determine if any state or any provisions of any federal water  
2 pollution control act the state is required to enforce, any state  
3 or federal effluent limitations or regulations, water  
4 quality-related effluent limitations, national standards of  
5 performance, toxic and pretreatment standards, or water quality  
6 standards which apply to the source, or any such standards in the  
7 vicinity of the source, are being exceeded, and shall determine  
8 the impact on such water quality standards from the source. The  
9 director, in order to effectuate the purposes of sections 644.006  
10 to 644.141, shall deny a permit if the source will violate any  
11 such acts, regulations, limitations or standards or will  
12 appreciably affect the water quality standards or the water  
13 quality standards are being substantially exceeded, unless the  
14 permit is issued with such conditions as to make the source  
15 comply with such requirements within an acceptable time schedule.

16 5. The director shall grant or deny the permit within sixty  
17 days after all requirements of the Federal Water Pollution  
18 Control Act concerning issuance of permits have been satisfied  
19 unless the application does not require any permit pursuant to  
20 any federal water pollution control act. The director or the  
21 commission may require the applicant to provide and maintain such  
22 facilities or to conduct such tests and monitor effluents as  
23 necessary to determine the nature, extent, quantity or degree of  
24 water contaminant discharged or released from the source,  
25 establish and maintain records and make reports regarding such  
26 determination.

27 6. The director shall promptly notify the applicant in  
28 writing of his or her action and if the permit is denied state

1 the reasons therefor. The applicant may appeal to the commission  
2 from the denial of a permit or from any condition in any permit  
3 by filing notice of appeal with the commission within thirty days  
4 of the notice of denial or issuance of the permit. After a final  
5 action is taken on a new or reissued general permit, a potential  
6 applicant for the general permit who can demonstrate that he or  
7 she is or may be adversely affected by any permit term or  
8 condition may appeal the terms and conditions of the general  
9 permit within thirty days of the department's issuance of the  
10 general permit. In no event shall a permit constitute permission  
11 to violate the law or any standard, rule or regulation  
12 promulgated pursuant thereto.

13 7. In any hearing held pursuant to this section that  
14 involves a permit, license, or registration, the burden of proof  
15 is on the party specified in section 640.012. Any decision of  
16 the commission made pursuant to a hearing held pursuant to this  
17 section is subject to judicial review as provided in section  
18 644.071.

19 8. In any event, no permit issued pursuant to this section  
20 shall be issued if properly objected to by the federal government  
21 or any agency authorized to object pursuant to any federal water  
22 pollution control act unless the application does not require any  
23 permit pursuant to any federal water pollution control act.

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

27 10. No manufacturing or processing plant or operating  
28 location shall be required to pay more than one operating fee.

1 Operating permits shall be issued for a period not to exceed five  
2 years after date of issuance, except that general permits shall  
3 be issued for a five-year period, and also except that neither a  
4 construction nor an annual permit shall be required for a single  
5 residence's waste treatment facilities. Applications for renewal  
6 of a site-specific operating permit shall be filed at least one  
7 hundred eighty days prior to the expiration of the existing  
8 permit. Applications seeking to renew coverage under a general  
9 permit shall be submitted at least thirty days prior to the  
10 expiration of the general permit, unless the permittee has been  
11 notified by the director that an earlier application must be  
12 made. General permits may be applied for and issued  
13 electronically once made available by the director.

14 11. Every permit issued to municipal or any publicly owned  
15 treatment works or facility shall require the permittee to  
16 provide the clean water commission with adequate notice of any  
17 substantial new introductions of water contaminants or pollutants  
18 into such works or facility from any source for which such notice  
19 is required by sections 644.006 to 644.141 or any federal water  
20 pollution control act. Such permit shall also require the  
21 permittee to notify the clean water commission of any substantial  
22 change in volume or character of water contaminants or pollutants  
23 being introduced into its treatment works or facility by a source  
24 which was introducing water contaminants or pollutants into its  
25 works at the time of issuance of the permit. Notice must  
26 describe the quality and quantity of effluent being introduced or  
27 to be introduced into such works or facility by a source which  
28 was introducing water contaminants or pollutants into its works



1 at the time of issuance of the permit. Notice must describe the  
2 quality and quantity of effluent being introduced or to be  
3 introduced into such works or facility and the anticipated impact  
4 of such introduction on the quality or quantity of effluent to be  
5 released from such works or facility into waters of the state.

6 12. The director or the commission may require the filing  
7 or posting of a bond as a condition for the issuance of permits  
8 for construction of temporary or future water treatment  
9 facilities or facilities that utilize innovative technology for  
10 wastewater treatment in an amount determined by the commission to  
11 be sufficient to ensure compliance with all provisions of  
12 sections 644.006 to 644.141, and any rules or regulations of the  
13 commission and any condition as to such construction in the  
14 permit. For the purposes of this section, "innovative technology  
15 for wastewater treatment" shall mean a completely new and  
16 generally unproven technology in the type or method of its  
17 application that bench testing or theory suggest has  
18 environmental, efficiency, and cost benefits beyond the standard  
19 technologies. No bond shall be required for designs approved by  
20 any federal agency or environmental regulatory agency of another  
21 state. The bond shall be signed by the applicant as principal,  
22 and by a corporate surety licensed to do business in the state of  
23 Missouri and approved by the commission. The bond shall remain  
24 in effect until the terms and conditions of the permit are met  
25 and the provisions of sections 644.006 to 644.141 and rules and  
26 regulations promulgated pursuant thereto are complied with.

27 13. (1) The department shall issue or deny applications  
28 for construction and site-specific operating permits received

1 after January 1, 2001, within one hundred eighty days of the  
2 department's receipt of an application. For general construction  
3 and operating permit applications received after January 1, 2001,  
4 that do not require a public participation process, the  
5 department shall issue or deny the permits within sixty days of  
6 the department's receipt of an application. For an application  
7 seeking coverage under a renewed general permit that does not  
8 require an individual public participation process, the director  
9 shall issue or deny the permit within sixty days of the  
10 director's receipt of the application, or upon issuance of the  
11 general permit, whichever is later. In regard to an application  
12 seeking coverage under an initial general permit that does not  
13 require an individual public participation process, the director  
14 shall issue or deny the permit within sixty days of the  
15 department's receipt of the application. For an application  
16 seeking coverage under a renewed general permit that requires an  
17 individual public participation process, the director shall issue  
18 or deny the permit within ninety days of the director's receipt  
19 of the application, or upon issuance of the general permit,  
20 whichever is later. In regard to an application for an initial  
21 general permit that requires an individual public participation  
22 process, the director shall issue or deny the permit within  
23 ninety days of the director's receipt of the application.

24 (2) If the department fails to issue or deny with good  
25 cause a construction or operating permit application within the  
26 time frames established in subdivision (1) of this subsection,  
27 the department shall refund the full amount of the initial  
28 application fee within forty-five days of failure to meet the

1 established time frame. If the department fails to refund the  
2 application fee within forty-five days, the refund amount shall  
3 accrue interest at a rate established pursuant to section 32.065.

4 (3) Permit fee disputes may be appealed to the commission  
5 within thirty days of the date established in subdivision (2) of  
6 this subsection. If the applicant prevails in a permit fee  
7 dispute appealed to the commission, the commission may order the  
8 director to refund the applicant's permit fee plus interest and  
9 reasonable attorney's fees as provided in sections 536.085 and  
10 536.087. A refund of the initial application or annual fee does  
11 not waive the applicant's responsibility to pay any annual fees  
12 due each year following issuance of a permit.

13 (4) No later than December 31, 2001, the commission shall  
14 promulgate regulations defining shorter review time periods than  
15 the time frames established in subdivision (1) of this  
16 subsection, when appropriate, for different classes of  
17 construction and operating permits. In no case shall commission  
18 regulations adopt permit review times that exceed the time frames  
19 established in subdivision (1) of this subsection. The  
20 department's failure to comply with the commission's permit  
21 review time periods shall result in a refund of said permit fees  
22 as set forth in subdivision (2) of this subsection. On a  
23 semiannual basis, the department shall submit to the commission a  
24 report which describes the different classes of permits and  
25 reports on the number of days it took the department to issue  
26 each permit from the date of receipt of the application and show  
27 averages for each different class of permits.

28 (5) During the department's technical review of the

1 application, the department may request the applicant submit  
2 supplemental or additional information necessary for adequate  
3 permit review. The department's technical review letter shall  
4 contain a sufficient description of the type of additional  
5 information needed to comply with the application requirements.

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

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

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

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

28 17. Prior to the development of a new general permit or

1 reissuance of a general permit for aquaculture, land disturbance  
2 requiring a storm water permit, or reissuance of a general permit  
3 under which fifty or more permits were issued under a general  
4 permit during the immediately preceding five-year period for a  
5 designated category of water contaminant sources, the director  
6 shall implement a public participation process complying with the  
7 following minimum requirements:

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

12 (2) The director shall publish notice of his intent to  
13 issue a new general permit or reissue a general permit by posting  
14 notice on the department's website at least one hundred eighty  
15 days before the proposed effective date of the general permit;

16 (3) The director shall hold a public informational meeting  
17 to provide information on anticipated permit conditions and  
18 requirements and to receive informal comments from permittees and  
19 other interested persons. The director shall include notice of  
20 the public informational meeting with the notice of intent to  
21 issue a new general permit or reissue a general permit under  
22 subdivision (2) of this subsection. The notice of the public  
23 informational meeting, including the date, time and location,  
24 shall be posted on the department's website at least thirty days  
25 in advance of the public meeting. If the meeting is being held  
26 for reissuance of a general permit, notice shall also be made by  
27 electronic mail to all permittees holding the current general  
28 permit which is expiring. Notice to current permittees shall be

1 made at least twenty days prior to the public meeting;

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

9 (5) A revised draft of a general permit template and the  
10 director's response to comments submitted during the public  
11 comment period shall be posted on the department's website at  
12 least forty-five days prior to issuance of the general permit.  
13 At least forty-five days prior to issuance of the general permit  
14 the department shall notify all persons who submitted comments to  
15 the department that these documents have been posted to the  
16 department's website;

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

19 18. Notices required to be made by the department pursuant  
20 to subsection 17 of this section may be made by electronic mail.  
21 The department shall not be required to make notice to any  
22 permittee or other person who has not provided a current  
23 electronic mail address to the department. In the event the  
24 department chooses to make material modifications to the general  
25 permit before its expiration, the department shall follow the  
26 public participation process described in subsection 17 of this  
27 section.

28 19. The provisions of subsection 17 of this section shall

1 become effective beginning January 1, 2013.

2 644.052. 1. Persons with operating permits or permits by  
3 rule issued pursuant to this chapter shall pay fees pursuant to  
4 subsections 2 to 8 and 12 to 13 of this section. Persons with a  
5 sewer service connection to public sewer systems owned or  
6 operated by a city, public sewer district, public water district  
7 or other publicly owned treatment works shall pay a permit fee  
8 pursuant to subsections 10 and 11 of this section.

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

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

14 (2) One hundred fifty dollars if the design flow is equal  
15 to or greater than five thousand gallons per day but less than  
16 six thousand gallons per day;

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

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

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

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

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

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

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

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

13          (11) Five hundred fifty dollars if the design flow is equal  
14 to or greater than fourteen thousand gallons per day but less  
15 than fifteen thousand gallons per day;

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

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

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

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

28          (16) Two thousand dollars if the design flow is equal to or



1 greater than twenty-three thousand gallons per day but less than  
2 twenty-five thousand gallons per day;

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

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

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

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

14 (1) Five thousand dollars if the industry is a class IA  
15 animal feeding operation as defined by the commission; or

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

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

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

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

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

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

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

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

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

8           6. Persons who apply for or possess a general permit shall  
9 pay:

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

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

14          (3) One hundred fifty dollars for the operation of an  
15 animal feeding operation or a concentrated animal feeding  
16 operation;

17          (4) One hundred fifty dollars annually for new permits for  
18 the discharge of process water or storm water potentially  
19 contaminated by activities not included in subdivisions (1) to  
20 (3) of this subsection. Persons paying fees pursuant to this  
21 subdivision with existing general permits on August 27, 2000, and  
22 persons paying fees pursuant to this subdivision who receive  
23 renewed general permits on the same facility after August 27,  
24 2000, shall pay sixty dollars annually;

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

27           7. Requests for modifications to state operating permits on  
28 entities that charge a service connection fee pursuant to

1 subsection 10 of this section shall be accompanied by a two  
2 hundred dollar fee. The department may waive the fee if it is  
3 determined that the necessary modification was either initiated  
4 by the department or caused by an error made by the department.

5 8. Requests for state operating permit modifications other  
6 than those described in subsection 7 of this section shall be  
7 accompanied by a fee equal to twenty-five percent of the annual  
8 operating fee assessed for the facility pursuant to this section.  
9 However, requests for modifications for such operating permits  
10 that seek name changes, address changes, or other nonsubstantive  
11 changes to the operating permit shall be accompanied by a fee of  
12 one hundred dollars. The department may waive the fee if it is  
13 determined that the necessary modification was either initiated  
14 by the department or caused by an error made by the department.

15 9. Persons requesting water quality certifications in  
16 accordance with Section 401 of the Federal Clean Water Act shall  
17 pay a fee of seventy-five dollars and shall submit the standard  
18 application form for a Section 404 permit as administered by the  
19 U.S. Army Corps of Engineers or similar information required for  
20 other federal licenses and permits, except that the fee is waived  
21 for water quality certifications issued and accepted for  
22 activities authorized pursuant to a general permit or nationwide  
23 permit by the U.S. Army Corps of Engineers.

24 10. Persons with a direct or indirect sewer service  
25 connection to a public sewer system owned or operated by a city,  
26 public sewer district, public water district, or other publicly  
27 owned treatment works shall pay an annual fee per water service  
28 connection as provided in this subsection. Customers served by

1 multiple water service connections shall pay such fee for each  
2 water service connection, except that no single facility served  
3 by multiple connections shall pay more than a total of seven  
4 hundred dollars per year. The fees provided for in this  
5 subsection shall be collected by the agency billing such customer  
6 for sewer service and remitted to the department. The fees may  
7 be collected in monthly, quarterly or annual increments, and  
8 shall be remitted to the department no less frequently than  
9 annually. The fees collected shall not exceed the amounts  
10 specified in this subsection and, except as provided in  
11 subsection 11 of this section, shall be collected at the  
12 specified amounts unless adjusted by the commission in rules.  
13 The annual fees shall not exceed:

14 (1) For sewer systems that serve more than thirty-five  
15 thousand customers, forty cents per residential customer as  
16 defined by the provider of said sewer service until such time as  
17 the commission promulgates rules defining the billing procedure;

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

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

28 (4) For sewer systems that serve equal to or less than

1 seven thousand but more than one thousand customers, seventy  
2 cents per residential customer as defined by the provider of said  
3 sewer service until such time as the commission promulgates rules  
4 defining the billing procedure;

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

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

11 (7) Three dollars per water service connection for all  
12 other customers with water service connections of less than or  
13 equal to one inch excluding taps for fire suppression and  
14 irrigation systems;

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

19 (9) Twenty-five dollars per water service connection for  
20 all other customers with water service connections of more than  
21 four inches, excluding taps for fire suppression and irrigation  
22 systems.

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

27 (1) From August 28, 2000, through September 30, 2001,  
28 customers of any such district shall pay fifty percent of such

1 fees; and

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

4 12. Persons submitting a notice of intent to operate  
5 pursuant to a permit by rule shall pay a filing fee of  
6 twenty-five dollars.

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

11 644.054. 1. Fees imposed in sections 644.052 and 644.053  
12 shall, except for those fees imposed pursuant to subsection 4 and  
13 subsections 6 to 13 of section 644.052, become effective October  
14 1, 1990, and shall expire [~~September 1, 2013~~] December 31, 2018.  
15 Fees imposed pursuant to subsection 4 and subsections 6 to 13 of  
16 section 644.052 shall become effective August 28, 2000, and shall  
17 expire on [~~September 1, 2013~~] December 31, 2018. The clean water  
18 commission shall promulgate rules and regulations on the  
19 procedures for billing and collection. All sums received through  
20 the payment of fees shall be placed in the state treasury and  
21 credited to an appropriate subaccount of the natural resources  
22 protection fund created in section 640.220. Moneys in the  
23 subaccount shall be expended, upon appropriation, solely for the  
24 administration of sections 644.006 to 644.141. Fees collected  
25 pursuant to subsection 10 of section 644.052 by a city, a public  
26 sewer district, a public water district or other publicly owned  
27 treatment works are state fees. Five percent of the fee revenue  
28 collected shall be retained by the city, public sewer district,

1 public water district or other publicly owned treatment works as  
2 reimbursement of billing and collection expenses.

3 2. The commission may grant a variance pursuant to section  
4 644.061 to reduce fees collected pursuant to section 644.052 for  
5 facilities that adopt systems or technologies that reduce the  
6 discharge of water contaminants substantially below the levels  
7 required by commission rules.

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

12 4. The director of the department of natural resources  
13 shall conduct a comprehensive review of the fee structure in  
14 sections 644.052 and 644.053. The review shall include  
15 stakeholder meetings in order to solicit stakeholder input. The  
16 director shall submit a report to the general assembly by  
17 December 31, 2012, which shall include its findings and a  
18 recommended plan for the fee structure. The plan shall also  
19 include time lines for permit issuance, provisions for expedited  
20 permits, and recommendations for any other improved services  
21 provided by the fee funding.

22 644.057. The director of the department of natural  
23 resources may conduct a comprehensive review of the clean water  
24 fee structure set forth in sections 644.052 and 644.053. The  
25 comprehensive review shall include stakeholder meetings in order  
26 to solicit stakeholder input from each of the following groups:  
27 agriculture, industry, municipalities, public and private  
28 wastewater facilities, and the development community. Upon

1 completion of the comprehensive review, the department shall  
2 submit proposed changes to the fee structure with stakeholder  
3 agreement to the clean water commission. The commission shall,  
4 upon receiving the department's recommendations, review such  
5 recommendations at the forthcoming regular or special meeting  
6 under subsection 3 of section 644.021. The commission shall not  
7 take a vote on the clean water fee structure recommendations  
8 until the following regular or special meeting. In no case shall  
9 the clean water commission adopt or recommend any clean water fee  
10 in excess of five thousand dollars. If the commission approves,  
11 by vote of two-thirds majority or five of seven commissioners,  
12 the clean water fee structure recommendations, the commission  
13 shall promulgate by regulation and publish the recommended clean  
14 water fee structure no later than October first of the same year.  
15 The commission shall file the order of rulemaking for such rule  
16 with the joint committee on administrative rules pursuant to  
17 sections 536.021 and 536.024 no later than December first of the  
18 same year. If such rules are not disapproved by the general  
19 assembly in the manner set out below, they shall take effect on  
20 January first of the next odd-numbered year and the fee  
21 structures set forth in sections 644.052 and 644.053 shall expire  
22 upon the effective date of the commission adopted fee structure,  
23 contrary to section 644.054. Any regulation promulgated under  
24 this subsection shall be deemed to be beyond the scope and  
25 authority provided in this subsection, or detrimental to permit  
26 applicants, if the general assembly, within the first sixty  
27 calendar days of the regular session immediately following the  
28 promulgation of such regulation, by concurrent resolution, shall



1 disapprove the fee structure contained in such regulation. If  
2 the general assembly so disapproves any regulation promulgated  
3 under this subsection, the clean water commission shall continue  
4 to use the fee structure set forth in the most recent preceding  
5 regulation promulgated under this subsection. This section shall  
6 expire on August 28, 2023.

7 644.062. 1. The director may grant provisional variances  
8 whenever it is determined, upon application of adequate proof,  
9 that compliance on a short-term basis with the limitations  
10 prescribed in sections 644.006 to 644.141, or rule, standard,  
11 requirement, limitation, or order of the director adopted thereto  
12 due to conditions beyond reasonable control such as extended  
13 elevated temperatures or extreme drought conditions will result  
14 in an arbitrary or unreasonable hardship that exists solely  
15 because of the regulatory requirement in question and the costs  
16 of compliance are substantial and certain. If the hardship  
17 complained of consists solely of the need for a reasonable delay  
18 in which to correct a violation of sections 644.006 to 644.141,  
19 or rule, standard, requirement, limitation, or order of the  
20 director, the director shall condition the grant of such variance  
21 upon the posting of sufficient performance bond or other security  
22 to assure the completion of the work covered by the variance. In  
23 granting such provisional variance, the director shall consider  
24 the hardship imposed by requiring compliance on a short-term  
25 basis and adverse impacts that may result from granting the  
26 provisional variance. The director shall exercise wide  
27 discretion in weighing the equities involved and the advantages  
28 and disadvantages to the applicant and to those affected by water

1 contaminants emitted by the applicant.

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

7 3. Any person seeking a provisional variance shall file a  
8 petition for a variance with the director describing the  
9 conditions or circumstances giving rise to the request for  
10 relief. There shall be a two hundred fifty dollar filing fee  
11 payable to the state of Missouri with each petition for  
12 provisional variance. The director shall promptly investigate  
13 the petition and shall take action within fourteen days of the  
14 request. If the director denies the petition, the person may  
15 initiate a proceeding under section 644.061. The director may  
16 condition any provisional variance as sections 644.006 to  
17 644.141, or rule, standard, requirement, limitation or order of  
18 the director may require.

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

24 Section 1. 1. Upon public notice, the division of state  
25 parks shall once each year hold a stakeholder meeting in each  
26 park district.

27 2. A stakeholder may petition the director of state parks  
28 regarding any policy or park issue that has been presented to the

1 relevant facility manager and district supervisor. The director,  
2 or his or her designee, shall respond to the stakeholder within  
3 fourteen days and may schedule a stakeholder meeting to determine  
4 if action is warranted in response to the petition. If a  
5 stakeholder meeting occurs, the director shall notify the  
6 stakeholder in writing that either no action is warranted or that  
7 specific action will be undertaken within thirty days of the  
8 meeting. The decision of the director shall be final and not  
9 subject to review.

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

13 [258.020. The member agencies shall be  
14 represented on the council by the executive head of the  
15 agency. The executive head of any member agency may  
16 from time to time authorize any member of the agency's  
17 staff to represent it on the council and to fully  
18 exercise any of the powers and duties of an agency  
19 representative.]

20  
21 [258.030. 1. The officers of the council shall  
22 be a chairman and vice chairman appointed by the  
23 governor from the executive heads of the agencies  
24 represented on the council. A chairman may serve more  
25 than one term.

26 2. Duties of the chairman shall be to see that  
27 policies and directives of the council are carried out  
28 by the executive secretary and to preside at meetings  
29 of the council. If the chairman cannot perform the  
30 duties, the vice chairman shall assume them.]

31  
32 [260.379. 1. The department of natural resources  
33 shall not issue a permit to any person for the  
34 operation of any facility or issue any license to any  
35 person under the authority of sections 260.350 to  
36 260.434, if such person has had three or more  
37 convictions, which convictions occurred after July 9,  
38 1990, and within any five-year period within the courts  
39 of the United States or of any state except Missouri or  
40 had two or more convictions within a Missouri court  
41 after July 9, 1990, and within any five-year period,

1 for any crimes or criminal acts, an element of which  
2 involves restraint of trade, price-fixing, intimidation  
3 of the customers of any person or for engaging in any  
4 other acts which may have the effect of restraining or  
5 limiting competition concerning activities regulated  
6 under this chapter or similar laws of other states or  
7 the federal government; except that convictions for  
8 violations by entities purchased or acquired by an  
9 applicant or permittee which occurred prior to the  
10 purchase or acquisition shall not be included. For the  
11 purpose of this section, the term "person" shall  
12 include any business organization or entity, successor  
13 corporation, partnership or subsidiary of any business  
14 organization or entity, and the owners and officers  
15 thereof, or the entity submitting the application.

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

24 3. Any person applying for a permit or license  
25 under sections 260.350 to 260.434 shall notify the  
26 director of any conviction for any act which would have  
27 the effect of limiting competition. Any person with a  
28 permit or license shall notify the department of any  
29 such conviction within thirty days of the conviction or  
30 plea. Failure to notify the director is a class D  
31 felony and subject to a fine of one thousand dollars  
32 per day for each day unreported.

33 4. Provided that after a period of five years  
34 after a permit has been revoked under the provisions of  
35 this section, the person, firm or corporation affected  
36 may apply for rehabilitation and reinstatement to the  
37 director of the department. The department shall  
38 promulgate the necessary rules and regulations for  
39 rehabilitation and reinstatement. The time period for  
40 same shall not exceed five years.]

41  
42 [260.434. 1. The department shall assess the  
43 transportation system serving a proposed site for a new  
44 hazardous waste resource recovery, treatment or  
45 disposal facility as a part of its review of the  
46 application for a permit. The department shall examine  
47 the transportation route or routes to ensure that the  
48 design and maintenance of such route or routes provides  
49 adequate safety for the public using or living near the  
50 route or routes. The department may designate or  
51 prohibit specific routes, limit use of approved routes

1 during certain time periods or impose other reasonable  
2 restrictions upon the transportation of hazardous waste  
3 to or from the facility.

4 2. The department shall review the capability of  
5 local governments near a proposed site to respond to an  
6 emergency involving the transportation of hazardous  
7 waste or an emergency at the hazardous waste resource  
8 recovery, treatment or disposal facility when it  
9 reviews an application for a permit. The department  
10 shall reassess that capability whenever the operator  
11 proposes recovering, treating or disposing of a  
12 hazardous waste which is substantially more toxic,  
13 corrosive, ignitable or reactive than those wastes  
14 approved under the current permit. The department may  
15 require the operator to provide supplemental emergency  
16 response capability to ensure public safety.

17 3. The department shall enter into an interagency  
18 agreement with the department of transportation and the  
19 department of public safety to permit the sharing of  
20 information and to assign responsibility for performing  
21 the assessment required in this section.]

22 Section B. Because immediate action is necessary to ensure  
23 an operational clean water fee structure, and to ensure public  
24 safety, the enactment of sections 640.080 and 644.057 of this act  
25 is deemed necessary for the immediate preservation of the public  
26 health, welfare, peace and safety, and is hereby declared to be  
27 an emergency act within the meaning of the constitution, and the  
28 enactment of sections 640.080 and 644.057 of this act shall be in  
29 full force and effect upon its passage and approval.