

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 476

AN ACT

To repeal sections 259.010, 259.020, 259.030, 259.050, 259.070, 259.080, 259.100, 259.190, 259.210, 260.500, 644.011, and 644.016, RSMo, and to enact in lieu thereof thirteen new sections relating to the department of natural resources.

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

1 Section A. Sections 259.010, 259.020, 259.030, 259.050,
2 259.070, 259.080, 259.100, 259.190, 259.210, 260.500, 644.011,
3 and 644.016, RSMo, are repealed and thirteen new sections enacted
4 in lieu thereof, to be known as sections 259.010, 259.020,
5 259.030, 259.050, 259.052, 259.070, 259.080, 259.100, 259.190,
6 259.210, 260.500, 644.011, and 644.016, to read as follows:

7 259.010. There shall be a "State Oil and Gas Council"
8 composed of the following members in accordance with the
9 provisions of section 259.020:

10 (1) [One member from the division of geology and land
11 survey] The state geologist;

12 (2) One member from the department of economic development;

13 (3) One member from the Missouri public service commission;

14 (4) One member from the clean water commission;

15 (5) One member from the Missouri University of Science and
16 Technology petroleum engineering program;

17 (6) One member from the Missouri Independent Oil and Gas
18 Association; and

1 (7) Two members from the public.

2 259.020. The member entities in section 259.010 shall be
3 represented on the council by the executive head of each
4 respective entity, except that:

5 (1) The Missouri University of Science and Technology shall
6 be represented by a professor of petroleum engineering employed
7 at the university;

8 (2) The Missouri Independent Oil and Gas Association shall
9 be represented by a designated member of the association; and

10 (3) The public members shall be appointed to the council by
11 the governor, with the advice and consent of the senate. Both
12 public members shall have an interest in and knowledge of the oil
13 and gas industry, and both shall be residents of Missouri[, and
14 at least one shall also be a resident of a county of the third or
15 fourth classification]. The executive head of any member state
16 agency, the professor of petroleum engineering at the Missouri
17 University of Science and Technology and the member from the
18 Missouri Independent Oil and Gas Association may from time to
19 time authorize any member of the state agency's staff, another
20 professor of petroleum engineering at the Missouri University of
21 Science and Technology or another member of the Missouri
22 Independent Oil and Gas Association, respectively, to represent
23 it on the council and to fully exercise any of the powers and
24 duties of the member representative.

25 259.030. 1. The council shall elect a chairman and vice
26 chairman from the members of the council [other than the
27 representative of the division of geology and land survey]. A
28 chairman and vice chairman may serve more than a one-year term,

1 if so elected by the members of the council.

2 2. The state geologist shall act as administrator for the
3 council and shall be responsible for enforcing the provisions of
4 this chapter.

5 259.050. Unless the context otherwise requires, the
6 following words mean:

7 (1) "Certificate of clearance" means a permit prescribed by
8 the council for the transportation or the delivery of oil or gas
9 or product and issued or registered in accordance with the rule,
10 regulation, or order requiring such permit;

11 (2) "Council", the state oil and gas council established by
12 section 259.010;

13 (3) "Department", the department of natural resources;

14 (4) "Field", the general area underlaid by one or more
15 pools;

16 [(4)] (5) "Gas", all natural gas and all other fluid
17 hydrocarbons which are produced at the wellhead and not
18 hereinbelow defined as oil;

19 [(5)] (6) "Illegal gas" means gas which has been produced
20 from any well within this state in excess of the quantity
21 permitted by any rule, regulation, or order of the council;

22 [(6)] (7) "Illegal oil" means oil which has been produced
23 from any well within the state in excess of the quantity
24 permitted by any rule, regulation, or order of the council;

25 [(7)] (8) "Illegal product" means any product derived in
26 whole or in part from illegal oil or illegal gas;

27 [(8)] (9) "Noncommercial gas well", a gas well drilled for
28 the sole purpose of furnishing gas for private domestic

1 consumption by the owner and not for resale or trade;

2 [(9)] (10) "Oil", crude petroleum oil and other
3 hydrocarbons regardless of gravity which are produced at the
4 wellhead in liquid form and the liquid hydrocarbons known as
5 distillate or condensate recovered or extracted from gas, other
6 than gas produced in association with oil and commonly known as
7 casinghead gas. The term shall also include hydrocarbons that do
8 not flow to a wellhead but are produced by other means, including
9 those contained in oil-shale and oil-sand;

10 [(10)] (11) "Owner", the person who has the right to drill
11 into and produce from a pool and to appropriate the oil or gas he
12 produced therefrom either for himself or others or for himself
13 and others;

14 [(11)] (12) "Pool", an underground reservoir containing a
15 common accumulation of oil or gas or both; each zone of a
16 structure which is completely separated from any other zone in
17 the same structure is a "pool", as that term is used in this
18 chapter;

19 [(12) "Producer", the owner of a well or wells capable of
20 producing oil or gas or both;]

21 (13) "Product", any commodity made from oil or gas and
22 includes refined crude oil, crude tops, topped crude, processed
23 crude, processed crude petroleum, residue from crude petroleum,
24 cracking stock, uncracked fuel oil, fuel oil, treated crude oil,
25 residuum, gas oil, casinghead gasoline, natural-gas gasoline,
26 kerosene, [benzine] benzene, wash oil, waste oil, blended
27 gasoline, lubricating oil, blends or mixtures of oil with one or
28 more liquid products or by-products derived from oil or gas, and

1 blends or mixtures of two or more liquid products or by-products
2 derived from oil or gas whether [hereinabove] herein enumerated
3 or not;

4 (14) "Reasonable market demand" means the demand for oil or
5 gas for reasonable current requirements for consumption and use
6 within and without the state, together with such quantities as
7 are reasonably necessary for building up or maintaining
8 reasonable working stocks and reasonable reserves of oil or gas
9 or product;

10 (15) "Waste" means and includes:

11 (a) Physical waste, as that term is generally understood in
12 the oil and gas industry, but not including unavoidable or
13 accidental waste;

14 (b) The inefficient, excessive, or improper use of, or the
15 unnecessary dissipation of, reservoir energy;

16 (c) The location, spacing, drilling, equipping, operating,
17 or producing of any oil or gas well or wells in a manner which
18 causes, or tends to cause, reduction in the quantity of oil or
19 gas ultimately recoverable from a pool under prudent and proper
20 operations, or which causes or tends to cause unnecessary or
21 excessive surface loss or destruction of oil or gas;

22 (d) The inefficient storing of oil;

23 (e) The production of oil or gas in excess of
24 transportation or marketing facilities or in excess of reasonable
25 market demand; and

26 (f) Through negligence, the unnecessary or excessive
27 surface loss or destruction of oil or gas resulting from
28 evaporation, seepage, leakage or deliberate combustion;

1 (16) "Well", any hole drilled in the earth for or in
2 connection with the exploration, discovery, or recovery of oil or
3 gas, or for or in connection with the underground storage of gas
4 in natural formation, or for or in connection with the disposal
5 of salt water, nonusable gas or other waste accompanying the
6 production of oil or gas.

7 259.052. 1. There is hereby created in the state treasury
8 the "Oil and Gas Resources Fund" which shall consist of all
9 gifts, donations, transfers, moneys appropriated by the general
10 assembly, permit application fees collected under section
11 259.080, operating fees, closure fees, late fees, severance fees,
12 and bequests to the fund. The fund shall be administered by the
13 department of natural resources.

14 2. The state treasurer shall be custodian of the fund and
15 may approve disbursements from the fund in accordance with
16 sections 30.170 and 30.180. Notwithstanding the provisions of
17 section 33.080 to the contrary, any moneys remaining in the fund
18 at the end of the biennium shall not revert to the credit of the
19 general revenue fund. The state treasurer shall invest moneys in
20 the fund in the same manner as other funds are invested. Any
21 interest and moneys on such investments shall be credited to the
22 fund.

23 3. After appropriation by the general assembly, the money
24 in such fund shall be expended by the department to administer
25 the provisions of chapter 259, and to collect, process, manage,
26 interpret, and distribute geologic and hydrologic resource
27 information pertaining to oil and gas potential, and not for any
28 other purpose.

1 259.070. 1. The council has the duty of administering the
2 provisions of this chapter. The council shall meet at least once
3 each calendar quarter of the year and upon the call of the
4 chairperson.

5 2. The council shall conduct a review of the statutes and
6 rules and regulations under this chapter on a biennial basis.
7 Based on such review, the council, if necessary, shall recommend
8 changes to the statutes under this chapter and shall amend rules
9 and regulations accordingly.

10 3. (1) The council shall have the power and duty to form
11 an advisory committee to the council for the purpose of reviewing
12 the statutes and rules and regulations under subsection 2 of this
13 section. The advisory committee shall make recommendations to
14 the council when necessary to amend current statutes and rules
15 and regulations under this chapter and shall review any proposed
16 new or amended statute or regulation before such proposed statute
17 or regulation is considered by the council.

18 (2) The advisory committee shall be made up of
19 representatives from the [division of geology and land survey]
20 department, the oil and gas industry and any council member
21 desiring to be on such advisory committee. The advisory
22 committee shall meet prior to each calendar quarter meeting of
23 the council, if necessary for the purposes set forth under this
24 subsection, and present any recommendations to the council at
25 such calendar quarter meeting. The council shall designate one
26 of its members to serve as the chairperson of the advisory
27 committee.

28 (3) The advisory committee may make recommendations to the

1 council on appropriate fees or other funding mechanisms to
2 support the oil and gas program efforts of the [division of
3 geology and land survey] department.

4 4. The council, acting through the department, has the duty
5 and authority to make such investigations as it deems proper to
6 determine whether waste exists or is imminent or whether other
7 facts exist which justify action.

8 5. The council, acting through the [office of the state
9 geologist] department, has the authority:

10 (1) To require through the issuance of appropriate orders:

11 (a) Identification of ownership of oil or gas wells,
12 producing leases, tanks, plants, structures, and facilities for
13 the refining or intrastate transportation of oil and gas;

14 (b) The making and filing of all mechanical well logs and
15 the filing of directional surveys if taken, and the filing of
16 reports on well location, drilling and production, and the filing
17 free of charge of samples and core chips and of complete cores
18 less tested sections, when requested in the office of the state
19 geologist within six months after the completion or abandonment
20 of the well;

21 (c) The drilling, casing, operation, and plugging of wells
22 in such manner as to prevent the escape of oil or gas out of one
23 stratum into another; the intrusion of water into oil or gas
24 stratum; the pollution of fresh water supplies by oil, gas, or
25 highly mineralized water; to prevent blowouts, cavings, seepages,
26 and fires; and to prevent the escape of oil, gas, or water into
27 workable coal or other mineral deposits;

28 (d) The furnishing of a reasonable bond with good and

1 sufficient surety, conditioned upon the full compliance with the
2 provisions of this chapter, and the rules and regulations of the
3 council prescribed to govern the production of oil and gas on
4 state and private lands within the state of Missouri; provided
5 that, in lieu of a bond with a surety, an applicant may furnish
6 to the council his own personal bond, on conditions as described
7 in this paragraph, secured by a certificate of deposit or an
8 irrevocable letter of credit in an amount equal to that of the
9 required surety bond or secured by some other financial
10 instrument on conditions as above described or as provided by
11 council regulations;

12 (e) That the production from wells be separated into
13 gaseous and liquid hydrocarbons, and that each be accurately
14 measured by such means and upon such standards as may be
15 prescribed by the council;

16 (f) The operation of wells with efficient gas-oil and
17 water-oil ratios, and to fix these ratios;

18 (g) Certificates of clearance in connection with the
19 transportation or delivery of any native and indigenous Missouri
20 produced crude oil, gas, or any product;

21 (h) Metering or other measuring of any native and
22 indigenous Missouri-produced crude oil, gas, or product in
23 pipelines, gathering systems, barge terminals, loading racks,
24 refineries, or other places; and

25 (i) That every person who produces, sells, purchases,
26 acquires, stores, transports, refines, or processes native and
27 indigenous Missouri-produced crude oil or gas in this state shall
28 keep and maintain within this state complete and accurate records

1 of the quantities thereof, which records shall be available for
2 examination by the council or its agents at all reasonable times
3 and that every such person file with the council such reports as
4 it may prescribe with respect to such oil or gas or the products
5 thereof;

6 (2) To regulate pursuant to rules adopted by the council:

7 (a) The release and forfeiture of bonds required under
8 paragraph (d) of subdivision (1) of subsection 5 of this section;

9 (b) The drilling, producing, and plugging of wells, and all
10 other operations for the production of oil or gas;

11 [(b)] (c) The [shooting and chemical] treatment of wells;

12 [(c)] (d) The spacing of wells;

13 [(d)] (e) Operations to increase ultimate recovery such as
14 cycling of gas, the maintenance of pressure, and the introduction
15 of gas, water, or other substances into producing formations; and

16 [(e)] (f) Disposal of highly mineralized water and oil
17 field wastes;

18 (3) To limit and to allocate the production of oil and gas
19 from any field, pool, or area;

20 (4) To classify wells as oil or gas wells for purposes
21 material to the interpretation or enforcement of this chapter;

22 (5) To promulgate and to enforce rules, regulations, and
23 orders to effectuate the purposes and the intent of this chapter;

24 (6) To make rules, regulations, or orders for the
25 classification of wells as oil wells or dry natural gas wells; or
26 wells drilled, or to be drilled, for geological information; or
27 as wells for secondary recovery projects; or wells for the
28 disposal of highly mineralized water, brine, or other oil field

1 wastes; or wells for the storage of dry natural gas, or
2 casinghead gas; or wells for the development of reservoirs for
3 the storage of liquid petroleum gas;

4 (7) To detail such personnel and equipment or enter into
5 such contracts as it may deem necessary for carrying out the
6 plugging of or other remedial measures on wells which have been
7 abandoned and not plugged according to the standards for plugging
8 set out in the rules and regulations promulgated by the council
9 pursuant to this chapter. Members of the council, the
10 department, or authorized representatives may, with the consent
11 of the owner or person in possession, enter any property for the
12 purpose of investigating, plugging, or performing remedial
13 measures on any well, or to supervise the investigation,
14 plugging, or performance of remedial measures on any well. A
15 reasonable effort to contact the owner or the person in
16 possession of the property to seek his permission shall be made
17 before members of the council, the department, or authorized
18 representatives enter the property for the purposes described in
19 this paragraph. If the owner or person in possession of the
20 property cannot be found or refuses entry or access to any member
21 of the council, the department, or to any authorized
22 representative presenting appropriate credentials, the council or
23 the department may request the attorney general to initiate in
24 any court of competent jurisdiction an action for injunctive
25 relief to restrain any interference with the exercise of powers
26 and duties described in this subdivision. Any entry authorized
27 under this subdivision shall be construed as an exercise of the
28 police power for the protection of public health, safety and

1 general welfare and shall not be construed as an act of
2 condemnation of property nor of trespass thereon. Members of the
3 council ~~[and]~~, the department, or authorized representatives
4 shall not be liable for any damages necessarily resulting from
5 the entry upon land for purposes of investigating, plugging, or
6 performing remedial measures or the supervision of such activity.
7 However, if growing crops are present, arrangements for timing of
8 such remedial work may be agreed upon between the state and
9 landowner in order to minimize damages;

10 (8) To develop such facts and make such investigations or
11 inspections as are consistent with the purposes of this chapter.
12 ~~[Members of the council]~~ The department or its authorized
13 representatives may, with the consent of the owner or person in
14 possession, enter upon any property for the purposes of
15 inspecting or investigating any condition which the ~~[council]~~
16 department shall have probable cause to believe is subject to
17 regulation under this chapter, the rules and regulations
18 promulgated pursuant thereto or any permit issued by the
19 ~~[council]~~ department. If the owner or person in possession of
20 the property refuses entry or access for purposes of the
21 inspections or investigations described, the ~~[council]~~ department
22 or authorized representatives shall make application for a search
23 warrant. Upon a showing of probable cause in writing and under
24 oath, a suitable restricted search warrant shall be issued by any
25 judge having jurisdiction for purposes of enabling inspections
26 authorized under this subdivision. The results of any inspection
27 or investigation pursuant to this subdivision shall be reduced to
28 writing with a copy furnished to the owner, person in possession,

1 or operator;

2 (9) To cooperate with landowners with respect to the
3 conversion of wells drilled for oil and gas to alternative use as
4 water wells as follows: the state geologist shall determine the
5 feasibility of the conversion of a well drilled under a permit
6 for oil and gas for use as a water well and shall advise the
7 landowner of modifications required for conversion of the well in
8 a manner that is consistent with the requirements of this
9 chapter. If such conversion is carried out, release of the
10 operator from legal liability or other responsibility shall be
11 required and the expense of the conversion shall be borne by the
12 landowner.

13 6. No rule or portion of a rule promulgated under the
14 authority of this chapter shall become effective unless it has
15 been promulgated pursuant to the provisions of section 536.024.

16 259.080. 1. It shall be unlawful to commence operations
17 for the drilling of a well for oil or gas, or to commence
18 operations to deepen any well to a different geological
19 formation, or to commence injection activities for enhanced
20 recovery of oil or gas or for disposal of fluids, without first
21 giving the state geologist notice of intention to drill or
22 intention to inject and first obtaining a permit from the state
23 geologist under such rules and regulations as may be prescribed
24 by the council.

25 2. The department of natural resources may conduct a
26 comprehensive review, and propose a new fee structure, or propose
27 changes to the oil and gas fee structure, which may include but
28 need not be limited to permit application fees, operating fees,

1 closure fees, and late fees, and an extraction or severance fee.
2 The comprehensive review shall include stakeholder meetings in
3 order to solicit stakeholder input from each of the following
4 groups: oil and gas industry representatives, the advisory
5 committee, and any other interested parties. Upon completion of
6 the comprehensive review, the department shall submit a proposed
7 fee structure or changes to the oil and gas fee structure with
8 stakeholder agreement to the oil and gas council. The council
9 shall review such recommendations at the forthcoming regular or
10 special meeting, but shall not vote on the fee structure until a
11 subsequent meeting. If the council approves, by vote of two-
12 thirds majority, the fee structure recommendations, the council
13 shall authorize the department to file a notice of proposed
14 rulemaking containing the recommended fee structure, and after
15 considering public comments may authorize the department to file
16 the final order of rulemaking for such rule with the joint
17 committee on administrative rules under sections 536.021 and
18 536.024 no later than December first of the same year. If such
19 rules are not disapproved by the general assembly in the manner
20 set out in this section, they shall take effect on January first
21 of the following year, at which point the existing fee structure
22 shall expire. Any regulation promulgated under this subsection
23 shall be deemed beyond the scope and authority provided in this
24 subsection, or detrimental to permit applicants, if the general
25 assembly, within the first sixty calendar days of the regular
26 session immediately following the filing of such regulation,
27 disapproves the regulation by concurrent resolution. If the
28 general assembly so disapproved any regulation filed under this

1 subsection, the department and the council shall not implement
2 the proposed fee structure and shall continue to use the previous
3 fee structure. The authority of the council to further revise
4 the fee structure as provided in this subsection shall expire on
5 August 28, 2025.

6 3. Failure to pay the fees, or any portion thereof,
7 established under this section or to submit required reports,
8 forms or information by the due date shall result in the
9 imposition of a late fee established by the council. The
10 department may issue an administrative order requiring payment of
11 unpaid fees or may request that the attorney general bring an
12 action in the appropriate circuit court to collect any unpaid
13 fee, late fee, interest, or attorney's fees and costs incurred
14 directly in fee collection. Such action may be brought in the
15 circuit court of Cole County, or, in the case of well fees, in
16 the circuit court of the county in which the well is located.

17 259.100. 1. The council shall set spacing units as
18 follows:

19 (1) When necessary to prevent waste, to avoid the drilling
20 of unnecessary wells, or to protect correlative rights, the
21 council shall establish spacing units for a pool. Spacing units
22 when established shall be of uniform size and shape for the
23 entire pool, except that when found to be necessary for any of
24 the purposes above mentioned, the council is authorized to divide
25 any pool into zones and establish spacing units for each zone,
26 which units may differ in size and shape from those established
27 in any other zone;

28 (2) The size and shape of spacing units are to be such as

1 will result in the efficient and economical development of the
2 pool as a whole;

3 (3) An order establishing spacing units for a pool shall
4 specify the size and shape of each unit and the location of the
5 permitted well thereon in accordance with a reasonably uniform
6 spacing plan. Upon application, if the state geologist finds
7 that a well drilled at the prescribed location would not produce
8 in paying quantities, or that surface conditions would
9 substantially add to the burden or hazard of drilling such well,
10 the [state geologist] department is authorized to enter an order
11 permitting the well to be drilled at a location other than that
12 prescribed by such spacing order; however, the state geologist
13 shall include in the order suitable provisions to prevent the
14 production from the spacing unit of more than its just and
15 equitable share of the oil and gas in the pool;

16 (4) An order establishing spacing units for a pool shall
17 cover all lands determined or believed to be underlaid by such
18 pool, and may be modified by the [state geologist] department
19 from time to time to include additional areas determined to be
20 underlaid by such pool. When found necessary for the prevention
21 of waste, or to avoid the drilling of unnecessary wells or to
22 protect correlative rights, an order establishing spacing units
23 in a pool may be modified by the state geologist to increase the
24 size of spacing units in the pool or any zone thereof, or to
25 permit the drilling of additional wells on a reasonable uniform
26 plan in the pool, or any zone thereof. Orders of the [state
27 geologist] department may be appealed to the council within
28 thirty days.

1 2. [The provisions of subsection 1 of this section shall
2 not apply to noncommercial gas wells.

3 3.] Applicants seeking a permit for a noncommercial gas
4 well shall file a bond [or other instrument of credit acceptable
5 to the council equal to the greater of three hundred dollars or
6 one dollar and fifty cents per well foot] under paragraph (d) of
7 subdivision (1) of subsection 5 of section 259.070 and meet the
8 following conditions and procedures: an owner of a noncommercial
9 gas well with drilling rights may apply for the establishment of
10 a drilling unit [containing no less than three acres,] with a
11 well set back of one hundred sixty-five feet on which a well no
12 deeper than eight hundred feet in depth may be drilled. An owner
13 of a noncommercial gas well may apply to the [council] department
14 for a variance to establish a [drilling] spacing unit [of less
15 than three acres and/or less than one hundred sixty-five feet],
16 to set back distances, or both.

17 259.190. 1. Illegal oil, illegal gas, and illegal product
18 are declared to be contraband and are subject to seizure and sale
19 as herein provided; seizure and sale to be in addition to any and
20 all other remedies and penalties provided in this chapter for
21 violations relating to illegal oil, illegal gas, or illegal
22 product. Whenever the council believes that any oil, gas or
23 product is illegal, the council, acting by the attorney general,
24 shall bring a civil action in rem in the circuit court of the
25 county where such oil, gas, or product is found, to seize and
26 sell the same, or the council may include such an action in rem
27 for the seizure and sale of illegal oil, illegal gas, or illegal
28 product in any suit brought for an injunction or penalty

1 involving illegal oil, illegal gas, or illegal product. Any
2 person claiming an interest in oil, gas, or product affected by
3 any such action shall have the right to intervene as an
4 interested party in such action.

5 2. Actions for the seizure and sale of illegal oil, illegal
6 gas, or illegal product shall be strictly in rem, and shall
7 proceed in the name of the state as plaintiff against the illegal
8 oil, illegal gas, or illegal products as defendant. No bond or
9 similar undertaking shall be required of the plaintiff. Upon the
10 filing of the petition for seizure and sale, the attorney general
11 shall issue a notice, with a copy of the complaint attached
12 thereto, which shall be served in the manner provided for service
13 of original notices in civil actions, upon any and all persons
14 having or claiming any interest in the illegal oil, illegal gas,
15 or illegal products described in the petition. Service shall be
16 completed by the filing of an affidavit by the person making the
17 service, stating the time and manner of making such service. Any
18 person who fails to appear and answer within the period of thirty
19 days shall be forever barred by the judgment based on such
20 service. If the court, on a properly verified petition, or
21 affidavits, or oral testimony, finds that grounds for seizure and
22 for sale exist, the court shall issue an immediate order of
23 seizure, describing the oil, gas, or product to be seized and
24 directing the sheriff of the county to take such oil, gas, or
25 product into his custody, actual or constructive, and to hold the
26 same subject to the further order of the court. The court, in
27 such order of seizure, may direct the sheriff to deliver the oil,
28 gas, or product seized by him under the order to an agent

1 appointed by the court as the agent of the court; such agent to
2 give bond in an amount and with such surety as the court may
3 direct, conditioned upon his compliance with the orders of the
4 court concerning the custody and disposition of such oil, gas, or
5 product.

6 3. Any person having an interest in oil, gas, or product
7 described in an order of seizure and contesting the right of the
8 state to the seizure and sale thereof may, prior to the sale
9 thereof as herein provided, obtain the release thereof, upon
10 furnishing bond to the sheriff, approved by the court, in an
11 amount equal to one hundred fifty percent of the market value of
12 the oil, gas, or product to be released, and conditioned as the
13 court may direct upon redelivery to the sheriff of such product
14 released or upon payment to the sheriff of the market value
15 thereof as the court may direct, if and when ordered by the
16 court, and upon full compliance with the further orders of the
17 court.

18 4. If the court, after a hearing upon a petition for the
19 seizure and sale of oil, gas, or product, finds that such oil,
20 gas, or product is contraband, the court shall order the sale
21 thereof by the sheriff in the same manner and upon the same
22 notice of sale as provided by law for the sale of personal
23 property on execution of judgment entered in a civil action
24 except that the court may order that the illegal oil, illegal
25 gas, or illegal product be sold in specified lots or portions and
26 at specified intervals. Upon such sale, title to the oil, gas,
27 or product sold shall vest in the purchaser free of the claims of
28 any and all persons having any title thereto or interest therein

1 at or prior to the seizure thereof, and the same shall be legal
2 oil, legal gas, or legal product, as the case may be, in the
3 hands of the purchaser.

4 5. All proceeds derived from the sale of illegal oil,
5 illegal gas, or illegal product, as above provided, after payment
6 of costs of suit and expenses incident to the sale, and all
7 amounts obtained by the council from the forfeiture of [surety or
8 personal] bonds required under paragraph (d) of subdivision (1)
9 of subsection 5 of section 259.070, [and any money recovered
10 under subsection 1 of section 259.200] shall be paid to the state
11 treasurer and credited to the "Oil and Gas Remedial Fund", which
12 is hereby created. The money in the oil and gas remedial fund
13 may be used by the [council] department to pay for the plugging
14 of, or other remedial measures on, wells [and to pay the expenses
15 incurred by the council in performing the duties imposed on it by
16 this chapter. Any unexpended balance in the fund at the end of
17 the fiscal year not exceeding fifty thousand dollars is exempt
18 from the provisions of section 33.080 relating to transfer of
19 unexpended balances to the ordinary revenue funds]. The state
20 treasurer shall be custodian of the fund and may approve
21 disbursements from the fund in accordance with sections 30.170
22 and 30.180. Notwithstanding the provisions of section 33.080, to
23 the contrary, any moneys remaining in the fund at the end of the
24 biennium shall not revert to the credit of the general revenue
25 fund. The state treasurer shall invest moneys in the fund in the
26 same manner as other funds are invested. Any interest and moneys
27 earned on such investments shall be credited to the fund.

28 259.210. 1. Whenever it appears that any person is

1 violating or threatening to violate any provision of this
2 chapter, or any rule, regulation, or order of the council, the
3 council [shall] or the department may request that the attorney
4 general bring suit against such person in the circuit court of
5 any county where the violation occurs or is threatened, to
6 restrain such person from continuing the violation or from
7 carrying out the threat of violation. In any such suit, the
8 court shall have jurisdiction to grant to the council, without
9 bond or other undertaking, such prohibitory and mandatory
10 injunctions as the facts may warrant, including temporary
11 restraining orders, preliminary injunctions, temporary,
12 preliminary, or final orders restraining the movement or
13 disposition of any illegal oil, illegal gas, or illegal product,
14 any of which the court may order to be impounded or placed in the
15 custody of an agent appointed by the court.

16 2. If the council shall fail to bring suit to enjoin a
17 violation or a threatened violation of any provision of this
18 chapter, or any rule, regulation, or order of the council, within
19 ten days after receipt of written request to do so by any person
20 who is or will be adversely affected by such violation, the
21 person making such request may bring suit in his own behalf to
22 restrain such violation or threatened violation in any court in
23 which the council might have brought suit. The council shall be
24 made a party defendant in such suit in addition to the person
25 violating or threatening to violate a provision of this chapter,
26 or a rule, regulation, or order of the council, and the action
27 shall proceed and injunctive relief may be granted to the council
28 or the petitioner without bond in the same manner as if suit had

1 been brought by the council.

2 260.500. As used in sections 260.500 to 260.550, unless the
3 context clearly indicates otherwise, the following terms mean:

4 (1) "Cleanup", all actions necessary to contain, collect,
5 control, identify, analyze, clean up, treat, disperse, remove, or
6 dispose of a hazardous substance;

7 (2) "Cleanup costs", all costs incurred by the state or any
8 of its political subdivisions, or their agents, or by any other
9 person participating with the approval of the department of
10 natural resources in the prevention or mitigation of damages from
11 a hazardous substance emergency or the cleanup of a hazardous
12 substance involved in a hazardous substance emergency, including
13 a proportionate share of those costs necessary to maintain the
14 services authorized in sections 260.500 to 260.550;

15 (3) "Department", the department of natural resources;

16 (4) "Director", the director of the department of natural
17 resources;

18 (5) "Hazardous substance", any substance or mixture of
19 substances that presents a danger to the public health or safety
20 or the environment and includes:

21 (a) Any hazardous waste identified or listed by the
22 department pursuant to sections 260.350 to 260.430;

23 (b) Any element, compound, mixture, solution, or substance
24 designated pursuant to Sections 101(14) and 102 of the
25 Comprehensive Environmental Response, Compensation and Liability
26 Act of 1980, as amended, and Section 302 of the Superfund
27 Amendments and Reauthorization Act of 1986, as amended; and

28 (c) Any hazardous material designated by the Secretary of

1 the United States Department of Transportation pursuant to the
2 Hazardous Materials Transportation Act;

3 (d) "Hazardous substances" does not include radioactive
4 materials, wastes, emissions or discharges that are licensed or
5 regulated by laws of the federal government or of this state.
6 However, such material released due to a transportation accident
7 shall be considered a hazardous substance;

8 (6) "Hazardous substance emergency":

9 (a) Any release of hazardous substances in quantities equal
10 to or in excess of those determined pursuant to Section 101(14)
11 or 102 of the Comprehensive Environmental Response, Compensation
12 and Liability Act of 1980, as amended, and Section 304 of the
13 Superfund Amendments and Reauthorization Act of 1986, as amended;

14 (b) Any release of petroleum including crude oil or any
15 fraction thereof, natural gas, natural gas liquids, liquefied
16 natural gas, or synthetic gas usable for fuel (or mixtures of
17 natural gas and such synthetic gas) in excess of fifty gallons
18 for liquids or three hundred cubic feet for gases, except that
19 the notification and reporting of any release of natural gas or
20 natural gas mixtures by or from intrastate facilities, regardless
21 of the quantity of such release, shall be as specified by the
22 public service commission rather than pursuant to the
23 notification and reporting requirements contained in, or
24 authorized by, sections 260.500 to 260.550. Interstate natural
25 gas pipeline facilities shall report natural gas releases to the
26 state and the National Response Center in accordance with federal
27 Department of Transportation regulatory requirements;

28 (c) Any release of a hazardous waste which is reportable

1 pursuant to sections 260.350 to 260.430;

2 (d) Any release of a hazardous substance which requires
3 immediate notice pursuant to Part 171 of Title 49 of the Code of
4 Federal Regulations;

5 (e) The department may promulgate rules and regulations
6 identifying the substances and the quantities thereof which, if
7 released, constitute a hazardous substance emergency;

8 (7) "Person", any individual, partnership, copartnership,
9 firm, company, public or private corporation, association, joint
10 stock company, trust, estate, political subdivision, or any
11 agency, board, department, or bureau of the state or federal
12 government, or any other legal entity whatever which is
13 recognized by law as the subject of rights and duties;

14 (8) "Person having control over a hazardous substance", any
15 person producing, handling, storing, transporting, refining, or
16 disposing of a hazardous substance when a hazardous substance
17 emergency occurs, including bailees, carriers, and any other
18 person in control of a hazardous substance when a hazardous
19 substance emergency occurs, whether they own the hazardous
20 substance or are operating under a lease, contract, or other
21 agreement with the legal owner thereof;

22 (9) "Release", any threatened or real emission, discharge,
23 spillage, leakage, pumping, pouring, emptying or dumping of a
24 substance into or onto the land, air or waters of the state
25 unless done in compliance with the conditions of a federal or
26 state permit, unless the substance is confined and is expected to
27 stay confined to property owned, leased or otherwise controlled
28 by the person having control over the substance, or unless, in

1 the case of pesticides, if application is done in accordance with
2 the product label;

3 (10) "State of Missouri basic emergency operations plan",
4 the state plan, its annexes, and appendices as developed or
5 maintained by the state emergency management agency for response
6 to natural and man-made disasters in this state;

7 (11) "Waters of the state", all waters within the
8 jurisdiction of this state, including all rivers, streams, lakes
9 and other bodies of surface and subsurface water lying within or
10 forming a part of the boundaries of the state which are not
11 entirely confined and located completely upon lands owned, leased
12 or otherwise controlled by a single person or by two or more
13 persons jointly or as tenants in common [and includes waters of
14 the United States lying within the state].

15 644.011. Whereas the pollution of the waters of this state
16 constitutes a menace to public health and welfare, creates a
17 public nuisance, is harmful to wildlife, fish and aquatic life
18 and impairs domestic, agricultural, industrial, recreational and
19 other legitimate uses of water, and whereas the problem of water
20 pollution in this state is closely related to the problem of
21 water pollution in adjoining states, and whereas this state must
22 possess the authority required of states in the Federal Water
23 Pollution Control Act as amended if it is to retain control of
24 its water pollution control programs, it is hereby declared to be
25 the public policy of this state to conserve the waters of the
26 state and to protect, maintain, and improve the quality thereof
27 for public water supplies and for domestic, agricultural,
28 industrial, recreational and other legitimate beneficial uses and

1 for the propagation of wildlife, fish and aquatic life; to
2 provide that no waste be discharged into any waters of the state
3 without first receiving the necessary treatment or other
4 corrective action to protect the legitimate beneficial uses of
5 such waters and meet the requirements of the Federal Water
6 Pollution Control Act as amended; to provide for the prevention,
7 abatement and control of new or existing water pollution; and to
8 cooperate with other agencies of the state, agencies of other
9 states, the federal government and any other persons in carrying
10 out these objectives. It is also the policy of this state to
11 strive to meet these objectives while maintaining maximum
12 employment and full industrial development of the state. The
13 commission shall seek the accomplishment of these objectives
14 through the prevention, abatement, and control of water pollution
15 by all practical and economically feasible methods.

16 644.016. When used in sections 644.006 to 644.141 and in
17 standards, rules and regulations promulgated pursuant to sections
18 644.006 to 644.141, the following words and phrases mean:

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

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

25 (3) "Conference, conciliation and persuasion", a process of
26 verbal or written communications consisting of meetings, reports,
27 correspondence or telephone conferences between authorized
28 representatives of the department and the alleged violator. The

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

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

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

9 (6) "Discharge", the causing or permitting of one or more
10 water contaminants to enter the waters of the state;

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

13 (8) "General permit", a permit written with a standard
14 group of conditions and with applicability intended for a
15 designated category of water contaminant sources that have the
16 same or similar operations, discharges and geographical
17 locations, and that require the same or similar monitoring, and
18 that would be more appropriately controlled pursuant to a general
19 permit rather than pursuant to a site-specific permit;

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

22 (10) "Human sewage", human excreta and wastewater,
23 including bath and toilet waste, residential laundry waste,
24 residential kitchen waste, and other similar waste from household
25 or establishment appurtenances;

26 (11) "Income" includes retirement benefits, consultant
27 fees, and stock dividends;

28 (12) "Minor violation", a violation which possesses a small

1 potential to harm the environment or human health or cause
2 pollution, was not knowingly committed, and is not defined by the
3 United States Environmental Protection Agency as other than
4 minor;

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

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

11 (15) "Person", any individual, partnership, copartnership,
12 firm, company, public or private corporation, association, joint
13 stock company, trust, estate, political subdivision, or any
14 agency, board, department, or bureau of the state or federal
15 government, or any other legal entity whatever which is
16 recognized by law as the subject of rights and duties;

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

24 (17) "Pollution", such contamination or other alteration of
25 the physical, chemical or biological properties of any waters of
26 the state, including change in temperature, taste, color,
27 turbidity, or odor of the waters, or such discharge of any
28 liquid, gaseous, solid, radioactive, or other substance into any

1 waters of the state as will or is reasonably certain to create a
2 nuisance or render such waters harmful, detrimental or injurious
3 to public health, safety or welfare, or to domestic, industrial,
4 agricultural, recreational, or other legitimate beneficial uses,
5 or to wild animals, birds, fish or other aquatic life;

6 (18) "Pretreatment regulations", limitations on the
7 introduction of pollutants or water contaminants into publicly
8 owned treatment works or facilities which the commission
9 determines are not susceptible to treatment by such works or
10 facilities or which would interfere with their operation, except
11 that wastes as determined compatible for treatment pursuant to
12 any federal water pollution control act or guidelines shall be
13 limited or treated pursuant to this chapter only as required by
14 such act or guidelines;

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

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

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

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

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

8 (24) "Water contaminant", any particulate matter or solid
9 matter or liquid or any gas or vapor or any combination thereof,
10 or any temperature change which is in or enters any waters of the
11 state either directly or indirectly by surface runoff, by sewer,
12 by subsurface seepage or otherwise, which causes or would cause
13 pollution upon entering waters of the state, or which violates or
14 exceeds any of the standards, regulations or limitations set
15 forth in sections 644.006 to 644.141 or any federal water
16 pollution control act, or is included in the definition of
17 pollutant in such federal act;

18 (25) "Water contaminant source", the point or points of
19 discharge from a single tract of property on which is located any
20 installation, operation or condition which includes any point
21 source defined in sections 644.006 to 644.141 and nonpoint source
22 pursuant to any federal water pollution control act, which causes
23 or permits a water contaminant therefrom to enter waters of the
24 state either directly or indirectly;

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

1 (27) "Waters of the state", all waters within the
2 jurisdiction of this state, including all rivers, streams, lakes
3 and other bodies of surface and subsurface water lying within or
4 forming a part of the boundaries of the state which are not
5 entirely confined and located completely upon lands owned, leased
6 or otherwise controlled by a single person or by two or more
7 persons jointly or as tenants in common [and includes waters of
8 the United States lying within the state].