

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 984
101ST GENERAL ASSEMBLY

4622H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 99.847, 256.700, and 256.710, RSMo, and to enact in lieu thereof eight new sections relating to environmental protection.

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

Section A. Sections 99.847, 256.700, and 256.710, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 99.847, 160.077, 256.700, 256.710, 256.800, 260.221, 260.295, and 644.060, to read as follows:

99.847. 1. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, for all years ending on or before December 31, 2021, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants, unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, for all years beginning on or after January 1, 2022, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency **unless such area has met or exceed all the requirements of the National Flood Insurance Program, including any requirements of any local ordinance related to the National Flood Insurance Program, or was designated as flood plain by the Federal Emergency Management Agency but due to flood resiliency measures and flood resiliency projects under section 256.800 such area is no longer designated as flood plain by the Federal Emergency Management Agency**, unless such project is located in:

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

18 (1) A county with a charter form of government and with more than six hundred
19 thousand but fewer than seven hundred thousand inhabitants;

20 (2) A county of the first classification with more than two hundred thousand but
21 fewer than two hundred sixty thousand inhabitants;

22 (3) A county of the first classification with more than eighty-three thousand but fewer
23 than ninety-two thousand inhabitants and with a city of the fourth classification with more
24 than four thousand five hundred but fewer than five thousand inhabitants as the county seat;

25 (4) A county of the first classification with more than seventy thousand but fewer
26 than eighty-three thousand inhabitants and with a home rule city with more than forty-one
27 thousand but fewer than forty-seven thousand inhabitants as the county seat;

28 (5) A home rule city with more than seventy-one thousand but fewer than seventy-
29 nine thousand inhabitants;

30 (6) A home rule city with more than one hundred fifty-five thousand but fewer than
31 two hundred thousand inhabitants;

32 (7) A home rule city with more than seventeen thousand but fewer than nineteen
33 thousand inhabitants and partially located in any county of the third classification without a
34 township form of government and with more than twenty-six thousand but fewer than twenty-
35 nine thousand inhabitants;

36 (8) A home rule city with more than forty-one thousand but fewer than forty-seven
37 thousand inhabitants and partially located in any county of the first classification with more
38 than seventy thousand but fewer than eighty-three thousand inhabitants;

39 (9) A port district created under the provisions of chapter 68, provided that such
40 financing is exclusively utilized to fund a port infrastructure project that is approved by the
41 port authority; or

42 (10) A levee district created pursuant to chapter 245 or a drainage district created
43 pursuant to chapter 242 or 243 prior to August 28, 2021.

44 2. This section shall not apply to tax increment financing projects or districts
45 approved prior to July 1, 2003, and shall allow such tax increment financing projects to
46 modify, amend, or expand such projects, including redevelopment project costs, by not more
47 than forty percent of such project original projected cost, including redevelopment project
48 costs, as such projects, including redevelopment project costs, existed as of June 30, 2003,
49 and shall allow such tax increment financing district to modify, amend, or expand such
50 districts by not more than five percent as such districts existed as of June 30, 2003.

51 3. The provisions of subsections 1 and 2 of this section notwithstanding, no new tax
52 increment financing project shall be authorized in any area which is within an area designated
53 as flood plain by the Federal Emergency Management Agency and which is located in or
54 partly within a county with a charter form of government and with more than three hundred

55 thousand but fewer than four hundred fifty thousand inhabitants, unless the redevelopment
56 area actually abuts a river or a major waterway and is substantially surrounded by contiguous
57 properties with residential, industrial, or commercial zoning classifications.

**160.077. 1. This section shall be known and may be cited as the "Get the Lead
2 Out of School Drinking Water Act".**

3 2. As used in this section, the following terms mean:

4 (1) "Department", the Missouri department of health and senior services;

**5 (2) "Disadvantaged school district", any school district that serves students from
6 a county in which at least twenty-five percent of the households in such county are below
7 the federal poverty guidelines updated periodically in the Federal Register by the U.S.
8 Department of Health and Human Services under the authority of 42 U.S.C. Section
9 9902(2), as amended, or any school district in which more than seventy percent of
10 students in the district qualify for a free or reduced price lunch under the federal
11 Richard B. Russell National School Lunch Act, 42 U.S.C. Section 1751 et seq.;**

**12 (3) "Drinking water outlet", a potable water fixture that is used for drinking or
13 food preparation. "Drinking water outlet" includes, but is not limited to:**

**14 (a) A water fountain, faucet, or tap that is used or potentially used for drinking
15 or food preparation; and**

16 (b) Ice-making and hot drink machines;

**17 (4) "First draw", a two-hundred-fifty-milliliter sample immediately collected
18 from a drinking water outlet that has been turned on after a stagnation period of at least
19 eight hours;**

**20 (5) "Parent", a parent, guardian, or other person having control or custody of a
21 child;**

22 (6) "Private school", the same definition as in section 166.700;

23 (7) "Public school", the same definition as in section 160.011;

**24 (8) "Remediation", decreasing the lead concentration in water from a drinking
25 water outlet to less than five parts per billion without relying solely on flushing
26 practices, or using methods such as the replacement of lead-containing pipes, solder,
27 fittings, or fixtures with lead-free components. Flushing as a stand alone action shall not
28 be considered remediation;**

**29 (9) "School", any public school, private school, or provider of an early childhood
30 education program that receives state funding.**

**31 3. Beginning in the 2023-24 school year and for each subsequent school year,
32 each school shall provide drinking water with a lead concentration level below five parts
33 per billion in sufficient amounts to meet the drinking water needs of all students and
34 staff as provided in this section.**

35 **4. (1) On or before January 1, 2024, each school shall:**

36 **(a) Conduct an inventory of all drinking water outlets and all outlets that are**
37 **used for dispensing water for cooking or for cleaning cooking and eating utensils in each**
38 **of the school's buildings;**

39 **(b) Develop a plan for testing each outlet inventoried under paragraph (a) of this**
40 **subdivision and make such plan available to the public; and**

41 **(c) Upon request, provide general information on the health effects of lead**
42 **contamination and additional informational resources for employees and parents of**
43 **children at each school.**

44 **(2) Each school shall make buildings housing early childhood education**
45 **programs, kindergartens, and elementary schools the priority when complying with**
46 **paragraphs (a) and (b) of subdivision (1) of this subsection.**

47 **(3) Before August 1, 2024, or the first day on which students will be present in**
48 **the building, whichever is later, each school shall:**

49 **(a) Perform all testing as required by subsection 5 of this section and within two**
50 **weeks after receiving test results, make all testing results and any lead remediation**
51 **plans available on the school's website;**

52 **(b) Remove and replace any drinking water coolers or drinking water outlets**
53 **that the United States Environmental Protection Agency has determined are not lead-**
54 **free under the federal Lead Contamination Control Act of 1988, as amended; except the**
55 **school shall not be required to replace those drinking water outlets or water coolers that**
56 **tested under the requirements of this section and have been determined to be dispensing**
57 **drinking water with a lead concentration less than five part per billion; however, such**
58 **drinking water outlet or water cooler shall be subject to all testing requirements and**
59 **shall not be excluded from testing under subsection 10 of this section.**

60 **(4) If testing indicates that the water source is causing the contamination and**
61 **until such time that the source of the contamination has been remediated, the school**
62 **shall:**

63 **(a) Install a filter at each point at which the water supply enters the building;**

64 **(b) Install a filter that reduces lead in drinking water on each water outlet**
65 **inventoried under paragraph (a) of subdivision (1) of this subsection of this section to**
66 **ensure lead concentrations are below five parts per billion; or**

67 **(c) Provide purified water at each water outlet inventoried under paragraph (a)**
68 **of subdivision (1) of this subsection.**

69 **(5) If testing indicates that the internal building piping is causing the**
70 **contamination and until such time that the source of the contamination has been**
71 **remediated, the school shall:**

72 (a) Install a filter that reduces lead in drinking water on each water outlet
73 inventoried under paragraph (a) of subdivision (1) of this subsection of this section to
74 ensure lead concentrations are below five parts per billion; or

75 (b) Provide purified water at each water outlet inventoried under paragraph (a)
76 of subdivision (1) of this subsection.

77 (6) If a pipe, solder, fitting, or fixture is replaced as part of remediation, the
78 replacement shall be lead-free, as such term is defined in 40 CFR 143.12, as amended.

79 (7) If a test result exceeds five parts per billion, the affected school shall:

80 (a) Contact parents and staff via written notification within seven business days
81 after receiving the test result. The notification shall include at least:

82 a. The test results and a summary that explains such results;

83 b. A description of any remedial steps taken; and

84 c. A description of general health effects of lead contamination and community
85 specific resources; and

86 (b) Provide bottled water if there is not enough water to meet the drinking water
87 needs of the students, teachers, and staff.

88 (8) School districts shall submit such annual testing results to the department.

89 (9) This subsection shall not be construed to prevent a school from conducting
90 more frequent testing than required under this section.

91 5. (1) Before August 1, 2024, or the first day on which students will be present in
92 the building, whichever is later, and annually thereafter, each school shall conduct
93 testing for lead by first-draw and follow-up flush samples of a random sampling of at
94 least twenty-five percent of remediated drinking water outlets until all remediated
95 sources have been tested as recommended by the 2018 version of the United States
96 Environmental Protection Agency's "Training, Testing, and Taking Action" program.
97 The testing shall be conducted and the results analyzed for both types of tests by an
98 entity or entities approved by the department.

99 (2) If, in the ten years prior to the 2023-24 school year, a fixture tested above five
100 parts per billion for lead, such fixture does not need to be repeat tested for lead, but
101 instead remediation shall begin on such fixture.

102 6. (1) In addition to the apportionments payable to a school district under
103 chapter 163, the department of natural resources, with support from the department of
104 elementary and secondary education and the department of health and senior services,
105 is hereby authorized to apportion to any school additional funding for the filtration,
106 testing, and other remediation of drinking water systems required under this section,
107 subject to appropriation.

108 **(2) To the extent permitted by federal law, a school district may seek**
109 **reimbursement or other funds for compliance incurred under this section under any**
110 **applicable federal law including, but not limited to, the America's Water Infrastructure**
111 **Act of 2018 and the Water Infrastructure Finance and Innovation Act of 2014, 33 U.S.C.**
112 **Section 3901 et seq.**

113 **(3) Disadvantaged school districts shall receive funding priority under this**
114 **subsection.**

115 **7. The department, in conjunction with the department of elementary and**
116 **secondary education, shall publish a report biennially based on the findings from the**
117 **water testing conducted under this section. Such report shall be published on the**
118 **department of natural resources website.**

119 **8. For public schools, the department shall ensure compliance with this section.**
120 **Each school district shall be responsible for ensuring compliance within each school**
121 **within the school district's jurisdiction.**

122 **9. No school building constructed after January 4, 2014, as provided in the**
123 **federal Reduction of Lead in Drinking Water Act (42 U.S.C. Section 300g-6), as**
124 **amended, shall be required to install, maintain, or replace filters under paragraph (c) of**
125 **subdivision (1) of subsection 4 of this section.**

126 **10. A school that tests and does not find a drinking water source with a lead**
127 **concentration above the acceptable level as described in subsection 3 of this section shall**
128 **be required to test only every five years.**

129 **11. The department may promulgate all necessary rules and regulations for the**
130 **administration of this section. Any rule or portion of a rule, as that term is defined in**
131 **section 536.010, that is created under the authority delegated in this section shall**
132 **become effective only if it complies with and is subject to all of the provisions of chapter**
133 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable,**
134 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
135 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
136 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
137 **adopted after August 28, 2022, shall be invalid and void.**

256.700. 1. Any operator desiring to engage in surface mining who applies for a
2 permit under section 444.772 shall, in addition to all other fees authorized under such section,
3 annually submit a geologic resources fee. Such fee shall be deposited in the geologic
4 resources fund established and expended under section 256.705. For any operator of a gravel
5 mining operation where the annual tonnage of gravel mined by such operator is less than five
6 thousand tons, there shall be no fee under this section.

7 2. The director of the department of natural resources may require a geologic
8 resources fee for each permit not to exceed one hundred dollars. The director may also
9 require a geologic resources fee for each site listed on a permit not to exceed one hundred
10 dollars for each site. The director may also require a geologic resources fee for each acre
11 permitted by the operator under section 444.772 not to exceed ten dollars per acre. If such fee
12 is assessed, the fee per acre on all acres bonded by a single operator that exceeds a total of
13 three hundred acres shall be reduced by fifty percent. In no case shall the geologic resources
14 fee portion for any permit issued under section 444.772 be more than three thousand five
15 hundred dollars.

16 3. Beginning August 28, 2007, the geologic resources fee shall be set at a permit fee
17 of fifty dollars, a site fee of fifty dollars, and an acre fee of six dollars. Fees may be raised as
18 allowed in this subsection by a regulation change promulgated by the director of the
19 department of natural resources. Prior to such a regulation change, the director shall consult
20 the industrial minerals advisory council created under section 256.710 in order to determine
21 the need for such an increase in fees.

22 4. Fees imposed under this section shall become effective August 28, 2007, and shall
23 expire on December 31, ~~[2025]~~ **2030**. No other provisions of sections 256.700 to 256.710
24 shall expire.

25 5. The department of natural resources may promulgate rules to implement the
26 provisions of sections 256.700 to 256.710. Any rule or portion of a rule, as that term is
27 defined in section 536.010, that is created under the authority delegated in this section shall
28 become effective only if it complies with and is subject to all of the provisions of chapter 536
29 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
30 of the powers vested with the general assembly under chapter 536 to review, to delay the
31 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
32 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007,
33 shall be invalid and void.

256.710. 1. There is hereby created an advisory council to the state geologist known
2 as the "Industrial Minerals Advisory Council". The council shall be composed of nine
3 members as follows:

4 (1) The director of the department of transportation or his or her designee;

5 (2) Eight representatives of the following industries, **with no more than four**
6 **appointees from any one industry**, appointed by the director of the department of natural
7 resources: **limestone quarry operators, granite mining, clay mining, sandstone mining,**
8 **barite mining, other nonmetallic surface mining, or sand and gravel mining**

9 ~~[(a) Three representing the limestone quarry operators;~~

10 ~~(b) One representing the clay mining industry;~~

- 11 ~~(c) One representing the sandstone mining industry;~~
12 ~~(d) One representing the sand and gravel mining industry;~~
13 ~~(e) One representing the barite mining industry; and~~
14 ~~(f) One representing the granite mining industry].~~

15

16 The director of the department of natural resources or his or her designee shall act as
17 chairperson of the council and convene the council as needed.

18 2. The advisory council shall:

19 (1) Meet at least once each year;

20 (2) Annually review with the state geologist the income received and expenditures
21 made under sections 256.700 and 256.705;

22 (3) Consider all information and advise the director of the department of natural
23 resources in determining the method and amount of fees to be assessed;

24 (4) In performing its duties under this subsection, represent the best interests of the
25 Missouri mining industry;

26 (5) Serve in an advisory capacity in all matters pertaining to the administration of this
27 section and section 256.700;

28 (6) Serve in an advisory capacity in all other matters brought before the council by the
29 director of the department of natural resources.

30 3. All members of the advisory council, with the exception of the director of the
31 department of transportation or his or her designee who shall serve indefinitely, shall serve for
32 terms of three years and until their successors are duly appointed and qualified; except that, of
33 the members first appointed:

34 (1) One member who represents the limestone quarry operators, the representative of
35 the clay mining industry, and the representative of the sandstone mining industry shall serve
36 terms of three years;

37 (2) One member who represents the limestone quarry operators, the representative of
38 the sand and gravel mining industry, and the representative of the barite mining industry shall
39 serve terms of two years; and

40 (3) One member who represents the limestone quarry operators, and the
41 representative of the granite mining industry shall serve a term of one year.

42 4. All members shall be residents of this state. Any member may be reappointed.

43 5. All members shall be reimbursed for reasonable expenses incurred in the
44 performance of their official duties in accordance with the reimbursement policy set by the
45 director. All reimbursements paid under this section shall be paid from fees collected under
46 section 256.700.

47 6. Every vacancy on the advisory council shall be filled by the director of the
48 department of natural resources. The person selected to fill any such vacancy shall possess
49 the same qualifications required by this section as the member he or she replaces and shall
50 serve until the end of the unexpired term of his or her predecessor.

**256.800. 1. This section shall be known and may be cited as the "Flood
2 Resiliency Act".**

**3 2. As used in this section, unless the context otherwise requires, the following
4 terms shall mean:**

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

**6 (2) "Flood resiliency measures", structural improvements, studies, and activities
7 employed to improve flood resiliency in local to regional or multi-jurisdictional areas;**

**8 (3) "Flood resiliency project", a project containing planning, design,
9 construction, or renovation of flood resiliency measures, or the conduct of studies or
10 activities in support of flood resiliency measures;**

**11 (4) "Partner", a political subdivision, entity, or person working in conjunction
12 with a promoter to facilitate the completion of a flood resiliency project;**

**13 (5) "Plan", a preliminary report describing the need for, and implementation of,
14 flood resiliency measures;**

**15 (6) "Promoter", any political subdivision of the state, or any levee district or
16 drainage district organized or incorporated in the state.**

**17 3. (1) There is hereby established in the state treasury a fund to be known as the
18 "Flood Resiliency Improvement Fund", which shall consist of all money deposited in
19 such fund from whatever source, whether public or private. The state treasurer shall be
20 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
21 may approve disbursements. The fund shall be a dedicated fund and money in the fund
22 shall be used solely for the purposes of this section. Notwithstanding the provisions of
23 section 33.080 to 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 fund. The state treasurer
25 shall invest moneys in the fund in the same manner as other funds are invested. Any
26 interest and other moneys earned on such investments shall be credited to the fund.**

**27 (2) Upon appropriation, the department of natural resources shall use money in
28 the fund created by this subsection for the purposes of carrying out the provisions of this
29 section, including, but not limited to, the provision of grants or other financial
30 assistance, and, if limitations or conditions are imposed, only upon such other
31 limitations or conditions specified in the instrument that appropriates, grants,
32 bequeaths, or otherwise authorizes the transmission of money to the fund.**

33 **4. In order to increase flood resiliency along the Missouri and Mississippi Rivers**
34 **and their tributaries, and improve statewide flood forecasting and monitoring ability,**
35 **there is hereby established a "Flood Resiliency Program". The program shall be**
36 **administered by the department of natural resources. The state may participate with a**
37 **promoter in the development, construction, or renovation of a flood resiliency project if**
38 **the promoter has a plan which has been submitted to and approved by the director, or**
39 **the state may promote a flood resiliency project and initiate a plan on its own accord.**

40 **5. The plan shall include a description of the flood resiliency project, the need for**
41 **the project, the flood resiliency measures to be implemented, the partners to be involved**
42 **in the project, and other such information as the director may require to adequately**
43 **evaluate the merit of the project.**

44 **6. The director shall only approve a plan upon a determination that long-term**
45 **flood mitigation is needed in that area of the state, and that such a plan proposes flood**
46 **resiliency measures which will provide long-term flood resiliency.**

47 **7. Promoters with approved flood resiliency plans and projects shall be eligible**
48 **to receive any gifts, contributions, grants, or bequests from federal, state, private, or**
49 **other sources for engineering, construction or renovation costs associated with such**
50 **projects.**

51 **8. Promoters with approved flood resiliency projects may be granted funds from**
52 **the flood resiliency improvement fund pursuant to subsection 3 of this section.**

53 **9. The department of natural resources is hereby granted authority to**
54 **promulgate rules to implement this section. Any rule or portion of a rule, as that term is**
55 **defined in section 536.010, that is created under the authority delegated in this section**
56 **shall become effective only if it complies with and is subject to all of the provisions of**
57 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
58 **nonseverable and if any of the powers vested with the general assembly pursuant to**
59 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
60 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
61 **proposed or adopted after August 28, 2022, shall be invalid and void.**

260.221. 1. As used in this section, the following terms mean:

2 **(1) "Processed recycled asphalt shingles", recycled asphalt shingles that do not**
3 **contain extraneous metals, glass, rubber, nails, soil, brick, tars, paper, wood, and plastics**
4 **and that have been reduced in size to produce a commercially reasonable usable**
5 **product. "Processed recycled asphalt shingles" shall also be considered clean fill, as**
6 **such term is defined in section 260.200;**

7 **(2) "Recycled asphalt shingles", manufacture waste scrap shingles and post-**
8 **consumer, tear-off scrap shingles that are accumulated as products for commercial**
9 **purposes related to recycling or reuse as processed recycled asphalt shingles.**

10 **2. Processed recycled asphalt shingles may be used for fill, reclamation, and**
11 **other beneficial purposes without a permit under sections 260.200 to 260.345 if such**
12 **processed recycled asphalt shingles are inspected for toxic and hazardous substances in**
13 **accordance with requirements established by the department of natural resources,**
14 **provided that processed recycled asphalt shingles shall not be used for such purposes**
15 **within five hundred feet of any lake, river, sink hole, perennial stream, or ephemeral**
16 **stream, or within fifty feet above the water table, except when:**

17 **(1) The water table is perched;**

18 **(2) Used as fill in a road or highway embankment, so long as the processed**
19 **recycled shingles are not installed within five feet of the average surface water elevation**
20 **of the stream or the base flood elevation of the stream, as defined by the National Flood**
21 **Insurance Program, whichever is lower; or**

22 **(3) Used as or contained in any surfacing materials for any road or highway.**

23 **3. This section shall not be construed to authorize the abandonment,**
24 **accumulation, placement, or storage of recycled asphalt shingles or processed**
25 **recycled asphalt shingles on any real property without the consent of the real**
26 **property owner.**

27 **4. All processors or accumulators, except any governmental body, of**
28 **unprocessed asphalt shingles, recycled asphalt shingles, or processed recycled asphalt**
29 **shingles shall convert all processed material into a beneficial use within three years of**
30 **preparing or accumulating the material.**

31 **5. All processors or accumulators, except any governmental body, of**
32 **unprocessed asphalt shingles, recycled asphalt shingles, or processed recycled asphalt**
33 **shingles shall post a bond of one million dollars in favor of the local governmental entity**
34 **with jurisdiction over the site for the purpose of funding cleanup of abandoned asphalt**
35 **shingles. In the event that the processors or accumulator suspends operations or**
36 **dissolves the company prior to processing the accumulated shingles, the bond shall be**
37 **forfeited, except if the processor sells the property to another entity for the purposes of**
38 **processing the asphalt shingles into a beneficial use.**

260.295. No building code adopted by a political subdivision shall prohibit the
2 **use of refrigerants that are approved for use under the provisions of 42 U.S.C. Section**
3 **7671k or the regulations promulgated thereunder, provided any related equipment is**
4 **installed in accordance with the provisions of 42 U.S.C. Section 7671k or the regulations**

5 promulgated thereunder. Any provision of a building code that violates this section
6 shall be null and void.

644.060. 1. Processed recycled asphalt shingles, as defined in section 260.221,
2 may be used for fill, reclamation, and other beneficial purposes without a permit under
3 sections 644.006 to 644.141 if such processed recycled asphalt shingles are inspected for
4 toxic and hazardous substances in accordance with requirements established by the
5 department of natural resources, provided that processed recycled asphalt shingles shall
6 not be used for such purposes within five hundred feet of any lake, river, sink hole,
7 perennial stream, or ephemeral stream, or within fifty feet above the water table, except
8 when:

9 (1) The water table is perched;

10 (2) Used as fill in a road or highway embankment, so long as the processed
11 recycled shingles are not installed within five feet of the average surface water elevation
12 of the stream or the base flood elevation of the stream, as defined by the National Flood
13 Insurance Program, whichever is lower; or

14 (3) Used as or contained in any surfacing materials for any road or highway.

15 2. This section shall not be construed to authorize the abandonment,
16 accumulation, placement, or storage of recycled asphalt shingles or processed
17 recycled asphalt shingles on any real property without the consent of the real
18 property owner.

19 3. All processors or accumulators, except any governmental body, of
20 unprocessed asphalt shingles, recycled asphalt shingles, or processed recycled asphalt
21 shingles shall convert all processed material into a beneficial use within three years of
22 preparing or accumulating the material.

23 4. All processors or accumulators, except any governmental body, of
24 unprocessed asphalt shingles, recycled asphalt shingles, or processed recycled asphalt
25 shingles shall post a bond of one million dollars in favor of the local governmental entity
26 with jurisdiction over the site for the purpose of funding cleanup of abandoned asphalt
27 shingles. In the event that the processors or accumulator suspends operations or
28 dissolves the company prior to processing the accumulated shingles, the bond shall be
29 forfeited, except if the processor sells the property to another entity for the purposes of
30 processing the asphalt shingles into a beneficial use.

✓