

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 953**  
**103RD GENERAL ASSEMBLY**

4505H.04C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 640.220, 643.350, 644.021, 644.051, 644.057, and 644.059, RSMo, and to enact in lieu thereof seven new sections relating to environmental programs within the department of natural resources.

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

Section A. Sections 640.220, 643.350, 644.021, 644.051, 644.057, and 644.059, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 640.220, 643.350, 644.021, 644.051, 644.057, 644.059, and 644.083, to read as follows:

640.220. 1. For the purpose of protecting the air, water and land resources of the state, there is hereby created in the state treasury a fund to be known as the "Natural Resources Protection Fund". All funds received from air pollution permit fees, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of the department of natural resources, transmitted to the director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund and shall be used for the purposes specified by law. The air pollution permit fee revenues shall be deposited in an appropriate subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the general administration of section 643.075. The water pollution permit fee revenues generated through sections 644.052, 644.053, 644.054 and 644.061 shall be paid to the director of the department of natural resources, transmitted to the director of the department of revenue and deposited to the credit of the water pollution permit fee subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the administration of sections 644.006 to 644.141.

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.

17           2. Effective July 1, 1991, **and before June 30, 2027**, the provisions of section 33.080  
18 to the contrary notwithstanding, any unexpended balance in the subaccounts of the natural  
19 resources protection fund that exceeds the preceding biennium's collections shall revert to the  
20 general revenue fund of the state at the end of each biennium. **Beginning July 1, 2027, any**  
21 **unexpended balance in the subaccounts of the natural resources protection fund that**  
22 **exceeds the preceding biennium's collections shall not revert to the general revenue fund**  
23 **of the state at the end of each biennium.** All interest earned on the natural resources  
24 protection funds shall accrue to appropriate subaccounts.

25           **3. Beginning July 1, 2027, and annually on July first of each succeeding year, the**  
26 **commissioner of administration shall use taxable sales reports to estimate the amount of**  
27 **state general revenue sales and use tax derived from electric power distribution (NAICS**  
28 **code 221122, or its successor) in the immediately preceding calendar year and shall**  
29 **report such amount to the state treasurer. The state treasurer shall transfer five percent**  
30 **of such general revenue sales and use taxes to the air pollution permit fees subaccount of**  
31 **the natural resources protection fund and such funds, subject to appropriation by the**  
32 **general assembly, shall be used by the department solely for the purpose of funding the**  
33 **air pollution control program. Any provision of law to the contrary notwithstanding,**  
34 **amounts transferred in accordance with this subsection shall not revert to the general**  
35 **revenue fund of the state at the end of each biennium and shall be used solely for the**  
36 **purpose of funding the air pollution control program.**

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an  
2 emissions inspection conducted under the emissions inspection program established pursuant  
3 to sections 643.300 to 643.355.

4           2. The fee shall be conspicuously posted on the premises of each emissions inspection  
5 station.

6           3. The commission shall establish, by rule, the portion of the fee amount to be  
7 remitted by the emission inspection station to the director of revenue and the number of days  
8 allowed for remitting fees.

9           4. The official emission inspection station shall remit the portion of fees collected, as  
10 established by the commission pursuant to this section, to the state treasurer within the time  
11 period established by the commission. The state treasurer shall deposit the fees received in  
12 the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is  
13 hereby created. Moneys in the fund shall, subject to appropriation, be expended for the  
14 administration and enforcement of sections 643.300 to 643.355 by the department of natural  
15 resources, the Missouri highway patrol, and other appropriate agencies. Any balance in the  
16 fund at the end of the biennium shall remain in the fund and shall not be subject to the  
17 provisions of section 33.080. All interest earned by moneys in the fund shall accrue to the

18 fund. ~~[If in the immediate previous fiscal year, the state's net general revenue did not increase~~  
19 ~~by two percent or more, the state treasurer may deposit moneys, except for gifts, donations, or~~  
20 ~~bequests, received under this section beginning January first of the current fiscal year into the~~  
21 ~~state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in~~  
22 ~~accordance with the provisions of this section.]~~

23 5. In addition to funds from the Missouri air emission reduction fund, costs of capital  
24 or operations may be supplemented, upon appropriation, from the general revenue fund, the  
25 state highway department fund, federal funds or other funds available for that purpose.

644.021. 1. There is hereby created a water contaminant control agency to be known  
2 as the "Clean Water Commission of the State of Missouri", whose domicile for the purposes  
3 of sections 644.006 to 644.141 shall be deemed to be that of the department of natural  
4 resources. The commission shall consist of seven members appointed by the governor with  
5 the advice and consent of the senate. No more than four of the members shall belong to the  
6 same political party. All members shall be representative of the general interest of the public  
7 and shall have an interest in and knowledge of conservation and the effects and control of  
8 water contaminants. At least two members shall be knowledgeable concerning the needs of  
9 agriculture, industry or mining and interested in protecting these needs in a manner consistent  
10 with the purposes of sections 644.006 to 644.141. **At least** one member shall be  
11 knowledgeable concerning the needs of publicly owned wastewater treatment works. No  
12 more than four members shall represent the public. ~~[No member shall receive, or have~~  
13 ~~received during the previous two years, a significant portion of his or her income directly or~~  
14 ~~indirectly from permit holders or applicants for a permit pursuant to any federal water~~  
15 ~~pollution control act as amended and as applicable to this state.]~~ **The commission shall**  
16 **establish rules of procedure that specify when members shall exempt themselves from**  
17 **participating in discussions and from voting on issues before the commission due to a**  
18 **potential conflict of interest.** All members appointed on or after August 28, 2002, shall have  
19 demonstrated an interest and knowledge about water quality. All members appointed on or  
20 after August 28, 2002, shall be qualified by interest, education, training or experience to  
21 provide, assess and evaluate scientific and technical information concerning water quality,  
22 financial requirements and the effects of the promulgation of standards, rules and regulations.  
23 At the first meeting of the commission and at yearly intervals thereafter, the members shall  
24 select from among themselves a chairman and a vice chairman.

25 2. The members' terms of office shall be four years and until their successors are  
26 selected and qualified. Provided, however, that the first three members appointed shall serve  
27 a term of two years, the next three members appointed shall serve a term of four years,  
28 thereafter all members appointed shall serve a term of four years. There is no limitation on  
29 the number of terms any appointed member may serve. If a vacancy occurs the governor may

30 appoint a member for the remaining portion of the unexpired term created by the vacancy.  
31 The governor may remove any appointed member for cause. The members of the  
32 commission shall be reimbursed for travel and other expenses actually and necessarily  
33 incurred in the performance of their duties.

34 3. The commission shall hold at least four regular meetings each year and such  
35 additional meetings as the chairman deems desirable at a place and time to be fixed by the  
36 chairman. Special meetings may be called by three members of the commission upon  
37 delivery of written notice to each member of the commission. Reasonable written notice of  
38 all meetings shall be given by the director to all members of the commission. Four members  
39 of the commission shall constitute a quorum. All powers and duties conferred specifically  
40 upon members of the commission shall be exercised personally by the members and not by  
41 alternates or representatives. All actions of the commission shall be taken at meetings open to  
42 the public. Any member absent from six consecutive regular commission meetings for any  
43 cause whatsoever shall be deemed to have resigned and the vacancy shall be filled  
44 immediately in accordance with subsection [4] 2 of this section.

644.051. 1. It is unlawful for any person:

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

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

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

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

13 2. It shall be unlawful for any person to operate, use or maintain any water  
14 contaminant or point source in this state that is subject to standards, rules or regulations  
15 promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person  
16 holds an operating permit from the commission, subject to such exceptions as the commission  
17 may prescribe by rule or regulation **or as exempted in section 644.059**. However, no  
18 operating permit shall be required of any person for any emission into publicly owned  
19 treatment facilities or into publicly owned sewer systems tributary to publicly owned  
20 treatment works.

21 3. It shall be unlawful for any person to construct, build, replace or make major  
22 modification to any point source or collection system that is principally designed to convey or

23 discharge human sewage to waters of the state, unless such person obtains a construction  
24 permit from the commission, except as provided in this section. The following activities shall  
25 be excluded from construction permit requirements:

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

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

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

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

33 4. A construction permit may be required by the department in the following  
34 circumstances:

35 (1) Substantial deviation from the commission's design standards;

36 (2) To address noncompliance;

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

38 (4) To correct a violation of water quality standards.

39 5. Any point source that proposes to construct an earthen storage structure to hold,  
40 convey, contain, store or treat domestic, agricultural, or industrial process wastewater also  
41 shall be subject to the construction permit provisions of subsections 3 to 5 of this section.  
42 However, any earthen basin constructed to retain and settle nontoxic, nonmetallic earthen  
43 materials such as soil, silt, and rock shall be exempt from the construction permit provisions  
44 of subsections 3 to 5 of this section. All other construction-related activities at point sources  
45 not subject to subsections 3 to 5 of this section shall be exempt from the construction permit  
46 requirements. All activities that are exempted from the construction permit requirement are  
47 subject to the following conditions:

48 (1) Any point source system designed to hold, convey, contain, store or treat  
49 domestic, agricultural or industrial process wastewater shall be designed by a professional  
50 engineer registered in Missouri in accordance with the commission's design rules;

51 (2) Such point source system shall be constructed in accordance with the registered  
52 professional engineer's design and plans; and

53 (3) Such point source system may receive a post-construction site inspection by the  
54 department prior to receiving operating permit approval. A site inspection may be performed  
55 by the department, upon receipt of a complete operating permit application or submission of  
56 an engineer's statement of work complete.

57 6. Notwithstanding any provision of this section to the contrary, the commission may  
58 exempt an entity from the requirement to obtain a permit under this section based on licensure  
59 under the Missouri fertilizer law, sections 266.291 to 266.351, only if the entity is producing

60 products that are commercially sold to an end user in accordance with such sections and has  
61 accurate labeling for each container that includes the information required under subsection 1  
62 of section 266.321.

63 7. Entities currently storing combined bulk fertilizers in storage basins shall not be  
64 exempt from any design requirements for agrichemical facilities established by rule when  
65 constructing new agrichemical facilities.

66 8. (1) In order to receive an operating permit under this section, any point source or  
67 operating location seeking an operating permit for a commingled offsite industrial wastewater  
68 or wastewater residuals open storage basin or open storage vessel shall meet current design  
69 requirements for a wastewater treatment facility's design capacity.

70 (2) Except as provided in subdivision (3) of this subsection, the department shall  
71 require at least, but not more than, the following buffer distances between the nearest  
72 commingled offsite industrial wastewater or wastewater residuals open storage basin or open  
73 storage vessel and any public building or occupied residence other than a public building or  
74 occupied residence that is operated by the commingled offsite industrial wastewater or  
75 wastewater residuals open storage basin or open storage vessel or a residence from which a  
76 written agreement for operation is obtained:

77 (a) For a facility with a capacity of more than five hundred thousand gallons but less  
78 than or equal to five million gallons, one thousand feet;

79 (b) For a facility with a capacity of more than five million gallons but less than or  
80 equal to ten million gallons, two thousand feet; and

81 (c) For a facility with a capacity of more than ten million gallons, three thousand five  
82 hundred feet.

83 (3) All commingled offsite industrial wastewater or wastewater residuals open  
84 storage basins or open storage vessels holding valid operating permits as of July 9, 2024, shall  
85 be exempt from the buffer distances prescribed in subdivision (2) of this subsection. Such  
86 distances shall not apply to a facility that has received a written agreement signed by all  
87 affected property owners within the relevant buffer distance.

88 (4) The department shall require groundwater monitoring on a site-specific basis  
89 when, in the determination of the division of geological survey, the commingled offsite  
90 industrial wastewater and wastewater residuals open storage basin or open storage vessel is  
91 located in proximity to a geological feature that increases the likelihood of groundwater  
92 contamination.

93 (5) (a) The department shall establish by rule sampling requirements for commingled  
94 offsite industrial wastewater and wastewater residuals open storage basins or open storage  
95 vessels based on permitted materials.

96 (b) The department shall, within sixty days of July 9, 2024, begin the process of  
97 promulgating rules, which shall include creating a chain of custody record form to be used by  
98 all parties during the handling of testing samples, and, at a minimum, establish criteria to  
99 require annual sampling and testing of any contents of any commingled offsite industrial  
100 wastewater or wastewater residuals open storage basin or open storage vessel for:

101 a. The total concentrations of metals, including arsenic, aluminum, barium, cadmium,  
102 chromium, copper, lead, mercury, selenium, silver, and thallium; and

103 b. E. coli and fecal coliform.

104 (c) Testing under paragraph (b) of this subdivision shall be done by a third-party  
105 certified laboratory and results of the testing shall be sent to the department by the third-party  
106 certified laboratory annually.

107 9. A governmental unit may apply to the department for authorization to operate a  
108 local supervised program, and the department may authorize such a program. A local  
109 supervised program would recognize the governmental unit's engineering capacity and ability  
110 to conduct engineering work, supervise construction and maintain compliance with relevant  
111 operating permit requirements.

112 10. Before issuing any permit required by this section, the director shall issue such  
113 notices, conduct such hearings, and consider such factors, comments and recommendations as  
114 required by sections 644.006 to 644.141 or any federal water pollution control act. The  
115 director shall determine if any state or any provisions of any federal water pollution control  
116 act the state is required to enforce, any state or federal effluent limitations or regulations,  
117 water quality-related effluent limitations, national standards of performance, toxic and  
118 pretreatment standards, or water quality standards which apply to the source, or any such  
119 standards in the vicinity of the source, are being exceeded, and shall determine the impact on  
120 such water quality standards from the source. The director, in order to effectuate the purposes  
121 of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts,  
122 regulations, limitations or standards or will appreciably affect the water quality standards or  
123 the water quality standards are being substantially exceeded, unless the permit is issued with  
124 such conditions as to make the source comply with such requirements within an acceptable  
125 time schedule.

126 11. The director shall grant or deny the permit within sixty days after all requirements  
127 of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied  
128 unless the application does not require any permit pursuant to any federal water pollution  
129 control act. The director or the commission may require the applicant to provide and  
130 maintain such facilities or to conduct such tests and monitor effluents as necessary to  
131 determine the nature, extent, quantity or degree of water contaminant discharged or released

132 from the source, establish and maintain records and make reports regarding such  
133 determination.

134         12. The director shall promptly notify the applicant in writing of his or her action and  
135 if the permit is denied state the reasons for such denial. As provided by sections 621.250 and  
136 640.013, the applicant may appeal to the administrative hearing commission from the denial  
137 of a permit or from any condition in any permit by filing a petition with the administrative  
138 hearing commission within thirty days of the notice of denial or issuance of the permit. After  
139 a final action is taken on a new or reissued general permit, a potential applicant for the general  
140 permit who can demonstrate that he or she is or may be adversely affected by any permit term  
141 or condition may appeal the terms and conditions of the general permit within thirty days of  
142 the department's issuance of the general permit. In no event shall a permit constitute  
143 permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.  
144 Once the administrative hearing commission has reviewed the appeal, the administrative  
145 hearing commission shall issue a recommended decision to the commission on permit  
146 issuance, denial, or any condition of the permit. The commission shall issue its own decision,  
147 based on the appeal, for permit issuance, denial, or any condition of the permit. If the  
148 commission changes a finding of fact or conclusion of law made by the administrative  
149 hearing commission, or modifies or vacates the decision recommended by the administrative  
150 hearing commission, it shall issue its own decision, which shall include findings of fact and  
151 conclusions of law. The commission shall mail copies of its final decision to the parties to the  
152 appeal or their counsel of record. The commission's decision shall be subject to judicial  
153 review pursuant to chapter 536, except that the court of appeals district with territorial  
154 jurisdiction coextensive with the county where the point source is to be located shall have  
155 original jurisdiction. No judicial review shall be available until and unless all administrative  
156 remedies are exhausted.

157         13. In any hearing held pursuant to this section that involves a permit, license, or  
158 registration, the burden of proof is on the party specified in section 640.012. Any decision of  
159 the commission made pursuant to a hearing held pursuant to this section is subject to judicial  
160 review as provided in section 644.071.

161         14. In any event, no permit issued pursuant to this section shall be issued if properly  
162 objected to by the federal government or any agency authorized to object pursuant to any  
163 federal water pollution control act unless the application does not require any permit pursuant  
164 to any federal water pollution control act.

165         15. Permits may be modified, reissued, or terminated at the request of the permittee.  
166 All requests shall be in writing and shall contain facts or reasons supporting the request.

167         16. No manufacturing or processing plant or operating location shall be required to  
168 pay more than one operating fee. Operating permits shall be issued for a period not to exceed

169 five years after date of issuance, except that general permits shall be issued for a five-year  
170 period, and also except that neither a construction nor an annual permit shall be required for a  
171 single residence's waste treatment facilities. Applications for renewal of a site-specific  
172 operating permit shall be filed at least one hundred eighty days prior to the expiration of the  
173 existing permit. Applications seeking to renew coverage under a general permit shall be  
174 submitted at least thirty days prior to the expiration of the general permit, unless the permittee  
175 has been notified by the director that an earlier application must be made. General permits  
176 may be applied for and issued electronically once made available by the director.

177 17. Every permit issued to municipal or any publicly owned treatment works or  
178 facility shall require the permittee to provide the clean water commission with adequate  
179 notice of any substantial new introductions of water contaminants or pollutants into such  
180 works or facility from any source for which such notice is required by sections 644.006 to  
181 644.141 or any federal water pollution control act. Such permit shall also require the  
182 permittee to notify the clean water commission of any substantial change in volume or  
183 character of water contaminants or pollutants being introduced into its treatment works or  
184 facility by a source which was introducing water contaminants or pollutants into its works at  
185 the time of issuance of the permit. Notice must describe the quality and quantity of effluent  
186 being introduced or to be introduced into such works or facility by a source which was  
187 introducing water contaminants or pollutants into its works at the time of issuance of the  
188 permit. Notice must describe the quality and quantity of effluent being introduced or to be  
189 introduced into such works or facility and the anticipated impact of such introduction on the  
190 quality or quantity of effluent to be released from such works or facility into waters of the  
191 state.

192 18. The director or the commission may require the filing or posting of a bond as a  
193 condition for the issuance of permits for construction of temporary or future water treatment  
194 facilities or facilities that utilize innovative technology for wastewater treatment in an amount  
195 determined by the commission to be sufficient to ensure compliance with all provisions of  
196 sections 644.006 to 644.141, and any rules or regulations of the commission and any  
197 condition as to such construction in the permit. For the purposes of this section, "innovative  
198 technology for wastewater treatment" shall mean a completely new and generally unproven  
199 technology in the type or method of its application that bench testing or theory suggest has  
200 environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall  
201 be required for designs approved by any federal agency or environmental regulatory agency  
202 of another state. The bond shall be signed by the applicant as principal, and by a corporate  
203 surety licensed to do business in the state of Missouri and approved by the commission. The  
204 bond shall remain in effect until the terms and conditions of the permit are met and the

205 provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant  
206 thereto are complied with.

207         19. (1) The department shall issue or deny applications for construction and site-  
208 specific operating permits received after January 1, 2001, within one hundred eighty days of  
209 the department's receipt of an application. For general construction and operating permit  
210 applications received after January 1, 2001, that do not require a public participation process,  
211 the department shall issue or deny the permits within sixty days of the department's receipt of  
212 an application. For an application seeking coverage under a renewed general permit that does  
213 not require an individual public participation process, the director shall issue or deny the  
214 permit within sixty days of the director's receipt of the application, or upon issuance of the  
215 general permit, whichever is later. In regard to an application seeking coverage under an  
216 initial general permit that does not require an individual public participation process, the  
217 director shall issue or deny the permit within sixty days of the department's receipt of the  
218 application. For an application seeking coverage under a renewed general permit that  
219 requires an individual public participation process, the director shall issue or deny the permit  
220 within ninety days of the director's receipt of the application, or upon issuance of the general  
221 permit, whichever is later. In regard to an application for an initial general permit that  
222 requires an individual public participation process, the director shall issue or deny the permit  
223 within ninety days of the director's receipt of the application.

224         (2) If the department fails to issue or deny with good cause a construction or  
225 operating permit application within the time frames established in subdivision (1) of this  
226 subsection, the department shall refund the full amount of the initial application fee within  
227 forty-five days of failure to meet the established time frame. If the department fails to refund  
228 the application fee within forty-five days, the refund amount shall accrue interest at a rate  
229 established pursuant to section 32.065.

230         (3) Permit fee disputes may be appealed to the commission within thirty days of the  
231 date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee  
232 dispute appealed to the commission, the commission may order the director to refund the  
233 applicant's permit fee plus interest and reasonable attorney's fees as provided in sections  
234 536.085 and 536.087. A refund of the initial application or annual fee does not waive the  
235 applicant's responsibility to pay any annual fees due each year following issuance of a permit.

236         (4) No later than December 31, 2001, the commission shall promulgate regulations  
237 defining shorter review time periods than the time frames established in subdivision (1) of  
238 this subsection, when appropriate, for different classes of construction and operating permits.  
239 In no case shall commission regulations adopt permit review times that exceed the time  
240 frames established in subdivision (1) of this subsection. The department's failure to comply  
241 with the commission's permit review time periods shall result in a refund of said permit fees

242 as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall  
243 submit to the commission a report which describes the different classes of permits and reports  
244 on the number of days it took the department to issue each permit from the date of receipt of  
245 the application and show averages for each different class of permits.

246 (5) During the department's technical review of the application, the department may  
247 request the applicant submit supplemental or additional information necessary for adequate  
248 permit review. The department's technical review letter shall contain a sufficient description  
249 of the type of additional information needed to comply with the application requirements.

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

253 20. The department shall respond to all requests for individual certification under  
254 Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed  
255 response period established pursuant to applicable federal regulations without request for an  
256 extension period unless such extension is determined by the commission to be necessary to  
257 evaluate significant impacts on water quality standards and the commission establishes a  
258 timetable for completion of such evaluation in a period of no more than one hundred eighty  
259 days.

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

263 22. The department shall implement permit shield provisions equivalent to the permit  
264 shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the  
265 Clean Water Act, Section 402(k), 33 U.S.C. Section 1342(k), and its implementing  
266 regulations, for permits issued pursuant to this chapter.

267 23. Prior to the development of a new general permit or reissuance of a general permit  
268 for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general  
269 permit under which fifty or more permits were issued under a general permit during the  
270 immediately preceding five-year period for a designated category of water contaminant  
271 sources, the director shall implement a public participation process complying with the  
272 following minimum requirements:

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

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

279 (3) The director shall hold a public informational meeting to provide information on  
280 anticipated permit conditions and requirements and to receive informal comments from  
281 permittees and other interested persons. The director shall include notice of the public  
282 informational meeting with the notice of intent to issue a new general permit or reissue a  
283 general permit under subdivision (2) of this subsection. The notice of the public  
284 informational meeting, including the date, time and location, shall be posted on the  
285 department's website at least thirty days in advance of the public meeting. If the meeting is  
286 being held for reissuance of a general permit, notice shall also be made by electronic mail to  
287 all permittees holding the current general permit which is expiring. Notice to current  
288 permittees shall be made at least twenty days prior to the public meeting;

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

294 (5) A revised draft of a general permit template and the director's response to  
295 comments submitted during the public comment period shall be posted on the department's  
296 website at least forty-five days prior to issuance of the general permit. At least forty-five days  
297 prior to issuance of the general permit the department shall notify all persons who submitted  
298 comments to the department that these documents have been posted to the department's  
299 website;

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

302 24. Notices required to be made by the department pursuant to subsection 23 of this  
303 section may be made by electronic mail. The department shall not be required to make notice  
304 to any permittee or other person who has not provided a current electronic mail address to the  
305 department. In the event the department chooses to make material modifications to the  
306 general permit before its expiration, the department shall follow the public participation  
307 process described in subsection 23 of this section.

644.057. Notwithstanding any statutory fee amounts or maximums to the contrary,  
2 the director of the department of natural resources may conduct a comprehensive review and  
3 propose changes to the clean water fee structure set forth in sections 644.052, 644.053, and  
4 644.061. The comprehensive review shall include stakeholder meetings in order to solicit  
5 stakeholder input from each of the following groups: agriculture, industry, municipalities,  
6 public and private wastewater facilities, and the development community. Upon completion  
7 of the comprehensive review, the department shall submit a proposed fee structure with  
8 stakeholder agreement to the clean water commission. The commission shall review such

9 recommendations at the forthcoming regular or special meeting, but shall not vote on the fee  
10 structure until a subsequent meeting. ~~[In no case shall the clean water commission adopt or~~  
11 ~~recommend any clean water fee in excess of five thousand dollars.]~~ If the commission  
12 approves, by vote of two-thirds majority or five of seven commissioners, the fee structure  
13 recommendations, the commission shall authorize the department to file a notice of proposed  
14 rulemaking containing the recommended fee structure, and after considering public  
15 comments, may authorize the department to file the order of rulemaking for such rule with  
16 the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later  
17 than December first of the same year. If such rules are not disapproved by the general  
18 assembly in the manner set out below, they shall take effect on January first of the following  
19 calendar year and the fee structures set forth in sections 644.052, 644.053, and 644.061 shall  
20 expire upon the effective date of the commission-adopted fee structure, contrary to section  
21 644.054. Any regulation promulgated under this subsection shall be deemed to be beyond the  
22 scope and authority provided in this subsection, or detrimental to permit applicants, if the  
23 general assembly, within the first sixty calendar days of the regular session immediately  
24 following the filing of such regulation disapproves the regulation by concurrent resolution. If  
25 the general assembly so disapproves any regulation filed under this subsection, the  
26 department and the commission shall not implement the proposed fee structure and shall  
27 continue to use the previous fee structure. The authority of the commission to further revise  
28 the fee structure provided by this section shall expire on August 28, 2030. If the  
29 commission's authority to revise the fee structure as provided by this section expires, the fee  
30 structure in place at the time of expiration shall remain in place.

644.059. Agricultural **nonpoint sources and agricultural** storm water discharges  
2 and return flows from irrigated agriculture shall be exempt from permitting requirements set  
3 forth in sections 644.006 to 644.141. Agricultural storm water discharges and return flows  
4 from irrigated agriculture shall not be considered unlawful under subdivisions (1) and (2) of  
5 subsection 1 of section 644.051 unless such discharges or return flows have entered waters of  
6 the state and have rendered such waters harmful, detrimental, or injurious to public health,  
7 safety, or welfare, or to industrial or agricultural uses, or to wild animals, birds, or fish. For  
8 the purposes of this section, agricultural storm water discharges and return flows from  
9 irrigated agriculture shall include storm water and snow melt runoff, drainage, and  
10 infiltration, including water that leaves land as a result of the application of irrigation water,  
11 both surface and subsurface, from standard farming industry practices. This shall include but  
12 not be limited to cultivation and tillage of soil, and production, growing, raising, and  
13 harvesting of agricultural commodities and livestock. Nothing in this section shall be  
14 construed to effect, limit, or supersede sections 640.700 to 640.755 or any other law or  
15 regulation of concentrated animal feeding operations.

**644.083. 1. Notwithstanding any provision of law to the contrary, a person who**  
2 **has contracted for the right to store water in a reservoir owned by the United States**  
3 **Army Corps of Engineers shall have exclusive rights to any return flows generated**  
4 **directly or indirectly to that reservoir by the person. The rights under this section shall**  
5 **be subject to regulatory requirements imposed by the state and to the availability to the**  
6 **person of unused storage capacity within the reservoir to store such return flows.**

7 **2. For purposes of this section, "return flow" means water that is discharged**  
8 **directly or indirectly to a reservoir from a water reclamation facility.**

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