

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 953

103RD GENERAL ASSEMBLY
2026

4505H.04T

AN ACT

To repeal sections 640.144, 640.220, 643.350, 644.021, 644.051, and 644.059, RSMo, and to enact in lieu thereof seven new sections relating to environmental programs within the department of natural resources.

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

Section A. Sections 640.144, 640.220, 643.350, 644.021,
2 644.051, and 644.059, RSMo, are repealed and seven new sections
3 enacted in lieu thereof, to be known as sections 640.144,
4 640.220, 643.350, 644.021, 644.051, 644.059, and 644.083, to
5 read as follows:

640.144. 1. All community water systems shall be
2 required to create a valve inspection program that includes:

- 3 (1) Inspection of all valves every ten years;
4 (2) Scheduled repair or replacement of broken valves;

5 and

6 (3) Within five years of August 28, 2020,
7 identification of each shut-off valve location using a
8 geographic information system or an alternative physical
9 mapping system that accurately identifies the location of
10 each valve.

11 2. All community water systems shall be required to
12 create a hydrant inspection program that includes:

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 13 (1) Scheduled testing of every hydrant in the
14 community water system;
- 15 (2) Scheduled repair or replacement of broken hydrants;
- 16 (3) A plan to flush every hydrant and dead-end main;
- 17 (4) Maintenance of records of inspections, tests, and
18 flushings for six years; and
- 19 (5) Within five years of August 28, 2020,
20 identification of each hydrant location using a geographic
21 information system or an alternative physical mapping system
22 that accurately identifies the location of each hydrant.
- 23 3. The provisions of this section shall not apply to
24 any state parks, cities with a population of more than
25 thirty thousand inhabitants, [a] **any** county with a charter
26 form of government and with more than six hundred thousand
27 but fewer than seven hundred thousand inhabitants, [a] **any**
28 county with a charter form of government and with more than
29 nine hundred fifty thousand inhabitants, or [a] **any** public
30 service commission regulated utility with more than thirty
31 thousand customers.

640.220. 1. For the purpose of protecting the air,
2 water and land resources of the state, there is hereby
3 created in the state treasury a fund to be known as the
4 "Natural Resources Protection Fund". All funds received
5 from air pollution permit fees, gifts, bequests, donations,
6 or any other moneys so designated shall be paid to the
7 director of the department of natural resources, transmitted
8 to the director of revenue and deposited in the state
9 treasury to the credit of an appropriate subaccount of the
10 natural resources protection fund and shall be used for the
11 purposes specified by law. The air pollution permit fee
12 revenues shall be deposited in an appropriate subaccount of
13 the natural resources protection fund and, subject to

14 appropriation by the general assembly, shall be used by the
15 department to carry out the general administration of
16 section 643.075. The water pollution permit fee revenues
17 generated through sections 644.052, 644.053, 644.054 and
18 644.061 shall be paid to the director of the department of
19 natural resources, transmitted to the director of the
20 department of revenue and deposited to the credit of the
21 water pollution permit fee subaccount of the natural
22 resources protection fund and, subject to appropriation by
23 the general assembly, shall be used by the department to
24 carry out the administration of sections 644.006 to 644.141.

25 2. Effective July 1, 1991, **and before June 30, 2027,**
26 the provisions of section 33.080 to the contrary
27 notwithstanding, any unexpended balance in the subaccounts
28 of the natural resources protection fund that exceeds the
29 preceding biennium's collections shall revert to the general
30 revenue fund of the state at the end of each biennium.
31 **Beginning July 1, 2027, any unexpended balance in the**
32 **subaccounts of the natural resources protection fund that**
33 **exceeds the preceding biennium's collections shall not**
34 **revert to the general revenue fund of the state at the end**
35 **of each biennium.** All interest earned on the natural
36 resources protection funds shall accrue to appropriate
37 subaccounts.

38 3. **Beginning July 1, 2027, and annually on July first**
39 **of each succeeding year, the commissioner of administration**
40 **shall use taxable sales reports to estimate the amount of**
41 **state general revenue sales and use tax derived from**
42 **electric power distribution (NAICS code 221122, or its**
43 **successor) in the immediately preceding calendar year and**
44 **shall report such amount to the state treasurer. The state**
45 **treasurer shall transfer five percent of such general**

46 revenue sales and use taxes to the air pollution permit fees
47 subaccount of the natural resources protection fund and such
48 funds, subject to appropriation by the general assembly,
49 shall be used by the department solely for the purpose of
50 funding the air pollution control program. Any provision of
51 law to the contrary notwithstanding, amounts transferred in
52 accordance with this subsection shall not revert to the
53 general revenue fund of the state at the end of each
54 biennium and shall be used solely for the purpose of funding
55 the air pollution control program.

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

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

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

11 4. The official emission inspection station shall
12 remit the portion of fees collected, as established by the
13 commission pursuant to this section, to the state treasurer
14 within the time period established by the commission. The
15 state treasurer shall deposit the fees received in the state
16 treasury to the credit of the "Missouri Air Emission
17 Reduction Fund", which is hereby created. Moneys in the
18 fund shall, subject to appropriation, be expended for the
19 administration and enforcement of sections 643.300 to
20 643.355 by the department of natural resources, the Missouri
21 highway patrol, and other appropriate agencies. Any balance
22 in the fund at the end of the biennium shall remain in the

23 fund and shall not be subject to the provisions of section
24 33.080. All interest earned by moneys in the fund shall
25 accrue to the fund. [If in the immediate previous fiscal
26 year, the state's net general revenue did not increase by
27 two percent or more, the state treasurer may deposit moneys,
28 except for gifts, donations, or bequests, received under
29 this section beginning January first of the current fiscal
30 year into the state general revenue fund. Otherwise, the
31 state treasurer shall deposit such moneys in accordance with
32 the provisions of this section.]

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

644.021. 1. There is hereby created a water
2 contaminant control agency to be known as the "Clean Water
3 Commission of the State of Missouri", whose domicile for the
4 purposes of sections 644.006 to 644.141 shall be deemed to
5 be that of the department of natural resources. The
6 commission shall consist of seven members appointed by the
7 governor with the advice and consent of the senate. No more
8 than four of the members shall belong to the same political
9 party. All members shall be representative of the general
10 interest of the public and shall have an interest in and
11 knowledge of conservation and the effects and control of
12 water contaminants. At least two members shall be
13 knowledgeable concerning the needs of agriculture, industry
14 or mining and interested in protecting these needs in a
15 manner consistent with the purposes of sections 644.006 to
16 644.141. **At least** one member shall be knowledgeable
17 concerning the needs of publicly owned wastewater treatment

18 works. No more than four members shall represent the
19 public. [No member shall receive, or have received during
20 the previous two years, a significant portion of his or her
21 income directly or indirectly from permit holders or
22 applicants for a permit pursuant to any federal water
23 pollution control act as amended and as applicable to this
24 state.] **The commission shall establish rules of procedure**
25 **that specify when members shall exempt themselves from**
26 **participating in discussions and from voting on issues**
27 **before the commission due to a potential conflict of**
28 **interest as prohibited under section 105.452. A member**
29 **shall exempt him or herself from participating in**
30 **discussions and from voting on any issue before the**
31 **commission including, but not limited to, permitting and**
32 **enforcement actions that directly involve an entity from**
33 **which the commissioner receives or has received within the**
34 **previous two years a significant portion of his or her**
35 **income.** All members appointed on or after August 28, 2002,
36 shall have demonstrated an interest and knowledge about
37 water quality. All members appointed on or after August 28,
38 2002, shall be qualified by interest, education, training or
39 experience to provide, assess and evaluate scientific and
40 technical information concerning water quality, financial
41 requirements and the effects of the promulgation of
42 standards, rules and regulations. At the first meeting of
43 the commission and at yearly intervals thereafter, the
44 members shall select from among themselves a chairman and a
45 vice chairman.

46 2. The members' terms of office shall be four years
47 and until their successors are selected and qualified.
48 Provided, however, that the first three members appointed
49 shall serve a term of two years, the next three members

50 appointed shall serve a term of four years, thereafter all
51 members appointed shall serve a term of four years. There
52 is no limitation on the number of terms any appointed member
53 may serve. If a vacancy occurs the governor may appoint a
54 member for the remaining portion of the unexpired term
55 created by the vacancy. The governor may remove any
56 appointed member for cause. The members of the commission
57 shall be reimbursed for travel and other expenses actually
58 and necessarily incurred in the performance of their duties.

59 3. The commission shall hold at least four regular
60 meetings each year and such additional meetings as the
61 chairman deems desirable at a place and time to be fixed by
62 the chairman. Special meetings may be called by three
63 members of the commission upon delivery of written notice to
64 each member of the commission. Reasonable written notice of
65 all meetings shall be given by the director to all members
66 of the commission. Four members of the commission shall
67 constitute a quorum. All powers and duties conferred
68 specifically upon members of the commission shall be
69 exercised personally by the members and not by alternates or
70 representatives. All actions of the commission shall be
71 taken at meetings open to the public. Any member absent
72 from six consecutive regular commission meetings for any
73 cause whatsoever shall be deemed to have resigned and the
74 vacancy shall be filled immediately in accordance with
75 subsection **[1] 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
3 to place or cause or permit to be placed any water
4 contaminant in a location where it is reasonably certain to
5 cause pollution of any waters of the state;

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

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

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

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

30 3. It shall be unlawful for any person to construct,
31 build, replace or make major modification to any point
32 source or collection system that is principally designed to
33 convey or discharge human sewage to waters of the state,
34 unless such person obtains a construction permit from the
35 commission, except as provided in this section. The
36 following activities shall be excluded from construction
37 permit requirements:

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

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

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

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

48 4. A construction permit may be required by the
49 department in the following circumstances:

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

52 (2) To address noncompliance;

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

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

56 5. Any point source that proposes to construct an
57 earthen storage structure to hold, convey, contain, store or
58 treat domestic, agricultural, or industrial process
59 wastewater also shall be subject to the construction permit
60 provisions of subsections 3 to 5 of this section. However,
61 any earthen basin constructed to retain and settle nontoxic,
62 nonmetallic earthen materials such as soil, silt, and rock
63 shall be exempt from the construction permit provisions of
64 subsections 3 to 5 of this section. All other construction-
65 related activities at point sources not subject to
66 subsections 3 to 5 of this section shall be exempt from the
67 construction permit requirements. All activities that are
68 exempted from the construction permit requirement are
69 subject to the following conditions:

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

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

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

84 6. Notwithstanding any provision of this section to
85 the contrary, the commission may exempt an entity from the
86 requirement to obtain a permit under this section based on
87 licensure under the Missouri fertilizer law, sections
88 266.291 to 266.351, only if the entity is producing products
89 that are commercially sold to an end user in accordance with
90 such sections and has accurate labeling for each container
91 that includes the information required under subsection 1 of
92 section 266.321.

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

97 8. (1) In order to receive an operating permit under
98 this section, any point source or operating location seeking
99 an operating permit for a commingled offsite industrial
100 wastewater or wastewater residuals open storage basin or

101 open storage vessel shall meet current design requirements
102 for a wastewater treatment facility's design capacity.

103 (2) Except as provided in subdivision (3) of this
104 subsection, the department shall require at least, but not
105 more than, the following buffer distances between the
106 nearest commingled offsite industrial wastewater or
107 wastewater residuals open storage basin or open storage
108 vessel and any public building or occupied residence other
109 than a public building or occupied residence that is
110 operated by the commingled offsite industrial wastewater or
111 wastewater residuals open storage basin or open storage
112 vessel or a residence from which a written agreement for
113 operation is obtained:

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

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

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

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

130 (4) The department shall require groundwater
131 monitoring on a site-specific basis when, in the
132 determination of the division of geological survey, the

133 commingled offsite industrial wastewater and wastewater
134 residuals open storage basin or open storage vessel is
135 located in proximity to a geological feature that increases
136 the likelihood of groundwater contamination.

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

141 (b) The department shall, within sixty days of July 9,
142 2024, begin the process of promulgating rules, which shall
143 include creating a chain of custody record form to be used
144 by all parties during the handling of testing samples, and,
145 at a minimum, establish criteria to require annual sampling
146 and testing of any contents of any commingled offsite
147 industrial wastewater or wastewater residuals open storage
148 basin or open storage vessel for:

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

152 b. E. coli and fecal coliform.

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

157 9. A governmental unit may apply to the department for
158 authorization to operate a local supervised program, and the
159 department may authorize such a program. A local supervised
160 program would recognize the governmental unit's engineering
161 capacity and ability to conduct engineering work, supervise
162 construction and maintain compliance with relevant operating
163 permit requirements.

164 10. Before issuing any permit required by this
165 section, the director shall issue such notices, conduct such
166 hearings, and consider such factors, comments and
167 recommendations as required by sections 644.006 to 644.141
168 or any federal water pollution control act. The director
169 shall determine if any state or any provisions of any
170 federal water pollution control act the state is required to
171 enforce, any state or federal effluent limitations or
172 regulations, water quality-related effluent limitations,
173 national standards of performance, toxic and pretreatment
174 standards, or water quality standards which apply to the
175 source, or any such standards in the vicinity of the source,
176 are being exceeded, and shall determine the impact on such
177 water quality standards from the source. The director, in
178 order to effectuate the purposes of sections 644.006 to
179 644.141, shall deny a permit if the source will violate any
180 such acts, regulations, limitations or standards or will
181 appreciably affect the water quality standards or the water
182 quality standards are being substantially exceeded, unless
183 the permit is issued with such conditions as to make the
184 source comply with such requirements within an acceptable
185 time schedule.

186 11. The director shall grant or deny the permit within
187 sixty days after all requirements of the Federal Water
188 Pollution Control Act concerning issuance of permits have
189 been satisfied unless the application does not require any
190 permit pursuant to any federal water pollution control act.
191 The director or the commission may require the applicant to
192 provide and maintain such facilities or to conduct such
193 tests and monitor effluents as necessary to determine the
194 nature, extent, quantity or degree of water contaminant
195 discharged or released from the source, establish and

196 maintain records and make reports regarding such
197 determination.

198 12. The director shall promptly notify the applicant
199 in writing of his or her action and if the permit is denied
200 state the reasons for such denial. As provided by sections
201 621.250 and 640.013, the applicant may appeal to the
202 administrative hearing commission from the denial of a
203 permit or from any condition in any permit by filing a
204 petition with the administrative hearing commission within
205 thirty days of the notice of denial or issuance of the
206 permit. After a final action is taken on a new or reissued
207 general permit, a potential applicant for the general permit
208 who can demonstrate that he or she is or may be adversely
209 affected by any permit term or condition may appeal the
210 terms and conditions of the general permit within thirty
211 days of the department's issuance of the general permit. In
212 no event shall a permit constitute permission to violate the
213 law or any standard, rule or regulation promulgated pursuant
214 thereto. Once the administrative hearing commission has
215 reviewed the appeal, the administrative hearing commission
216 shall issue a recommended decision to the commission on
217 permit issuance, denial, or any condition of the permit.
218 The commission shall issue its own decision, based on the
219 appeal, for permit issuance, denial, or any condition of the
220 permit. If the commission changes a finding of fact or
221 conclusion of law made by the administrative hearing
222 commission, or modifies or vacates the decision recommended
223 by the administrative hearing commission, it shall issue its
224 own decision, which shall include findings of fact and
225 conclusions of law. The commission shall mail copies of its
226 final decision to the parties to the appeal or their counsel
227 of record. The commission's decision shall be subject to

228 judicial review pursuant to chapter 536, except that the
229 court of appeals district with territorial jurisdiction
230 coextensive with the county where the point source is to be
231 located shall have original jurisdiction. No judicial
232 review shall be available until and unless all
233 administrative remedies are exhausted.

234 13. In any hearing held pursuant to this section that
235 involves a permit, license, or registration, the burden of
236 proof is on the party specified in section 640.012. Any
237 decision of the commission made pursuant to a hearing held
238 pursuant to this section is subject to judicial review as
239 provided in section 644.071.

240 14. In any event, no permit issued pursuant to this
241 section shall be issued if properly objected to by the
242 federal government or any agency authorized to object
243 pursuant to any federal water pollution control act unless
244 the application does not require any permit pursuant to any
245 federal water pollution control act.

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

250 16. No manufacturing or processing plant or operating
251 location shall be required to pay more than one operating
252 fee. Operating permits shall be issued for a period not to
253 exceed five years after date of issuance, except that
254 general permits shall be issued for a five-year period, and
255 also except that neither a construction nor an annual permit
256 shall be required for a single residence's waste treatment
257 facilities. Applications for renewal of a site-specific
258 operating permit shall be filed at least one hundred eighty
259 days prior to the expiration of the existing permit.

260 Applications seeking to renew coverage under a general
261 permit shall be submitted at least thirty days prior to the
262 expiration of the general permit, unless the permittee has
263 been notified by the director that an earlier application
264 must be made. General permits may be applied for and issued
265 electronically once made available by the director.

266 17. Every permit issued to municipal or any publicly
267 owned treatment works or facility shall require the
268 permittee to provide the clean water commission with
269 adequate notice of any substantial new introductions of
270 water contaminants or pollutants into such works or facility
271 from any source for which such notice is required by
272 sections 644.006 to 644.141 or any federal water pollution
273 control act. Such permit shall also require the permittee
274 to notify the clean water commission of any substantial
275 change in volume or character of water contaminants or
276 pollutants being introduced into its treatment works or
277 facility by a source which was introducing water
278 contaminants or pollutants into its works at the time of
279 issuance of the permit. Notice must describe the quality
280 and quantity of effluent being introduced or to be
281 introduced into such works or facility by a source which was
282 introducing water contaminants or pollutants into its works
283 at the time of issuance of the permit. Notice must describe
284 the quality and quantity of effluent being introduced or to
285 be introduced into such works or facility and the
286 anticipated impact of such introduction on the quality or
287 quantity of effluent to be released from such works or
288 facility into waters of the state.

289 18. The director or the commission may require the
290 filing or posting of a bond as a condition for the issuance
291 of permits for construction of temporary or future water

292 treatment facilities or facilities that utilize innovative
293 technology for wastewater treatment in an amount determined
294 by the commission to be sufficient to ensure compliance with
295 all provisions of sections 644.006 to 644.141, and any rules
296 or regulations of the commission and any condition as to
297 such construction in the permit. For the purposes of this
298 section, "innovative technology for wastewater treatment"
299 shall mean a completely new and generally unproven
300 technology in the type or method of its application that
301 bench testing or theory suggest has environmental,
302 efficiency, and cost benefits beyond the standard
303 technologies. No bond shall be required for designs
304 approved by any federal agency or environmental regulatory
305 agency of another state. The bond shall be signed by the
306 applicant as principal, and by a corporate surety licensed
307 to do business in the state of Missouri and approved by the
308 commission. The bond shall remain in effect until the terms
309 and conditions of the permit are met and the provisions of
310 sections 644.006 to 644.141 and rules and regulations
311 promulgated pursuant thereto are complied with.

312 19. (1) The department shall issue or deny
313 applications for construction and site-specific operating
314 permits received after January 1, 2001, within one hundred
315 eighty days of the department's receipt of an application.
316 For general construction and operating permit applications
317 received after January 1, 2001, that do not require a public
318 participation process, the department shall issue or deny
319 the permits within sixty days of the department's receipt of
320 an application. For an application seeking coverage under a
321 renewed general permit that does not require an individual
322 public participation process, the director shall issue or
323 deny the permit within sixty days of the director's receipt

324 of the application, or upon issuance of the general permit,
325 whichever is later. In regard to an application seeking
326 coverage under an initial general permit that does not
327 require an individual public participation process, the
328 director shall issue or deny the permit within sixty days of
329 the department's receipt of the application. For an
330 application seeking coverage under a renewed general permit
331 that requires an individual public participation process,
332 the director shall issue or deny the permit within ninety
333 days of the director's receipt of the application, or upon
334 issuance of the general permit, whichever is later. In
335 regard to an application for an initial general permit that
336 requires an individual public participation process, the
337 director shall issue or deny the permit within ninety days
338 of the director's receipt of the application.

339 (2) If the department fails to issue or deny with good
340 cause a construction or operating permit application within
341 the time frames established in subdivision (1) of this
342 subsection, the department shall refund the full amount of
343 the initial application fee within forty-five days of
344 failure to meet the established time frame. If the
345 department fails to refund the application fee within forty-
346 five days, the refund amount shall accrue interest at a rate
347 established pursuant to section 32.065.

348 (3) Permit fee disputes may be appealed to the
349 commission within thirty days of the date established in
350 subdivision (2) of this subsection. If the applicant
351 prevails in a permit fee dispute appealed to the commission,
352 the commission may order the director to refund the
353 applicant's permit fee plus interest and reasonable
354 attorney's fees as provided in sections 536.085 and
355 536.087. A refund of the initial application or annual fee

356 does not waive the applicant's responsibility to pay any
357 annual fees due each year following issuance of a permit.

358 (4) No later than December 31, 2001, the commission
359 shall promulgate regulations defining shorter review time
360 periods than the time frames established in subdivision (1)
361 of this subsection, when appropriate, for different classes
362 of construction and operating permits. In no case shall
363 commission regulations adopt permit review times that exceed
364 the time frames established in subdivision (1) of this
365 subsection. The department's failure to comply with the
366 commission's permit review time periods shall result in a
367 refund of said permit fees as set forth in subdivision (2)
368 of this subsection. On a semiannual basis, the department
369 shall submit to the commission a report which describes the
370 different classes of permits and reports on the number of
371 days it took the department to issue each permit from the
372 date of receipt of the application and show averages for
373 each different class of permits.

374 (5) During the department's technical review of the
375 application, the department may request the applicant submit
376 supplemental or additional information necessary for
377 adequate permit review. The department's technical review
378 letter shall contain a sufficient description of the type of
379 additional information needed to comply with the application
380 requirements.

381 (6) Nothing in this subsection shall be interpreted to
382 mean that inaction on a permit application shall be grounds
383 to violate any provisions of sections 644.006 to 644.141 or
384 any rules promulgated pursuant to sections 644.006 to
385 644.141.

386 20. The department shall respond to all requests for
387 individual certification under Section 401 of the Federal

388 Clean Water Act within the lesser of sixty days or the
389 allowed response period established pursuant to applicable
390 federal regulations without request for an extension period
391 unless such extension is determined by the commission to be
392 necessary to evaluate significant impacts on water quality
393 standards and the commission establishes a timetable for
394 completion of such evaluation in a period of no more than
395 one hundred eighty days.

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

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

406 23. Prior to the development of a new general permit
407 or reissuance of a general permit for aquaculture, land
408 disturbance requiring a storm water permit, or reissuance of
409 a general permit under which fifty or more permits were
410 issued under a general permit during the immediately
411 preceding five-year period for a designated category of
412 water contaminant sources, the director shall implement a
413 public participation process complying with the following
414 minimum requirements:

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

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

424 (3) The director shall hold a public informational
425 meeting to provide information on anticipated permit
426 conditions and requirements and to receive informal comments
427 from permittees and other interested persons. The director
428 shall include notice of the public informational meeting
429 with the notice of intent to issue a new general permit or
430 reissue a general permit under subdivision (2) of this
431 subsection. The notice of the public informational meeting,
432 including the date, time and location, shall be posted on
433 the department's website at least thirty days in advance of
434 the public meeting. If the meeting is being held for
435 reissuance of a general permit, notice shall also be made by
436 electronic mail to all permittees holding the current
437 general permit which is expiring. Notice to current
438 permittees shall be made at least twenty days prior to the
439 public meeting;

440 (4) The director shall hold a thirty-day public
441 comment period to receive comments on the general permit
442 template with the thirty-day comment period expiring at
443 least sixty days prior to the effective date of the general
444 permit. Scanned copies of the comments received during the
445 public comment period shall be posted on the department's
446 website within five business days after close of the public
447 comment period;

448 (5) A revised draft of a general permit template and
449 the director's response to comments submitted during the
450 public comment period shall be posted on the department's

451 website at least forty-five days prior to issuance of the
452 general permit. At least forty-five days prior to issuance
453 of the general permit the department shall notify all
454 persons who submitted comments to the department that these
455 documents have been posted to the department's website;

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

459 24. Notices required to be made by the department
460 pursuant to subsection 23 of this section may be made by
461 electronic mail. The department shall not be required to
462 make notice to any permittee or other person who has not
463 provided a current electronic mail address to the
464 department. In the event the department chooses to make
465 material modifications to the general permit before its
466 expiration, the department shall follow the public
467 participation process described in subsection 23 of this
468 section.

644.059. Agricultural **nonpoint sources and**
2 **agricultural** storm water discharges and return flows from
3 irrigated agriculture shall be exempt from permitting
4 requirements set forth in sections 644.006 to 644.141.
5 Agricultural **nonpoint sources and agricultural** storm water
6 discharges and return flows from irrigated agriculture shall
7 not be considered unlawful under subdivisions (1) and (2) of
8 subsection 1 of section 644.051 unless such **nonpoint sources**
9 **and agricultural** discharges or return flows have entered
10 waters of the state and have rendered such waters harmful,
11 detrimental, or injurious to public health, safety, or
12 welfare, or to industrial or agricultural uses, or to wild
13 animals, birds, or fish. For the purposes of this section,
14 agricultural **nonpoint sources and agricultural** storm water

15 discharges and return flows from irrigated agriculture shall
16 include storm water and snow melt runoff, drainage, and
17 infiltration, including water that leaves land as a result
18 of the application of irrigation water, both surface and
19 subsurface, from standard farming industry practices. This
20 shall include but not be limited to cultivation and tillage
21 of soil, and production, growing, raising, and harvesting of
22 agricultural commodities and livestock. Nothing in this
23 section shall be construed to effect, limit, or supersede
24 sections 640.700 to 640.755 or any other law or regulation
25 of concentrated animal feeding operations.

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

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

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