

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 192

96TH GENERAL ASSEMBLY

0577L.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 253.082, 253.090, 260.262, 260.380, 260.475, 260.965, 414.072, 644.036, and 644.054, RSMo, and to enact in lieu thereof fifteen new sections relating to environmental protection, with an emergency clause for certain sections.

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

Section A. Sections 253.082, 253.090, 260.262, 260.380, 260.475, 260.965, 414.072, 2  
644.036, and 644.054, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to  
3 be known as sections 253.082, 253.090, 256.055, 260.262, 260.269, 260.380, 260.475, 260.965,  
4 319.130, 414.072, 640.045, 640.116, 644.036, 644.054, and 1, to read as follows:

253.082. **1.** Upon a request from the director of the department of natural resources, the  
2 commissioner of administration shall draw a warrant payable to the facility head of each of the  
3 state parks and historic sites in an amount to be specified by the director of the department of  
4 natural resources, but such amount shall not exceed the sum of one thousand five hundred dollars  
5 for each such facility. The sum so specified shall be placed in the hands of the facility head as  
6 a revolving fund to be used in the payment of the incidental expenses of the facility for which  
7 he has been appointed and for the refund of fees paid by the public. All expenditures shall be  
8 made in accordance with rules and regulations established by the commissioner of  
9 administration.

10 **2.** Upon a request from the director of the department of natural resources, the  
11 commissioner of administration shall draw a warrant payable to the director of the  
12 division of state parks in an amount to be specified by the director of the department of  
13 natural resources, but such amount shall not exceed the sum of five hundred dollars. The  
14 sum so specified shall be placed in the hands of the director of state parks as a revolving

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.

15 **fund to be used in the cash transactions involving the sale of items made by the division of**  
16 **state parks. All transactions shall be made in accordance with rules and regulations**  
17 **established by the commissioner of administration.**

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

- 13 (1) Paying the principal and interest of revenue bonds issued;
- 14 (2) Providing an interest and sinking fund;
- 15 (3) Providing a reasonable reserve fund;
- 16 (4) Providing a reasonable fund for depreciation; and
- 17 (5) Paying for feasibility reports necessary for the issuing of revenue bonds.

18 2. A good and sufficient bond conditioned upon the faithful performance of the contract  
19 and compliance with this law shall be required of all contractors.

20 3. Any person who contracts pursuant to this section with the state shall keep true and  
21 accurate records of his or her receipts and disbursements arising out of the performance of the  
22 contract and shall permit the department of natural resources and the state auditor to audit such  
23 records.

24 [4. All moneys remaining in the state park revolving fund on July 1, 2000, shall be  
25 transferred to the state park earnings fund.]

**256.055. Upon a request from the director of the department of natural resources,**  
2 **the commissioner of administration shall draw a warrant payable to the director of the**  
3 **division of geology and land survey in an amount to be specified by the director of the**  
4 **department of natural resources, but such amount shall not exceed the sum of five hundred**  
5 **dollars. The sum so specified shall be placed in the hands of the director of the division of**  
6 **geology and land survey as a revolving fund to be used in the cash transactions involving**  
7 **the sale of items made by the division of geology and land survey. All transactions shall**

8 **be made in accordance with rules and regulations established by the commissioner of**  
9 **administration.**

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

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

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

7 (a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

8 (b) Recycle your used batteries; and

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

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

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

24 (5) The department of revenue shall administer, collect, and enforce the fee authorized  
25 pursuant to this section pursuant to the same procedures used in the administration, collection,  
26 and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except  
27 as provided in this section. The proceeds of the battery fee, less four percent of the proceeds,  
28 which shall be retained by the department of revenue as collection costs, shall be transferred by  
29 the department of revenue into the hazardous waste fund, created pursuant to section 260.391.  
30 The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The  
31 provisions of subdivision (4) and this subdivision shall terminate [June 30, 2011] **December 31,**  
32 **2015.**

**260.269. Notwithstanding any provision of law to the contrary, the state, including**  
2 **without limitation, any agency or political subdivision thereof, in possession of used tires,**

3 **scrap tires, or tire shred may transfer possession and ownership of such tires or shred to**  
4 **any in-state private entity to be lawfully disposed of or recycled; provided, such tires or**  
5 **shred are not burned as a fuel; and further provided, such tires shall not be disposed of in**  
6 **a landfill; and still further provided, the cost incurred by the state, agency, or political**  
7 **subdivision transferring such tires or shred is less than the cost the state, agency, or**  
8 **political subdivision would have otherwise incurred had it disposed of such tires or shred.**  
9 **The private entity shall pay for the transportation of such used tires they receive.**

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

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

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

12 (3) Segregate all hazardous wastes from all nonhazardous wastes and from  
13 noncompatible wastes, materials and other potential hazards as specified by standards, rules and  
14 regulations;

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

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

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

26 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes,  
27 only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or  
28 the federal Resource Conservation and Recovery Act, or a state hazardous waste management

29 program authorized pursuant to the federal Resource Conservation and Recovery Act, or any  
30 facility exempted from the permit required pursuant to section 260.395;

31 (8) Collect and maintain such records, perform such monitoring or analyses, and submit  
32 such reports on any hazardous waste generated, its transportation and final disposition, as  
33 specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections  
34 260.350 to 260.430;

35 (9) Make available to the department upon request samples of waste and all records  
36 relating to hazardous waste generation and management for inspection and copying and allow  
37 the department to make unhampered inspections at any reasonable time of hazardous waste  
38 generation and management facilities located on the generator's property and hazardous waste  
39 generation and management practices carried out on the generator's property;

40 (10) Pay annually, on or before January first of each year, effective January 1, 1982, a  
41 fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five  
42 dollars per ton or portion thereof of hazardous waste registered with the department as specified  
43 in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the  
44 previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site  
45 per year nor be less than one hundred fifty dollars per generator site per year;

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

49 (b) The hazardous waste management commission shall establish and submit to the  
50 department of revenue procedures relating to the collection of the fees authorized by this  
51 subdivision. Such procedures shall include, but not be limited to, necessary records identifying  
52 the quantities of hazardous waste registered, the form and submission of reports to accompany  
53 the payment of fees, the time and manner of payment of fees, which shall not be more often than  
54 quarterly.

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

59 3. Exempted from the requirements of this section are individual householders and  
60 farmers who generate only small quantities of hazardous waste and any person the commission  
61 determines generates only small quantities of hazardous waste on an infrequent basis, except  
62 that:

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

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

71 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections  
72 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous  
73 waste management program authorized pursuant to the federal Resource Conservation and  
74 Recovery Act which the department designates for this purpose; or

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

77 4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date  
78 shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee  
79 prescribed in this section shall expire December 31, [2011] **2015**, except that the department  
80 shall levy and collect this fee for any hazardous waste generated prior to such date and reported  
81 to the department.

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

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

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

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

14 (4) Cement kiln dust waste;

15 (5) Waste oil; or

16 (6) Hazardous waste that is:

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

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

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

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

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

24 3. All moneys collected or received by the department pursuant to this section shall be  
25 transmitted to the department of revenue for deposit in the state treasury to the credit of the  
26 hazardous waste fund created pursuant to section 260.391. Following each annual reporting date,  
27 the state treasurer shall certify the amount deposited in the fund to the commission.

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

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

36 6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste  
37 fund in any of the qualified depositories of the state. All such deposits shall be secured in such  
38 a manner and shall be made upon such terms and conditions as are now or may hereafter be  
39 provided for by law relative to state deposits. Interest received on such deposits shall be credited  
40 to the hazardous waste fund.

41 7. This fee shall expire December 31, [2011] **2015**, except that the department shall levy  
42 and collect this fee for any hazardous waste generated prior to such date and reported to the  
43 department.

260.965. The provisions of sections 260.900 to 260.965 shall expire August 28, [2012]  
2 **2017**.

**319.130. 1. On or before April 1, 2012, the board of trustees of the petroleum  
2 storage tank insurance fund shall hold one or more public hearings to determine whether  
3 to create and fund an underground storage tank operator training program. The board  
4 shall consider at a minimum:**

5 **(1) Input from the department of natural resources, the department of agriculture,  
6 the board's advisory committee, and affected portions of the private sector;**

- 7           **(2) Relevant deadlines, time frames, costs, and benefits, including federal funding**  
8 **consequences for the state's underground storage tank regulatory program if such a**  
9 **training program is not implemented;**
- 10           **(3) Training programs already in existence in other states;**
- 11           **(4) Training programs already being used by tank owners and operators; and**
- 12           **(5) Such other factors as the board deems necessary and prudent.**
- 13           **2. If after completing the requirements of subsection 1 of this section, the board**  
14 **decides by majority vote to create and fund an underground storage tank operator training**  
15 **program, the training program shall at a minimum:**
- 16           **(1) Satisfy the federal requirements for such a program;**
- 17           **(2) Be developed in collaboration with the department of natural resources, the**  
18 **department of agriculture, the board's advisory committee, and affected portions of the**  
19 **private sector;**
- 20           **(3) Be offered at no cost to those who are required to participate;**
- 21           **(4) Specify standards, reporting, and documentation requirements; and**
- 22           **(5) Be established by rule.**
- 23           **3. The board may contract with one or more third parties to carry out the**  
24 **requirements of this section.**
- 25           **4. At any time after the board creates and funds the underground storage tank**  
26 **operator training program under subsection 2 of this section, the board may, by rule,**  
27 **modify or eliminate the program.**
- 28           **5. Any records created or maintained by the board as part of the underground**  
29 **storage tank operator training program created herein shall be public records under**  
30 **chapter 610 and shall be made readily available to the department of natural resources.**
- 31           **6. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
32 **created under the authority delegated in this section shall become effective only if it**  
33 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
34 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
35 **vested with the general assembly under chapter 536 to review, to delay the effective date,**  
36 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**  
37 **of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be**  
38 **invalid and void.**

414.072. 1. At least every six months, the director shall test and inspect the measuring  
2 devices used by any person selling an average of two hundred or more gallons of gasoline,  
3 gasoline-alcohol blends, diesel fuel, heating oil, kerosene, or aviation turbine fuel per month at

4 either retail or wholesale in this state, except marine installations, which shall be tested and  
5 inspected at least once per year.

6         **2. The manufacturer's expiration date on motor fuel pump nozzles, hoses, and hose**  
7 **breakaway equipment shall not be the sole factor in requiring the repair or replacement**  
8 **of such devices and equipment nor in the instance of any fine, penalty, or punishment by**  
9 **the state or any political subdivision. The manufacturer's expiration date on motor fuel**  
10 **pump nozzles, hoses, and hose breakaway equipment shall not impose any new or**  
11 **additional liability on the state, political subdivisions, motor fuel retailers, wholesalers,**  
12 **suppliers, and distributors, and the retailers and wholesalers of such devices and**  
13 **equipment.**

14         **3.** When the director finds that any measuring device does not correctly and accurately  
15 register and measure the monetary cost, if applicable, or the volume sold, he shall require the  
16 correction, removal, or discontinuance of the same.

17         [3.] **4.** Notwithstanding any other law or rule to the contrary, it has been and continues  
18 to be the public policy of this state to prohibit gasoline and diesel motor fuel in a retail sale  
19 transaction from being dispensed by any measuring device or equipment that is not approved by  
20 the department of agriculture or the National Type Evaluation Program (NTEP). **Any automatic**  
21 **volumetric correction device for measuring gasoline, gasoline-alcohol blends, diesel fuel,**  
22 **and diesel fuel-biodiesel blends sold at retail fueling facilities is prohibited by state rule or**  
23 **the automatic adoption or incorporation of national standards or rules unless the device**  
24 **is first specifically authorized and required by state statute.**

**640.045.** Upon a request from the director of the department of natural resources,  
2 **the commissioner of administration shall draw a warrant payable to any and all of the**  
3 **directors of the various divisions of the department in amounts to be specified by the**  
4 **director of the department of natural resources, but such amounts shall not exceed the sum**  
5 **of five hundred dollars each. The sum so specified shall be placed in the hands of the**  
6 **director of the relevant division as a revolving fund to be used in the cash transactions**  
7 **involving the sale of items made by that division. All transactions shall be made in**  
8 **accordance with rules and regulations established by the commissioner of administration.**

**640.116. 1.** Any water system that exclusively serves a charitable or benevolent  
2 **organization, if the system does not regularly serve an average of one hundred persons or**  
3 **more at least sixty days out of the year and the system does not serve a school or day-care**  
4 **facility, shall be exempt from all rules relating to well construction except any rules**  
5 **established under sections 256.600 to 256.640 applying to multifamily wells, unless such**  
6 **wells or pump installations for such wells are determined to present a threat to**  
7 **groundwater or public health.**

8           **2. If the system incurs three or more total coliform maximum contaminant level**  
9 **violations in a twelve-month period or one acute maximum contaminant level violation, the**  
10 **system owner shall either provide an alternate source of water, eliminate the source of**  
11 **contamination, or provide treatment that reliably achieves at least ninety-nine and ninety-**  
12 **nine one-hundredths percent treatment of viruses.**

13           **3. Notwithstanding this or any other provision of law to the contrary, no facility**  
14 **otherwise described in subsection 1 of this section shall be required to replace, change,**  
15 **upgrade, or otherwise be compelled to alter an existing well constructed prior to August**  
16 **28, 2011, unless such well is determined to present a threat to groundwater or public health**  
17 **or contains the contaminant levels referred to in subsection 2 of this section.**

644.036. 1. No standard, rule or regulation or any amendment or repeal thereof shall be  
2 adopted except after a public hearing to be held after thirty days' prior notice by advertisement  
3 of the date, time and place of the hearing and opportunity given to the public to be heard. Notice  
4 of the hearings and copies of the proposed standard, rule or regulation or any amendment or  
5 repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date  
6 of the hearing, to any person who has registered with the director for the purpose of receiving  
7 notice of such public hearings in accordance with the procedures prescribed by the commission  
8 at least forty-five days prior to the scheduled date of the hearing. However, this provision shall  
9 not preclude necessary changes during this thirty-day period.

10           2. At the hearing, opportunity to be heard by the commission with respect to the subject  
11 thereof shall be afforded any interested person upon written request to the commission, addressed  
12 to the director, not later than seven days prior to the hearing, and may be afforded to other  
13 persons if convenient. In addition, any interested persons, whether or not heard, may submit,  
14 within seven days subsequent to the hearings, a written statement of their views. The  
15 commission may solicit the views, in writing, of persons who may be affected by, or interested  
16 in, proposed rules and regulations, or standards. Any person heard or represented at the hearing  
17 or making written request for notice shall be given written notice of the action of the commission  
18 with respect to the subject thereof.

19           3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed  
20 adopted or in force and effect until it has been approved in writing by at least four members of  
21 the commission. A standard, rule or regulation or an amendment or repeal thereof shall not  
22 become effective until a certified copy thereof has been filed with the secretary of state as  
23 provided in chapter 536.

24           4. Unless prohibited by any federal water pollution control act, any standard, rule or  
25 regulation or any amendment or repeal thereof which is adopted by the commission may differ  
26 in its terms and provisions as between particular types and conditions of water quality standards

27 or of water contaminants, as between particular classes of water contaminant sources, and as  
28 between particular waters of the state.

29           5. Any listing required by Section 303(d) of the federal Clean Water Act, as amended,  
30 33 U.S.C. 1251, et seq., to be sent to the U.S. Environmental Protection Agency for its approval  
31 that will result in any waters of the state being classified as impaired shall be adopted by the  
32 commission after a public hearing, or series of hearings, held in accordance with the following  
33 procedures. The department of natural resources shall publish in at least six regional  
34 newspapers, in advance, a notice by advertisement the availability of a proposed list of impaired  
35 waters of the state and such notice shall include at least ninety days' advance notice of the date,  
36 time, and place of the public hearing and opportunity given to the public to be heard. Notice of  
37 the hearings and copies of the proposed list of impaired waters also shall be posted on the  
38 department of natural resources' website and given by regular mail, at least ninety days prior to  
39 the scheduled date of the hearing, to any person who has registered with the director for the  
40 purpose of receiving notice of such public hearings. The proposed list of impaired waters shall  
41 identify the water segment, the uses to be made of such waters, the uses impaired, identify the  
42 pollutants causing or expected to cause violations of the applicable water quality standards, and  
43 provide a summary of the data relied upon to make the preliminary determination.  
44 Contemporaneous with the publication of the notice of public hearing, the department shall make  
45 available on its website all data and information it relied upon to prepare the proposed list of  
46 impaired waters, including a narrative explanation of how the department determined the water  
47 segment was impaired. At any time after the public notice and until seven days after the public  
48 hearing, the department shall accept written comments on the proposed list of impaired waters.  
49 After the public hearing and after all written comments have been submitted, the department  
50 shall prepare a written response to all comments and a revised list of impaired waters. The  
51 commission shall adopt a list of impaired waters in a public meeting during which the public  
52 shall be afforded an opportunity to respond to the department's written response to comments and  
53 revised list of impaired waters. Notice of the meeting shall include the date, time, and place of  
54 the public meeting and shall provide notice that the commission will give interested persons the  
55 opportunity to respond to the department's revised list of impaired waters and written responses  
56 to comments. At its discretion, the commission may extend public comment periods or hold  
57 additional public hearings on the proposed and revised lists of impaired waters. The commission  
58 shall not vote to add to the list of impaired waters any waters not recommended by the  
59 department in the proposed or revised lists of impaired waters without granting the public at least  
60 thirty additional days to comment on the proposed addition. The list of impaired waters adopted  
61 by the commission shall not be deemed to be a rule as defined by section 536.010. The listing  
62 of any water segment on the list of impaired waters adopted by the commission shall be subject

63 to judicial review by any adversely affected party under section 536.150. The provisions in this  
64 subsection shall expire on August 28, [2010] **2015**.

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees  
2 imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective  
3 October 1, 1990, and shall expire December 31, [2010] **2015**. Fees imposed pursuant to  
4 subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000,  
5 and shall expire on December 31, [2010] **2015**. The clean water commission shall promulgate  
6 rules and regulations on the procedures for billing and collection. All sums received through the  
7 payment of fees shall be placed in the state treasury and credited to an appropriate subaccount  
8 of the natural resources protection fund created in section 640.220. Moneys in the subaccount  
9 shall be expended, upon appropriation, solely for the administration of sections 644.006 to  
10 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer  
11 district, a public water district or other publicly owned treatment works are state fees. Five  
12 percent of the fee revenue collected shall be retained by the city, public sewer district, public  
13 water district or other publicly owned treatment works as reimbursement of billing and collection  
14 expenses.

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

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

**Section 1. Notwithstanding any other law or rule to the contrary, only the  
2 department of natural resources shall set stage 1 and 2 motor fuel vapor recovery fees,  
3 including permit and construction fees, which shall be uniform across the state and which  
4 shall not be modified, expanded, or increased by political subdivisions or local enforcement  
5 agencies.**

Section B. Because immediate action is necessary to maintain regulatory oversight by  
2 the state of Missouri, the repeal and reenactment of sections 253.090, 260.262, 260.380, 260.475,  
3 644.036, and 644.054 of section A of this act is deemed necessary for the immediate preservation  
4 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act  
5 within the meaning of the constitution, and the repeal and reenactment of sections 253.090,  
6 260.262, 260.380, 260.475, 644.036, and 644.054 of section A of this act shall be in full force  
7 and effect upon its passage and approval.