

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 41, Page 1, Lines 2-3 in the Title, by
2 deleting the words "private nuisance actions" and inserting in lieu thereof the words "environmental
3 protection"; and
4

5 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the
6 following:
7

8 "260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for
9 retail sale in the state shall:

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

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

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

15 (b) Recycle your used batteries; and

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

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

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

30 (5) The department of revenue shall administer, collect, and enforce the fee authorized
31 pursuant to this section pursuant to the same procedures used in the administration, collection, and
32 enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as
33 provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which

Action Taken _____ Date _____

1 shall be retained by the department of revenue as collection costs, shall be transferred by the
2 department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee
3 created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of
4 subdivision (4) and this subdivision shall terminate December 31, [2013] 2018.

5 260.380. 1. After six months from the effective date of the standards, rules and regulations
6 adopted by the commission pursuant to section 260.370, hazardous waste generators located in
7 Missouri shall:

8 (1) Promptly file and maintain with the department, on registration forms it provides for this
9 purpose, information on hazardous waste generation and management as specified by rules and
10 regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial
11 registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an
12 active registration. Such fees shall be deposited in the hazardous waste fund created in section
13 260.391;

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

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

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

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

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

29 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only
30 a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the
31 federal Resource Conservation and Recovery Act, or a state hazardous waste management program
32 authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility
33 exempted from the permit required pursuant to section 260.395;

34 (8) Collect and maintain such records, perform such monitoring or analyses, and submit such
35 reports on any hazardous waste generated, its transportation and final disposition, as specified in
36 sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to
37 260.430;

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

1 management practices carried out on the generator's property;

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

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

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

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

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

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

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

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

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

38 4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date
39 shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee
40 prescribed in this section shall expire December 31, [2013] 2018, except that the department shall
41 levy and collect this fee for any hazardous waste generated prior to such date and reported to the

1 department.

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

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

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

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

15 (4) Cement kiln dust waste;

16 (5) Waste oil; or

17 (6) Hazardous waste that is:

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

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

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

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

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

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

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

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

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

1 7. This fee shall expire December 31, [2013] 2018, except that the department shall levy and
2 collect this fee for any hazardous waste generated prior to such date and reported to the department.

3 444.772. 1. Any operator desiring to engage in surface mining shall make written
4 application to the director for a permit.

5 2. Application for permit shall be made on a form prescribed by the commission and shall
6 include:

7 (1) The name of all persons with any interest in the land to be mined;

8 (2) The source of the applicant's legal right to mine the land affected by the permit;

9 (3) The permanent and temporary post office address of the applicant;

10 (4) Whether the applicant or any person associated with the applicant holds or has held any
11 other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

12 (5) The written consent of the applicant and any other persons necessary to grant access to
13 the commission or the director to the area of land affected under application from the date of
14 application until the expiration of any permit granted under the application and thereafter for such
15 time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any
16 rule or regulation promulgated pursuant to them. Permit applications submitted by operators who
17 mine an annual tonnage of less than ten thousand tons shall be required to include written consent
18 from the operator to grant access to the commission or the director to the area of land affected;

19 (6) A description of the tract or tracts of land and the estimated number of acres thereof to be
20 affected by the surface mining of the applicant for the next succeeding twelve months; and

21 (7) Such other information that the commission may require as such information applies to
22 land reclamation.

23 3. The application for a permit shall be accompanied by a map in a scale and form specified
24 by the commission by regulation.

25 4. The application shall be accompanied by a bond, security or certificate meeting the
26 requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a
27 permit fee approved by the commission not to exceed one thousand dollars. The commission may
28 also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If
29 mining operations are not conducted at a site for six months or more during any year, the fee for such
30 site for that year shall be reduced by fifty percent. The commission may also require a fee for each
31 acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If
32 such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of
33 two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be
34 more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the
35 initial fees as set forth in this subsection, and shall be set at levels that recover the cost of
36 administering and enforcing sections 444.760 to 444.790, making allowances for grants and other
37 sources of funds. The director shall submit a report to the commission and the public each year that
38 describes the number of employees and the activities performed the previous calendar year to
39 administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the
40 annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of
41 submitting an application shall be three hundred dollars. The issued permit shall be valid from the

1 date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as
2 provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a
3 permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars,
4 with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after
5 a regulation change that demonstrates the need for increased fees.

6 5. An operator desiring to have his or her permit amended to cover additional land may file
7 an amended application with the commission. Upon receipt of the amended application, and such
8 additional fee and bond as may be required pursuant to the provisions of sections 444.760 to
9 444.790, the director shall, if the applicant complies with all applicable regulatory requirements,
10 issue an amendment to the original permit covering the additional land described in the amended
11 application.

12 6. An operation may withdraw any land covered by a permit, excepting affected land, by
13 notifying the commission thereof, in which case the penalty of the bond or security filed by the
14 operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

15 7. Where mining or reclamation operations on acreage for which a permit has been issued
16 have not been completed, the permit shall be renewed. The operator shall submit a permit renewal
17 form furnished by the director for an additional permit year and pay a fee equal to an application fee
18 calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any
19 operator be more than three thousand dollars. For any operator involved in any gravel mining
20 operation where the annual tonnage of gravel mined by such operator is less than five thousand tons,
21 the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by
22 the director for an additional permit year and payment of a fee of three hundred dollars. Upon
23 receipt of the completed permit renewal form and fee from the operator, the director shall approve
24 the renewal. With approval of the director and operator, the permit renewal may be extended for a
25 portion of an additional year with a corresponding prorating of the renewal fee.

26 8. Where one operator succeeds another at any uncompleted operation, either by sale,
27 assignment, lease or otherwise, the commission may release the first operator from all liability
28 pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been
29 issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790
30 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to
31 444.790 all liability for the reclamation of the area of land affected by the former operator.

32 9. The application for a permit shall be accompanied by a plan of reclamation that meets the
33 requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant
34 thereto, and shall contain a verified statement by the operator setting forth the proposed method of
35 operation, reclamation, and a conservation plan for the affected area including approximate dates and
36 time of completion, and stating that the operation will meet the requirements of sections 444.760 to
37 444.790, and any rule or regulation promulgated pursuant to them.

38 10. At the time that a permit application is deemed complete by the director, the operator
39 shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to
40 section 493.050 to publish legal notices in any county where the land is located. If the director does
41 not respond to a permit application within forty-five calendar days, the application shall be deemed

1 to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks
2 beginning no more than ten days after the application is deemed complete. The operator shall also
3 send notice of intent to operate a surface mine by certified mail to the governing body of the counties
4 or cities in which the proposed area is located, and to the last known addresses of all record
5 landowners of contiguous real property or real property located adjacent to the proposed mine plan
6 area. The notices shall include the name and address of the operator, a legal description consisting of
7 county, section, township and range, the number of acres involved, a statement that the operator
8 plans to mine a specified mineral during a specified time, and the address of the commission. The
9 notices shall also contain a statement that any person with a direct, personal interest in one or more
10 of the factors the commission may consider in issuing a permit may request a public meeting, a
11 public hearing or file written comments to the director no later than fifteen days following the final
12 public notice publication date.

13 11. The commission may approve a permit application or permit amendment whose
14 operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can
15 be demonstrated by the operator that the conditions present at the surface mining location warrant an
16 exception. The criteria accepted for consideration when evaluating the merits of an exception or
17 variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

18 12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall
19 expire on December 31, [2013] 2018. No other provisions of this section shall expire."; and
20

21 Further amend said bill and page, Section 537.291, Line 15, by inserting after all of said section and
22 line the following:
23

24 "644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees
25 imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective
26 October 1, 1990, and shall expire September 1, [2013] 2018. Fees imposed pursuant to subsection 4
27 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire
28 on September 1, [2013] 2018. The clean water commission shall promulgate rules and regulations
29 on the procedures for billing and collection. All sums received through the payment of fees shall be
30 placed in the state treasury and credited to an appropriate subaccount of the natural resources
31 protection fund created in section 640.220. Moneys in the subaccount shall be expended, upon
32 appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant
33 to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other
34 publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be
35 retained by the city, public sewer district, public water district or other publicly owned treatment
36 works as reimbursement of billing and collection expenses.

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

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

1 [4. The director of the department of natural resources shall conduct a comprehensive review
2 of the fee structure in sections 644.052 and 644.053. The review shall include stakeholder meetings
3 in order to solicit stakeholder input. The director shall submit a report to the general assembly by
4 December 31, 2012, which shall include its findings and a recommended plan for the fee structure.
5 The plan shall also include time lines for permit issuance, provisions for expedited permits, and
6 recommendations for any other improved services provided by the fee funding.]" ; and
7
8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.