

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 28

97TH GENERAL ASSEMBLY

0111S.05T

2013

AN ACT

To repeal sections 43.543, 49.266, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the environment, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 43.543, 49.266, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 2 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 3 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 4 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 5 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 6 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, are repealed and 7 sixty-three new sections enacted in lieu thereof, to be known as sections 43.543, 49.266, 60.185, 8 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 9 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117,

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.

10 256.438, 258.010, 258.060, 258.070, 258.080, 260.200, 260.205, 260.214, 260.235, 260.249,
11 260.262, 260.365, 260.380, 260.390, 260.395, 260.475, 261.023, 444.772, 621.250, 640.010,
12 640.012, 640.017, 640.026, 640.065, 640.075, 640.080, 640.715, 640.725, 643.079, 644.029,
13 644.051, 644.052, 644.054, 644.057, 644.062, 1, and 2, to read as follows:

43.543. Any state agency listed in section 621.045, the division of professional
2 registration of the department of insurance, financial institutions and professional registration,
3 the department of social services, the supreme court of Missouri, the state courts administrator,
4 the department of elementary and secondary education, **the department of natural resources**,
5 the Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency
6 which screens persons seeking employment with such agencies or issuance or renewal of a
7 license, permit, certificate, or registration of authority from such agencies; or any state,
8 municipal, or county agency or committee, or state school of higher education which is
9 authorized by state statute or executive order, or local or county ordinance to screen applicants
10 or candidates seeking or considered for employment, assignment, contracting, or appointment
11 to a position within state, municipal, or county government; or the Missouri peace officers
12 standards and training, POST, commission which screens persons, not employed by a criminal
13 justice agency, who seek enrollment or access into a certified POST training academy police
14 school, or persons seeking a permit to purchase or possess a firearm for employment as a
15 watchman, security personnel, or private investigator; or law enforcement agencies which screen
16 persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase
17 or possess a firearm shall submit two sets of fingerprints to the Missouri state highway patrol,
18 Missouri criminal records repository, for the purpose of checking the person's criminal history.
19 The first set of fingerprints shall be used to search the Missouri criminal records repository and
20 the second set shall be submitted to the Federal Bureau of Investigation to be used for searching
21 the federal criminal history files if necessary. The fingerprints shall be submitted on forms and
22 in the manner prescribed by the Missouri state highway patrol. Fees assessed for the searches
23 shall be paid by the applicant or in the manner prescribed by the Missouri state highway patrol.
24 Notwithstanding the provisions of section 610.120, all records related to any criminal history
25 information discovered shall be accessible and available to the state, municipal, or county agency
26 making the record request.

49.266. 1. The county commission in all counties of the first, second or fourth
2 classification may by order or ordinance promulgate reasonable regulations concerning the use
3 of county property, the hours, conditions, methods and manner of such use and the regulation of
4 pedestrian and vehicular traffic and parking thereon.

5 2. Violation of any regulation so adopted **under subsection 1 of this section** is an
6 infraction.

7 3. **Upon a determination by the state fire marshal that a burn ban order is**
8 **appropriate for a county because:**

9 **(1) An actual or impending occurrence of a natural disaster of major proportions**
10 **within the county jeopardizes the safety and welfare of the inhabitants of such county; and**

11 **(2) The U.S. Drought Monitor has designated the county as an area of severe,**
12 **extreme, or exceptional drought,**

13

14 **the county commission may adopt an order or ordinance issuing a burn ban, which may**
15 **carry a penalty of up to a class A misdemeanor. State agencies responsible for fire**
16 **management or suppression activities and persons conducting agricultural burning using**
17 **best management practices shall not be subject to the provisions of this subsection. The**
18 **ability of an individual, organization, or corporation to sell fireworks shall not be affected**
19 **by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition**
20 **of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012**
21 **edition of the American Fireworks Standards Laboratory, but shall not ban the explosion**
22 **or ignition of any other consumer fireworks as the term "consumer fireworks" is defined**
23 **under section 320.106.**

24 4. The regulations so adopted shall be codified, printed and made available for public
25 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

60.185. The county surveyor of every county or city shall:

2 (1) Keep a fair and correct record of all surveys made by himself and his deputies, in a
3 well-bound book, with a convenient index, to be procured at the expense of the county or city
4 for that purpose, which books and indexes shall be the property of such county or city, and shall
5 be known as the county surveyor's plat book, and every such surveyor shall record in such book
6 a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey
7 has been certified to, and such books shall be kept at the county seat or city hall and subject to
8 inspection by any person interested therein, under the supervision of the county surveyor for such
9 county or city;

10 (2) Number his surveys progressively;

11 (3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment
12 of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as
13 such records shall remain in his possession, and after such record shall have been deposited in
14 the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment
15 of his fees for such service, deliver to such person a duly certified copy of such records under the
16 seal of his office, which shall be accepted as evidence, to all intents and purposes, as the
17 originals themselves;

18 (4) Maintain a copy of corner restoration documents as required in section 60.321 when
19 provided by the Missouri department of [natural resources] **agriculture**, and subject to
20 inspection and copying by any person interested therein during the normal office hours of the
21 county on payment of the fees allowed to the recorder for similar documents.

60.195. The several county commissions in this state are hereby authorized, in all cases
2 wherein they shall consider it to be the interest of their counties, to obtain from the Missouri
3 department of [natural resources] **agriculture** a certified copy of so much of the field notes of
4 all surveys lying within their counties, respectively, which have been and may be made by the
5 United States, as relates to the description of the township, section, fractional section, quarter
6 section and legal subdivisional corners, the variation of the needle at which the east and west
7 boundaries of township or range lines were run, the length of the north and south, as well as east
8 and west sectional lines; also, the fallings of all east and west township and sectional lines the
9 same to be filed in the office of the county surveyor of their counties, respectively.

60.301. Whenever the following words and terms are used in this chapter they shall have
2 the following meaning unless the context clearly indicates that a different meaning is intended:

3 (1) "Corners of the United States public land survey", those points that determine the
4 boundaries of the various subdivisions represented on the official plat such as the township
5 corner, the section corner, the quarter-section corner, grant corner and meander corner;

6 (2) "Existent corner", a corner whose position can be identified by verifying the evidence
7 of the original monument or its accessories, or by some physical evidence described in the field
8 notes, or located by an acceptable supplemental survey record or some physical evidence thereof,
9 or by testimony. The physical evidence of a corner may have been entirely obliterated but the
10 corner will be considered existent if its position can be recovered through the testimony of one
11 or more witnesses who have a dependable knowledge of the original location. A legally
12 reestablished corner shall have the same status as an existent corner;

13 (3) "Lost corner", a corner whose position cannot be determined, beyond reasonable
14 doubt, either from traces of the original marks or from acceptable evidence or testimony that
15 bears upon the original position;

16 (4) "Monument", the physical object which marks the corner point determined by the
17 surveying process. The accessories, such as bearing trees, bearing objects, reference monuments,
18 mounds of stone and other similar objects that aid in identifying the corner position, are also
19 considered a part of a corner monument;

20 (5) "Obliterated, decayed or destroyed corner", an existent corner at whose point there
21 are no remaining traces of the original monument or its accessories, but whose location has been
22 perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by
23 the acts and testimony of local residents, competent surveyors, other qualified local authorities

24 or witnesses, or by some acceptable record evidence. A position that depends upon the use of
25 collateral evidence can be accepted only if duly supported, generally through proper relation to
26 known corners, and agreement with the field notes regarding distances to natural objects, stream
27 crossings, line trees, etc., or unquestionable testimony;

28 (6) "Original government survey", that survey executed under the authority of the United
29 States government as recorded on the official plats and field notes of the United States public
30 land survey maintained by the Missouri department of [natural resources] **agriculture**;

31 (7) "Proportionate measurement", a measurement of a line that gives equal relative
32 weight to all parts of the line. The excess or deficiency between two existent corners is so
33 distributed that the amount of excess or deficiency given to each interval bears the same
34 proportion to the whole difference as the record length of the interval bears to the whole record
35 distance:

36 (a) "Single proportionate measurement", a measurement of a line applied to a new
37 measurement made between known points on a line to determine one or more positions on that
38 line;

39 (b) "Double proportionate measurement", a measurement applied to a new measurement
40 made between four known corners, two each on intersecting meridional and latitudinal lines, for
41 the purpose of relating the intersection to both. The procedure is described as follows: First,
42 measurements will be made between the nearest existent corners north and south of the lost
43 corner. A temporary point will be determined to locate the latitude of the lost corner on the
44 straight line connecting the existent corners and at the proper proportionate distance. Second,
45 measurements will be made between the nearest existent corners east and west of the lost corner.
46 A temporary point will be determined to locate the longitude of the lost corner on the straight
47 line connecting the existent corners and at the proportionate distance. Third, determine the
48 location of the lost corner at the intersection of an east-west line through the point determining
49 the latitude of the lost corner with a north-south line through the point determining the longitude
50 of the lost corner. When the total length of the line between the nearest existing corners was not
51 measured in the original government survey, the record distance from one existing corner to the
52 lost corner will be used instead of the proportionate distance. This exception will apply to either
53 or both of the east-west or north-south lines;

54 (8) "Record distance", the distance or length as shown on the original government
55 survey. In determining record distances, consideration shall be given as to whether the distance
56 was measured on a random or true line.

60.321. For the purpose of perpetuating the corners of the United States public land
2 survey, every surveyor who reestablishes a lost corner or restores an existent corner shall
3 monument the corner and shall file an instrument showing such reestablishment or restoration

4 with the Missouri department of [natural resources] **agriculture**, in accordance with the
5 specifications and procedures adopted by the Missouri department of [natural resources]
6 **agriculture**. Any surveyor who willfully and knowingly fails to perpetuate corners in
7 accordance with this section is guilty of misconduct in the practice of land surveying.

60.451. 1. For the purpose of more precisely defining the Missouri coordinate system
2 of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

3 (1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator
4 projection of the Clarke spheroid of 1866, having a central meridian 90 degrees -- 30 minutes
5 west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small.
6 The origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of
7 Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the
8 coordinates: $x = 500,000$ feet and $y = 0$ feet;

9 (2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator
10 projection of the Clarke spheroid of 1866, having a central meridian 92 degrees -- 30 minutes
11 west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small.
12 The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes west of
13 Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is given the
14 coordinates: $x = 500,000$ feet and $y = 0$ feet;

15 (3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator
16 projection of the Clarke spheroid of 1866, having a central meridian 94 degrees -- 30 minutes
17 west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too
18 small. The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes
19 west of Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given
20 the coordinates: $x = 500,000$ feet and $y = 0$ feet.

21 2. For purposes of more precisely defining the Missouri coordinate system of 1983, the
22 following definition by the National Ocean Survey/National Geodetic Survey is adopted:

23 (1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection
24 of the North American Datum of 1983 having a central meridian 90 degrees -- 30 minutes west
25 of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The
26 origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of
27 Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the
28 coordinates: $x = 250,000$ meters and $y = 0$ meters;

29 (2) The Missouri coordinate system 1983, central zone, is a transverse Mercator
30 projection of the North American Datum of 1983 having a central meridian 92 degrees -- 30
31 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too
32 small. The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes

33 west of Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is
34 given the coordinates: $x = 500,000$ meters and $y = 0$ meters;

35 (3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection
36 of the North American Datum of 1983 having a central meridian 94 degrees -- 30 minutes west
37 of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small.
38 The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes west of
39 Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given the
40 coordinates: $x = 850,000$ meters and $y = 0$ meters.

41 3. The position of either Missouri coordinate system shall be as marked on the ground
42 by horizontal control stations established in conformity with the standards adopted by the
43 department of [natural resources] **agriculture** for first-order and second-order work, whose
44 geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates
45 have been computed on the system defined in this section. Any such station may be used for
46 establishing a survey connection with the Missouri coordinate system.

60.510. The functions, duties and responsibilities of the department of [natural
2 resources] **agriculture** shall be as follows:

3 (1) To restore, maintain, and preserve the land survey monuments, section corners, and
4 quarter section corners established by the United States public land survey within Missouri,
5 together with all pertinent field notes, plats and documents; and also to restore, establish,
6 maintain, and preserve Missouri state and county boundary markers and other boundary markers
7 considered by the department of [natural resources] **agriculture** to be of importance, or
8 otherwise established by law;

9 (2) To design and cause to be placed at established public land survey corner sites, where
10 practical, substantial monuments permanently indicating, with words and figures, the exact
11 location involved, but if such monuments cannot be placed at the exact corner point, then witness
12 corners of similar design shall be placed as near by as possible, with words and figures indicating
13 the bearing and distance to the true corner;

14 (3) To establish, maintain, and provide safe storage facilities for a comprehensive system
15 of recordation of information respecting all monuments established by the United States public
16 land survey within this state, and such records as may be pertinent to the department of [natural
17 resources] **agriculture's** establishment or maintenance of other land corners, Missouri state
18 coordinate system stations and accessories, and survey monuments in general;

19 (4) To provide the framework for all geodetic positioning activities in the state. The
20 foundational elements include latitude, longitude, and elevation which contribute to informed
21 decision making and impact on a wide range of important activities including mapping and
22 geographic information systems, flood risk determination, transportation, land use and ecosystem

23 management and use of the Missouri state coordinate system, as established by sections 60.401
24 to 60.491;

25 (5) To collect and preserve information obtained from surveys made by those authorized
26 to establish land monuments or land boundaries, and to assist in the proper recording of the same
27 by the duly constituted county officials, or otherwise;

28 (6) To furnish, upon reasonable request and tender of the required fees therefor, certified
29 copies of records created or maintained by the department of [natural resources] **agriculture**
30 which, when certified by the state land surveyor or a designated assistant, shall be admissible in
31 evidence in any court in this state, as the original record; and

32 (7) To prescribe, and disseminate to those engaged in the business of land surveying,
33 regulations designed to assist in uniform and professional surveying methods and standards in
34 this state.

60.530. The state land surveyor shall, under guidance of the department of [natural
2 resources] **agriculture** and with the recommendation of the land survey commission, carry out
3 the routine functions and duties of the department of [natural resources] **agriculture**, as
4 prescribed in sections 60.510 to 60.620 and section 60.670. He or she shall, whenever practical,
5 cause all land surveys, except geodetic surveys, to be executed, under his or her direction by the
6 registered county surveyor or a local registered land surveyor when no registered county surveyor
7 exists. He or she shall perform such other work and acts as shall, in the judgment of the
8 department of [natural resources] **agriculture** and with the recommendation of the land survey
9 commission, be necessary and proper to carry out the objectives of sections 60.510 to 60.620 and
10 section 60.670 and, within the limits of appropriations made therefor and subject to the approval
11 of the department of [natural resources and the state merit system] **agriculture**, employ and fix
12 the compensation of such additional employees as may be necessary to carry out the provisions
13 of sections 60.510 to 60.620 and section 60.670.

60.540. The department of [natural resources] **agriculture** may acquire, in the name of
2 the state of Missouri, lands or interests therein, where necessary, to establish permanent control
3 stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary,
4 land for the establishment of an office of the land survey program of the department of [natural
5 resources] **agriculture**. If condemnation is necessary, the attorney general shall bring the suit
6 in the name of the state in the same manner as authorized by law for the acquisition of lands by
7 the state transportation department.

60.550. The custody and ownership of the original United States public land survey
2 corners and accessories, including all restoration and replacements thereof and all accessories,
3 belonging to the state of Missouri is hereby transferred to the department of [natural resources]
4 **agriculture**. The department of [natural resources] **agriculture** shall see that the markers are

5 maintained, and the alteration, removal, disfiguration or destruction of any of the corners or
6 accessories, without specific permission of the department of [natural resources] **agriculture**,
7 is an act of destruction of state property and is a misdemeanor. Any person convicted thereof
8 shall be punished as provided by law. Each of the several prosecuting attorneys is specifically
9 directed to prosecute for the violation of this section for any act of destruction which occurs in
10 his county.

60.560. Upon their request, the state attorney general shall advise the land survey
2 commission or the department of [natural resources] **agriculture** or the state land surveyor with
3 respect to any legal matter, and shall represent the land survey commission or department of
4 [natural resources] **agriculture** in any proceeding in any court of the state in which the land
5 survey commission or land survey program shall be a party.

60.570. **1.** The permanent headquarters of the land survey program shall be at or near
2 to the principal office of the Missouri state geological survey. Until such time as other
3 headquarters can be obtained by the land survey program, the state geologist shall [assign]
4 **provide** such space in the state geological survey building as may be available. **No department**
5 **shall charge any fee over or above the amount paid to the office of administration for**
6 **utilization of the building.** The land survey program may also establish and maintain regional
7 offices in the metropolitan areas of the state for the storage and distribution of local survey
8 record information.

2. The building that occupies the permanent headquarters of the land survey
9 **program may be renamed and referred to as the "Robert E. Myers Building".**
10

60.580. The state land surveyor or any and all employees of the department of [natural
2 resources] **agriculture** have the right to enter upon private property for the purpose of making
3 surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling
4 stations, or section corners. Should any of these persons necessarily damage property of the
5 owner in making the surveys or searches or remonumentations, the department of [natural
6 resources] **agriculture** may make reasonable payment for the damage from funds available for
7 that purpose. However, department of [natural resources] **agriculture** employees are personally
8 liable for any damage caused by their wantonness, willfulness or negligence. All department of
9 [natural resources] **agriculture** employees are immune from arrest for trespass in performing
10 their legal duties as stated in sections 60.510 to 60.620 and section 60.670.

60.590. **1.** On request of the department of [natural resources] **agriculture** or the state
2 land surveyor, all city and county recorders of deeds, together with all departments, boards or
3 agencies of state government, county, or city government, shall furnish to the department of
4 [natural resources] **agriculture** or the state land surveyor certified copies of desired records
5 which are in their custody. This service shall be free of cost when possible; otherwise, it shall

6 be at actual cost of reproduction of the records. On the same basis of cost, the department of
7 [natural resources] **agriculture** shall furnish records within its custody to other agencies or
8 departments of state, county or city, certifying them.

9 2. The department of [natural resources] **agriculture** may produce, reproduce and sell
10 maps, plats, reports, studies, and records, and the commission shall recommend to the
11 department of [natural resources] **agriculture** the charges therefor. All income received shall
12 be promptly deposited in the state treasury to the credit of the department of [natural resources
13 document] **agriculture land survey revolving services fund**.

60.595. 1. The "Department of [Natural Resources] **Agriculture Land Survey**
2 **Revolving Services Fund**" is hereby created. All funds received by the department of [natural
3 resources] **agriculture** from the delivery of services and the sale or resale of maps, plats, reports,
4 studies, records and other publications and documents and surveying information, on paper or
5 in electronic format, by the department shall be credited to the fund. The director of the
6 department shall administer the fund. The state treasurer is the custodian of the fund and shall
7 approve disbursements from the fund requested by the director of the department. When
8 appropriated, moneys in the fund shall be used to purchase goods, equipment, hardware and
9 software, maintenance and licenses, software and database development and maintenance,
10 personal services, and other services that will ultimately be used to provide copies of information
11 maintained or provided by the land survey program, reprint maps, publications or other
12 documents requested by governmental agencies or members of the general public; to publish the
13 maps, publications or other documents or to purchase maps, publications or other documents for
14 resale; and to pay shipping charges, [laboratory services, core library fees, workshop fees,
15 conference fees, interdivisional cooperative agreements,] but for no other purpose.

16 2. **Effective August 28, 2013, a transfer of monies between the department of**
17 **natural resources revolving services fund, created in section 640.065, and the department**
18 **of agriculture land survey revolving services fund shall be made such that only the balance**
19 **related to the reproduction and sale of land survey documents is transferred to the**
20 **department of agriculture land survey revolving services fund.**

21 3. An unencumbered balance in the fund at the end of the fiscal year not exceeding one
22 million dollars is exempt from the provisions of section 33.080 relating to the transfer of
23 unexpended balances to the general revenue fund.

24 [3.] 4. The department of [natural resources] **agriculture** shall report all income to and
25 expenditures from such fund on a quarterly basis to the house budget committee and the senate
26 appropriations committee.

60.600. Every employee of the department of [natural resources] **agriculture** who is
2 engaged in work required by law to be done by a registered land surveyor will be so registered.

3 No employee of the department of [natural resources] **agriculture** shall engage in private land
4 surveying or consultation while employed by the department of [natural resources] **agriculture**.

60.610. Whenever the department of [natural resources] **agriculture** deems it expedient,
2 and when funds appropriated permit, the department of [natural resources] **agriculture** may enter
3 into any contract with agencies of the United States, with agencies of other states, or with private
4 persons, registered land surveyors or professional engineers, in order to plan and execute desired
5 land surveys or geodetic surveys, or to plan and execute other projects which are within the scope
6 and purpose of sections 60.510 to 60.620 and section 60.670.

60.620. 1. There is hereby created the "Land Survey Commission", within the
2 department of [natural resources] **agriculture**. The commission shall consist of seven members,
3 six of whom shall be appointed by the governor. Members shall reside in this state. Members
4 of the commission shall hold office for terms of three years, but of the original appointments,
5 two members shall serve for one year, two members shall serve for two years, and two members
6 shall serve for three years. Members may serve only three consecutive terms on the commission.

7 2. The land survey commission shall consist of the following persons:

8 (1) Four members who shall be registered land surveyors, one of which shall be a county
9 surveyor;

10 (2) One member who shall represent the real estate or land title industry;

11 (3) One member who shall represent the public and have an interest in and knowledge
12 of land surveying; and

13 (4) The director of the department of [natural resources] **agriculture** or his or her
14 designee.

15

16 The members in subdivisions (1) to (3) of this subsection shall be appointed by the governor with
17 advice and consent of the senate and each shall serve until his or her successor is duly appointed.

18 3. The land survey commission shall elect a chairman annually. The commission shall
19 meet semiannually and at other such times as called by the chairman of the commission and shall
20 have a quorum when at least four members are present.

21 4. The land survey commission members shall serve without compensation but shall be
22 reimbursed for actual and necessary expenses incurred in the performance of their official duties.

23 5. The land survey commission shall provide the director of the department of [natural
24 resources] **agriculture** and the state land surveyor with recommendations on the operation and
25 the planning and prioritization of the land survey program and the design of regulations needed
26 to carry out the functions, duties, and responsibilities of the department of [natural resources]
27 **agriculture** in sections 60.510 to 60.620 and section 60.670.

28 6. The land survey commission shall recommend to the department of [natural resources]
29 **agriculture**:

30 (1) A person to be selected and appointed state land surveyor, who shall be the chief
31 administrative officer of the land survey program. The state land surveyor shall be selected
32 [under the state merit system] on the basis of professional experience and registration;

33 (2) Prioritization and execution of projects which are within the scope and purpose of
34 sections 60.510 to 60.620 and section 60.670;

35 (3) Prioritization and selection of public land survey corner monuments to be
36 reestablished through the county cooperative contracts in accordance with sections 8.285 to
37 8.291; and

38 (4) Approval of all other contracts for the planning and execution of projects which are
39 within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in accordance
40 with sections 8.285 to 8.291.

41 7. The commission shall, at least annually, prepare a report, which shall be available to
42 the general public, of the review by the commission of the land survey program, stating its
43 findings, conclusions, and recommendations to the director.

44 8. By December 1, 2013, the commission shall provide a report to the department of
45 [natural resources] **agriculture** and general assembly that recommends the appropriate
46 administrative or overhead cost rate that will be charged to the program, where such cost rate
47 shall include all indirect services provided by the [division of geology and land survey,]
48 department of [natural resources,] **agriculture** and office of administration.

60.653. 1. It shall be the duty of the recorder of deeds to maintain a copy of all survey
2 plats delivered to his custody in an appropriate file medium capable of reproduction.

3 2. Survey plats shall be placed in the plat books or such other record books as have been
4 previously established.

5 3. A duplicate of the recorded survey plat shall be provided to the land survey [division]
6 **program** of the department of [natural resources] **agriculture** at an amount not to exceed the
7 actual cost of the duplicate.

8 4. The recorder shall maintain an index of all survey plats, subdivision plats, and
9 condominium plats by section, township, and range and by subdivision or condominium name.

10 5. Copies of survey plats shall be evidence in all courts of justice when properly certified
11 under the hand and official seal of the recorder.

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

2 (1) "Cadastral parcel mapping", an accurately delineated identification of all real
3 property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the

4 position of the legal framework is derived from the USPLSS, existing tax maps, and tax database
5 legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats;

6 (2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping,
7 graphic display and output, data analysis, and database management as pertains to cadastral
8 parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data,
9 people, organizations, and institutional arrangements for collecting, storing, analyzing, and
10 disseminating information about the location and areas of parcels and the USPLSS;

11 (3) "USPLSS" or "United States Public Land Survey System", a survey executed under
12 the authority of the United States government as recorded on the official plats and field notes of
13 the United States public land survey maintained by the land survey program of the department
14 of [natural resources] **agriculture**;

15 (4) "Tax map", a document or map for taxation purposes representing the location,
16 dimensions, and other relevant information pertaining to a parcel of land subject to property
17 taxes.

18 2. The office of the state land surveyor established within the department of [natural
19 resources] **agriculture** shall promulgate rules and regulations establishing minimum standards
20 for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in
21 section 536.010, that is created under the authority delegated in this section shall become
22 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
23 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
24 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
25 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
26 rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid
27 and void.

28 3. Any map designed and used to reflect legal property descriptions or boundaries for
29 use in a digital cadastral mapping system shall comply with the rules promulgated under this
30 section, unless the party requesting the map specifies otherwise in writing, the map was designed
31 and in use prior to the promulgation of the rules, or the parties requesting and designing the map
32 have already agreed to the terms of their contract on the effective date of the rules promulgation.

236.410. 1. There is hereby created a "Dam and Reservoir Safety Council", whose
2 domicile for the purposes of sections 236.400 to 236.500 shall be the department of natural
3 resources of the state of Missouri, for the regulation of dam and reservoir safety. The council
4 shall consist of seven members, no more than four of whom shall be members of the same
5 political party, appointed by the governor with the advice and consent of the senate.

6 2. The members of the council shall have a background of academic training or
7 professional experience directly related to the design of dams and reservoirs. At least two

8 members of the council shall be professional engineers registered in the state of Missouri, one
9 of whom shall represent the general public; at least one member shall be an engineering
10 geologist; at least one member, in addition to the professional engineer, shall be a representative
11 of the general public; two members shall be from industry, one of whom shall be earthmoving
12 contractors; and one member shall be the owner of a dam or reservoir. **Of the seven members,**
13 **three shall be from each of the three United States congressional districts in this state with**
14 **the highest number of dams.** The members shall serve for a term of two years; except, of the
15 first appointments three shall be appointed for one year. The governor shall fill any vacancy on
16 the council and may remove any appointed member for cause. The council shall annually elect
17 a chairman and vice chairman from among its members. The council shall meet regularly but
18 not less than quarterly. Special meetings and hearings may be called upon delivery of written
19 notice to each member of the council signed by the director, the chief engineer, the council
20 chairman or four of the council members. Four members of the council shall constitute a quorum
21 to transact the business of the council. The council shall decide all questions by a majority vote
22 of those present and constituting a quorum. The members of this council shall not receive any
23 compensations other than for actual travel and subsistence when acting officially as members of
24 the council. **The council shall prepare and present an annual report to the general**
25 **assembly by December thirty-first of each year.**

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. **The state treasurer shall invest moneys in the fund in the same manner**
6 **as other funds are invested. All interest and moneys earned on such investments shall be**
7 **credited to the fund.** In the event any state park or any part thereof is taken under the power
8 of eminent domain by the federal government the moneys paid for the taking shall be deposited
9 in the state park earnings fund. The fund shall be used solely for the payment of the expenditures
10 of the department of natural resources in the administration of this law, except that in any fiscal
11 year the department may expend a sum not to exceed fifty percent of the preceding fiscal year's
12 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. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
19 remaining in the fund at the end of the biennium shall not revert to the credit of the general
20 revenue fund.

21 3. A good and sufficient bond conditioned upon the faithful performance of the contract
22 and compliance with this law shall be required of all contractors.

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

 253.180. No person shall allow any domestic or other animal under his control or
2 ownership to range within any state park at any time, **unless as authorized under section**
3 **253.185.**

 253.185. **1. Except for the provisions of subsection 2 of this section,** domestic
2 household animals shall not be allowed in any state park unless restrained by a leash not longer
3 than ten feet held by some person or firmly affixed to some stationary object so as to prevent the
4 animal from ranging at large. No domestic household or other animal shall be allowed inside
5 any state park building under the control of either the department of natural resources or a
6 concessionaire licensed by the department of natural resources unless permission is granted by
7 the department of natural resources.

8 **2. The department of natural resources may designate a specified area within any**
9 **state park to serve as a dog park or an off-leash area for domestic household animals.**

10 256.117. 1. Funds from department of natural resources [document] **revolving** services
11 fund created in section [60.595] **640.065** may be used to purchase, acquire and copy maps
12 described in sections 256.112 to 256.117, as well as all services necessary for the operation of
13 the map repository.

14 2. All funds from the sale of maps and products from the mine map repository shall be
15 deposited in the department of natural resources [document] **revolving** services fund created in
16 section [60.595] **640.065.**

256.438. 1. There is hereby established in the state treasury a fund to be known as
2 **the "Multi-Purpose Water Resource Program Renewable Water Program Fund", which**
3 **shall consist of all money deposited in such fund from whatever source, whether public or**
4 **private. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
5 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
6 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**
7 **manner as other funds are invested. Any interest and other moneys earned on such**
8 **investments shall be credited to the fund. Any unexpended balance in such fund at the end**

9 of any appropriation period shall not be transferred to the general revenue fund and,
10 accordingly, shall be exempt from the provisions of section 33.080 relating to the transfer
11 of funds to the general revenue funds of the state by the state treasurer.

12 2. Upon appropriation, the department of natural resources shall use money in the
13 fund created by this section for the purposes of carrying out the provisions of sections
14 256.435 to 256.445, including, but not limited to, the provision of grants or other financial
15 assistance, and, if such limitations or conditions are imposed, only upon such other
16 limitations or conditions specified in the instrument that appropriates, grants, bequeaths,
17 or otherwise authorizes the transmission of money to the fund.

258.010. 1. [There shall be a "State Interagency Council for Outdoor Recreation"
2 composed of the following state agencies:

- 3 (1) Department of agriculture;
- 4 (2) Office of administration;
- 5 (3) Department of social services;
- 6 (4) Department of economic development;
- 7 (5) Department of conservation;
- 8 (6) Department of natural resources;
- 9 (7) Department of transportation;
- 10 (8) University of Missouri]

**The department of natural resources shall be responsible
11 for convening any committee, council, or board the department deems necessary or
12 advisable in order for the department to perform any functions or duties related to state
13 parks or historic sites, recreational trails, outdoor recreation, any federal grant program
14 pursuant to chapters 253 and 258, any federal land and water conservation fund act, 28
15 U.S.C. 206, or any other law.**

16 2. The department of natural resources shall provide all staff support and office space
17 for [the council] **any such bodies.**

258.060. The [state inter-agency council for outdoor recreation] **department of natural
2 resources** shall be:

- 3 (1) The official state agency for liaison with the federal bureau of outdoor recreation;
- 4 (2) The official state agency to receive and disburse federal funds available to this state
5 for overall outdoor recreation planning **and any recreational trails planning or programs;**
- 6 (3) The official state agency to receive and allocate to the appropriate agency, or political
7 subdivision, federal funds available for outdoor recreation **or recreational trails** programs; and
- 8 (4) Shall provide a forum for consideration of outdoor recreation problems affecting
9 member agencies and as an advisory and planning agency for overall outdoor recreational

10 programs. The [council] **department** may provide information and advisory services for any
11 political subdivision requesting its services.

258.070. Representatives of [the member agencies] **any committee, council, or board
2 convened by the department pursuant to section 258.010** shall not receive any additional
3 compensation for their services [as representatives on the council] , and all expenses of **any**
4 agency representatives shall be paid by their respective agency.

258.080. 1. There is hereby created in the state treasury for the use of the [state
2 inter-agency council for outdoor recreation] **department of natural resources** a fund to be
3 known as "The Inter-Agency Council Fund". All federal moneys received by the state of
4 Missouri from the Land and Water Conservation Fund Act of 1965, Public Law 88-578, shall
5 be deposited in the fund.

6 2. Moneys deposited in the fund shall, upon appropriation by the general assembly to the
7 [state inter-agency council for outdoor recreation] **department**, be received and expended or
8 allocated by the [state inter-agency council] **department** for outdoor recreation for outdoor
9 recreation planning, acquisition and development and for no other purposes; provided, however,
10 that not less than fifty percent of the moneys appropriated shall be allocated by [said council] **the**
11 **department** to political subdivisions of the state of Missouri, none of which moneys so allocated
12 shall be expended for the improvement or operation of projects under the supervision or control
13 of any state agency.

14 3. Any unexpended balance in [the inter-agency council] **such** fund at the end of any
15 appropriation period shall not be transferred to the general revenue fund of the state treasury and,
16 accordingly, shall be exempt from the provisions of section 33.080 relating to transfer of funds
17 to the general revenue funds of the state by the state treasurer.

260.200. 1. The following words and phrases when used in sections 260.200 to 260.345
2 shall mean:

3 (1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese
4 dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including
5 alkaline-manganese button cell batteries intended for use in watches, calculators, and other
6 electronic products, and larger-sized alkaline-manganese batteries in general household use;

7 (2) "**Applicant**", a person or persons seeking or holding a facility permit;

8 (3) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid
9 waste disposal area where the controlled addition of liquid waste or water accelerates both the
10 decomposition of waste and landfill gas generation;

11 [(3)] (4) "Button cell battery" or "button cell", any small alkaline-manganese or
12 mercuric-oxide battery having the size and shape of a button;

13 [(4)] (5) "City", any incorporated city, town, or village;

14 [(5)] (6) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic
15 concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved
16 by rule or policy of the department for fill, reclamation or other beneficial use;

17 [(6)] (7) "Closure", the permanent cessation of active disposal operations, abandonment
18 of the disposal area, revocation of the permit or filling with waste of all areas and volumes
19 specified in the permit and preparing the area for long-term care;

20 [(7)] (8) "Closure plan", plans, designs and relevant data which specify the methods and
21 schedule by which the operator will complete or cease disposal operations, prepare the area for
22 long-term care, and make the area suitable for other uses, to achieve the purposes of sections
23 260.200 to 260.345 and the regulations promulgated thereunder;

24 [(8)] (9) "Conference, conciliation and persuasion", a process of verbal or written
25 communications consisting of meetings, reports, correspondence or telephone conferences
26 between authorized representatives of the department and the alleged violator. The process shall,
27 at a minimum, consist of one offer to meet with the alleged violator tendered by the department.
28 During any such meeting, the department and the alleged violator shall negotiate in good faith
29 to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

30 [(9)] (10) "Construction and demolition waste", waste materials from the construction
31 and demolition of residential, industrial, or commercial structures, but shall not include materials
32 defined as clean fill under this section;

33 [(10)] (11) "Demolition landfill", a solid waste disposal area used for the controlled
34 disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete
35 and inert solids insoluble in water;

36 [(11)] (12) "Department", the department of natural resources;

37 [(12)] (13) "Director", the director of the department of natural resources;

38 [(13)] (14) "**Disclosure statement**", a sworn statement or affirmation, in such form
39 as may be required by the director of the department of natural resources, which includes:

40 (a) **The full names and business address of key personnel;**

41 (b) **The full name and business address of any entity, other than a natural person,**
42 **that collects, transfers, processes, treats, stores, or disposes of solid waste in which all key**
43 **personnel holds an equity interest of seven percent or more;**

44 (c) **A description of the business experience of all key personnel listed in the**
45 **disclosure statement;**

46 (d) **For the five year period ending on the date the sworn disclosure statement or**
47 **affirmation is signed by key personnel:**

48 a. **A listing organized by issuing federal, state, or county or county equivalent**
49 **regulatory body of all environmental permits or licenses for the collection, transfer,**

50 treatment, processing, storage, or disposal of solid waste issued to or held by any key
51 personnel;

52 **b. A listing and explanation of notices of violation which shall by rule be defined,**
53 **prosecutions, or other administrative enforcement actions resulting in an adjudication or**
54 **conviction;**

55 **c. A listing of license or permit suspensions, revocations, or denials issued by any**
56 **state, the federal government or a county or county equivalent, which are pending or have**
57 **concluded with a finding of violation or entry of a consent agreement regarding an**
58 **allegation of civil or criminal violation of law, regulation or requirement relating to the**
59 **collection, transfer, treatment, processing, storage, or disposal of solid waste or violation**
60 **of the environmental statutes of other states or federal statutes;**

61 **d. An itemized list of all felony convictions under the laws of the state of Missouri**
62 **or the equivalent thereof under the laws of any other jurisdiction; and a listing of any**
63 **findings of guilt for any crimes or criminal acts an element of which involves restraint of**
64 **trade, price-fixing, intimidation of the customers of another person or for engaging in any**
65 **other acts which may have the effect of restraining or limiting competition concerning**
66 **activities regulated pursuant to this chapter or similar laws of other states or the federal**
67 **government including, but not limited to, racketeering or violation of antitrust laws of any**
68 **key personnel;**

69 **(15) "District", a solid waste management district established under section 260.305;**

70 **[(14)] (16) "Financial assurance instrument", an instrument or instruments, including,**
71 **but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund,**
72 **submitted by the applicant to ensure proper closure and postclosure care and corrective action**
73 **of a solid waste disposal area in the event that the operator fails to correctly perform closure and**
74 **postclosure care and corrective action requirements, except that the financial test for the**
75 **corporate guarantee shall not exceed one and one-half times the estimated cost of closure and**
76 **postclosure. The form and content of the financial assurance instrument shall meet or exceed**
77 **the requirements of the department. The instrument shall be reviewed and approved or**
78 **disapproved by the attorney general;**

79 **[(15)] (17) "Flood area", any area inundated by the one hundred year flood event, or the**
80 **flood event with a one percent chance of occurring in any given year;**

81 **[(16)] (18) "Household consumer", an individual who generates used motor oil through**
82 **the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery**
83 **powered by an internal combustion engine;**

84 **[(17)] (19) "Household consumer used motor oil collection center", any site or facility**
85 **that accepts or aggregates and stores used motor oil collected only from household consumers**

86 or farmers who generate an average of twenty-five gallons per month or less of used motor oil
87 in a calendar year. This section shall not preclude a commercial generator from operating a
88 household consumer used motor oil collection center;

89 [(18)] **(20)** "Household consumer used motor oil collection system", any used motor oil
90 collection center at publicly owned facilities or private locations, any curbside collection of
91 household consumer used motor oil, or any other household consumer used motor oil collection
92 program determined by the department to further the purposes of sections 260.200 to 260.345;

93 [(19)] **(21)** "Infectious waste", waste in quantities and characteristics as determined by
94 the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood
95 and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated
96 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be
97 infectious; provided, however, that infectious waste does not mean waste treated to department
98 specifications;

99 **(22)** "Key personnel", the applicant itself and any person employed by the
100 applicant in a managerial capacity, or empowered to make discretionary decisions with
101 respect to the solid waste operations of the applicant in Missouri, but shall not include
102 employees exclusively engaged in the physical or mechanical collection, transfer,
103 transportation, treatment, processing, storage, or disposal of solid waste and such other
104 employees as the director of the department of natural resources may designate by
105 regulation. If the applicant has not previously conducted solid waste operations in
106 Missouri, the term also includes any officer, director, partner of the applicant, or any
107 holder of seven percent or more of the equity or debt of the applicant. If any holder of
108 seven percent or more of the equity or debt of the applicant or of any key personnel is not
109 a natural person, the term includes all key personnel of that entity, provided that where
110 such entity is a chartered lending institution or a reporting company under the federal
111 Securities Exchange Act of 1934, the term does not include key personnel of such entity.
112 Provided further that the term means the chief executive officer of any agency of the
113 United States or of any agency or political subdivision of the state of Missouri, and all key
114 personnel of any person, other than a natural person, that operates a landfill or other
115 facility for the collection, transfer, treatment, processing, storage, or disposal of
116 nonhazardous solid waste under contract with or for one of those governmental entities;

117 [(20)] **(23)** "Lead-acid battery", a battery designed to contain lead and sulfuric acid with
118 a nominal voltage of at least six volts and of the type intended for use in motor vehicles and
119 watercraft;

120 [(21)] (24) "Major appliance", clothes washers and dryers, water heaters, trash
121 compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners,
122 refrigerators and freezers;

123 [(22)] (25) "Mercuric-oxide battery" or "mercury battery", a battery having a
124 mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte,
125 including mercuric-oxide button cell batteries generally intended for use in hearing aids and
126 larger size mercuric-oxide batteries used primarily in medical equipment;

127 [(23)] (26) "Minor violation", a violation which possesses a small potential to harm the
128 environment or human health or cause pollution, was not knowingly committed, and is not
129 defined by the United States Environmental Protection Agency as other than minor;

130 [(24)] (27) "Motor oil", any oil intended for use in a motor vehicle, as defined in section
131 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal
132 combustion engine;

133 [(25)] (28) "Motor vehicle", as defined in section 301.010;

134 [(26)] (29) "Operator" and "permittee", anyone so designated, and shall include cities,
135 counties, other political subdivisions, authority, state agency or institution, or federal agency or
136 institution;

137 [(27)] (30) "Permit modification", any permit issued by the department which alters or
138 modifies the provisions of an existing permit previously issued by the department;

139 [(28)] (31) "Person", any individual, partnership, **limited liability company**,
140 corporation, association, **trust**, institution, city, county, other political subdivision, authority,
141 state agency or institution, or federal agency or institution, **or any other legal entity**;

142 [(29)] (32) "Plasma arc technology", a process that converts electrical energy into
143 thermal energy. This electric arc is created when an ionized gas transfers electric power between
144 two or more electrodes;

145 [(30)] (33) "Postclosure plan", plans, designs and relevant data which specify the
146 methods and schedule by which the operator shall perform necessary monitoring and care for the
147 area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations
148 promulgated thereunder;

149 [(31)] (34) "Recovered materials", those materials which have been diverted or removed
150 from the solid waste stream for sale, use, reuse or recycling, whether or not they require
151 subsequent separation and processing;

152 [(32)] (35) "Recycled content", the proportion of fiber in a newspaper which is derived
153 from postconsumer waste;

154 [(33)] (36) "Recycling", the separation and reuse of materials which might otherwise be
155 disposed of as solid waste;

156 [(34)] (37) "Resource recovery", a process by which recyclable and recoverable material
157 is removed from the waste stream to the greatest extent possible, as determined by the
158 department and pursuant to department standards, for reuse or remanufacture;

159 [(35)] (38) "Resource recovery facility", a facility in which recyclable and recoverable
160 material is removed from the waste stream to the greatest extent possible, as determined by the
161 department and pursuant to department standards, for reuse or remanufacture;

162 [(36)] (39) "Sanitary landfill", a solid waste disposal area which accepts commercial and
163 residential solid waste;

164 [(37)] (40) "Scrap tire", a tire that is no longer suitable for its original intended purpose
165 because of wear, damage, or defect;

166 [(38)] (41) "Scrap tire collection center", a site where scrap tires are collected prior to
167 being offered for recycling or processing and where fewer than five hundred tires are kept on site
168 on any given day;

169 [(39)] (42) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel
170 supplement or converted into a useable product. Baled or compressed tires used in structures,
171 or used at recreational facilities, or used for flood or erosion control shall be considered an end
172 use;

173 [(40)] (43) "Scrap tire generator", a person who sells tires at retail or any other person,
174 firm, corporation, or government entity that generates scrap tires;

175 [(41)] (44) "Scrap tire processing facility", a site where tires are reduced in volume by
176 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or
177 disposal;

178 [(42)] (45) "Scrap tire site", a site at which five hundred or more scrap tires are
179 accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap
180 tires for the generation of energy or converts scrap tires to a useful product;

181 [(43)] (46) "Solid waste", garbage, refuse and other discarded materials including, but
182 not limited to, solid and semisolid waste materials resulting from industrial, commercial,
183 agricultural, governmental and domestic activities, but does not include hazardous waste as
184 defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte,
185 slag or other waste material resulting from mining, milling or smelting;

186 [(44)] (47) "Solid waste disposal area", any area used for the disposal of solid waste from
187 more than one residential premises, or one or more commercial, industrial, manufacturing,
188 recreational, or governmental operations;

189 [(45)] (48) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and
190 may be:

191 (a) A solid waste collection fee imposed at the point of waste collection; or

- 192 (b) A solid waste disposal fee imposed at the disposal site;
- 193 [(46)] **(49)** "Solid waste management area", a solid waste disposal area which also
194 includes one or more of the functions contained in the definitions of recycling, resource recovery
195 facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste
196 processing facility, excluding incineration;
- 197 [(47)] **(50)** "Solid waste management system", the entire process of managing solid waste
198 in a manner which minimizes the generation and subsequent disposal of solid waste, including
199 waste reduction, source separation, collection, storage, transportation, recycling, resource
200 recovery, volume minimization, processing, market development, and disposal of solid wastes;
- 201 [(48)] **(51)** "Solid waste processing facility", any facility where solid wastes are salvaged
202 and processed, including:
- 203 (a) A transfer station; or
- 204 (b) An incinerator which operates with or without energy recovery but excluding waste
205 tire end-user facilities; or
- 206 (c) A material recovery facility which operates with or without composting;
- 207 (d) A plasma arc technology facility;
- 208 [(49)] **(52)** "Solid waste technician", an individual who has successfully completed
209 training in the practical aspects of the design, operation and maintenance of a permitted solid
210 waste processing facility or solid waste disposal area in accordance with sections 260.200 to
211 260.345;
- 212 [(50)] **(53)** "Tire", a continuous solid or pneumatic rubber covering encircling the wheel
213 of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in
214 chapter 301, except farm tractors and farm implements owned and operated by a family farm or
215 family farm corporation as defined in section 350.010;
- 216 [(51)] **(54)** "Used motor oil", any motor oil which, as a result of use, becomes unsuitable
217 for its original purpose due to loss of original properties or the presence of impurities, but used
218 motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have
219 been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations,
220 oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,
221 quenching oils, and transformer oils;
- 222 [(52)] **(55)** "Utility waste landfill", a solid waste disposal area used for fly ash waste,
223 bottom ash waste, slag waste and flue gas emission control waste generated primarily from the
224 combustion of coal or other fossil fuels;
- 225 [(53)] **(56)** "Yard waste", leaves, grass clippings, yard and garden vegetation and
226 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

227 2. For the purposes of this section and sections 260.270 to 260.279 and any rules in place
228 as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be used
229 synonymously with and in place of waste, as it applies only to scrap tires.

260.205. 1. It shall be unlawful for any person to operate a solid waste processing
2 facility or solid waste disposal area of a solid waste management system without first obtaining
3 an operating permit from the department. It shall be unlawful for any person to construct a solid
4 waste processing facility or solid waste disposal area without first obtaining a construction
5 permit from the department pursuant to this section. A current authorization to operate issued
6 by the department pursuant to sections 260.200 to 260.345 shall be considered to be a permit to
7 operate for purposes of this section for all solid waste disposal areas and processing facilities
8 existing on August 28, 1995. A permit shall not be issued for a sanitary landfill to be located in
9 a flood area, as determined by the department, where flood waters are likely to significantly
10 erode final cover. A permit shall not be required to operate a waste stabilization lagoon, settling
11 pond or other water treatment facility which has a valid permit from the Missouri clean water
12 commission even though the facility may receive solid or semisolid waste materials.

13 2. No person or operator may apply for or obtain a permit to construct a solid waste
14 disposal area unless the person has requested the department to conduct a preliminary site
15 investigation and obtained preliminary approval from the department. The department shall,
16 within sixty days of such request, conduct a preliminary investigation and approve or disapprove
17 the site.

18 3. All proposed solid waste disposal areas for which a preliminary site investigation
19 request pursuant to subsection 2 of this section is received by the department on or after August
20 28, 1999, shall be subject to a public involvement activity as part of the permit application
21 process. The activity shall consist of the following:

22 (1) The applicant shall notify the public of the preliminary site investigation approval
23 within thirty days after the receipt of such approval. Such public notification shall be by certified
24 mail to the governing body of the county or city in which the proposed disposal area is to be
25 located and by certified mail to the solid waste management district in which the proposed
26 disposal area is to be located;

27 (2) Within ninety days after the preliminary site investigation approval, the department
28 shall conduct a public awareness session in the county in which the proposed disposal area is to
29 be located. The department shall provide public notice of such session by both printed and
30 broadcast media at least thirty days prior to such session. Printed notification shall include
31 publication in at least one newspaper having general circulation within the county in which the
32 proposed disposal area is to be located. Broadcast notification shall include public service
33 announcements on radio stations that have broadcast coverage within the county in which the

34 proposed disposal area is to be located. The intent of such public awareness session shall be to
35 provide general information to interested citizens on the design and operation of solid waste
36 disposal areas;

37 (3) At least sixty days prior to the submission to the department of a report on the results
38 of a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct
39 a community involvement session in the county in which the proposed disposal area is to be
40 located. Department staff shall attend any such session. The applicant shall provide public
41 notice of such session by both printed and broadcast media at least thirty days prior to such
42 session. Printed notification shall include publication in at least one newspaper having general
43 circulation within the county in which the proposed disposal area is to be located. Broadcast
44 notification shall include public service announcements on radio stations that have broadcast
45 coverage within the county in which the proposed disposal area is to be located. Such public
46 notices shall include the addresses of the applicant and the department and information on a
47 public comment period. Such public comment period shall begin on the day of the community
48 involvement session and continue for at least thirty days after such session. The applicant shall
49 respond to all persons submitting comments during the public comment period no more than
50 thirty days after the receipt of such comments;

51 (4) If a proposed solid waste disposal area is to be located in a county or city that has
52 local planning and zoning requirements, the applicant shall not be required to conduct a
53 community involvement session if the following conditions are met:

54 (a) The local planning and zoning requirements include a public meeting;

55 (b) The applicant notifies the department of intent to utilize such meeting in lieu of the
56 community involvement session at least thirty days prior to such meeting;

57 (c) The requirements of such meeting include providing public notice by printed or
58 broadcast media at least thirty days prior to such meeting;

59 (d) Such meeting is held at least thirty days prior to the submission to the department of
60 a report on the results of a detailed site investigation pursuant to subsection 4 of this section;

61 (e) The applicant submits to the department a record of such meeting;

62 (f) A public comment period begins on the day of such meeting and continues for at least
63 fourteen days after such meeting, and the applicant responds to all persons submitting comments
64 during such public comment period no more than fourteen days after the receipt of such
65 comments.

66 4. No person may apply for or obtain a permit to construct a solid waste disposal area
67 unless the person has submitted to the department a plan for conducting a detailed surface and
68 subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic site
69 approval from the department. The department shall approve or disapprove the plan within thirty

70 days of receipt. The applicant shall conduct the investigation pursuant to the plan and submit
71 the results to the department. The department shall provide approval or disapproval within sixty
72 days of receipt of the investigation results.

73 5. (1) Every person desiring to construct a solid waste processing facility or solid waste
74 disposal area shall make application for a permit on forms provided for this purpose by the
75 department. Every applicant shall submit evidence of financial responsibility with the
76 application. Any applicant who relies in part upon a parent corporation for this demonstration
77 shall also submit evidence of financial responsibility for that corporation and any other
78 subsidiary thereof.

79 (2) Every applicant shall provide a financial assurance instrument or instruments to the
80 department prior to the granting of a construction permit for a solid waste disposal area. The
81 financial assurance instrument or instruments shall be irrevocable, meet all requirements
82 established by the department and shall not be cancelled, revoked, disbursed, released or allowed
83 to terminate without the approval of the department. After the cessation of active operation of
84 a sanitary landfill, or other solid waste disposal area as designed by the department, neither the
85 guarantor nor the operator shall cancel, revoke or disburse the financial assurance instrument or
86 allow the instrument to terminate until the operator is released from postclosure monitoring and
87 care responsibilities pursuant to section 260.227.

88 (3) The applicant for a permit to construct a solid waste disposal area shall provide the
89 department with plans, specifications, and such other data as may be necessary to comply with
90 the purpose of sections 260.200 to 260.345. The application shall demonstrate compliance with
91 all applicable local planning and zoning requirements. The department shall make an
92 investigation of the solid waste disposal area and determine whether it complies with the
93 provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to
94 sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an application
95 for a construction permit the department shall approve or deny the application. The department
96 shall issue rules and regulations establishing time limits for permit modifications and renewal
97 of a permit for a solid waste disposal area. The time limit shall be consistent with this chapter.

98 (4) The applicant for a permit to construct a solid waste processing facility shall provide
99 the department with plans, specifications and such other data as may be necessary to comply with
100 the purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the
101 application, the department shall determine whether it complies with the provisions of sections
102 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a
103 permit to construct an incinerator as defined in section 260.200 or a material recovery facility
104 as defined in section 260.200, and within six months for permit modifications, the department

105 shall approve or deny the application. Permits issued for solid waste facilities shall be for the
106 anticipated life of the facility.

107 (5) If the department fails to approve or deny an application for a permit or a permit
108 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the
109 applicant may maintain an action in the circuit court of Cole County or that of the county in
110 which the facility is located or is to be sited. The court shall order the department to show cause
111 why it has not acted on the permit and the court may, upon the presentation of evidence
112 satisfactory to the court, order the department to issue or deny such permit or permit
113 modification. Permits for solid waste disposal areas, whether issued by the department or
114 ordered to be issued by a court, shall be for the anticipated life of the facility.

115 (6) The applicant for a permit to construct a solid waste processing facility shall pay an
116 application fee of one thousand dollars. Upon completion of the department's evaluation of the
117 application, but before receiving a permit, the applicant shall reimburse the department for all
118 reasonable costs incurred by the department up to a maximum of four thousand dollars. The
119 applicant for a permit to construct a solid waste disposal area shall pay an application fee of two
120 thousand dollars. Upon completion of the department's evaluations of the application, but before
121 receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred
122 by the department up to a maximum of eight thousand dollars. Applicants who withdraw their
123 application before the department completes its evaluation shall be required to reimburse the
124 department for costs incurred in the evaluation. The department shall not collect the fees
125 authorized in this subdivision unless it complies with the time limits established in this section.

126 (7) When the review reveals that the facility or area does conform with the provisions
127 of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections
128 260.200 to 260.345, the department shall approve the application and shall issue a permit for the
129 construction of each solid waste processing facility or solid waste disposal area as set forth in
130 the application and with any permit terms and conditions which the department deems
131 appropriate. In the event that the facility or area fails to meet the rules and regulations adopted
132 pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant
133 stating the reason for denial of a permit.

134 6. Plans, designs, and relevant data for the construction of solid waste processing
135 facilities and solid waste disposal areas shall be submitted to the department by a registered
136 professional engineer licensed by the state of Missouri for approval prior to the construction,
137 alteration or operation of such a facility or area.

138 7. Any person or operator as defined in section 260.200 who intends to obtain a
139 construction permit in a solid waste management district with an approved solid waste
140 management plan shall request a recommendation in support of the application from the

141 executive board created in section 260.315. The executive board shall consider the impact of
142 the proposal on, and the extent to which the proposal conforms to, the approved district solid
143 waste management plan prepared pursuant to section 260.325. The executive board shall act
144 upon the request for a recommendation within sixty days of receipt and shall submit a resolution
145 to the department specifying its position and its recommendation regarding conformity of the
146 application to the solid waste plan. The board's failure to submit a resolution constitutes
147 recommendation of the application. The department may consider the application, regardless of
148 the board's action thereon and may deny the construction permit if the application fails to meet
149 the requirements of sections 260.200 to 260.345, or if the application is inconsistent with the
150 district's solid waste management plan.

151 8. If the site proposed for a solid waste disposal area is not owned by the applicant, the
152 owner or owners of the site shall acknowledge that an application pursuant to sections 260.200
153 to 260.345 is to be submitted by signature or signatures thereon. The department shall provide
154 the owner with copies of all communication with the operator, including inspection reports and
155 orders issued pursuant to section 260.230.

156 9. The department shall not issue a permit for the operation of a solid waste disposal area
157 designed to serve a city with a population of greater than four hundred thousand located in more
158 than one county, if the site is located within one-half mile of an adjoining municipality, without
159 the approval of the governing body of such municipality. The governing body shall conduct a
160 public hearing within fifteen days of notice, shall publicize the hearing in at least one newspaper
161 having general circulation in the municipality, and shall vote to approve or disapprove the land
162 disposal facility within thirty days after the close of the hearing.

163 10. Upon receipt of an application for a permit to construct a solid waste processing
164 facility or disposal area, the department shall notify the public of such receipt:

165 (1) By legal notice published in a newspaper of general circulation in the area of the
166 proposed disposal area or processing facility;

167 (2) By certified mail to the governing body of the county or city in which the proposed
168 disposal area or processing facility is to be located; and

169 (3) By mail to the last known address of all record owners of contiguous real property
170 or real property located within one thousand feet of the proposed disposal area and, for a
171 proposed processing facility, notice as provided in section 64.875 or section 89.060, whichever
172 is applicable.

173 (4) If an application for a construction permit meets all statutory and regulatory
174 requirements for issuance, a public hearing on the draft permit shall be held by the department
175 in the county in which the proposed solid waste disposal area is to be located prior to the
176 issuance of the permit. The department shall provide public notice of such hearing by both

177 printed and broadcast media at least thirty days prior to such hearing. Printed notification shall
178 include publication in at least one newspaper having general circulation within the county in
179 which the proposed disposal area is to be located. Broadcast notification shall include public
180 service announcements on radio stations that have broadcast coverage within the county in which
181 the proposed disposal area is to be located.

182 11. After the issuance of a construction permit for a solid waste disposal area, but prior
183 to the beginning of disposal operations, the owner and the department shall execute an easement
184 to allow the department, its agents or its contractors to enter the premises to complete work
185 specified in the closure plan, or to monitor or maintain the site or to take remedial action during
186 the postclosure period. After issuance of a construction permit for a solid waste disposal area,
187 but prior to the beginning of disposal operations, the owner shall submit evidence that he or she
188 has recorded, in the office of the recorder of deeds in the county where the disposal area is
189 located, a notice and covenant running with the land that the property has been permitted as a
190 solid waste disposal area and prohibits use of the land in any manner which interferes with the
191 closure and, where appropriate, postclosure plans filed with the department.

192 12. Every person desiring to obtain a permit to operate a solid waste disposal area or
193 processing facility shall submit applicable information and apply for an operating permit from
194 the department. The department shall review the information and determine, within sixty days
195 of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules
196 and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that
197 the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules
198 and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a
199 permit for the operation of each solid waste processing facility or solid waste disposal area and
200 with any permit terms and conditions which the department deems appropriate. In the event that
201 the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200
202 to 260.345, the department shall issue a report to the applicant stating the reason for denial of
203 a permit.

204 13. Each solid waste disposal area, except utility waste landfills unless otherwise and to
205 the extent required by the department, and those solid waste processing facilities designated by
206 rule, shall be operated under the direction of a certified solid waste technician in accordance with
207 sections 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections
208 260.200 to 260.345.

209 14. Base data for the quality and quantity of groundwater in the solid waste disposal area
210 shall be collected and submitted to the department prior to the operation of a new or expansion
211 of an existing solid waste disposal area. Base data shall include a chemical analysis of
212 groundwater drawn from the proposed solid waste disposal area.

213 15. Leachate collection and removal systems shall be incorporated into new or expanded
214 sanitary landfills which are permitted after August 13, 1986. The department shall assess the
215 need for a leachate collection system for all types of solid waste disposal areas, other than
216 sanitary landfills, and the need for monitoring wells when it evaluates the application for all new
217 or expanded solid waste disposal areas. The department may require an operator of a solid waste
218 disposal area to install a leachate collection system before the beginning of disposal operations,
219 at any time during disposal operations for unfilled portions of the area, or for any portion of the
220 disposal area as a part of a remedial plan. The department may require the operator to install
221 monitoring wells before the beginning of disposal operations or at any time during the
222 operational life or postclosure care period if it concludes that conditions at the area warrant such
223 monitoring. The operator of a demolition landfill or utility waste landfill shall not be required
224 to install a leachate collection and removal system or monitoring wells unless otherwise and to
225 the extent the department so requires based on hazardous waste characteristic criteria or site
226 specific geohydrological characteristics or conditions.

227 16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall
228 be subject to suspension for a designated period of time, civil penalty or revocation whenever
229 the department determines that the solid waste processing facility or solid waste disposal area
230 is, or has been, operated in violation of sections 260.200 to 260.345 or the rules or regulations
231 adopted pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit
232 terms and conditions, or is creating a public nuisance, health hazard, or environmental pollution.
233 In the event a permit is suspended or revoked, the person named in the permit shall be fully
234 informed as to the reasons for such action.

235 17. Each permit for operation of a facility or area shall be issued only to the person
236 named in the application. Permits are transferable as a modification to the permit. An
237 application to transfer ownership shall identify the proposed permittee. A disclosure statement
238 for the proposed permittee listing violations contained in [subsection 19 of this section] **the**
239 **definition of disclosure statement found in section 260.200** shall be submitted to the
240 department. The operation and design plans for the facility or area shall be updated to provide
241 compliance with the currently applicable law and rules. A financial assurance instrument in such
242 an amount and form as prescribed by the department shall be provided for solid waste disposal
243 areas by the proposed permittee prior to transfer of the permit. The financial assurance
244 instrument of the original permittee shall not be released until the new permittee's financial
245 assurance instrument has been approved by the department and the transfer of ownership is
246 complete.

247 18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon
248 submission of a request for permit modification, be granted a solid waste management area
249 operating permit if the request meets reasonable requirements set out by the department.

250 19. In case a permit required pursuant to this section is denied or revoked, the person
251 may request a hearing in accordance with section 260.235.

252 20. [Any person seeking a permit or renewal of a permit to operate a commercial solid
253 waste processing facility, or a solid waste disposal area shall, concurrently with the filing of
254 application for a permit, file a disclosure statement with the department of natural resources. The
255 disclosure statement shall include, but not be limited to, a listing of any felony convictions by
256 state or federal agencies, and a listing of other enforcement actions, sanctions, permit revocations
257 or denials by any state or federal authority of every person seeking a permit, including officers,
258 directors, partners and facility or location managers of each person seeking a permit, any
259 violations of Missouri environmental statutes, violations of the environmental statutes of other
260 states or federal statutes and a listing of convictions for any crimes or criminal acts, an element
261 of which involves restraint of trade, price-fixing, intimidation of the customers of another person
262 or for engaging in any other acts which may have the effect of restraining or limiting competition
263 concerning activities regulated pursuant to this chapter or similar laws of other states or the
264 federal government; except that convictions for violations by entities purchased or acquired by
265 an applicant or permittee which occurred prior to the purchase or acquisition shall not be
266 included. The department shall by rule, define those environmental violations which must be
267 reported pursuant to this section. For purposes of this section, additional persons as required by
268 rule shall be named in the statement and violations or convictions of such persons shall be listed.
269 The department or its representative shall verify the information provided on the disclosure
270 statement prior to permit issuance. The disclosure statement shall be used by the department in
271 determining whether a permit should be granted or denied on the basis of the applicant's status
272 as a habitual violator; however, the department has the authority to make a habitual violator
273 determination independent of the information contained in the disclosure statement. After permit
274 issuance, each facility shall annually file an updated disclosure statement with the department
275 of natural resources on or before March thirty-first of each year. Any county, district,
276 municipality, authority or other political subdivision of this state which owns and operates a
277 sanitary landfill shall be exempt from the provisions of this subsection] **Every applicant for a
278 permit shall file a disclosure statement with the information required by and on a form
279 developed by the department of natural resources at the same time the application for a
280 permit is filed with the department.**

281 21. [Any person seeking a permit to operate a solid waste disposal area, a solid waste
282 processing facility or a resource recovery facility shall, concurrently with the filing of the

283 application for a permit, disclose any convictions in this state of municipal or county public
284 health or land use ordinances related to the management of solid waste. If the department finds
285 that there has been a continuing pattern of serious adjudicated violations by the applicant, the
286 department may deny the application] **Upon request of the director of the department of**
287 **natural resources, the applicant for a permit, any person that could reasonably be expected**
288 **to be involved in management activities of the solid waste disposal area or solid waste**
289 **processing facility, or any person who has a controlling interest in any permittee shall be**
290 **required to submit to a criminal background check under section 43.543.**

291 **22. All persons required to file a disclosure statement shall provide any assistance**
292 **or information requested by the director or by the Missouri state highway patrol and shall**
293 **cooperate in any inquiry or investigation conducted by the department and any inquiry,**
294 **investigation or hearing conducted by the director. If, upon issuance of a formal request**
295 **to answer any inquiry or produce information, evidence or testimony, any person required**
296 **to file a disclosure statement refuses to comply, the application of an applicant or the**
297 **permit of a permittee may be denied or revoked by the director.**

298 **23. If any of the information required to be included in the disclosure statement**
299 **changes, or if any additional information should be added after the filing of the statement,**
300 **the person required to file it shall provide that information to the director in writing,**
301 **within thirty days after the change or addition. The failure to provide such information**
302 **within thirty days may constitute the basis for the revocation of or denial of an application**
303 **for any permit issued or applied for in accordance with this section, but only if, prior to**
304 **any such denial or revocation, the director notifies the applicant or permittee of the**
305 **director's intention to do so and gives the applicant or permittee fourteen days from the**
306 **date of the notice to explain why the information was not provided within the required**
307 **thirty-day period. The director shall consider this information when determining whether**
308 **to revoke, deny or conditionally grant the permit.**

309 **24. No person shall be required to submit the disclosure statement required by this**
310 **section if the person is a corporation or an officer, director or shareholder of that**
311 **corporation or any subsidiary thereof, and that corporation:**

312 **(1) Has on file and in effect with the federal Securities and Exchange Commission**
313 **a registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act**
314 **of 1933, as amended, 15 U.S.C. Section 77e(c);**

315 **(2) Submits to the director with the application for a permit evidence of the**
316 **registration described in subdivision (1) of this subsection and a copy of the corporation's**
317 **most recent annual form 10-K or an equivalent report; and**

318 **(3) Submits to the director on the anniversary date of the issuance of any permit**
319 **it holds under the Missouri solid waste management law evidence of registration described**
320 **in subdivision (1) of this subsection and a copy of the corporation's most recent annual**
321 **form 10-K or an equivalent report.**

322 **25. After permit issuance, each facility shall annually file an update to the**
323 **disclosure statement with the department of natural resources on or before March thirty-**
324 **first of each year. Failure to provide such update may result in penalties as provided for**
325 **under section 260.240.**

326 **26. Any county, district, municipality, authority, or other political subdivision of**
327 **this state which owns and operates a sanitary landfill shall be exempt from the requirement**
328 **for the filing of the disclosure statement and annual update to the disclosure statement.**

329 **27. Any person seeking a permit to operate a solid waste disposal area, a solid waste**
330 **processing facility, or a resource recovery facility shall, concurrently with the filing of the**
331 **application for a permit, disclose any convictions in this state, county or county equivalent**
332 **public health or land use ordinances related to the management of solid waste. If the**
333 **department finds that there has been a continuing pattern of adjudicated violations by the**
334 **applicant, the department may deny the application.**

335 **28. No permit to construct or permit to operate shall be required pursuant to this section**
336 **for any utility waste landfill located in a county of the third classification with a township form**
337 **of government which has a population of at least eleven thousand inhabitants and no more than**
338 **twelve thousand five hundred inhabitants according to the most recent decennial census, if such**
339 **utility waste landfill complies with all design and operating standards and closure requirements**
340 **applicable to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that**
341 **no waste disposed of at such utility waste landfill is considered hazardous waste pursuant to the**
342 **Missouri hazardous waste law.**

260.214. 1. Preliminary site investigation approval shall not be required for any
2 **municipal utility located in a county of the first classification with more than two hundred**
3 **sixty but fewer than three hundred thousand inhabitants to proceed with a utility waste**
4 **landfill detailed site investigation. Nothing in this section shall preclude the department**
5 **from exercising its existing authority to approve or disapprove the site upon completion**
6 **of the detailed site investigation. Solely for purposes of conducting the public involvement**
7 **activity described in subsection 3 of section 260.205, the effective date of this section shall**
8 **be considered the date of approval of the preliminary site investigation.**

9 **2. If any provision of this section or the application thereof to anyone or to any**
10 **circumstance is held invalid, the remainder of this act and the application of such**
11 **provisions to others or other circumstances shall not be affected thereby.**

260.235. [1.] Any person aggrieved by a forfeiture of any financial assurance
2 instrument, civil or administrative penalty or denial, suspension or revocation of a permit
3 required by section 260.205 or a modification to a permit issued under section 260.205 or any
4 disapproval of the plan required by section 260.220, may [within thirty days of notice of such
5 action request a hearing] **appeal such decision as provided in section 621.250, subject to**
6 **judicial review as provided by law.** The notice of the department shall be effected by certified
7 mail and shall set forth the reasons for such forfeiture, disapproval, denial, suspension, civil
8 penalty or revocation. The department may seek an injunction in the circuit court in which the
9 facility is located requiring the facility for which the transfer of ownership has been denied, or
10 the permit or modification of the permit has been denied, suspended or revoked, to cease
11 operations from the date ordered by the court until such time as the appeal is resolved or obtain
12 a performance bond in the amount and manner as prescribed by rule. The department's action
13 seeking an injunction shall be based on the seriousness of the threat to the environment which
14 continued operation of the facility poses. [The] **A bond may be required in order to stay the**
15 **effect of the department's action until the appeal is resolved, in which case such bond** shall
16 remain in place until the appeal is resolved. If the department's decision is upheld, the bond shall
17 be forfeited and placed in a separate subaccount of the solid waste management fund.

18 [2. The hearing shall be conducted by the director or his designated representative in
19 accordance with the procedures set forth in sections 536.070, 536.073, 536.077, 536.080, and
20 536.090. The decision of the department shall become final thirty days after delivery or certified
21 mailing of a copy of it to the person. Such decisions may be appealed to the administrative
22 hearing commission pursuant to sections 536.063 to 536.095 and shall be subject to judicial
23 review of a final decision as provided in sections 536.100 to 536.140.]

260.249. 1. In addition to any other remedy provided by law, upon a determination by
2 the director that a provision of sections 260.200 to 260.281, or a standard, limitation, order, rule
3 or regulation promulgated pursuant thereto, or a term or condition of any permit has been
4 violated, the director may issue an order assessing an administrative penalty upon the violator
5 under this section. An administrative penalty shall not be imposed until the director has sought
6 to resolve the violations through conference, conciliation and persuasion and shall not be
7 imposed for minor violations of sections 260.200 to 260.281 or minor violation of any standard,
8 limitation, order, rule or regulation promulgated pursuant to sections 260.200 to 260.281 or
9 minor violations of any term or condition of a permit issued pursuant to sections 260.200 to
10 260.281 or any violations of sections 260.200 to 260.281 by any person resulting from
11 mismanagement of solid waste generated and managed on the property of the place of residence
12 of the person. If the violation is resolved through conference, conciliation and persuasion, no
13 administrative penalty shall be assessed unless the violation has caused, or has the potential to

14 cause, a risk to human health or to the environment, or has caused or has potential to cause
15 pollution, or was knowingly committed, or is defined by the United States Environmental
16 Protection Agency as other than minor. Any order assessing an administrative penalty shall state
17 that an administrative penalty is being assessed under this section and that the person subject to
18 the penalty may appeal as provided by section 260.235 **and section 621.250**. Any such order
19 that fails to state the statute under which the penalty is being sought, the manner of collection
20 or rights of appeal shall result in the state's waiving any right to collection of the penalty.

21 2. The department shall promulgate rules and regulations for the assessment of
22 administrative penalties. The amount of the administrative penalty assessed per day of violation
23 for each violation under this section shall not exceed the amount of the civil penalty specified
24 in section 260.240. Such rules shall reflect the criteria used for the administrative penalty matrix
25 as provided for in the Resource Conservation and Recovery Act, 42 U.S.C. 6928(a), Section
26 3008(a), and the harm or potential harm which the violation causes, or may cause, the violator's
27 previous compliance record, and any other factors which the department may reasonably deem
28 relevant. An administrative penalty shall be paid within sixty days from the date of issuance of
29 the order assessing the penalty. Any person subject to an administrative penalty may appeal as
30 provided in section 260.235 **and section 621.250**. Any appeal will stay the due date of such
31 administrative penalty until the appeal is resolved. Any person who fails to pay an
32 administrative penalty by the final due date shall be liable to the state for a surcharge of fifteen
33 percent of the penalty plus ten percent per annum on any amounts owed. Any administrative
34 penalty paid pursuant to this section shall be handled in accordance with section 7 of article IX
35 of the state constitution. An action may be brought in the appropriate circuit court to collect any
36 unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection
37 thereof.

38 3. An administrative penalty shall not be increased in those instances where department
39 action, or failure to act, has caused a continuation of the violation that was a basis for the penalty.
40 Any administrative penalty must be assessed within two years following the department's initial
41 discovery of such alleged violation, or from the date the department in the exercise of ordinary
42 diligence should have discovered such alleged violation.

43 4. The state may elect to assess an administrative penalty, or, in lieu thereof, to request
44 that the attorney general or prosecutor file an appropriate legal action seeking a civil penalty in
45 the appropriate circuit court.

46 5. Any final order imposing an administrative penalty [is subject to judicial review upon
47 the filing of a petition pursuant to section 536.100] **may be appealed** by any person subject to
48 the administrative penalty **as provided in section 260.235 and section 621.250, subject to**

49 **judicial review as provided by law. No judicial review shall be available until all**
50 **administrative remedies are exhausted.**

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 December 31, [2013] **2018.**

260.365. 1. There is hereby created a hazardous waste management agency to be known
2 as the "Hazardous Waste Management Commission of the State of Missouri", whose domicile
3 for the purpose of sections 260.350 to 260.430 shall be deemed to be that of the department of

4 natural resources of the state of Missouri. The commission shall consist of seven members
5 appointed by the governor with the advice and consent of the senate. No more than four
6 members shall belong to the same political party. All members shall be representative of the
7 general interest of the public and shall have an interest in and knowledge of waste management
8 and the effects of improper waste management on health and the environment and shall serve in
9 a manner consistent with the purposes of sections 260.350 to 260.430. [Three] **Four** of the
10 members, but no more than [three] **four**, one for each interest, shall be knowledgeable of and
11 may be employed in agriculture, **the retail petroleum industry**, the waste generating industry
12 and the waste management industry. Except for the industry members, no member shall receive,
13 or have received during the previous two years, a significant portion of income directly or
14 indirectly from any license or permit holder or applicant for license or permit under any waste
15 management act. At the first meeting of the commission and annually thereafter, the members
16 shall select from among themselves a chairman and a vice chairman. Prior to any vote on any
17 variance, appeal or order, they shall adopt a voting rule to exclude from such vote any member
18 with a conflict of interest with respect to the matter at issue.

19 2. The members' terms of office shall be four years and until their successors are selected
20 and qualified, except that, of those first appointed, three shall have a term of three years, two
21 shall have a term of two years and two shall have a term of one year as designated by the
22 governor at the time of appointment. There is no limitation on the number of terms any
23 appointed member may serve. If a vacancy occurs the governor may appoint a member for the
24 remaining portion of the unexpired term created by the vacancy. The governor may remove any
25 appointed member for cause. The members of the commission shall be reimbursed for actual
26 and necessary expenses incurred in the performance of their duties, and shall receive fifty dollars
27 per day for each day spent in the performance of their official duties while in attendance at
28 regular commission meetings.

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

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

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

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

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

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

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

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

26 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any 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 such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

35 (9) Make available to the department upon request samples of waste and all records 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 (c) **The director of the department of natural resources may conduct a**
56 **comprehensive review of the fee structure set forth in this section. The comprehensive**
57 **review shall include stakeholder meetings in order to solicit stakeholder input from each**
58 **of the following groups: cement kiln representatives, chemical companies, large and small**
59 **hazardous waste generators, and any other interested parties. Upon completion of the**
60 **comprehensive review, the department shall submit proposed changes to the fee structure**
61 **with stakeholder agreement to the hazardous waste management commission. The**
62 **commission shall, upon receiving the department's recommendations, review such**
63 **recommendations at the forthcoming regular or special meeting. The commission shall not**
64 **take a vote on the fee structure until the following regular meeting. If the commission**
65 **approves, by vote of two-thirds majority, the hazardous waste fee structure**
66 **recommendations, the commission shall promulgate by regulation and publish the**
67 **recommended fee structure no later than October first of the same year. The commission**
68 **shall file the order of rulemaking for such rule with the joint committee on administrative**
69 **rules pursuant to sections 536.021 and 536.024 no later than December first of the same**
70 **year. If such rules are not disapproved by the general assembly in the manner set out**
71 **below, they shall take effect on January first of the next odd-numbered year and the fee**
72 **structure set out in this section shall expire upon the effective date of the commission**

73 **adopted fee structure, contrary to subsection 4 of this section. Any regulation promulgated**
74 **under this subsection shall be deemed to be beyond the scope and authority provided in**
75 **this subsection, or detrimental to permit applicants, if the general assembly, within the first**
76 **sixty calendar days of the regular session immediately following the promulgation of such**
77 **regulation, by concurrent resolution, shall disapprove the fee structure contained in such**
78 **regulation. If the general assembly so disapproves any regulation promulgated under this**
79 **subsection, the hazardous waste management commission shall continue to use the fee**
80 **structure set forth in the most recent preceding regulation promulgated under this**
81 **subsection. This subsection shall expire on August 28, 2023.**

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

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

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

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

98 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections
99 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous
100 waste management program authorized pursuant to the federal Resource Conservation and
101 Recovery Act which the department designates for this purpose; or

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

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

260.390. 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste facility owners or operators shall:

(1) Not construct, substantially alter or operate[, including all postclosure activities and operations specified in the rules and regulations,] a hazardous waste facility without first obtaining a hazardous waste facility permit from the department as specified in section 260.395;

(2) Operate the facility according to the standards, rules and regulations adopted under sections 260.350 to 260.430 and all terms and conditions of the permit;

(3) Unless otherwise provided in sections 260.350 to 260.430 or the rules and regulations adopted hereunder, accept delivery of hazardous waste only if delivery is by a hazardous waste transporter holding a license under sections 260.350 to 260.430, the shipment is accompanied by a manifest properly completed by both the generator and transporter and their facility is the destination indicated by the generator on the manifest. Exempted from the requirements of this subsection are deliveries, when directed by the department, from householders, farmers and other persons exempted from generator responsibilities under provisions of section 260.380 and deliveries made in emergency situations as specified in sections 260.350 to 260.550 or the rules and regulations adopted hereunder. For such exempted deliveries they shall make a record of any waste accepted, its type, quantity, origin and the identity of the person making the delivery and promptly report this information to the department;

(4) Complete, sign and file the facility operator portion of the manifest as specified in rules and regulations adopted under sections 260.350 to 260.430;

(5) Whenever final disposition is to be achieved at another hazardous waste or exempted facility, initiate a new manifest and comply with the other responsibilities of generators specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their permit adopted or issued hereunder;

(6) Collect and maintain such records, submit such reports and perform such monitoring as specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their permit adopted or issued hereunder;

(7) Make available to the department, upon request, samples of wastes received and all records, for inspection and copying, relating to hazardous waste management and allow the department to make unhampered inspections at any reasonable time of all facilities and equipment.

2. All hazardous waste landfills shall collect, on behalf of the state from each hazardous waste generator or transporter, a tax equal to two percent of the gross charges and fees charged such generator for disposal at the landfill site to be placed in the hazardous waste fund to be used solely for the administration of sections 260.350 to 260.430. The tax shall be accounted for

37 separately on the statement of charges and fees made to the hazardous waste generator and shall
38 be collected at the time of the collection of such charges and fees. All moneys payable under the
39 provisions of this subsection shall be promptly transmitted to the department of revenue, which
40 shall daily deposit the same in the state treasury to the credit of the hazardous waste fund. The
41 hazardous waste management commission shall establish and submit to the department of
42 revenue procedures relating to the collection of the taxes authorized by this subsection. Such
43 procedures shall include, but not be limited to, necessary records identifying the quantities of
44 hazardous waste received, the form and submission of reports to accompany the payment of
45 taxes, the time and manner of payment of taxes, which shall not be more often than quarterly.

46 3. The owner or operator of a hazardous waste disposal facility must close that facility
47 upon termination of its operation, and shall after closure of the facility provide for protection
48 during a postclosure care period, in accordance with the requirements of the commission,
49 including the funds necessary for same. Protection shall include, but not be limited to,
50 monitoring and maintenance subject to the rules and regulations of the hazardous waste
51 management commission. The owner or operator shall maintain a hazardous waste facility
52 permit for the postclosure care period. The operator and the state may enter into an agreement
53 consistent with the rules and regulations of the hazardous waste management commission where
54 the state may accept deed to, and monitor and maintain the site.

55 4. All owners or operators of hazardous waste facilities who have obtained, or are
56 required to obtain, a hazardous waste facility permit from the department and who accept, on a
57 commercial basis for remuneration, hazardous waste from off-site sources, but not including
58 wastes generated by the same person at other sites located in Missouri or within a metropolitan
59 statistical area located partially in Missouri and owned or operated by the same person and
60 transferred to the hazardous waste facility, for treatment, storage or disposal, shall pay fees for
61 inspections conducted by the department to determine compliance with sections 260.350 to
62 260.430 and the rules promulgated thereunder. Hazardous waste facility inspection fees shall
63 be specified by the hazardous waste management commission by rule. The inspection fees shall
64 be used by the department as specified in subsection 3 of section 260.391.

260.395. 1. After six months from the effective date of the standards, rules and
2 regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any
3 person to transport any hazardous waste in this state without first obtaining a hazardous waste
4 transporter license. Any person transporting hazardous waste in this state shall file an
5 application for a license pursuant to this subsection which shall:

6 (1) Be submitted on a form provided for this purpose by the department and shall furnish
7 the department with such equipment identification and data as may be necessary to demonstrate
8 to the satisfaction of the department that equipment engaged in such transportation of hazardous

9 waste, and other equipment as designated in rules and regulations pursuant to sections 260.350
10 to 260.430, is adequate to provide protection of the health of humans and the environment and
11 to comply with the provisions of any federal hazardous waste management act and sections
12 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350
13 to 260.430. If approved by the department, this demonstration of protection may be satisfied by
14 providing certification that the equipment so identified meets and will be operated in accordance
15 with the rules and regulations of the Missouri public service commission and the federal
16 Department of Transportation for the transportation of the types of hazardous materials for which
17 it will be used;

18 (2) Include, as specified by rules and regulations, demonstration of financial
19 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or
20 any combination thereof which shall be related to the number of units, types and sizes of
21 equipment to be used in the transport of hazardous waste by the applicant;

22 (3) Include, as specified in rules and regulations, a fee payable to the state of Missouri
23 which shall consist of an annual application fee, plus an annual use fee based upon tonnage,
24 mileage or a combination of tonnage and mileage. The fees established pursuant to this
25 subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars
26 annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee
27 pursuant to subsection 19 of this section. Fees collected pursuant to this subdivision shall be
28 deposited in the hazardous waste fund created pursuant to section 260.391.

29 2. If the department determines the application conforms to the provisions of any federal
30 hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and
31 regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste
32 transporter license with such terms and conditions as it deems necessary to protect the health of
33 humans and the environment. The department shall act within ninety days after receipt of the
34 application. If the department denies the license, it shall issue a report to the applicant stating
35 the reason for denial of the license.

36 3. A license may be suspended or revoked whenever the department determines that the
37 equipment is or has been operated in violation of any provision of sections 260.350 to 260.430
38 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant
39 to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is
40 creating a public nuisance.

41 4. Whenever a license is issued, renewed, denied, suspended or revoked by the
42 department, any aggrieved person, by petition filed with the department within thirty days of the
43 decision, may appeal such decision and shall be entitled to a hearing as provided in section
44 260.400.

45 5. A license shall be issued for a period of one year and shall be renewed upon proper
46 application by the holder and a determination by the department that the applicant is in
47 compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and
48 regulations, orders and license terms and conditions adopted or issued pursuant to sections
49 260.350 to 260.430.

50 6. A license is not required for the transport of any hazardous waste on the premises
51 where it is generated or onto contiguous property owned by the generator thereof, or for those
52 persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude
53 the department from inspecting unlicensed hazardous waste transporting equipment and to
54 require that it be adequate to provide protection for the health of humans and the environment.

55 7. After six months from the effective date of the standards, rules and regulations
56 adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to
57 construct, substantially alter or operate, including [postclosure activities and] operations
58 specified in the rules and regulations, a hazardous waste facility without first obtaining a
59 hazardous waste facility permit for such construction, alteration or operation from the
60 department. Such person must submit to the department at least ninety days prior to submitting
61 a permit application a letter of intent to construct, substantially alter or operate any hazardous
62 waste disposal facility. The person must file an application within one hundred eighty days of
63 the filing of a letter of intent unless granted an extension by the commission. The department
64 shall publish such letter of intent as specified in section 493.050 within ten days of receipt of
65 such letter. The letter shall be published once each week for four weeks in the county where the
66 hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for
67 the permit application evaluation purposes in existence as of the date of submission shall be
68 deemed frozen, in that no subsequent action by any person to change such conditions in an
69 attempt to thwart a fair and impartial decision on the application for a permit shall be allowed
70 as grounds for denial of the permit. Any person before constructing, substantially altering or
71 operating a hazardous waste facility in this state shall file an application for a permit which shall:

72 (1) Be submitted on a form provided for this purpose by the department and shall furnish
73 the department with plans, specifications and such other data as may be necessary to demonstrate
74 to the satisfaction of the department that such facility does or will provide adequate protection
75 of the health of humans and the environment and does or will comply with the provisions of any
76 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,
77 rules and regulations adopted pursuant to sections 260.350 to 260.430;

78 (2) Include plans, designs, engineering reports and relevant data for construction,
79 alteration or operation of a hazardous waste facility, to be submitted to the department by a
80 registered professional engineer licensed by this state;

81 (3) Include, as specified by rules and regulations, demonstration of financial
82 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or
83 any combination thereof, which shall be related to type and size of facility;

84 (4) Include such environmental and geologic information, assessments and studies as
85 required by the rules and regulations of the commission;

86 (5) [Submit with the application for a hazardous waste disposal or treatment facility a
87 profile of the environmental and economic characteristics of the area as required by the
88 commission, including the extent of air pollution and groundwater contamination; and a profile
89 of the health characteristics of the area which identifies all serious illness, the rate of which
90 exceeds the state average for such illness, which might be attributable to environmental
91 contamination;

92 (6)] Include a fee payable to the state of Missouri which shall not exceed one thousand
93 dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If
94 the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be
95 paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in
96 effect beyond the first year;

97 [(7)] (6) The department shall supervise any field work undertaken to collect geologic
98 and engineering data for submission with the application. The state geologist and departmental
99 engineers shall review the geologic and engineering plans, respectively, and attest to their
100 accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the
101 commission, incurred by the department pursuant to this subsection.

102 8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department
103 shall issue public notice by press release or advertisement and shall notify all record owners of
104 adjoining property by mail directed to the last known address, and the village, town or city, if
105 any, and the county in which the hazardous waste facility is located; and, upon request, shall hold
106 a public hearing after public notice as required in this subsection at a location convenient to the
107 area affected by the issuance of the permit.

108 (2) Prior to issuing[, reviewing every five years as required in subsection 12 of this
109 section,] or renewing a hazardous waste disposal facility permit the department shall issue public
110 notice by press release and advertisement and shall notify all record owners of property, within
111 one mile of the outer boundaries of the site, by mail directed to the last known address; and shall
112 hold a public hearing after public notice as required in this subsection at a location convenient
113 to the area affected by the issuance of the permit.

114 9. If the department determines that the application conforms to the provisions of any
115 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,
116 rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the

117 hazardous waste facility permit, with such terms and conditions and require such testing and
118 construction supervision as it deems necessary to protect the health of humans or the
119 environment. The department shall act within one hundred and eighty days after receipt of the
120 application. If the department denies the permit, it shall issue a report to the applicant stating
121 the reason for denial of a permit.

122 10. A permit may be suspended or revoked whenever the department determines that the
123 hazardous waste facility is, or has been, operated in violation of any provision of sections
124 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted
125 or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the
126 environment or is creating a public nuisance.

127 11. Whenever a permit is issued, renewed, denied, suspended or revoked by the
128 department, any aggrieved person, by petition filed with the department within thirty days of the
129 decision, may appeal such decision and shall be entitled to a hearing as provided in section
130 260.400.

131 12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case
132 of any land disposal facility, storage facility, incinerator, or other treatment facility. [Each permit
133 for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance
134 and shall be modified as necessary to assure that the facility continues to comply with the
135 currently applicable requirements of federal and state law.] Nothing in this subsection shall
136 preclude the department from reviewing and modifying a permit at any time during its term.
137 Review of any application for a permit renewal shall consider improvements in the state of
138 control and measurement technology as well as changes in applicable regulations. Each permit
139 issued pursuant to this section shall contain such terms and conditions as the department
140 determines necessary to protect human health and the environment, and upon proper application
141 by the holder and a determination by the department that the applicant is in compliance with all
142 provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and
143 permit terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

144 13. A hazardous waste facility permit is not required for:

145 (1) On-site storage of hazardous wastes where such storage is exempted by the
146 commission by rule or regulation; however, such storage must conform to the provisions of any
147 federal hazardous waste management act and sections 260.350 to 260.430 and the applicable
148 standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other
149 applicable hazardous materials storage and spill-prevention requirements provided by law;

150 (2) A publicly owned treatment works which has an operating permit pursuant to section
151 644.051 and is in compliance with that permit;

152 (3) A resource recovery facility which the department certifies uses hazardous waste as
153 a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is
154 manufacture of a product rather than treatment or disposal of hazardous wastes;

155 (4) That portion of a facility engaged in hazardous waste resource recovery, when the
156 facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided
157 the owner or operator can demonstrate to the department's satisfaction and the department finds
158 that such portion is not intended and is not used for hazardous waste treatment or disposal.

159 14. Facilities exempted pursuant to subsection 13 of this section must comply with the
160 provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be
161 specified by rules and regulations, as are necessary to comply with any federal hazardous waste
162 management act or regulations hereunder. Generators who use such an exempted facility shall
163 keep records of hazardous wastes transported, except by legal flow through sewer lines, to the
164 facility and submit such records to the department in accordance with the provisions of section
165 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to
166 260.430. Any person, before constructing, altering or operating a resource recovery facility in
167 this state shall file an application for a certification. Such application shall include:

168 (1) Plans, designs, engineering reports and other relevant information as specified by rule
169 that demonstrate that the facility is designed and will operate in a manner protective of human
170 health and the environment; and

171 (2) An application fee of not more than five hundred dollars for a facility that recovers
172 waste generated at the same facility or an application fee of not more than one thousand dollars
173 for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in
174 the hazardous waste fund created in section 260.391. The department shall review such
175 application for conformance with applicable laws, rules and standard engineering principles and
176 practices. The applicant shall pay to the department all reasonable costs, as determined by the
177 commission, incurred by the department pursuant to this subsection. All such funds shall be
178 deposited in the hazardous waste fund created in section 260.391.

179 15. The owner or operator of any hazardous waste facility in existence on September 28,
180 1977, who has achieved federal interim status pursuant to 42 U.S.C. 6925(e), and who has
181 submitted to the department Part A of the federal facility permit application, may continue to
182 receive and manage hazardous wastes in the manner as specified in the Part A application, and
183 in accordance with federal interim status requirements, until completion of the administrative
184 disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The
185 department may at any time require submission of, or the owner or operator may at any time
186 voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430
187 and commission regulations. The authority to operate pursuant to this subsection shall cease one

188 hundred eighty days after the department has notified an owner or operator that an application
189 for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time
190 the owner or operator submits a completed application therefor. Upon submission of a complete
191 application, the authority to operate pursuant to this subsection shall continue for such reasonable
192 time as is required to complete the administrative disposition of the permit application. If a
193 facility loses its federal interim status, or the Environmental Protection Agency requires the
194 owner or operator to submit Part B of the federal application, the department shall notify the
195 owner or operator that an application for a permit must be submitted pursuant to this subsection.
196 In addition to compliance with the federal interim status requirements, the commission shall have
197 the authority to adopt regulations requiring persons operating pursuant to this subsection to meet
198 additional state interim status requirements.

199 16. [A license or permit shall not be issued to any person who is determined by the
200 department to habitually engage in or to have habitually engaged in hazardous waste
201 management practices which pose a threat to the health of humans or the environment or who
202 is determined by the department to habitually violate or to have habitually violated the
203 requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws
204 of other states or federal laws pertaining to hazardous waste. Nor shall a license or permit be
205 issued to any person who has been adjudged in contempt of any court order enforcing the
206 provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of
207 other states or federal laws pertaining to hazardous waste or who has offered, in person or
208 through an agent, any inducement, including any discussion of potential employment
209 opportunities, to any employee of the department when such person has an application for a
210 permit pending or a permit under review. For the purposes of this subsection, the term "person"
211 shall include any officer or management employee of the applicant, or any officer or management
212 employee of any corporation or business which owns an interest in the applicant, or any officer
213 or management employee of any business which is owned either wholly or in part by any person,
214 corporation, or business which owns an interest in the applicant.

215 17.] No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license
216 to transport hazardous wastes or for a permit to construct, substantially alter or operate a
217 hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for
218 such transport service or such facility because of the existence of other services or facilities
219 capable of meeting that need; except that permits for hazardous waste facilities may be denied
220 on determination made by the department that the financial resources of the persons applying are
221 such that the continued operation of the sites in accordance with sections 260.350 to 260.430
222 cannot be reasonably assured or on determination made by the department that the probable

223 volume of business is insufficient to ensure and maintain the solvency of then existing permitted
224 hazardous waste facilities.

225 [18.] 17. All hazardous waste landfills constructed after October 31, 1980, shall have a
226 leachate collection system. The rules and regulations of the commission shall treat and protect
227 all aquifers to the same level of protection. The provisions of this subsection shall not apply to
228 the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

229 [19.] 18. Any railroad corporation as defined in section 388.010 that transports any
230 hazardous waste as defined in section 260.360 or any hazardous substance as defined in section
231 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this
232 subsection shall be deposited in the hazardous waste fund created in section 260.391.

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, [2013] **2018**, 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.

44 **8. The director of the department of natural resources may conduct a**
45 **comprehensive review of the fee structure set forth in this section. The comprehensive**
46 **review shall include stakeholder meetings in order to solicit stakeholder input from each**
47 **of the following groups: cement kiln representatives, chemical companies, large and small**
48 **hazardous waste generators, and any other interested parties. Upon completion of the**
49 **comprehensive review, the department shall submit proposed changes to the fee structure**
50 **with stakeholder agreement to the hazardous waste management commission. The**
51 **commission shall, upon receiving the department's recommendations, review such**
52 **recommendations at the forthcoming regular or special meeting. The commission shall not**
53 **take a vote on the fee structure until the following regular meeting. If the commission**
54 **approves, by vote of two-thirds majority, the hazardous waste fee structure**
55 **recommendations, the commission shall promulgate by regulation and publish the**
56 **recommended fee structure no later than October first of the same year. The commission**
57 **shall file the order of rulemaking for such rule with the joint committee on administrative**
58 **rules pursuant to sections 536.021 and 536.024 no later than December first of the same**
59 **year. If such rules are not disapproved by the general assembly in the manner set out**
60 **below, they shall take effect on January first of the next odd-numbered year and the fee**
61 **structure set out in this section shall expire upon the effective date of the commission**

62 **adopted fee structure, contrary to subsection 9 of this section. Any regulation promulgated**
63 **under this subsection shall be deemed to be beyond the scope and authority provided in**
64 **this subsection, or detrimental to permit applicants, if the general assembly, within the first**
65 **sixty calendar days of the regular session immediately following the promulgation of such**
66 **regulation, by concurrent resolution, shall disapprove the fee structure contained in such**
67 **regulation. If the general assembly so disapproves any regulation promulgated under this**
68 **subsection, the hazardous waste management commission shall continue to use the fee**
69 **structure set forth in the most recent preceding regulation promulgated under this**
70 **subsection. This subsection shall expire on August 28, 2023.**

261.023. 1. There is hereby created a department of agriculture to be headed by a
2 director of the department of agriculture to be appointed by the governor, by and with the advice
3 and consent of the senate. The director shall possess the qualifications presently provided by law
4 for the position of commissioner of agriculture.

5 2. All powers, duties and functions now vested by law to the commissioner of the
6 department of agriculture and the department of agriculture, chapter 261 and others, are
7 transferred by type I transfer to the director of the department of agriculture and to the
8 department of agriculture herein created.

9 3. The state horticultural society created by sections 262.010 and 262.020 is transferred
10 by type I transfer to the department of agriculture.

11 4. All the powers, duties, and functions vested in the state milk board, chapter 196, are
12 transferred to the department of agriculture by type III transfer. The appointed members of the
13 board shall be nominated by the department director, and appointed by the governor with the
14 advice and consent of the senate. The department of health and senior services shall retain the
15 powers, duties and functions assigned by chapter 196.

16 5. All the powers, duties, functions and properties of the state fruit experiment station,
17 chapter 262, are transferred by type I transfer to the Southwest Missouri State University and
18 fruit experiment station board of trustees is abolished.

19 6. All the powers, duties and functions of the department of revenue relating to the
20 inspection of motor fuel and special fuel distributors, chapters 323 and 414, are transferred by
21 type I transfer to the department of agriculture and to the director of that department. The
22 collection of the taxes provided in chapters 142 and 136, however, shall be made by the
23 department of revenue.

24 7. **All the powers, duties, and functions of the land survey program of the**
25 **department of natural resources are transferred to the department of agriculture by type**
26 **I transfer.**

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

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

5 (1) The name of all persons with any interest in the land to be mined;
6 (2) The source of the applicant's legal right to mine the land affected by the permit;
7 (3) The permanent and temporary post office address of the applicant;
8 (4) Whether the applicant or any person associated with the applicant holds or has held
9 any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;
10 (5) The written consent of the applicant and any other persons necessary to grant access
11 to the commission or the director to the area of land affected under application from the date of
12 application until the expiration of any permit granted under the application and thereafter for
13 such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790
14 or any rule or regulation promulgated pursuant to them. Permit applications submitted by
15 operators who mine an annual tonnage of less than ten thousand tons shall be required to include
16 written consent from the operator to grant access to the commission or the director to the area
17 of land affected;

18 (6) A description of the tract or tracts of land and the estimated number of acres thereof
19 to be affected by the surface mining of the applicant for the next succeeding twelve months; and
20 (7) Such other information that the commission may require as such information applies
21 to land reclamation.

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

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

37 commission and the public each year that describes the number of employees and the activities
38 performed the previous calendar year to administer sections 444.760 to 444.790. For any
39 operator of a gravel mining operation where the annual tonnage of gravel mined by such operator
40 is less than five thousand tons, the total cost of submitting an application shall be three hundred
41 dollars. The issued permit shall be valid from the date of its issuance until the date specified in
42 the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.
43 Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site
44 fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand
45 dollars. Fees may be raised as allowed in this subsection after a regulation change that
46 demonstrates the need for increased fees.

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

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

57 7. Where mining or reclamation operations on acreage for which a permit has been
58 issued have not been completed, the permit shall be renewed. The operator shall submit a permit
59 renewal form furnished by the director for an additional permit year and pay a fee equal to an
60 application fee calculated pursuant to subsection 4 of this section, but in no case shall the
61 renewal fee for any operator be more than three thousand dollars. For any operator involved in
62 any gravel mining operation where the annual tonnage of gravel mined by such operator is less
63 than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit
64 renewal form furnished by the director for an additional permit year and payment of a fee of three
65 hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator,
66 the director shall approve the renewal. With approval of the director and operator, the permit
67 renewal may be extended for a portion of an additional year with a corresponding prorating of
68 the renewal fee.

69 8. Where one operator succeeds another at any uncompleted operation, either by sale,
70 assignment, lease or otherwise, the commission may release the first operator from all liability
71 pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have
72 been issued a permit and have otherwise complied with the requirements of sections 444.760 to

73 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections
74 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former
75 operator.

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

83 10. At the time that a permit application is deemed complete by the director, the operator
84 shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to
85 section 493.050 to publish legal notices in any county where the land is located. If the director
86 does not respond to a permit application within forty-five calendar days, the application shall be
87 deemed to be complete. Notice in the newspaper shall be posted once a week for four
88 consecutive weeks beginning no more than ten days after the application is deemed complete.
89 The operator shall also send notice of intent to operate a surface mine by certified mail to the
90 governing body of the counties or cities in which the proposed area is located, and to the last
91 known addresses of all record landowners of contiguous real property or real property located
92 adjacent to the proposed mine plan area. The notices shall include the name and address of the
93 operator, a legal description consisting of county, section, township and range, the number of
94 acres involved, a statement that the operator plans to mine a specified mineral during a specified
95 time, and the address of the commission. The notices shall also contain a statement that any
96 person with a direct, personal interest in one or more of the factors the commission may consider
97 in issuing a permit may request a public meeting, a public hearing or file written comments to
98 the director no later than fifteen days following the final public notice publication date.

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

105 12. Fees imposed pursuant to this section shall become effective August 28, 2007, and
106 shall expire on December 31, [2013] **2018**. No other provisions of this section shall expire.

621.250. 1. All authority to hear **contested case administrative** appeals granted in
2 chapters **236, 256, 260, 444, 640, 643, and 644**, and to the hazardous waste management

3 commission in chapter 260, the land reclamation commission in chapter 444, the safe drinking
4 water commission in chapter 640, the air conservation commission in chapter 643, and the clean
5 water commission in chapter 644 shall be transferred to the administrative hearing commission
6 under this chapter. The authority to render final decisions after hearing on appeals heard by the
7 administrative hearing commission shall remain with the commissions listed in this subsection.
8 **For appeals pursuant to chapter 236, chapter 256, section 260.235, or section 260.249, the**
9 **administrative hearing commission shall render a final decision rather than a**
10 **recommended decision.** The administrative hearing commission may render [a] its
11 recommended or final decision after hearing or through stipulation, consent order, agreed
12 settlement or by disposition in the nature of default judgment, judgment on the pleadings, or
13 summary determination, consistent with the requirements of this subsection and the rules and
14 procedures of the administrative hearing commission.

15 2. Except as otherwise provided by law, any person or entity who is a party to, or who
16 is aggrieved or adversely affected by, any finding, order, decision, or assessment for which the
17 authority to hear appeals was transferred to the administrative hearing commission in subsection
18 1 of this section may file a notice of appeal with the administrative hearing commission within
19 thirty days after any such finding, order, decision, or assessment is placed in the United States
20 mail or within thirty days of any such finding, order, decision, or assessment being delivered,
21 whichever is earlier. Within ninety days after the date on which the notice of appeal is filed the
22 administrative hearing commission may hold hearings, and within one hundred twenty days after
23 the date on which the notice of appeal is filed shall make a recommended decision [based on
24 those hearings or shall make a recommended decision based on stipulation of the parties, consent
25 order, agreed settlement or by disposition in the nature of default judgment, judgment on the
26 pleadings, or summary determination] , **or a final decision where applicable**, in accordance
27 with the requirements of this [subsection] **section** and the rules and procedures of the
28 administrative hearing commission; provided, however, that the dates by which the
29 administrative hearing commission is required to hold hearings and make a recommended
30 decision may be extended at the sole discretion of the permittee as either petitioner or intervenor
31 in the appeal.

32 3. Any decision by the director of the department of natural resources that may be
33 appealed as provided in subsection 1 of this section shall contain a notice of the right of appeal
34 in substantially the following language: "If you were adversely affected by this decision, you
35 may **be entitled to pursue an** appeal [to have the matter heard by] **before** the administrative
36 hearing commission. To appeal, you must file a petition with the administrative hearing
37 commission within thirty days after the date this decision was mailed or the date it was delivered,
38 whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will

39 be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or
40 certified mail, it will be deemed filed on the date it is received by the administrative hearing
41 commission.". Within fifteen days after the administrative hearing commission renders [its] a
42 recommended decision, it shall transmit the record and a transcript of the proceedings, together
43 with the administrative hearing commission's recommended decision to the commission having
44 authority to issue a final decision. The final decision of the commission shall be issued within
45 one hundred eighty days of the date the notice of appeal in subsection 2 of this section is filed
46 and shall be based only on the facts and evidence in the hearing record; provided, however, that
47 the date by which the commission is required to issue a final decision may be extended at the
48 sole discretion of the permittee as either petitioner or intervenor in the appeal. The commission
49 may adopt the recommended decision as its final decision. The commission may change a
50 finding of fact or conclusion of law made by the administrative hearing commission, or may
51 vacate or modify the recommended decision issued by the administrative hearing commission,
52 only if the commission states in writing the specific reason for a change made under this
53 subsection.

54 4. In the event the person filing the appeal prevails in any dispute under this section,
55 interest shall be allowed upon any amount found to have been wrongfully collected or
56 erroneously paid at the rate established by the director of the department of revenue under section
57 32.065.

58 5. Appropriations shall be made from the respective funds of the [various commissions]
59 **department of natural resources** to cover the administrative hearing commission's costs
60 associated with these appeals.

61 6. In all matters heard by the administrative hearing commission under this section, the
62 burden of proof shall comply with section 640.012. The hearings shall be conducted by the
63 administrative hearing commission in accordance with the provisions of chapter 536 and its
64 regulations promulgated thereunder.

65 7. No cause of action or appeal arising out of any finding, order, decision, or assessment
66 of any of the commissions listed in subsection 1 of this section shall accrue in any court unless
67 the party seeking to file such cause of action or appeal shall have filed a notice of appeal and
68 received a final decision in accordance with the provisions of this section.

640.010. 1. There is hereby created a department of natural resources in charge of a
2 director appointed by the governor, by and with the advice and consent of the senate. The
3 director shall administer the programs assigned to the department relating to environmental
4 control and the conservation and management of natural resources. The director shall coordinate
5 and supervise all staff and other personnel assigned to the department. He shall faithfully cause
6 to be executed all policies established by the boards and commissions assigned to the

7 department, be subject to their decisions as to all substantive and procedural rules and his **or her**
8 decisions shall be subject to appeal [to the board or commission on request of the board or
9 commission or by affected parties] **as provided by law**. The director shall recommend policies
10 to the various boards and commissions assigned to the department to achieve effective and
11 coordinated environmental control and natural resource conservation policies.

12 2. The director shall appoint directors of staff to service each of the policy making
13 boards or commissions assigned to the department. Each director of staff shall be qualified by
14 education, training and experience in the technical matters of the board to which he is assigned
15 and his **or her** appointment shall be approved by the board to which he is assigned and he shall
16 be removed or reassigned on their request in writing to the director of the department. All other
17 employees of the department and of each board and commission assigned to the department shall
18 be appointed by the director of the department in accord with chapter 36, and shall be assigned
19 and may be reassigned as required by the director of the department in such a manner as to
20 provide optimum service, efficiency and economy.

21 3. The air conservation commission, chapter 203 and others, the clean water
22 commission, chapter 204 and others, are transferred by type II transfer to the department of
23 natural resources. The governor shall appoint the members of these bodies in accord with the
24 laws establishing them, with the advice and consent of the senate. The bodies hereby transferred
25 shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies
26 transferred to their jurisdiction. All the powers, duties and functions of the state environmental
27 improvement authority, chapter 260 and others, are transferred by type III transfer to the air
28 conservation commission. All the powers, duties and functions of the water resources board,
29 chapter 256 and others, are transferred by type I transfer to the clean water commission and the
30 board is abolished. No member of the clean water commission shall receive or shall have
31 received, during the previous two years from the date of his **or her** appointment, a significant
32 portion of his **or her** income directly or indirectly from permit holders or applicants for a permit
33 under the jurisdiction of the clean water commission. The state park board, chapter 253, is
34 transferred to the department of natural resources by type I transfer.

35 4. All the powers, duties and functions of the state soil and water districts commission,
36 chapter 278 and others, are transferred by a type II transfer to the department.

37 5. All the powers, duties and functions of the state geologist, chapter 256 and others, are
38 transferred by type I transfer to the department of natural resources. [All the powers, duties and
39 functions of the state land survey authority, chapter 60, are transferred to the department of
40 natural resources by type I transfer and the authority is abolished.] All the powers, duties and
41 functions of the state oil and gas council, chapter 259 and others, are transferred to the
42 department of natural resources by type II transfer. The director of the department shall appoint

43 a state geologist who shall have the duties to supervise and coordinate the work formerly done
44 by the departments or authorities abolished by this subsection, and shall provide staff services
45 for the state oil and gas council.

46 6. All the powers, duties and functions of the land reclamation commission, chapter 444
47 and others, are transferred to the department of natural resources by type II transfer. All
48 necessary personnel required by the commission shall be selected, employed and discharged by
49 the commission. The director of the department shall not have the authority to abolish positions.

50 7. The functions performed by the division of health in relation to the maintenance of
51 a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and for
52 licensing and regulating solid waste management systems and plans are transferred by type I
53 transfer to the department of natural resources.

54 [8. (1) The state interagency council for outdoor recreation, chapter 258, is transferred
55 to the department of natural resources by type II transfer. The council shall consist of
56 representatives of the following state agencies: department of agriculture; department of
57 conservation; office of administration; department of natural resources; department of economic
58 development; department of social services; department of transportation; and the University of
59 Missouri.

60 (2) The council shall function as provided in chapter 258, except that the department of
61 natural resources shall provide all staff services as required by the council notwithstanding the
62 provisions of sections 258.030 and 258.040, and all personnel and property of the council are
63 hereby transferred by type I transfer to the department of natural resources and the office of
64 executive secretary to the council is abolished.]

640.012. In all [matters] **contested case administrative appeals** heard by the
2 [department of natural resources in this chapter and chapters 260, 278, 444, 643, and 644, the
3 hazardous waste management commission in chapter 260, the state soil and water districts
4 commission in chapter 278, the land reclamation commission in chapter 444, the safe drinking
5 water commission in this chapter, the air conservation commission in chapter 643, and the clean
6 water commission in chapter 644] **administrative hearing commission pursuant to section**
7 **621.250**, the burden of proof shall be upon the department of natural resources [or the
8 commission that issued] **to demonstrate the lawfulness of** the finding, order, decision or
9 assessment being appealed, except that in matters involving the denial of a permit, license or
10 registration, the burden of proof shall be on the applicant for such permit, license or registration.

640.017. 1. **Notwithstanding any other provision of law**, for activities that may
2 require multiple environmental state permits **or certifications**, an applicant may [request to
3 coordinate] **directly petition the director for purposes of approving or denying such permits**
4 **or certifications, and for purposes of coordinating** a unified permit schedule with the

5 department which covers the timing and order to obtain such permits **in a coordinated and**
6 **streamlined process**. In determining the schedule, the department and applicant shall consider
7 which permits are most critical for the regulated activity, the need for unified public participation
8 for all of the regulated aspects of the permitted activity, the applicant's anticipated staging of
9 construction and financing for the permitted activity, and the applicant's use of innovative
10 environmental approaches or strategies to minimize its environmental impacts.

11 **2. In order to facilitate a unified and streamlined permitting process, the director**
12 **shall develop and implement a process to coordinate the processing of multiple**
13 **environmental permits, certifications, or permit modifications from a single applicant.**

14 **3.** The department may initiate the unified permits process for a class of similar activities
15 by notifying any known applicants interested in those regulated activities of the intent to use the
16 unified process. To the extent practicable and consistent with the purposes of this section, the
17 department shall coordinate with interested applicants on the unified permit schedule.

18 [3.] **4.** The [department] **process developed and implemented by the director** shall
19 **include working with such applicants in an effort to help** determine, **at the earliest stage,**
20 all of the permits required for a specific proposed activity based on information provided by the
21 applicant; additional information regarding the proposed activity may result in different permits
22 being required. The department shall [propose] **inform applicants that** a unified permitting
23 schedule [to interested applicants] **is available**. Any multiple-permit applicant may decline at
24 any time to have its permits processed in accordance with the schedule and instead proceed [in]
25 **on** a permit-by-permit approach. The department shall publicize the order and tentative schedule
26 on the department's internet website.

27 [4.] **5.** Following the establishment of a unified permit schedule, the director shall notify
28 the applicant in writing of the order in which the applicant shall obtain permits. The department
29 shall proceed to consider applications accordingly and may only modify the schedule with the
30 consent of the applicant through the date of the public hearing. Each application shall be
31 reviewed by the department based solely on its own merits and compliance with the applicable
32 law.

33 [5.] **6.** The department shall coordinate with the applicant, to the extent possible, to align
34 the unified permit process so that all public meetings or hearings related to the permits are
35 consolidated into one hearing in a location near the facility.

36 [6.] **7.** In furtherance of this section, the director may waive otherwise applicable
37 procedural requirements related to timing as set forth in state environmental laws or rules found
38 in this chapter and chapters **236, 259, 260, 444, 643, and 644**, so long as:

39 (1) The public comment periods related to each permit are not shortened; and

40 (2) The unified permitting schedule does not impair the ability of the applicant or the
41 department to comply with substantive legal requirements related to the permit application.

42 [7.] 8. The director shall promulgate rules to implement the provisions of this section.
43 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
44 authority delegated in this section shall become effective only if it complies with and is subject
45 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
46 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
47 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
48 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
49 or adopted after August 28, 2008, shall be invalid and void.

**640.026. 1. The department of natural resources shall, by December 1, 2013, and
2 annually thereafter, develop a list of all documents produced for external dissemination,
3 excluding permits, that the department utilizes to implement enforcement actions or
4 penalties levied by the department which have not been established in statute or have not
5 been promulgated pursuant to chapter 536. The list and all documents referenced shall
6 be provided to the joint committee on administrative rules for the purpose of a review, in
7 consultation with the department, to determine if the documents are statements of general
8 applicability that implement, interpret, or prescribe law or policy that should be subject
9 to the rulemaking process prescribed in chapter 536.**

10 **2. All documents, excluding permits and rules, produced by the department for
11 external dissemination shall contain:**

- 12 (1) The name of the department;
13 (2) The name of the division of the department, if applicable;
14 (3) The name of the director of the division, if applicable;
15 (4) The calendar date on which the document was produced; and
16 (5) A disclosure statement stating: "Nothing in this document may be used to
17 implement any enforcement action or levy any penalty unless promulgated by rule under
18 chapter 536 or authorized by statute."

19 **3. The list and all documents required by this section to be provided to the joint
20 committee on administrative rules shall be satisfied by providing either physical copies of
21 both a list and all documents, excluding permits, or by providing a list of documents
22 accompanied by a separate uniform resource locator for each listed document.**

**640.065. 1. The "Department of Natural Resources Revolving Services Fund" is
2 hereby created. All funds received by the department of natural resources from the
3 delivery of services and the sale or resale of maps, plats, reports, studies, records, and other
4 publications and documents, on paper or in electronic format, shall be credited to the fund.**

5 The director of the department shall administer the fund. The state treasurer is the
6 custodian of the fund and may approve disbursements from the fund requested by the
7 director of the department. When appropriated, moneys in the fund shall be used to
8 purchase goods, equipment, hardware and software, maintenance and licenses, software
9 and database development and maintenance, personal services, and other services that will
10 ultimately be used to provide copies of information maintained or provided by the
11 department, reprint maps, publications or other documents requested by governmental
12 agencies or members of the general public; to publish the maps, publications, or other
13 documents; to purchase maps, publications, or other documents for resale; and to pay
14 shipping charges, laboratory services, core library fees, workshop fees, conference fees, and
15 interdivisional cooperative agreements, but for no other purpose.

16 2. The department of natural resources may produce, reproduce, and sell maps,
17 plats, reports, studies, and records and shall fix the charge therefor. All income received
18 shall be promptly deposited in the state treasury to the credit of the department of natural
19 resources revolving services fund.

20 3. An unencumbered balance not exceeding one million dollars in the department
21 of natural resources revolving services fund at the end of the fiscal year is exempt from the
22 provisions of section 33.080 relating to the transfer of unexpended balances to the general
23 revenue fund.

24 4. The department of natural resources shall report all income to and expenditures
25 from such fund on a quarterly basis to the house of representatives budget committee and
26 the senate appropriations committee.

640.075. The department of natural resources is authorized to gather data, photographs
2 and such other materials as may be necessary and to prepare, edit and publish from time to time,
3 as deemed necessary, copies of a brochure on the Thomas Hart Benton murals in the house
4 lounge and on other major works of art of the Missouri state capitol. The brochure shall be sold
5 at a price to be set by the department of natural resources. The proceeds from the sale of the
6 brochure shall be deposited in the state treasury to the credit of the natural resources [document]
7 revolving services fund created in section [60.595] 640.065.

640.080. 1. For Missouri state parks' designated swim beaches, a standard that
2 measures E. coli using the Environmental Protection Agency's Method 1603, or any other
3 equivalent method that measures culturable E. coli, with the geometric mean (GM) of
4 weekly sampling of one hundred ninety colony forming units per one hundred milliliters
5 shall be utilized.

6 **2. If beaches exceed the GM standard established in subsection 1 of this section, the**
7 **department of natural resources shall post the beach with signs that state "Swimming is**
8 **Not Recommended".**

9 **3. The department reserves the right to close a beach in the event of a documented**
10 **health risk including things such as but not limited to wastewater by-pass, extremely high**
11 **sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious**
12 **disease.**

 640.715. 1. Prior to filing an application to acquire [a construction] **an operating permit**
2 **for a new or expanded facility** from the department, the owner or operator of any class IA, class
3 IB, or class IC concentrated animal feeding operation shall provide the following information
4 to the department, to the county governing body and to all adjoining property owners of property
5 located within one and one-half times the buffer distance as specified in subsection 2 of section
6 640.710 for the size of the proposed facility:

7 (1) The number of animals anticipated at such facility;

8 (2) The waste handling plan and general layout of the facility;

9 (3) The location and number of acres of such facility;

10 (4) Name, address, telephone number and registered agent for further information as it
11 relates to subdivisions (1) to (3) of this subsection;

12 (5) Notice that the department will accept written comments from the public for a period
13 of thirty days; and

14 (6) The address of the regional or state office of the department. The department shall
15 require proof of such notification upon accepting an application for [a construction] **an**
16 **operating permit for a new or expanded facility.** The department shall accept written
17 comments from the public for thirty days after receipt of application for [construction] **such**
18 permit.

19 2. The department shall not issue [a] **an operating permit** to a facility described in
20 subsection 1 of this section to engage in any activity regulated by the department unless the
21 applicant is in compliance with sections 640.700 to 640.755.

22 3. The department shall issue [a] **an operating permit** or respond with a letter of
23 comment to the owner or operator of such facility within forty-five days of receiving a completed
24 permit application and verification of compliance with subsection 1 of this section.

 640.725. 1. The owner or operator of any flush system animal waste wet handling
2 facility shall employ one or more persons who shall **once per week** visually inspect the [animal
3 waste wet handling facility and lagoons for unauthorized discharge and structural integrity at
4 least every twelve hours with a deviation of not to exceed three hours] **gravity outfall lines,**
5 **recycle pump stations, recycle force mains, and appurtenances for any release to any**

6 **containment structure required by section 640.730. The owner or operator shall also**
7 **visually inspect once per day any lagoon whose water level is less than twelve inches from**
8 **the emergency spillway.** The owner or operator of the facility shall keep records of each
9 inspection. Such records shall be retained for three years. The department shall provide or
10 approve a form provided by the owner or operator for each facility for such inspections.

11 2. All new construction permits for flush system animal waste wet handling facilities
12 shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As
13 of July 1, 1997, all existing flush system animal waste wet handling facilities shall have, at a
14 minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or
15 backflow.

643.079. 1. Any air contaminant source required to obtain a permit issued under sections
2 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the
3 first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted.
4 Thereafter, the fee shall be set every three years by the commission by rule and shall be at least
5 twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars
6 per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the
7 commission may make annual adjustments to the fee by rule. The fee shall be set at an amount
8 consistent with the need to fund the reasonable cost of administering sections 643.010 to
9 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355.
10 For the purpose of determining the amount of air contaminant emissions on which the fees
11 authorized under this section are assessed, a facility shall be considered one source under the
12 definition of subsection 2 of section 643.078, except that a facility with multiple operating
13 permits shall pay the emission fees authorized under this section separately for air contaminants
14 emitted under each individual permit.

15 2. A source which produces charcoal from wood shall pay an annual emission fee under
16 this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be
17 based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated
18 air contaminant emitted for the first four thousand tons of each contaminant emitted in the
19 amount established by the commission pursuant to subsection 1 of this section, reduced
20 according to the following schedule:

21 (1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be
22 reduced by one hundred percent;

23 (2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall
24 be reduced by eighty percent;

25 (3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall
26 be reduced by sixty percent.

27 3. The fees imposed in subsection 2 of this section shall not be imposed or collected after
28 the year 2000 unless the general assembly reimposes the fee.

29 4. Each air contaminant source with a permit issued under sections 643.010 to 643.355
30 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each
31 year but no air contaminant source shall pay fees on total emissions of regulated air contaminants
32 in excess of twelve thousand tons in any calendar year. A permitted air contaminant source
33 which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per
34 ton set by the commission. An air contaminant source which pays emission fees to a holder of
35 a certificate of authority issued pursuant to section 643.140 may deduct such fees from any
36 amount due under this section. The fees imposed in this section shall not be applied to carbon
37 oxide emissions. The fees imposed in subsection 1 and this subsection shall not be applied to
38 sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV,
39 Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq., any sooner than
40 January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent
41 with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the
42 regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit
43 shall be reduced by the amount of the service fee paid by that Phase I affected unit pursuant to
44 subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall
45 follow the procedures set forth in subsection 1 and this subsection and shall not be applied
46 retroactively.

47 5. Moneys collected under this section shall be transmitted to the director of revenue for
48 deposit in appropriate subaccounts of the natural resources protection fund created in section
49 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are
50 required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C.
51 Section 7661, et seq., and used, upon appropriation, to fund activities by the department to
52 implement the operating permits program authorized by Title V of the federal Clean Air Act, as
53 amended. Another subaccount shall be maintained for fees paid by air contaminant sources
54 which are not required to be permitted under Title V of the federal Clean Air Act as amended,
55 and used, upon appropriation, to fund other air pollution control program activities. Another
56 subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase
57 I affected units which are subject to the requirements of Title IV, Section 404, of the federal
58 Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon appropriation,
59 to fund air pollution control program activities. The provisions of section 33.080 to the contrary
60 notwithstanding, moneys in the fund shall not revert to general revenue at the end of each
61 biennium. Interest earned by moneys in the subaccounts shall be retained in the subaccounts.
62 The per-ton fees established under subsection 1 of this section may be adjusted annually,

63 consistent with the need to fund the reasonable costs of the program, but shall not be less than
64 twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of
65 regulated air contaminant. The first adjustment shall apply to moneys payable on April 1, 1994,
66 and shall be based upon the general price level for the twelve-month period ending on August
67 thirty-first of the previous calendar year.

68 6. The department may initiate a civil action in circuit court against any air contaminant
69 source which has not remitted the appropriate fees within thirty days. In any judgment against
70 the source, the department shall be awarded interest at a rate determined pursuant to section
71 408.030 and reasonable attorney's fees. In any judgment against the department, the source shall
72 be awarded reasonable attorney's fees.

73 7. The department shall not suspend or revoke a permit for an air contaminant source
74 solely because the source has not submitted the fees pursuant to this section.

75 8. Any Phase I affected unit which is subject to the requirements of Title IV, Section
76 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall pay annually beginning
77 April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year
78 as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for
79 each Phase I affected generating unit to help fund the administration of sections 643.010 to
80 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following
81 public hearing, based on an annual allocation prepared by the department showing the details of
82 all costs and expenses upon which such fees are based consistent with the department's
83 reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its
84 responsibilities with respect to Phase I affected units, but such service fee shall not exceed
85 twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located
86 on one or more contiguous tracts of land with any Phase II generating unit that pays fees under
87 subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this
88 subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public
89 roads, highways and railroads, which is under the control of or owned by the permit holder and
90 operated as a single enterprise.

91 9. The department of natural resources shall determine the fees due pursuant to this
92 section by the state of Missouri and its departments, agencies and institutions, including two- and
93 four-year institutions of higher education. The director of the department of natural resources
94 shall forward the various totals due to the joint committee on capital improvements and the
95 directors of the individual departments, agencies and institutions. The departments, as part of
96 the budget process, shall annually request by specific line item appropriation funds to pay said
97 fees and capital funding for projects determined to significantly improve air quality. If the
98 general assembly fails to appropriate funds for emissions fees as specifically requested, the

99 departments, agencies and institutions shall pay said fees from other sources of revenue or funds
100 available. The state of Missouri and its departments, agencies and institutions may receive
101 assistance from the small business technical assistance program established pursuant to section
102 643.173.

103 **10. The director of the department of natural resources may conduct a**
104 **comprehensive review of the fee structure set forth in this section. The comprehensive**
105 **review shall include stakeholder meetings in order to solicit stakeholder input from each**
106 **of the following groups: electric utilities, mineral and metallic mining and processing**
107 **facilities, cement kiln representatives, and any other interested industrial or business**
108 **entities or interested parties. Upon completion of the comprehensive review, the**
109 **department shall submit proposed changes to the fee structure with stakeholder agreement**
110 **to the air conservation commission. The commission shall, upon receiving the**
111 **department's recommendations, review such recommendations at the forthcoming regular**
112 **or special meeting. The commission shall review fee structure recommendations from the**
113 **department. The commission shall not take a vote on the fee structure recommendations**
114 **until the following regular or special meeting. If the commission approves, by vote of two-**
115 **thirds majority or five of seven commissioners, the fee structure recommendations, the**
116 **commission shall promulgate by regulation and publish the recommended fee structure no**
117 **later than October first of the same year. The commission shall file the order of**
118 **rulemaking for such rule with the joint committee on administrative rules pursuant to**
119 **sections 536.021 and 536.024 no later than December first of the same year. If such rules**
120 **are not disapproved by the general assembly in the manner set out below, they shall take**
121 **effect on January first of the next odd-numbered year and the fee structure set out in this**
122 **section shall expire upon the effective date of the commission adopted fee structure. Any**
123 **regulation promulgated under this subsection shall be deemed to be beyond the scope and**
124 **authority provided in this subsection, or detrimental to permit applicants, if the general**
125 **assembly, within the first sixty calendar days of the regular session immediately following**
126 **the promulgation of such regulation, by concurrent resolution, shall disapprove the fee**
127 **structure contained in such regulation. If the general assembly so disapproves any**
128 **regulation promulgated under this subsection, the air conservation commission shall**
129 **continue to use the fee structure set forth in the most recent preceding regulation**
130 **promulgated under this subsection. This subsection shall expire on August 28, 2023.**

2 **644.029. The department shall allow an appropriate schedule of compliance for a**
3 **permittee to make upgrades or changes to its facilities that are necessary to meet new water**
4 **quality requirements. For publicly owned treatment works, schedules of compliance shall**
5 **be consistent with affordability findings made under section 644.145. For privately owned**

5 treatment works, schedules of compliance shall be negotiated with the facilities recognizing
6 their financial capabilities and shall reflect statewide performance expectations. The
7 department shall incorporate new water quality requirements into existing permits at the
8 time of permit renewal unless there are compelling reasons to implement these
9 requirements earlier through permit modifications. All new permit applicants may be
10 required to meet any new water quality standards or classifications prescribed by the
11 commission.

644.051. 1. It is unlawful for any person:

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

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

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

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

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

20 3. [Every proposed water contaminant or point source which, when constructed or
21 installed or established, will be subject to any federal water pollution control act or sections
22 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make
23 application to the director for a permit at least thirty days prior to the initiation of construction
24 or installation or establishment. Every water contaminant or point source in existence when
25 regulations or sections 644.006 to 644.141 become effective shall make application to the
26 director for a permit within sixty days after the regulations or sections 644.006 to 644.141
27 become effective, whichever shall be earlier. The director shall promptly investigate each
28 application, which investigation shall include such hearings and notice, and consideration of such
29 comments and recommendations as required by sections 644.006 to 644.141 and any federal

30 water pollution control act. If the director determines that the source meets or will meet the
31 requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto,
32 the director shall issue a permit with such conditions as he or she deems necessary to ensure that
33 the source will meet the requirements of sections 644.006 to 644.141 and any federal water
34 pollution control act as it applies to sources in this state. If the director determines that the
35 source does not meet or will not meet the requirements of either act and the regulations pursuant
36 thereto, the director shall deny the permit pursuant to the applicable act and issue any notices
37 required by sections 644.006 to 644.141 and any federal water pollution control act] **It shall be**
38 **unlawful for any person to construct, build, replace or make major modification to any**
39 **point source or collection system that is principally designed to convey or discharge human**
40 **sewage to waters of the state, unless such person obtains a construction permit from the**
41 **commission, except as provided in this section. The following activities shall be excluded**
42 **from construction permit requirements:**

- 43 **(1) Facilities greater than one million gallons per day that are authorized through**
44 **a local supervised program, and are not receiving any department financial assistance;**
45 **(2) All sewer extensions or collection projects that are one thousand feet in length**
46 **or less with fewer than two lift stations;**
47 **(3) All sewer collection projects that are authorized through a local supervised**
48 **program; and**
49 **(4) Any other exclusions the commission may promulgate by rule.**

50

51 **However, nothing shall prevent the department from taking action to assure protection of**
52 **the environment and human health. A construction permit may be required where**
53 **necessary as determined by the department, including the following:**

- 54 **(a) Substantial deviation from the commission's design standards;**
55 **(b) To correct noncompliance;**
56 **(c) When an unauthorized discharge has occurred or has the potential to occur; or**
57 **(d) To correct a violation of water quality standards.**

58

59 **In addition, any point source that proposes to construct an earthen storage structure to**
60 **hold, convey, contain, store or treat domestic, agricultural, or industrial process**
61 **wastewater also shall be subject to the construction permit provisions of this subsection.**
62 **All other construction-related activities at point sources shall be exempt from the**
63 **construction permit requirements. All activities that are exempted from the construction**
64 **permit requirement are subject to the following conditions:**

65 **a. Any point source system designed to hold, convey, contain, store or treat**
66 **domestic, agricultural or industrial process wastewater shall be designed by a professional**
67 **engineer registered in Missouri in accordance with the commission's design rules;**

68 **b. Such point source system shall be constructed in accordance with the registered**
69 **professional engineer's design and plans; and**

70 **c. Such point source system may receive a post-construction site inspection by the**
71 **department prior to receiving operating permit approval. A site inspection may be**
72 **performed by the department, upon receipt of a complete operating permit application or**
73 **submission of an engineer's statement of work complete.**

74

75 **A governmental unit may apply to the department for authorization to operate a local**
76 **supervised program, and the department may authorize such a program. A local**
77 **supervised program would recognize the governmental unit's engineering capacity and**
78 **ability to conduct engineering work, supervise construction and maintain compliance with**
79 **relevant operating permit requirements.**

80 4. Before issuing [a permit to build or enlarge a water contaminant or point source or
81 reissuing any permit] **any permit required by this section**, the director shall issue such notices,
82 conduct such hearings, and consider such factors, comments and recommendations as required
83 by sections 644.006 to 644.141 or any federal water pollution control act. The director shall
84 determine if any state or any provisions of any federal water pollution control act the state is
85 required to enforce, any state or federal effluent limitations or regulations, water quality-related
86 effluent limitations, national standards of performance, toxic and pretreatment standards, or
87 water quality standards which apply to the source, or any such standards in the vicinity of the
88 source, are being exceeded, and shall determine the impact on such water quality standards from
89 the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall
90 deny a permit if the source will violate any such acts, regulations, limitations or standards or will
91 appreciably affect the water quality standards or the water quality standards are being
92 substantially exceeded, unless the permit is issued with such conditions as to make the source
93 comply with such requirements within an acceptable time schedule.

94 5. The director shall grant or deny the permit within sixty days after all requirements of
95 the Federal Water Pollution Control Act concerning issuance of permits have been satisfied
96 unless the application does not require any permit pursuant to any federal water pollution control
97 act. The director or the commission may require the applicant to provide and maintain such
98 facilities or to conduct such tests and monitor effluents as necessary to determine the nature,
99 extent, quantity or degree of water contaminant discharged or released from the source, establish
100 and maintain records and make reports regarding such determination.

101 6. The director shall promptly notify the applicant in writing of his or her action and if
102 the permit is denied state the reasons therefor. The applicant may appeal to the commission from
103 the denial of a permit or from any condition in any permit by filing notice of appeal with the
104 commission within thirty days of the notice of denial or issuance of the permit. After a final
105 action is taken on a new or reissued general permit, a potential applicant for the general permit
106 who can demonstrate that he or she is or may be adversely affected by any permit term or
107 condition may appeal the terms and conditions of the general permit within thirty days of the
108 department's issuance of the general permit. In no event shall a permit constitute permission to
109 violate the law or any standard, rule or regulation promulgated pursuant thereto.

110 7. In any hearing held pursuant to this section that involves a permit, license, or
111 registration, the burden of proof is on the party specified in section 640.012. Any decision of the
112 commission made pursuant to a hearing held pursuant to this section is subject to judicial review
113 as provided in section 644.071.

114 8. In any event, no permit issued pursuant to this section shall be issued if properly
115 objected to by the federal government or any agency authorized to object pursuant to any federal
116 water pollution control act unless the application does not require any permit pursuant to any
117 federal water pollution control act.

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

120 10. No manufacturing or processing plant or operating location shall be required to pay
121 more than one operating fee. Operating permits shall be issued for a period not to exceed five
122 years after date of issuance, except that general permits shall be issued for a five-year period, and
123 also except that neither a construction nor an annual permit shall be required for a single
124 residence's waste treatment facilities. Applications for renewal of a site-specific operating permit
125 shall be filed at least one hundred eighty days prior to the expiration of the existing permit.
126 Applications seeking to renew coverage under a general permit shall be submitted at least thirty
127 days prior to the expiration of the general permit, unless the permittee has been notified by the
128 director that an earlier application must be made. General permits may be applied for and issued
129 electronically once made available by the director.

130 11. Every permit issued to municipal or any publicly owned treatment works or facility
131 shall require the permittee to provide the clean water commission with adequate notice of any
132 substantial new introductions of water contaminants or pollutants into such works or facility
133 from any source for which such notice is required by sections 644.006 to 644.141 or any federal
134 water pollution control act. Such permit shall also require the permittee to notify the clean water
135 commission of any substantial change in volume or character of water contaminants or pollutants
136 being introduced into its treatment works or facility by a source which was introducing water

137 contaminants or pollutants into its works at the time of issuance of the permit. Notice must
138 describe the quality and quantity of effluent being introduced or to be introduced into such works
139 or facility by a source which was introducing water contaminants or pollutants into its works at
140 the time of issuance of the permit. Notice must describe the quality and quantity of effluent
141 being introduced or to be introduced into such works or facility and the anticipated impact of
142 such introduction on the quality or quantity of effluent to be released from such works or facility
143 into waters of the state.

144 12. The director or the commission may require the filing or posting of a bond as a
145 condition for the issuance of permits for construction of temporary or future water treatment
146 facilities or facilities that utilize innovative technology for wastewater treatment in an amount
147 determined by the commission to be sufficient to ensure compliance with all provisions of
148 sections 644.006 to 644.141, and any rules or regulations of the commission and any condition
149 as to such construction in the permit. For the purposes of this section, "innovative technology
150 for wastewater treatment" shall mean a completely new and generally unproven technology in
151 the type or method of its application that bench testing or theory suggest has environmental,
152 efficiency, and cost benefits beyond the standard technologies. No bond shall be required for
153 designs approved by any federal agency or environmental regulatory agency of another state.
154 The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do
155 business in the state of Missouri and approved by the commission. The bond shall remain in
156 effect until the terms and conditions of the permit are met and the provisions of sections 644.006
157 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

158 13. (1) The department shall issue or deny applications for construction and site-specific
159 operating permits received after January 1, 2001, within one hundred eighty days of the
160 department's receipt of an application. For general construction and operating permit
161 applications received after January 1, 2001, that do not require a public participation process, the
162 department shall issue or deny the permits within sixty days of the department's receipt of an
163 application. For an application seeking coverage under a renewed general permit that does not
164 require an individual public participation process, the director shall issue or deny the permit
165 within sixty days of the director's receipt of the application, or upon issuance of the general
166 permit, whichever is later. In regard to an application seeking coverage under an initial general
167 permit that does not require an individual public participation process, the director shall issue
168 or deny the permit within sixty days of the department's receipt of the application. For an
169 application seeking coverage under a renewed general permit that requires an individual public
170 participation process, the director shall issue or deny the permit within ninety days of the
171 director's receipt of the application, or upon issuance of the general permit, whichever is later.
172 In regard to an application for an initial general permit that requires an individual public

173 participation process, the director shall issue or deny the permit within ninety days of the
174 director's receipt of the application.

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

181 (3) Permit fee disputes may be appealed to the commission within thirty days of the date
182 established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute
183 appealed to the commission, the commission may order the director to refund the applicant's
184 permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and
185 536.087. A refund of the initial application or annual fee does not waive the applicant's
186 responsibility to pay any annual fees due each year following issuance of a permit.

187 (4) No later than December 31, 2001, the commission shall promulgate regulations
188 defining shorter review time periods than the time frames established in subdivision (1) of this
189 subsection, when appropriate, for different classes of construction and operating permits. In no
190 case shall commission regulations adopt permit review times that exceed the time frames
191 established in subdivision (1) of this subsection. The department's failure to comply with the
192 commission's permit review time periods shall result in a refund of said permit fees as set forth
193 in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the
194 commission a report which describes the different classes of permits and reports on the number
195 of days it took the department to issue each permit from the date of receipt of the application and
196 show averages for each different class of permits.

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

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

204 14. The department shall respond to all requests for individual certification under Section
205 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period
206 established pursuant to applicable federal regulations without request for an extension period
207 unless such extension is determined by the commission to be necessary to evaluate significant

208 impacts on water quality standards and the commission establishes a timetable for completion
209 of such evaluation in a period of no more than one hundred eighty days.

210 15. All permit fees generated pursuant to this chapter shall not be used for the
211 development or expansion of total maximum daily loads studies on either the Missouri or
212 Mississippi rivers.

213 16. The department shall implement permit shield provisions equivalent to the permit
214 shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the
215 Clean Water Act, Section 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for
216 permits issued pursuant to chapter 644.

217 17. Prior to the development of a new general permit or reissuance of a general permit
218 for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general
219 permit under which fifty or more permits were issued under a general permit during the
220 immediately preceding five-year period for a designated category of water contaminant sources,
221 the director shall implement a public participation process complying with the following
222 minimum requirements:

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

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

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

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

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

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

251 18. Notices required to be made by the department pursuant to subsection 17 of this
252 section may be made by electronic mail. The department shall not be required to make notice
253 to any permittee or other person who has not provided a current electronic mail address to the
254 department. In the event the department chooses to make material modifications to the general
255 permit before its expiration, the department shall follow the public participation process
256 described in subsection 17 of this section.

257 19. The provisions of subsection 17 of this section shall become effective beginning
258 January 1, 2013.

644.052. 1. Persons with operating permits or permits by rule issued pursuant to this
2 chapter shall pay fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with
3 a sewer service connection to public sewer systems owned or operated by a city, public sewer
4 district, public water district or other publicly owned treatment works shall pay a permit fee
5 pursuant to subsections 10 and 11 of this section.

6 2. A privately owned treatment works or an industry which treats only human sewage
7 shall annually pay a fee based upon the design flow of the facility as follows:

8 (1) One hundred dollars if the design flow is less than five thousand gallons per day;

9 (2) One hundred fifty dollars if the design flow is equal to or greater than five thousand
10 gallons per day but less than six thousand gallons per day;

11 (3) One hundred seventy-five dollars if the design flow is equal to or greater than six
12 thousand gallons per day but less than seven thousand gallons per day;

13 (4) Two hundred dollars if the design flow is equal to or greater than seven thousand
14 gallons per day but less than eight thousand gallons per day;

15 (5) Two hundred twenty-five dollars if the design flow is equal to or greater than eight
16 thousand gallons per day but less than nine thousand gallons per day;

17 (6) Two hundred fifty dollars if the design flow is equal to or greater than nine thousand
18 gallons per day but less than ten thousand gallons per day;

19 (7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten
20 thousand gallons per day but less than eleven thousand gallons per day;

- 21 (8) Four hundred dollars if the design flow is equal to or greater than eleven thousand
22 gallons per day but less than twelve thousand gallons per day;
- 23 (9) Four hundred fifty dollars if the design flow is equal to or greater than twelve
24 thousand gallons per day but less than thirteen thousand gallons per day;
- 25 (10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand
26 gallons per day but less than fourteen thousand gallons per day;
- 27 (11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen
28 thousand gallons per day but less than fifteen thousand gallons per day;
- 29 (12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand
30 gallons per day but less than sixteen thousand gallons per day;
- 31 (13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen
32 thousand gallons per day but less than seventeen thousand gallons per day;
- 33 (14) Eight hundred dollars if the design flow is equal to or greater than seventeen
34 thousand gallons per day but less than twenty thousand gallons per day;
- 35 (15) One thousand dollars if the design flow is equal to or greater than twenty thousand
36 gallons per day but less than twenty-three thousand gallons per day;
- 37 (16) Two thousand dollars if the design flow is equal to or greater than twenty-three
38 thousand gallons per day but less than twenty-five thousand gallons per day;
- 39 (17) Two thousand five hundred dollars if the design flow is equal to or greater than
40 twenty-five thousand gallons per day but less than thirty thousand gallons per day;
- 41 (18) Three thousand dollars if the design flow is equal to or greater than thirty thousand
42 gallons per day but less than one million gallons per day; or
- 43 (19) Three thousand five hundred dollars if the design flow is equal to or greater than
44 one million gallons per day.
- 45 3. Persons who produce industrial process wastewater which requires treatment and who
46 apply for or possess a site-specific permit shall annually pay:
- 47 (1) Five thousand dollars if the industry is a class IA animal feeding operation as defined
48 by the commission; or
- 49 (2) For facilities issued operating permits based upon categorical standards pursuant to
50 the Federal Clean Water Act and regulations implementing such act:
- 51 (a) Three thousand five hundred dollars if the design flow is less than one million gallons
52 per day; or
- 53 (b) Five thousand dollars if the design flow is equal to or greater than one million gallons
54 per day.
- 55 4. Persons who apply for or possess a site-specific permit solely for industrial storm
56 water shall pay an annual fee of:

57 (1) One thousand three hundred fifty dollars if the design flow is less than one million
58 gallons per day; or

59 (2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than
60 one million gallons per day.

61 5. Persons who produce industrial process wastewater who are not included in subsection
62 2 or 3 of this section shall annually pay:

63 (1) One thousand five hundred dollars if the design flow is less than one million gallons
64 per day; or

65 (2) Two thousand five hundred dollars if the design flow is equal to or greater than one
66 million gallons per day.

67 6. Persons who apply for or possess a general permit shall pay:

68 (1) Three hundred dollars for the discharge of storm water from a land disturbance site;

69 (2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;

70 (3) One hundred fifty dollars for the operation of an animal feeding operation or a
71 concentrated animal feeding operation;

72 (4) One hundred fifty dollars annually for new permits for the discharge of process water
73 or storm water potentially contaminated by activities not included in subdivisions (1) to (3) of
74 this subsection. Persons paying fees pursuant to this subdivision with existing general permits
75 on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed
76 general permits on the same facility after August 27, 2000, shall pay sixty dollars annually;

77 (5) Up to two hundred fifty dollars annually for the operation of an aquaculture facility.

78 7. Requests for modifications to state operating permits on entities that charge a service
79 connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred
80 dollar fee. The department may waive the fee if it is determined that the necessary modification
81 was either initiated by the department or caused by an error made by the department.

82 8. Requests for state operating permit modifications other than those described in
83 subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the
84 annual operating fee assessed for the facility pursuant to this section. **However, requests for**
85 **modifications for such operating permits that seek name changes, address changes, or**
86 **other nonsubstantive changes to the operating permit shall be accompanied by a fee of one**
87 **hundred dollars.** The department may waive the fee if it is determined that the necessary
88 modification was either initiated by the department or caused by an error made by the
89 department.

90 9. Persons requesting water quality certifications in accordance with Section 401 of the
91 Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard
92 application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers

93 or similar information required for other federal licenses and permits, except that the fee is
94 waived for water quality certifications issued and accepted for activities authorized pursuant to
95 a general permit or nationwide permit by the U.S. Army Corps of Engineers.

96 10. Persons with a direct or indirect sewer service connection to a public sewer system
97 owned or operated by a city, public sewer district, public water district, or other publicly owned
98 treatment works shall pay an annual fee per water service connection as provided in this
99 subsection. Customers served by multiple water service connections shall pay such fee for each
100 water service connection, except that no single facility served by multiple connections shall pay
101 more than a total of seven hundred dollars per year. The fees provided for in this subsection
102 shall be collected by the agency billing such customer for sewer service and remitted to the
103 department. The fees may be collected in monthly, quarterly or annual increments, and shall be
104 remitted to the department no less frequently than annually. The fees collected shall not exceed
105 the amounts specified in this subsection and, except as provided in subsection 11 of this section,
106 shall be collected at the specified amounts unless adjusted by the commission in rules. The
107 annual fees shall not exceed:

108 (1) For sewer systems that serve more than thirty-five thousand customers, forty cents
109 per residential customer as defined by the provider of said sewer service until such time as the
110 commission promulgates rules defining the billing procedure;

111 (2) For sewer systems that serve equal to or less than thirty-five thousand but more than
112 twenty thousand customers, fifty cents per residential customer as defined by the provider of said
113 sewer service until such time as the commission promulgates rules defining the billing
114 procedure;

115 (3) For sewer systems that serve equal to or less than twenty thousand but more than
116 seven thousand customers, sixty cents per residential customer as defined by the provider of said
117 sewer service until such time as the commission promulgates rules defining the billing
118 procedure;

119 (4) For sewer systems that serve equal to or less than seven thousand but more than one
120 thousand customers, seventy cents per residential customer as defined by the provider of said
121 sewer service until such time as the commission promulgates rules defining the billing
122 procedure;

123 (5) For sewer systems that serve equal to or less than one thousand customers, eighty
124 cents per residential customer as defined by the provider of said sewer service until such time
125 as the commission promulgates rules defining the billing procedure;

126 (6) Three dollars for commercial or industrial customers not served by a public water
127 system as defined in chapter 640;

128 (7) Three dollars per water service connection for all other customers with water service
129 connections of less than or equal to one inch excluding taps for fire suppression and irrigation
130 systems;

131 (8) Ten dollars per water service connection for all other customers with water service
132 connections of more than one inch but less than or equal to four inches, excluding taps for fire
133 suppression and irrigation systems;

134 (9) Twenty-five dollars per water service connection for all other customers with water
135 service connections of more than four inches, excluding taps for fire suppression and irrigation
136 systems.

137 11. Customers served by any district formed pursuant to the provisions of section 30(a)
138 of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this
139 section according to the following schedule:

140 (1) From August 28, 2000, through September 30, 2001, customers of any such district
141 shall pay fifty percent of such fees; and

142 (2) Beginning October 1, 2001, customers of any such districts shall pay one hundred
143 percent of such fees.

144 12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay
145 a filing fee of twenty-five dollars.

146 13. For any general permit issued to a state agency for highway construction pursuant
147 to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the
148 permit.

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 [September 1, 2013] **December 31, 2018**. Fees imposed
4 pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective
5 August 28, 2000, and shall expire on [September 1, 2013] **December 31, 2018**. The clean water
6 commission shall promulgate rules and regulations on the procedures for billing and collection.
7 All sums received through the payment of fees shall be placed in the state treasury and credited
8 to an appropriate subaccount of the natural resources protection fund created in section 640.220.
9 Moneys in the subaccount shall be expended, upon appropriation, solely for the administration
10 of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by
11 a city, a public sewer district, a public water district or other publicly owned treatment works are
12 state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer
13 district, public water district or other publicly owned treatment works as reimbursement of
14 billing and collection 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.

21 4. The director of the department of natural resources shall conduct a comprehensive
22 review of the fee structure in sections 644.052 and 644.053. The review shall include
23 stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to
24 the general assembly by December 31, 2012, which shall include its findings and a recommended
25 plan for the fee structure. The plan shall also include time lines for permit issuance, provisions
26 for expedited permits, and recommendations for any other improved services provided by the fee
27 funding.

**644.057. The director of the department of natural resources may conduct a
2 comprehensive review of the clean water fee structure set forth in sections 644.052 and
3 644.053. The comprehensive review shall include stakeholder meetings in order to solicit
4 stakeholder input from each of the following groups: agriculture, industry, municipalities,
5 public and private wastewater facilities, and the development community. Upon
6 completion of the comprehensive review, the department shall submit proposed changes
7 to the fee structure with stakeholder agreement to the clean water commission. The
8 commission shall, upon receiving the department's recommendations, review such
9 recommendations at the forthcoming regular or special meeting under subsection 3 of
10 section 644.021. The commission shall not take a vote on the clean water fee structure
11 recommendations until the following regular or special meeting. In no case shall the clean
12 water commission adopt or recommend any clean water fee in excess of five thousand
13 dollars. If the commission approves, by vote of two-thirds majority or five of seven
14 commissioners, the clean water fee structure recommendations, the commission shall
15 promulgate by regulation and publish the recommended clean water fee structure no later
16 than October first of the same year. The commission shall file the order of rulemaking for
17 such rule with the joint committee on administrative rules pursuant to sections 536.021 and
18 536.024 no later than December first of the same year. If such rules are not disapproved
19 by the general assembly in the manner set out below, they shall take effect on January first
20 of the next odd-numbered year and the fee structures set forth in sections 644.052 and
21 644.053 shall expire upon the effective date of the commission adopted fee structure,
22 contrary to section 644.054. Any regulation promulgated under this subsection shall be
23 deemed to be beyond the scope and authority provided in this subsection, or detrimental**

24 to permit applicants, if the general assembly, within the first sixty calendar days of the
25 regular session immediately following the promulgation of such regulation, by concurrent
26 resolution, shall disapprove the fee structure contained in such regulation. If the general
27 assembly so disapproves any regulation promulgated under this subsection, the clean water
28 commission shall continue to use the fee structure set forth in the most recent preceding
29 regulation promulgated under this subsection. This section shall expire on August 28,
30 2023.

644.062. 1. The director may grant provisional variances whenever it is
2 determined, upon application of adequate proof, that compliance on a short-term basis
3 with the limitations prescribed in sections 644.006 to 644.141, or rule, standard,
4 requirement, limitation, or order of the director adopted thereto due to conditions beyond
5 reasonable control such as extended elevated temperatures or extreme drought conditions
6 will result in an arbitrary or unreasonable hardship that exists solely because of the
7 regulatory requirement in question and the costs of compliance are substantial and certain.
8 If the hardship complained of consists solely of the need for a reasonable delay in which
9 to correct a violation of sections 644.006 to 644.141, or rule, standard, requirement,
10 limitation, or order of the director, the director shall condition the grant of such variance
11 upon the posting of sufficient performance bond or other security to assure the completion
12 of the work covered by the variance. In granting such provisional variance, the director
13 shall consider the hardship imposed by requiring compliance on a short-term basis and
14 adverse impacts that may result from granting the provisional variance. The director shall
15 exercise wide discretion in weighing the equities involved and the advantages and
16 disadvantages to the applicant and to those affected by water contaminants emitted by the
17 applicant.

18 2. Any provisional variance granted by the director under this section shall be for
19 a period not to exceed forty-five days. A provisional variance may be extended by the
20 director up to an additional forty-five days, but in no event longer than ninety days in one
21 calendar year.

22 3. Any person seeking a provisional variance shall file a petition for a variance with
23 the director describing the conditions or circumstances giving rise to the request for relief.
24 There shall be a two hundred fifty dollar filing fee payable to the state of Missouri with
25 each petition for provisional variance. The director shall promptly investigate the petition
26 and shall take action within fourteen days of the request. If the director denies the
27 petition, the person may initiate a proceeding under section 644.061. The director may
28 condition any provisional variance as sections 644.006 to 644.141, or rule, standard,
29 requirement, limitation or order of the director may require.

30 **4. If the director grants a provisional variance under this section, he or she shall**
31 **promptly notify the petitioner and shall file a copy of the written decision with the**
32 **commission. The commission must maintain, for public inspection, copies of all provisional**
33 **variances filed with it by the director.**

Section 1. 1. Upon public notice, the division of state parks shall once each year
2 **hold a stakeholder meeting in each park district.**

3 **2. A stakeholder may petition the director of state parks regarding any policy or**
4 **park issue that has been presented to the relevant facility manager and district supervisor.**
5 **The director, or his or her designee, shall respond to the stakeholder within fourteen days**
6 **and may schedule a stakeholder meeting to determine if action is warranted in response**
7 **to the petition. If a stakeholder meeting occurs, the director shall notify the stakeholder**
8 **in writing that either no action is warranted or that specific action will be undertaken**
9 **within thirty days of the meeting. The decision of the director shall be final and not subject**
10 **to review.**

11 **3. For purposes of this section, "stakeholder" shall mean any person with an**
12 **interest in the subject matter of the petition who has visited the park in the past sixty days.**

Section 2. 1. There is hereby established a joint committee of the general assembly,
2 **which shall be known as the "Joint Committee on Solid Waste Management District**
3 **Operations", which shall be composed of five members of the senate, with no more than**
4 **three members of one party, and five members of the house of representatives, with no**
5 **more than three members of one party. The senate members of the committee shall be**
6 **appointed by the president pro tempore of the senate and the house members by the**
7 **speaker of the house of representatives. The committee shall select either a chairperson**
8 **or co-chairpersons, one of whom shall be a member of the senate and one a member of the**
9 **house of representatives. A majority of the members shall constitute a quorum. Meetings**
10 **of the committee may be called at such time and place as the chairperson or chairpersons**
11 **designate.**

12 **2. The committee shall examine solid waste management district operations,**
13 **including but not limited to the efficiency, efficacy, and reasonableness of costs and**
14 **expenses of such districts to Missouri taxpayers.**

15 **3. The joint committee may hold hearings as it deems advisable and may obtain any**
16 **input or information necessary to fulfill its obligations. The committee may make**
17 **reasonable requests for staff assistance from the research and appropriations staffs of the**
18 **house and senate and the committee on legislative research, as well as the department of**
19 **natural resources and representatives of solid waste management districts.**

20 **4. The joint committee shall prepare a final report, together with its**
21 **recommendations for any legislative action deemed necessary, for submission to the general**
22 **assembly by December 31, 2013, at which time the joint committee shall be dissolved.**

23 **5. Members of the committee shall receive no compensation but may be reimbursed**
24 **for reasonable and necessary expenses associated with the performance of their official**
25 **duties.**

26 [258.020. The member agencies shall be represented on the council by
27 the executive head of the agency. The executive head of any member agency
28 may from time to time authorize any member of the agency's staff to represent it
29 on the council and to fully exercise any of the powers and duties of an agency
30 representative.]

31

2 [258.030. 1. The officers of the council shall be a chairman and vice
3 chairman appointed by the governor from the executive heads of the agencies
4 represented on the council. A chairman may serve more than one term.

5 2. Duties of the chairman shall be to see that policies and directives of
6 the council are carried out by the executive secretary and to preside at meetings
7 of the council. If the chairman cannot perform the duties, the vice chairman shall
8 assume them.]

8

2 [260.379. 1. The department of natural resources shall not issue a permit
3 to any person for the operation of any facility or issue any license to any person
4 under the authority of sections 260.350 to 260.434, if such person has had three
5 or more convictions, which convictions occurred after July 9, 1990, and within
6 any five-year period within the courts of the United States or of any state except
7 Missouri or had two or more convictions within a Missouri court after July 9,
8 1990, and within any five-year period, for any crimes or criminal acts, an element
9 of which involves restraint of trade, price-fixing, intimidation of the customers
10 of any person or for engaging in any other acts which may have the effect of
11 restraining or limiting competition concerning activities regulated under this
12 chapter or similar laws of other states or the federal government; except that
13 convictions for violations by entities purchased or acquired by an applicant or
14 permittee which occurred prior to the purchase or acquisition shall not be
15 included. For the purpose of this section, the term "person" shall include any
16 business organization or entity, successor corporation, partnership or subsidiary
17 of any business organization or entity, and the owners and officers thereof, or the
18 entity submitting the application.

19 2. The director shall suspend, revoke or not renew the permit or license
20 of any person issued pursuant to sections 260.350 to 260.434, if such person has
21 had two or more convictions in any court of the United States or of any state
other than Missouri or two or more convictions within a Missouri court for

22 crimes as specified herein if such conviction occurred after July 9, 1990, and
23 within any five-year period.

24 3. Any person applying for a permit or license under sections 260.350 to
25 260.434 shall notify the director of any conviction for any act which would have
26 the effect of limiting competition. Any person with a permit or license shall
27 notify the department of any such conviction within thirty days of the conviction
28 or plea. Failure to notify the director is a class D felony and subject to a fine of
29 one thousand dollars per day for each day unreported.

30 4. Provided that after a period of five years after a permit has been
31 revoked under the provisions of this section, the person, firm or corporation
32 affected may apply for rehabilitation and reinstatement to the director of the
33 department. The department shall promulgate the necessary rules and regulations
34 for rehabilitation and reinstatement. The time period for same shall not exceed
35 five years.]

36

2 [260.434. 1. The department shall assess the transportation system
3 serving a proposed site for a new hazardous waste resource recovery, treatment
4 or disposal facility as a part of its review of the application for a permit. The
5 department shall examine the transportation route or routes to ensure that the
6 design and maintenance of such route or routes provides adequate safety for the
7 public using or living near the route or routes. The department may designate or
8 prohibit specific routes, limit use of approved routes during certain time periods
9 or impose other reasonable restrictions upon the transportation of hazardous
10 waste to or from the facility.

11 2. The department shall review the capability of local governments near
12 a proposed site to respond to an emergency involving the transportation of
13 hazardous waste or an emergency at the hazardous waste resource recovery,
14 treatment or disposal facility when it reviews an application for a permit. The
15 department shall reassess that capability whenever the operator proposes
16 recovering, treating or disposing of a hazardous waste which is substantially more
17 toxic, corrosive, ignitable or reactive than those wastes approved under the
18 current permit. The department may require the operator to provide supplemental
19 emergency response capability to ensure public safety.

20 3. The department shall enter into an interagency agreement with the
21 department of transportation and the department of public safety to permit the
22 sharing of information and to assign responsibility for performing the assessment
required in this section.]

2 Section B. Because immediate action is necessary to ensure an operational clean water
3 fee structure, and to ensure public safety, the enactment of sections 640.080 and 644.057 of this
4 act is deemed necessary for the immediate preservation of the public health, welfare, peace and
safety, and is hereby declared to be an emergency act within the meaning of the constitution, and

5 the enactment of sections 640.080 and 644.057 of this act shall be in full force and effect upon
6 its passage and approval.

✓