

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1650**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Commerce and Environment, May 8, 2002, with recommendation that the Senate Committee Substitute do pass.

4063S.09C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 247.040, 250.140, 393.705, 393.847, 610.021, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof eighteen new sections relating to water resources, with an emergency clause.

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

Section A. Sections 247.040, 250.140, 393.705, 393.847, 610.021, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 247.040, 249.669, 250.140, 278.258, 393.705, 393.847, 610.021, 640.100, 640.620, 640.825, 644.016, 644.036, 644.051, 644.052, 644.578, 644.579, 644.580 and 644.581, to read as follows:

247.040. 1. Proceedings for the formation of a public water supply district shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary

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

8 description, shall set forth an estimate of the number of customers of the proposed  
9 district, the necessity for the formation of the district, the probable cost of the  
10 improvement, an approximation of the assessed valuation of taxable property within the  
11 district and such other information as may be useful to the court in determining whether  
12 [or not] the petition should be granted and a decree of incorporation entered. Such  
13 petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the  
14 costs of the proceeding, and the petition shall be signed by **either two-thirds of the**  
15 **registered voters located within the boundaries of the proposed district, or**  
16 **by** not less than fifty voters within the proposed district and shall pray for the  
17 incorporation of the territory therein described into a public water supply district. The  
18 petition shall be verified by at least one of the signers thereof.

19 2. Upon the filing of the petition, the same shall be presented to the circuit court,  
20 and such court shall fix a date for a hearing on such petition, as herein provided  
21 for. Thereupon the clerk of the court shall give notice of the filing of the petition in some  
22 newspaper of general circulation in the county in which the proceedings are pending, and  
23 if the district extends into any other county or counties, such notice shall also be  
24 published in some newspaper of general circulation in such other county or  
25 counties. The notice shall contain a description of the proposed boundary lines of the  
26 district and the general purposes of the petition, and shall set forth the date fixed for the  
27 hearing on the petition, which shall not be less than fifteen nor more than twenty-one  
28 days after the date of the last publication of the notice and shall be on some regular  
29 judicial day of the court wherein the petition is pending. Such notice shall be signed by  
30 the clerk of the circuit court and shall be published in three successive issues of a weekly  
31 newspaper or [in twenty successive issues of] **once a week for three successive**  
32 **weeks in** a daily newspaper. **The petitioners shall also direct the clerk of the**  
33 **court to give notice of the filing of the petition by certified mail to the owners**  
34 **of record of all real property located within the proposed boundaries of the**  
35 **district. The cost of the certified notification shall be borne by the**  
36 **petitioners.**

37 3. The court, for good cause shown, may continue the case or the hearing thereon  
38 from time to time until final disposition thereof.

39 4. Exceptions to the formation of a district, or to the boundaries outlined in the  
40 petition for the incorporation thereof, may be made by any voter of the proposed district;  
41 provided, such exceptions are filed not less than five days prior to the date set for the  
42 hearing on the petition. Such exceptions shall specify the grounds upon which the  
43 exceptions are being made. If any such exceptions be filed, the court shall take them

44 into consideration in passing upon the petition and shall also consider the evidence in  
45 support of the petition and in support of the exceptions made. Should the court find that  
46 the petition should be granted but that changes should be made in the boundary lines,  
47 it shall make such changes in the boundary lines as set forth in the petition as to the  
48 court may seem meet and proper, and thereupon enter its decree of incorporation, with  
49 such boundaries as changed.

50         5. Should the court find that it would not be to the public interest to form such  
51 a district, the petition shall be dismissed at the costs of the petitioners. If, however, the  
52 court should find in favor of the formation of such district, the court shall enter its  
53 decree of incorporation, setting forth the boundaries of the proposed district as  
54 determined by the court pursuant to the aforesaid hearing. The decree of incorporation  
55 shall also divide the district into five subdistricts and shall fix their boundary lines, all  
56 of which subdistricts shall have approximately the same area and shall be  
57 numbered. The decree shall further contain an appointment of one voter from each of  
58 such subdistricts, to constitute the first board of directors of the district. No two  
59 members of such board so appointed or hereafter elected or appointed shall reside in the  
60 same subdistrict, except as provided in section 247.060. If no qualified person who lives  
61 in the subdistrict is willing to serve on the board, the court may appoint, or the voters  
62 may elect, an otherwise qualified person who lives in the district but not in the  
63 subdistrict. The court shall designate two of such directors so appointed to serve for a  
64 term of two years and one to serve for a term of one year. [And] The directors thus  
65 appointed by the court shall serve for the terms thus designated and until their  
66 successors shall have been appointed or elected as herein provided. The decree shall  
67 further designate the name and number of the district by which it shall hereafter be  
68 officially known.

69         **6. If the court shall find that the petition has been signed by two-thirds**  
70 **of the registered voters located within the boundaries of the proposed**  
71 **district, or by not less than fifty voters within the proposed district, the**  
72 **decree of incorporation shall become final and conclusive. If the court shall**  
73 **find that the petition has been signed by less than two-thirds of the registered**  
74 **voters located within the boundaries of the proposed district, or by less than**  
75 **fifty voters within the proposed district, then** the decree of incorporation shall not  
76 become final and conclusive until it shall have been submitted to the voters residing  
77 within the boundaries described in such decree and until it shall have been assented to  
78 by a majority of the voters as provided in subsection 9 of this section or by two-thirds of  
79 the voters of the district voting on the proposition. The decree shall provide for the

80 submission of the question and shall fix the date thereof. The returns shall be certified  
81 by the judges and clerks of election to the circuit court having jurisdiction in the case  
82 and the court shall thereupon enter its order canvassing the returns and declaring the  
83 result of such election.

84 7. If, upon canvass and declaration, it is found and determined that the question  
85 shall have been assented to by a majority of two-thirds of the voters of the district voting  
86 on such proposition, then the court shall, in such order declaring the result of the  
87 election, enter a further order declaring the decree of incorporation to be final and  
88 conclusive. In the event, however, that the court should find that the question had not  
89 been assented to by the majority above required, the court shall enter a further order  
90 declaring such decree of incorporation to be void and of no effect. No appeal shall lie  
91 from any such decree of incorporation nor from any of the aforesaid orders. In the event  
92 that the court declares the decree of incorporation to be final, as herein provided for, the  
93 clerk of the circuit court shall file certified copies of such decree of incorporation and of  
94 such final order with the secretary of state of the state of Missouri, and with the recorder  
95 of deeds of the county or counties in which the district is situate and with the clerk of  
96 the county commission of the county or counties in which the district is situate.

97 8. The costs incurred in the formation of the district shall be taxed to the district,  
98 if the district [be] is incorporated otherwise against the petitioners.

99 9. If petitioners seeking formation of a public water supply district specify in  
100 their petition that the district to be organized shall be organized without authority to  
101 issue general obligation bonds, then the decrees relating to the formation of the district  
102 shall recite that the district shall not have authority to issue general obligation bonds  
103 and the vote required for such a decree of incorporation to become final and conclusive  
104 shall be a simple majority of the voters of the district voting on such proposition.

**249.669. 1. Whenever all or any part of a territory located within a  
2 sewer district that is located in any county of the third classification without  
3 a township form of government and with more than forty thousand eight  
4 hundred but less than forty thousand nine hundred inhabitants is included  
5 by annexation within the corporate limits of any city of the third  
6 classification with more than sixteen thousand six hundred but less than  
7 sixteen thousand seven hundred inhabitants, but is not receiving sewer  
8 services from such district or city at the time of such annexation, the city and  
9 the board of trustees of the district may, within six months after such  
10 annexation becomes effective, develop an agreement to provide sewer service  
11 to the annexed territory. Such an agreement may also be developed for**

12 territory that was annexed between January 1, 1996, and August 28, 2001, but  
13 was not receiving sewer service from such district or such city on August 28,  
14 2001. For the purposes of this section, "not receiving sewer service" shall  
15 mean that no sewer services are being sold within the annexed territory by  
16 such district or city. If the city and the board reach an agreement that  
17 detaches any territory from such district, the agreement shall be submitted  
18 to the county commission originally incorporating such district by resolution,  
19 and the county commission shall adopt a resolution detaching the territory  
20 described in the agreement from the remainder of the district and stating the  
21 boundary lines of the district after such detachment. At such time that the  
22 county commission's resolution becomes final, the clerk of the county  
23 commission shall file certified copies of such resolution with the secretary of  
24 state and with the recorder of deeds and the county clerk of the county or  
25 counties in which the district is located. If an agreement is developed  
26 between a city and a sewer district pursuant to this subsection, subsections  
27 2 to 8 of this section shall not apply to such agreement.

28       2. In the event that the board of trustees of such district and the city  
29 cannot reach such an agreement, an application may be made by the board  
30 or the city to the county commission originally incorporating such district by  
31 resolution, requesting that three commissioners develop such an  
32 agreement. Such application shall include the name of one commissioner  
33 appointed by the applying party. The second party shall appoint one  
34 commissioner within thirty days of the service of the application upon the  
35 second party. If the second party fails to appoint a commissioner within such  
36 time period, the county commission shall appoint a commissioner on behalf  
37 of the second party. Such two named commissioners may agree to appoint a  
38 third disinterested commissioner within thirty days after the appointment of  
39 the second commissioner. In the event that the two named commissioners  
40 cannot agree on or fail to appoint the third disinterested commissioner within  
41 thirty days after the appointment of the second commissioner, the county  
42 commission shall appoint the third disinterested commissioner.

43       3. Upon the filing of such application and the appointment of three  
44 such commissioners, the county commission shall set a time for one or more  
45 hearings and shall order a public notice including the nature of the  
46 application, the annexed area affected, the names of the commissioners, and  
47 the time and place of such hearings, to be published for three weeks  
48 consecutively in a newspaper published in the county in which the

49 application is pending, the last publication to be not more than seven days  
50 before the date set for the first hearing.

51 4. The commissioners shall develop an agreement between the district  
52 and the city to provide sewer service to the annexed territory. In developing  
53 the agreement, the commissioners shall consider information presented to  
54 them at hearings and any other information at their disposal including, but  
55 not limited to:

56 (1) The estimate future loss of revenue and costs for the sewer district  
57 related to the agreement;

58 (2) The amount of indebtedness of the sewer district within the  
59 annexed territory;

60 (3) Any contractual obligations of the sewer district within the annexed  
61 area; and

62 (4) The effect of the agreement on the sewer rates of the districts.

63 The agreement shall also include a recommendation for the apportionment of  
64 costs incurred pursuant to subsections 2 to 8 of this section, including  
65 reasonable compensation for the commissioners, between the city and the  
66 district.

67 5. If the county commission finds that the agreement provides for  
68 necessary sewer service in the annexed territory, then such agreement shall  
69 be fully effective upon approval by resolution by the county commission. The  
70 county commission shall also review the recommended apportionment of costs  
71 incurred and the reasonable compensation for the commissioners and affirm  
72 or modify such recommendations.

73 6. The resolution of the county commission shall be subject to appeal  
74 as provided by law.

75 7. If the county commission approves a detachment as part of the  
76 territorial agreement, it shall make its resolution detaching the territory  
77 described in the application from the remainder of the district and stating the  
78 boundary lines of the district after such detachment.

79 8. At such time that the county commission's resolution becomes final,  
80 the clerk of the county commission shall file certified copies of such  
81 resolution with the secretary of state and with the recorder of deeds and the  
82 county clerk of the county or counties in which the district is located.

83 9. Whenever a sewer district, or any part thereof, is embraced within  
84 the corporate limits of any city pursuant to this section, all of the sanitary  
85 sewage system, treatment plant, facilities, and appurtenances thereto,

86 including both land and rights-of-way and main and submain sewers of any  
87 sewer or joint sewer district, shall vest in the city, and the city shall assume,  
88 take charge of, and exercise control over the sewage system. Whenever the  
89 district has issued bonds payable from taxes or from revenue, the city shall  
90 retain all of the powers and authority over the area that was in the district  
91 conferred upon the district by law. All unexpended assessments and taxes in  
92 the operation and maintenance account of the district shall be paid into the  
93 county treasury, and all unexpended assessments, taxes, funds, and deposits  
94 in the revenue and general obligation bond fund shall be applied toward the  
95 payment of the obligations of the district.

96       **10. The proportion of the sum of all outstanding bonds and debt, with**  
97 **interest thereon, that is required to be paid to the sewer district pursuant to**  
98 **this section, shall be the same as the proportion of the assessed valuation of**  
99 **the real and tangible personal property within the area sought to be detached**  
100 **bears to the assessed valuation of all of the real and tangible personal**  
101 **property within the entire area of the sewer district.**

250.140. 1. Sewerage services or water and sewerage services combined shall be  
2 deemed to be furnished to both the occupant and owner of the premises receiving such  
3 service and the city, town or village or sewer district rendering such services shall have  
4 power to sue the occupant or owner, or both, of such real estate in a civil action to  
5 recover any sums due for such services, plus a reasonable attorney's fee to be fixed by  
6 the court.

7       **2. Any notice of delinquency regarding services provided shall be sent**  
8 **to both the occupant and owner of the premises receiving such service, if**  
9 **such owner has provided the entity rendering such service with the owner's**  
10 **rental property addresses.**

278.258. 1. After a watershed subdistrict has been organized and the  
2 organization tax pursuant to section 278.250 has been levied, any county in  
3 the subdistrict which has not adopted the annual tax pursuant to section  
4 278.250 may detach from the subdistrict upon approval of such detachment  
5 of a majority of the qualified voters residing within such subdistrict in such  
6 county; however, before such detachment the watershed district trustees shall  
7 make arrangements for the county to pay any outstanding indebtedness for  
8 services or works of improvement rendered by the subdistrict in such county.

9       **2. Following the entry in the official minutes of the trustees of the**  
10 **watershed district of the detachment of the county, the watershed district**  
11 **trustees shall certify this fact on a separate form, authentic copies of which**

12 **shall be recorded with the recorder of deeds in each county in which any**  
13 **portion of the watershed subdistrict lies and with the state soil and water**  
14 **districts commission.**

393.705. As used in sections 393.700 to 393.770 and sections 386.025, RSMo, and  
2 393.295, the following terms shall, unless the context clearly indicates otherwise, have  
3 the following meanings:

4 (1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other  
5 obligations of a commission issued pursuant to sections 393.700 to 393.770 and sections  
6 386.025, RSMo, and 393.295;

7 (2) "Commission", any joint municipal utility commission established by a joint  
8 contract [under] **pursuant to** sections 393.700 to 393.770 and sections 386.025, RSMo,  
9 and 393.295;

10 (3) "Contracting municipality", each municipality which is a party to a joint  
11 contract establishing a commission [under] **pursuant to** sections 393.700 to 393.770 and  
12 sections 386.025, RSMo, and 393.295, a water supply district formed [under the  
13 provisions of] **pursuant to** chapter 247, RSMo, or a sewer district formed pursuant to  
14 [the provisions of] chapter 204, RSMo, or chapter 249, RSMo;

15 (4) "Joint contract", the contract entered into among or by and between two or  
16 more of the following contracting entities for the purpose of establishing a commission:

17 (a) Municipalities;

18 (b) Public water supply districts;

19 (c) **Public** sewer districts;

20 [(d) Nonprofit water companies; or

21 (e) Nonprofit sewer companies;]

22 (5) "Person", a natural person, cooperative or private corporation, association,  
23 firm, partnership, or business trust of any nature whatsoever, organized and existing  
24 under the laws of any state or of the United States and any municipality or other  
25 municipal corporation, governmental unit, or public corporation created under the laws  
26 of this state or the United States, and any person, board, or other body declared by the  
27 laws of any state or the United States to be a department, agency or instrumentality  
28 thereof;

29 (6) "Project", the purchasing, construction, extending or improving of any  
30 revenue-producing water, sewage, gas or electric light works, heating or power plants,  
31 including all real and personal property of any nature whatsoever to be used in  
32 connection therewith, together with all parts thereof and appurtenances thereto, used  
33 or useful in the generation, production, transmission, distribution excluding retail sales,



34 purchase, sale, exchange, transport and treatment of sewage or interchange of water,  
35 sewage, electric power and energy, or any interest therein or right to capacity thereof  
36 and the acquisition of fuel of any kind for any such purposes.

393.847. 1. Every nonprofit sewer company constructing, maintaining and  
2 operating its wastewater lines and treatment facilities shall construct, maintain and  
3 operate such lines and facilities in conformity with the rules and regulations relating to  
4 the manner and methods of construction, maintenance and operation and as to safety of  
5 the public with other lines and facilities now or hereafter from time to time prescribed  
6 by the department of natural resources for the construction, maintenance and operation  
7 of such lines or systems. The jurisdiction, supervision, powers and duties of the  
8 department of natural resources shall extend to every such nonprofit sewer company [so  
9 far as it concerns the construction, maintenance and operation of the physical equipment  
10 of such company to the extent of providing for the safety of employees and the general  
11 public] **and every nonprofit sewer company shall be supervised and regulated**  
12 **by the department of natural resources to the same extent and in the same**  
13 **manner as any other nonprofit corporation engaged in whole or in part in the**  
14 **collection or treatment of wastewater.**

15 2. The public service commission shall not have jurisdiction over the  
16 construction, maintenance or operation of the wastewater facilities, service, rates,  
17 financing, accounting or management of any nonprofit sewer company.

610.021. Except to the extent disclosure is otherwise required by law, a public  
2 governmental body is authorized to close meetings, records and votes, to the extent they  
3 relate to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental  
5 body and any confidential or privileged communications between a public governmental  
6 body or its representatives and its attorneys. However, any minutes, vote or settlement  
7 agreement relating to legal actions, causes of action or litigation involving a public  
8 governmental body or any agent or entity representing its interests or acting on its  
9 behalf or with its authority, including any insurance company acting on behalf of a  
10 public government body as its insured, shall be made public upon final disposition of the  
11 matter voted upon or upon the signing by the parties of the settlement agreement,  
12 unless, prior to final disposition, the settlement agreement is ordered closed by a court  
13 after a written finding that the adverse impact to a plaintiff or plaintiffs to the action  
14 clearly outweighs the public policy considerations of section 610.011, however, the  
15 amount of any moneys paid by, or on behalf of, the public governmental body shall be  
16 disclosed; provided, however, in matters involving the exercise of the power of eminent

17 domain, the vote shall be announced or become public immediately following the action  
18 on the motion to authorize institution of such a legal action. Legal work product shall  
19 be considered a closed record;

20 (2) Leasing, purchase or sale of real estate by a public governmental body where  
21 public knowledge of the transaction might adversely affect the legal consideration  
22 therefor. However, any minutes, vote or public record approving a contract relating to  
23 the leasing, purchase or sale of real estate by a public governmental body shall be made  
24 public within seventy-two hours after execution of the lease, purchase or sale of the real  
25 estate;

26 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
27 governmental body when personal information about the employee is discussed or  
28 recorded. However, any vote on a final decision, when taken by a public governmental  
29 body, to hire, fire, promote or discipline an employee of a public governmental body must  
30 be made available with a record of how each member voted to the public within  
31 seventy-two hours of the close of the meeting where such action occurs; provided,  
32 however, that any employee so affected shall be entitled to prompt notice of such decision  
33 during the seventy-two-hour period before such decision is made available to the public. As  
34 used in this subdivision, the term "personal information" means information relating to  
35 the performance or merit of individual employees;

36 (4) The state militia or national guard or any part thereof;

37 (5) Nonjudicial mental or physical health proceedings involving identifiable  
38 persons, including medical, psychiatric, psychological, or alcoholism or drug dependency  
39 diagnosis or treatment;

40 (6) Scholastic probation, expulsion, or graduation of identifiable individuals,  
41 including records of individual test or examination scores; however, personally  
42 identifiable student records maintained by public educational institutions shall be open  
43 for inspection by the parents, guardian or other custodian of students under the age of  
44 eighteen years and by the parents, guardian or other custodian and the student if the  
45 student is over the age of eighteen years;

46 (7) Testing and examination materials, before the test or examination is given  
47 or, if it is to be given again, before so given again;

48 (8) Welfare cases of identifiable individuals;

49 (9) Preparation, including any discussions or work product, on behalf of a public  
50 governmental body or its representatives for negotiations with employee groups;

51 (10) Software codes for electronic data processing and documentation thereof;

52 (11) Specifications for competitive bidding, until either the specifications are

53 officially approved by the public governmental body or the specifications are published  
54 for bid;

55 (12) Sealed bids and related documents, until the bids are opened; and sealed  
56 proposals and related documents or any documents related to a negotiated contract until  
57 a contract is executed, or all proposals are rejected;

58 (13) Individually identifiable personnel records, performance ratings or records  
59 pertaining to employees or applicants for employment, except that this exemption shall  
60 not apply to the names, positions, salaries and lengths of service of officers and  
61 employees of public agencies once they are employed as such;

62 (14) Records which are protected from disclosure by law;

63 (15) Meetings and public records relating to scientific and technological  
64 innovations in which the owner has a proprietary interest;

65 (16) Records relating to municipal hot lines established for the reporting of abuse  
66 and wrongdoing;

67 (17) Confidential or privileged communications between a public governmental  
68 body and its auditor, including all auditor work product; [and]

69 (18) In preparation for and implementation of electric restructuring, a municipal  
70 electric utility may close that portion of its financial records and business plans which  
71 contains information regarding the name of the suppliers of services to said utility and  
72 the cost of such services, and the records and business plans concerning the municipal  
73 electric utility's future marketing and service expansion areas. However, this exception  
74 shall not be construed to limit access to other records of a municipal electric utility,  
75 including but not limited to the names and addresses of its business and residential  
76 customers, its financial reports, including but not limited to its budget, annual reports  
77 and other financial statements prepared in the course of business, and other records  
78 maintained in the course of doing business as a municipal electric utility. This exception  
79 shall become null and void if the state of Missouri fails to implement by December 31,  
80 2001, electric restructuring through the adoption of statutes permitting the same in this  
81 state;

82 **(19) Existing or proposed security systems and structural plans of real**  
83 **property owned or leased by a public governmental body, the public**  
84 **disclosure of which would threaten public safety. Records related to the**  
85 **procurement of or expenditures relating to security systems shall be open**  
86 **except to the extent provided in this section. When seeking to close**  
87 **information pursuant to this exception, the public governmental body shall**  
88 **affirmatively state in writing that disclosure would impair the public**

89 **governmental body's ability to protect the security or safety of persons or real**  
90 **property, and shall in the same writing state that the public interest in**  
91 **nondisclosure outweighs the public interest in disclosure of the records. This**  
92 **exception shall sunset on December 31, 2006;**

93 **(20) Records that identify the configuration of components or the**  
94 **operation of a computer, computer system, computer network or**  
95 **telecommunications network, and would allow unauthorized access to or**  
96 **unlawful disruption of a computer, computer system, computer network or**  
97 **telecommunications network of a public governmental body. This exception**  
98 **shall not be used to limit or deny access to otherwise public records in a file,**  
99 **document, data file or database containing public records. Records related**  
100 **to the procurement of or expenditures relating to such computer, computer**  
101 **system, computer network or telecommunications network, including the**  
102 **amount of moneys paid by, or on behalf of, a public governmental body for**  
103 **such computer, computer system, computer network or telecommunications**  
104 **network, shall be open except to the extent provided in this section; and**

105 **(21) Credit card numbers, personal identification numbers, digital**  
106 **certificates, physical and virtual keys, access codes or authorization codes**  
107 **that are used to protect the security of electronic transactions between a**  
108 **public governmental body and a person or entity doing business with a public**  
109 **governmental body. Nothing in this section shall be deemed to close the**  
110 **record of a person or entity using a credit card held in the name of a public**  
111 **governmental body or any record of a transaction made by a person using a**  
112 **credit card or other method of payment for which reimbursement is made by**  
113 **a public governmental body.**

640.100. 1. The safe drinking water commission created in section 640.105 shall  
2 promulgate rules necessary for the implementation, administration and enforcement of  
3 sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

4 2. No standard, rule or regulation or any amendment or repeal thereof shall be  
5 adopted except after a public hearing to be held by the commission after at least thirty  
6 days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536,  
7 RSMo, and an opportunity given to the public to be heard; the commission may solicit  
8 the views, in writing, of persons who may be affected by, knowledgeable about, or  
9 interested in proposed rules and regulations, or standards. Any person heard or  
10 registered at the hearing, or making written request for notice, shall be given written  
11 notice of the action of the commission with respect to the subject thereof. Any rule or  
12 portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated

13 to administer and enforce sections 640.100 to 640.140 shall become effective only if the  
14 agency has fully complied with all of the requirements of chapter 536, RSMo, including  
15 but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All  
16 rulemaking authority delegated prior to June 9, 1998, is of no force and effect and  
17 repealed as of June 9, 1998, however, nothing in this section shall be interpreted to  
18 repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If  
19 the provisions of section 536.028, RSMo, apply, the provisions of this section are  
20 nonseverable and if any of the powers vested with the general assembly pursuant to  
21 section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul  
22 a rule or portion of a rule are held unconstitutional or invalid, the purported grant of  
23 rulemaking authority and any rule so proposed and contained in the order of rulemaking  
24 shall be invalid and void, except that nothing in this chapter or chapter 644, RSMo, shall  
25 affect the validity of any rule adopted and promulgated prior to June 9, 1998.

26       3. The commission shall promulgate rules and regulations for the certification  
27 of public water system operators, backflow prevention assembly testers and laboratories  
28 conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a  
29 certified backflow prevention assembly tester shall satisfactorily complete standard,  
30 nationally recognized written and performance examinations designed to ensure that the  
31 person is competent to determine if the assembly is functioning within its design  
32 specifications. Any such state certification shall satisfy any need for local certification  
33 as a backflow prevention assembly tester. However, political subdivisions may set  
34 additional testing standards for individuals who are seeking to be certified as backflow  
35 prevention assembly testers. Notwithstanding any other provision of law to the contrary,  
36 agencies of the state or its political subdivisions shall only require carbonated beverage  
37 dispensers to conform to the backflow protection requirements established in the  
38 National Sanitation Foundation standard eighteen, and the dispensers shall be so listed  
39 by an independent testing laboratory. The commission shall promulgate rules and  
40 regulations for collection of samples and analysis of water furnished by municipalities,  
41 corporations, companies, state establishments, federal establishments or individuals to  
42 the public. The department of natural resources or the department of health and senior  
43 services shall, at the request of any supplier, make any analyses or tests required  
44 pursuant to the terms of section 192.320, RSMo, and sections 640.100 to 640.140. The  
45 department shall collect fees to cover the reasonable cost of laboratory services, both  
46 within the department of natural resources and the department of health and senior  
47 services, laboratory certification and program administration as required by sections  
48 640.100 to 640.140. The laboratory services and program administration fees pursuant

49 to this subsection shall not exceed two hundred dollars for a supplier supplying less than  
 50 four thousand one hundred service connections, three hundred dollars for supplying less  
 51 than seven thousand six hundred service connections, five hundred dollars for supplying  
 52 seven thousand six hundred or more service connections, and five hundred dollars for  
 53 testing surface water. Such fees shall be deposited in the safe drinking water fund as  
 54 specified in section 640.110. The analysis of all drinking water required by section  
 55 192.320, RSMo, and sections 640.100 to 640.140 shall be made by the department of  
 56 natural resources laboratories, department of health and senior services laboratories or  
 57 laboratories certified by the department of natural resources.

58 4. The department of natural resources shall establish and maintain an inventory  
 59 of public water supplies and conduct sanitary surveys of public water systems. Such  
 60 records shall be available for public inspection during regular business hours.

61 5. (1) For the purpose of complying with federal requirements for maintaining  
 62 the primacy of state enforcement of the federal Safe Drinking Water Act, the department  
 63 is hereby directed to request appropriations from the general revenue fund and all other  
 64 appropriate sources to fund the activities of the public drinking water program and in  
 65 addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for  
 66 each customer service connection with a public water system is hereby authorized to be  
 67 imposed upon all customers of public water systems in this state. The fees collected  
 68 shall not exceed the amounts specified in this subsection and the commission may set  
 69 the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant  
 70 to this subsection from the specified maximum amounts. Each customer of a public  
 71 water system shall pay an annual fee for each customer service connection.

72 (2) The annual fee per customer service connection for unmetered customers and  
 73 customers with meters not greater than one inch in size, shall be based upon the number  
 74 of service connections in the water system serving that customer, and shall not exceed:

75	1 to 1,000 connections .....	\$2.00
76	1,001 to 4,000 connections .....	1.84
77	4,001 to 7,000 connections .....	1.67
78	7,001 to 10,000 connections .....	1.50
79	10,001 to 20,000 connections .....	1.34
80	20,001 to 35,000 connections .....	1.17
81	35,001 to 50,000 connections .....	1.00
82	50,001 to 100,000 connections .....	.84
83	More than 100,000 connections .....	.66.

84 (3) The annual user fee for customers having meters greater than one inch but

85 less than or equal to two inches in size shall not exceed five dollars; for customers with  
86 meters greater than two inches but less than or equal to four inches in size shall not  
87 exceed twenty-five dollars; and for customers with meters greater than four inches in  
88 size shall not exceed fifty dollars.

89 (4) Customers served by multiple connections shall pay an annual user fee based  
90 on the above rates for each connection, except that no single facility served by multiple  
91 connections shall pay a total of more than five hundred dollars per year.

92 6. Fees imposed pursuant to subsection 5 of this section shall become effective  
93 on August 28, 1992, and shall be collected by the public water system serving the  
94 customer. The commission shall promulgate rules and regulations on the procedures for  
95 billing, collection and delinquent payment. Fees collected by a public water system  
96 pursuant to subsection 5 of this section are state fees. The annual fee shall be  
97 enumerated separately from all other charges, and shall be collected in monthly,  
98 quarterly or annual increments. Such fees shall be transferred to the director of the  
99 department of revenue at frequencies not less than quarterly. Two percent of the  
100 revenue arising from the fees shall be retained by the public water system for the  
101 purpose of reimbursing its expenses for billing and collection of such fees.

102 7. Imposition and collection of the fees authorized in subsection 5 of this section  
103 shall be suspended on the first day of a calendar quarter if, during the preceding  
104 calendar quarter, the federally delegated authority granted to the safe drinking water  
105 program within the department of natural resources to administer the Safe Drinking  
106 Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first  
107 day of the calendar quarter following the quarter during which such delegated authority  
108 is reinstated.

109 8. Fees imposed pursuant to subsection 5 of this section shall expire on  
110 September 1, [2002] **2007**.

640.620. In any case, the grant shall not be in excess of one thousand four  
2 hundred dollars per connection, or, in the case of a source water protection project, for  
3 more than twenty percent of the cost per acre for conservation reserve, and[, except as  
4 otherwise provided in this section,] no district or system may receive more than one  
5 grant for [any purpose] **a construction project and one grant for a source water**  
6 **protection project** in any two-year period. [Grantees who received or who are  
7 receiving funds under the 1993-1994 special allocation for flood-impacted communities  
8 are not subject to the prohibition against receiving more than one grant during any  
9 two-year period for a period ending two years after the final grant allocation for  
10 flood-impacted communities is received by that grantee.]

**640.825. In all matters heard by the department of natural resources in chapters 260, 278, 444, 640, 643, and 644, RSMo, the hazardous waste management commission in chapter 260, RSMo, the state soil and water districts commission in chapter 278, RSMo, the land reclamation commission in chapter 444, RSMo, the safe drinking water commission in this chapter, the air conservation commission in chapter 643, RSMo, and the clean water commission in chapter 644, RSMo, the burden of proof shall be upon the department of natural resources or the commission that issued the finding, order, decision or assessment being appealed, except that in matters involving the denial of a permit, license or registration, the burden of proof shall be on the applicant for such permit, license or registration, and except further, unless otherwise provided by law, that in any matter where any person or persons, other than the applicant, appeals the issuance of any such permit, license or registration, or any term or condition thereof, the burden of proof shall be on such person or persons.**

644.016. When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated pursuant to sections 644.006 to 644.141, the following words and phrases mean:

**(1) "Aquaculture", a facility which uses water for the controlled propagation, growth and harvest of aquatic organisms;**

**[(1)] (2) "Commission", the clean water commission of the state of Missouri created in section 644.021;**

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

**[(3)] (4) "Department", the department of natural resources;**

**[(4)] (5) "Director", the director of the department of natural resources;**

**[(5)] (6) "Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;**

**[(6)] (7) "Effluent control regulations", limitations on the discharge of water contaminants;**

**[(7)] (8) "General permit", a permit written with a standard group of conditions**



22 and with applicability intended for a designated category of water contaminant sources  
23 that have the same or similar operations, discharges and geographical locations, and that  
24 require the same or similar monitoring, and that would be more appropriately controlled  
25 pursuant to a general permit rather than pursuant to a site-specific permit;

26       [(8)] **(9)** "Human sewage", human excreta and wastewater, including bath and  
27 toilet waste, residential laundry waste, residential kitchen waste, and other similar  
28 waste from household or establishment appurtenances;

29       [(9)] **(10)** "Income" includes retirement benefits, consultant fees, and stock  
30 dividends;

31       [(10)] **(11)** "Minor violation", a violation which possesses a small potential to  
32 harm the environment or human health or cause pollution, was not knowingly  
33 committed, and is not defined by the United States Environmental Protection Agency as  
34 other than minor;

35       [(11)] **(12)** "Permit by rule", a permit granted by rule, not by a paper certificate,  
36 and conditioned by the permit holder's compliance with commission rules;

37       [(12)] **(13)** "Permit holders or applicants for a permit" shall not include officials  
38 or employees who work full time for any department or agency of the state of Missouri;

39       [(13)] **(14)** "Person", any individual, partnership, copartnership, firm, company,  
40 public or private corporation, association, joint stock company, trust, estate, political  
41 subdivision, or any agency, board, department, or bureau of the state or federal  
42 government, or any other legal entity whatever which is recognized by law as the subject  
43 of rights and duties;

44       [(14)] **(15)** "Point source", any discernible, confined and discrete conveyance,  
45 including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete  
46 fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other  
47 floating craft, from which pollutants are or may be discharged;

48       [(15)] **(16)** "Pollution", such contamination or other alteration of the physical,  
49 chemical or biological properties of any waters of the state, including change in  
50 temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid,  
51 gaseous, solid, radioactive, or other substance into any waters of the state as will or is  
52 reasonably certain to create a nuisance or render such waters harmful, detrimental or  
53 injurious to public health, safety or welfare, or to domestic, industrial, agricultural,  
54 recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other  
55 aquatic life;

56       [(16)] **(17)** "Pretreatment regulations", limitations on the introduction of  
57 pollutants or water contaminants into publicly owned treatment works or facilities which

58 the commission determines are not susceptible to treatment by such works or facilities  
59 or which would interfere with their operation, except that wastes as determined  
60 compatible for treatment pursuant to any federal water pollution control act or  
61 guidelines shall be limited or treated pursuant to this chapter only as required by such  
62 act or guidelines;

63 [(17)] **(18)** "Residential housing development", any land which is divided or  
64 proposed to be divided into three or more lots, whether contiguous or not, for the purpose  
65 of sale or lease as part of a common promotional plan for residential housing;

66 [(18)] **(19)** "Sewer system", pipelines or conduits, pumping stations, and force  
67 mains, and all other structures, devices, appurtenances and facilities used for collecting  
68 or conducting wastes to an ultimate point for treatment or handling;

69 [(19)] **(20)** "Significant portion of his or her income" shall mean ten percent of  
70 gross personal income for a calendar year, except that it shall mean fifty percent of gross  
71 personal income for a calendar year if the recipient is over sixty years of age, and is  
72 receiving such portion pursuant to retirement, pension, or similar arrangement;

73 [(20)] **(21)** "Site-specific permit", a permit written for discharges emitted from  
74 a single water contaminant source and containing specific conditions, monitoring  
75 requirements and effluent limits to control such discharges;

76 [(21)] **(22)** "Treatment facilities", any method, process, or equipment which  
77 removes, reduces, or renders less obnoxious water contaminants released from any  
78 source;

79 [(22)] **(23)** "Water contaminant", any particulate matter or solid matter or liquid  
80 or any gas or vapor or any combination thereof, or any temperature change which is in  
81 or enters any waters of the state either directly or indirectly by surface runoff, by sewer,  
82 by subsurface seepage or otherwise, which causes or would cause pollution upon entering  
83 waters of the state, or which violates or exceeds any of the standards, regulations or  
84 limitations set forth in sections 644.006 to 644.141 or any federal water pollution control  
85 act, or is included in the definition of pollutant in such federal act;

86 [(23)] **(24)** "Water contaminant source", the point or points of discharge from a  
87 single tract of property on which is located any installation, operation or condition which  
88 includes any point source defined in sections 644.006 to 644.141 and nonpoint source  
89 pursuant to any federal water pollution control act, which causes or permits a water  
90 contaminant therefrom to enter waters of the state either directly or indirectly;

91 [(24)] **(25)** "Water quality standards", specified concentrations and durations of  
92 water contaminants which reflect the relationship of the intensity and composition of  
93 water contaminants to potential undesirable effects;

94            [(25)] **(26)** "Waters of the state", all rivers, streams, lakes and other bodies of  
95 surface and subsurface water lying within or forming a part of the boundaries of the  
96 state which are not entirely confined and located completely upon lands owned, leased  
97 or otherwise controlled by a single person or by two or more persons jointly or as tenants  
98 in common and includes waters of the United States lying within the state.

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

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

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

26            4. Unless prohibited by any federal water pollution control act, any standard,  
27 rule or regulation or any amendment or repeal thereof which is adopted by the  
28 commission may differ in its terms and provisions as between particular types and  
29 conditions of water quality standards or of water contaminants, as between particular  
30 classes of water contaminant sources, and as between particular waters of the state.

31            **5. Any listing, designation, standard, rule or regulation that will result**

32 **in the waters of this state to be classified, designated, qualified or allocated**  
33 **as impaired, contaminated, impacted or deteriorated shall be adopted by rule**  
34 **pursuant to chapter 536, RSMo.**

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  
3 be placed any water contaminant in a location where it is reasonably certain to cause  
4 pollution of any waters of the state;

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

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

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

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

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

34 requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant  
35 thereto, the director shall issue a permit with such conditions as he or she deems  
36 necessary to ensure that the source will meet the requirements of sections 644.006 to  
37 644.141 and any federal water pollution control act as it applies to sources in this state.  
38 If the director determines that the source does not meet or will not meet the requirements  
39 of either act and the regulations pursuant thereto, the director shall deny the permit  
40 pursuant to the applicable act and issue any notices required by sections 644.006 to  
41 644.141 and any federal water pollution control act.

42         4. Before issuing a permit to build or enlarge a water contaminant or point  
43 source or reissuing any permit, the director shall issue such notices, conduct such  
44 hearings, and consider such factors, comments and recommendations as required by  
45 sections 644.006 to 644.141 or any federal water pollution control act. The director shall  
46 determine if any state or any provisions of any federal water pollution control act the  
47 state is required to enforce, any state or federal effluent limitations or regulations, water  
48 quality-related effluent limitations, national standards of performance, toxic and  
49 pretreatment standards, or water quality standards which apply to the source, or any  
50 such standards in the vicinity of the source, are being exceeded, and shall determine the  
51 impact on such water quality standards from the source. The director, in order to  
52 effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source  
53 will violate any such acts, regulations, limitations or standards or will appreciably affect  
54 the water quality standards or the water quality standards are being substantially  
55 exceeded, unless the permit is issued with such conditions as to make the source comply  
56 with such requirements within an acceptable time schedule. **Prior to the**  
57 **development or renewal of a general permit or permit by rule, for**  
58 **aquaculture, the director shall convene a meeting or meetings of permit**  
59 **holders, applicants and public to evaluate the pollution impacts of permits**  
60 **and to discuss any terms and conditions that may be necessary to protect**  
61 **waters of the state. Following the discussions, the director shall finalize a**  
62 **draft permit that considers the comments of the meeting participants and**  
63 **post the draft permit on notice for public comment. The director shall**  
64 **concurrently post with the draft permit an explanation of the draft permit**  
65 **and shall identify types of facilities which are subject to the permit**  
66 **conditions. Concerned, affected public or applicants for new general permits,**  
67 **renewed general permits or permits by rule may request a hearing with**  
68 **respect to the new requirements in accordance with this section. If a request**  
69 **for a hearing is received, the commission shall hold a hearing to receive**

70 **comments on issues of significant technical merit and concerns related to the**  
71 **responsibilities of the Missouri clean water law. The commission shall**  
72 **conduct such hearings in accordance with this section. After consideration**  
73 **of such comments, a final action on the permit shall be rendered. The time**  
74 **between the date of the hearing request and the hearing itself shall not be**  
75 **counted as time elapsed pursuant to subdivision (1) of subsection 13 of this**  
76 **section.**

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

85         6. The director shall promptly notify the applicant in writing of his or her action  
86 and if the permit is denied state the reasons therefor. The applicant may appeal to the  
87 commission from the denial of a permit or from any condition in any permit by filing  
88 notice of appeal with the commission within thirty days of the notice of denial or  
89 issuance of the permit. The commission shall set the matter for hearing not less than  
90 thirty days after the notice of appeal is filed. In no event shall a permit constitute  
91 permission to violate the law or any standard, rule or regulation promulgated pursuant  
92 thereto.

93         7. In any hearing held pursuant to this section the burden of proof is on the  
94 applicant for a permit. Any decision of the commission made pursuant to a hearing held  
95 pursuant to this section is subject to judicial review as provided in section 644.071.

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

100         **9. Unless a site-specific permit is requested by the applicant,**  
101 **aquaculture facilities shall be governed by a general permit issued pursuant**  
102 **to this section with a fee not to exceed two hundred fifty dollars pursuant to**  
103 **subdivision (5) of subsection 6 of section 644.052. However, any aquaculture**  
104 **facility which materially violates the conditions and requirements of such**  
105 **permit may be required to obtain a site-specific permit.**

106           **[9.] 10.** No manufacturing or processing plant or operating location shall be  
107 required to pay more than one operating fee. Operating permits shall be issued for a  
108 period not to exceed five years after date of issuance, except that general permits shall  
109 be issued for a five-year period, and also except that neither a construction nor an  
110 annual permit shall be required for a single residence's waste treatment  
111 facilities. Applications for renewal of an operating permit shall be filed at least one  
112 hundred eighty days prior to the expiration of the existing permit.

113           **[10.] 11.** Every permit issued to municipal or any publicly owned treatment  
114 works or facility shall require the permittee to provide the clean water commission with  
115 adequate notice of any substantial new introductions of water contaminants or pollutants  
116 into such works or facility from any source for which such notice is required by sections  
117 644.006 to 644.141 or any federal water pollution control act. Such permit shall also  
118 require the permittee to notify the clean water commission of any substantial change in  
119 volume or character of water contaminants or pollutants being introduced into its  
120 treatment works or facility by a source which was introducing water contaminants or  
121 pollutants into its works at the time of issuance of the permit. Notice must describe the  
122 quality and quantity of effluent being introduced or to be introduced into such works or  
123 facility by a source which was introducing water contaminants or pollutants into its  
124 works at the time of issuance of the permit. Notice must describe the quality and  
125 quantity of effluent being introduced or to be introduced into such works or facility and  
126 the anticipated impact of such introduction on the quality or quantity of effluent to be  
127 released from such works or facility into waters of the state.

128           **[11.] 12.** The director or the commission may require the filing or posting of a  
129 bond as a condition for the issuance of permits for construction of temporary or future  
130 water treatment facilities in an amount determined by the commission to be sufficient  
131 to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules  
132 or regulations of the commission and any condition as to such construction in the  
133 permit. The bond shall be signed by the applicant as principal, and by a corporate  
134 surety licensed to do business in the state of Missouri and approved by the  
135 commission. The bond shall remain in effect until the terms and conditions of the permit  
136 are met and the provisions of sections 644.006 to 644.141 and rules and regulations  
137 promulgated pursuant thereto are complied with.

138           **[12.] 13.** (1) The department shall issue or deny applications for construction  
139 and site-specific operating permits received after January 1, 2001, within one hundred  
140 eighty days of the department's receipt of an application. For general construction and  
141 operating permit applications received after January 1, 2001, that do not require a public

142 participation process, the department shall issue or deny the requested permits within  
143 sixty days of the department's receipt of an application.

144 (2) If the department fails to issue or deny with good cause a construction or  
145 operating permit application within the time frames established in subdivision (1) of this  
146 subsection, the department shall refund the full amount of the initial application fee  
147 within forty-five days of failure to meet the established time frame. If the department  
148 fails to refund the application fee within forty-five days, the refund amount shall accrue  
149 interest at a rate established pursuant to section 32.065, RSMo.

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

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

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

173 (6) Nothing in this subsection shall be interpreted to mean that inaction on a  
174 permit application shall be grounds to violate any provisions of sections 644.006 to  
175 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

176 [13.] 14. The department shall respond to all requests for individual certification  
177 under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the



178 allowed response period established pursuant to applicable federal regulations without  
179 request for an extension period unless such extension is determined by the commission  
180 to be necessary to evaluate significant impacts on water quality standards and the  
181 commission establishes a timetable for completion of such evaluation in a period of no  
182 more than one hundred eighty days.

183 [14.] 15. All permit fees generated pursuant to this chapter shall not be used  
184 for the development or expansion of total maximum daily loads studies on either the  
185 Missouri or Mississippi rivers.

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

6 2. A privately owned treatment works or an industry which treats only human  
7 sewage 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  
9 day;

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

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

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

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

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

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

22 (8) Four hundred dollars if the design flow is equal to or greater than eleven  
23 thousand gallons per day but less than twelve thousand gallons per day;

24 (9) Four hundred fifty dollars if the design flow is equal to or greater than twelve  
25 thousand gallons per day but less than thirteen thousand gallons per day;

26 (10) Five hundred dollars if the design flow is equal to or greater than thirteen  
27 thousand gallons per day but less than fourteen thousand gallons per day;

28 (11) Five hundred fifty dollars if the design flow is equal to or greater than

29 fourteen thousand gallons per day but less than fifteen thousand gallons per day;

30 (12) Six hundred dollars if the design flow is equal to or greater than fifteen  
31 thousand gallons per day but less than sixteen thousand gallons per day;

32 (13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen  
33 thousand gallons per day but less than seventeen thousand gallons per day;

34 (14) Eight hundred dollars if the design flow is equal to or greater than  
35 seventeen thousand gallons per day but less than twenty thousand gallons per day;

36 (15) One thousand dollars if the design flow is equal to or greater than twenty  
37 thousand gallons per day but less than twenty-three thousand gallons per day;

38 (16) Two thousand dollars if the design flow is equal to or greater than  
39 twenty-three thousand gallons per day but less than twenty-five thousand gallons per  
40 day;

41 (17) Two thousand five hundred dollars if the design flow is equal to or greater  
42 than twenty-five thousand gallons per day but less than thirty thousand gallons per day;

43 (18) Three thousand dollars if the design flow is equal to or greater than thirty  
44 thousand gallons per day but less than one million gallons per day; or

45 (19) Three thousand five hundred dollars if the design flow is equal to or greater  
46 than one million gallons per day.

47 3. Persons who produce industrial process wastewater which requires treatment  
48 and who apply for or possess a site-specific permit shall annually pay:

49 (1) Five thousand dollars if the industry is a class IA animal feeding operation  
50 as defined by the commission; or

51 (2) For facilities issued operating permits based upon categorical standards  
52 pursuant to the Federal Clean Water Act and regulations implementing such act:

53 (a) Three thousand five hundred dollars if the design flow is less than one million  
54 gallons per day; or

55 (b) Five thousand dollars if the design flow is equal to or greater than one million  
56 gallons per day.

57 4. Persons who apply for or possess a site-specific permit solely for industrial  
58 storm water shall pay an annual fee of:

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

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

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

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

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

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

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

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

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

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

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

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

89 8. Requests for state operating permit modifications other than those described  
90 in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent  
91 of the annual operating fee assessed for the facility pursuant to this section. The  
92 department may waive the fee if it is determined that the necessary modification was  
93 either initiated by the department or caused by an error made by the department.

94 9. Persons requesting water quality certifications in accordance with Section 401  
95 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit  
96 the standard application form for a Section 404 permit as administered by the U.S. Army  
97 Corps of Engineers or similar information required for other federal licenses and  
98 permits, except that the fee is waived for water quality certifications issued and accepted  
99 for activities authorized pursuant to a general permit or nationwide permit by the U.S.  
100 Army Corps of Engineers.

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

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

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

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

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

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

132           (6) Three dollars for commercial or industrial customers not served by a public  
133 water system as defined in chapter 640, RSMo;

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

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

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

143           11. Customers served by any district formed pursuant to the provisions of section  
144 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection  
145 10 of this section according to the following schedule:

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

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

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

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

**644.578. In addition to those sums authorized prior to August 28, 2002,**  
2   **the board of fund commissioners of the state of Missouri, as authorized by**  
3   **section 37(e) of article III of the Constitution of the state of Missouri, may**  
4   **borrow on the credit of this state the sum of ten million dollars in the manner**  
5   **described, and for the purposes set out, in chapter 640, RSMo, and this**  
6   **chapter.**

**644.579. In addition to those sums authorized prior to August 28, 2002,**  
2   **the board of fund commissioners of the state of Missouri, as authorized by**  
3   **section 37(g) of article III of the Constitution of the state of Missouri, may**  
4   **borrow on the credit of this state the sum of ten million dollars in the manner**  
5   **described, and for the purposes set out, in chapter 640, RSMo, and in this**  
6   **chapter.**

**644.580. In addition to those sums authorized prior to August 28, 2002,**  
2   **the board of fund commissioners of the state of Missouri, as authorized by**  
3   **section 37(h) of article III of the Constitution of the state of Missouri, may**  
4   **borrow on the credit of this state the sum of twenty million dollars in the**  
5   **manner described, and for the purposes set out, in chapter 640, RSMo, and in**  
6   **this chapter.**

**644.581. Notwithstanding the provisions of section 644.570 concerning  
2 the percentage ratio disbursement of grants and loans, if the full amount of  
3 grant and loan funds available for percentage ratio disbursement pursuant  
4 to sections 644.578, 644.579 or 644.580 are not disbursed to and accepted by  
5 eligible recipients, the department shall disburse any remaining funds to one  
6 or more of the other eligible recipients to which funds have already been  
7 disbursed and accepted.**

Section B. Because of the need to provide adequate sewer systems within local  
2 political subdivisions, section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace and safety, and is hereby declared to be  
4 an emergency act within the meaning of the constitution, and section A of this act shall  
5 be in full force and effect upon its passage and approval.

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