

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 1748

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 247.040, 393.705, 393.847, 640.100,
2 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, are
3 repealed and seventeen new sections enacted in lieu thereof, to
4 be known as sections 247.040, 278.258, 393.705, 393.847, 640.100,
5 640.620, 640.825, 644.016, 644.036, 644.051, 644.052, 644.578,
6 644.579, 644.580, 644.581, 701.034 and 1, to read as follows:

7 247.040. 1. Proceedings for the formation of a public
8 water supply district shall be substantially as follows: a
9 petition in duplicate describing the proposed boundaries of the
10 district sought to be formed, accompanied by a plat of the
11 proposed district, shall be filed with the clerk of the circuit
12 court of the county wherein the proposed district is situate, or
13 with the clerk of the circuit court of the county having the
14 largest acreage proposed to be included in the proposed district,
15 in the event that the proposed district embraces lands in more
16 than one county. Such petition, in addition to such boundary
17 description, shall set forth an estimate of the number of
18 customers of the proposed district, the necessity for the

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

14 2. Upon the filing of the petition, the same shall be
15 presented to the circuit court, and such court shall fix a date
16 for a hearing on such petition, as herein provided for.
17 Thereupon the clerk of the court shall give notice of the filing
18 of the petition in some newspaper of general circulation in the
19 county in which the proceedings are pending, and if the district
20 extends into any other county or counties, such notice shall also
21 be published in some newspaper of general circulation in such
22 other county or counties. The notice shall contain a description
23 of the proposed boundary lines of the district and the general
24 purposes of the petition, and shall set forth the date fixed for
25 the hearing on the petition, which shall not be less than fifteen
26 nor more than twenty-one days after the date of the last
27 publication of the notice and shall be on some regular judicial
28 day of the court wherein the petition is pending. Such notice

1 shall be signed by the clerk of the circuit court and shall be
2 published in three successive issues of a weekly newspaper or in
3 twenty successive issues of a daily newspaper. The petitioners
4 may also direct the clerk of the court to give notice of the
5 filing of the petition by certified mail to the owners of record
6 of all real property located within the proposed boundaries of
7 the district. The cost of the certified notification shall be
8 borne by the petitioners.

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

12 4. Exceptions to the formation of a district, or to the
13 boundaries outlined in the petition for the incorporation
14 thereof, may be made by any voter of the proposed district;
15 provided, such exceptions are filed not less than five days prior
16 to the date set for the hearing on the petition. Such exceptions
17 shall specify the grounds upon which the exceptions are being
18 made. If any such exceptions be filed, the court shall take them
19 into consideration in passing upon the petition and shall also
20 consider the evidence in support of the petition and in support
21 of the exceptions made. Should the court find that the petition
22 should be granted but that changes should be made in the boundary
23 lines, it shall make such changes in the boundary lines as set
24 forth in the petition as to the court may seem meet and proper,
25 and thereupon enter its decree of incorporation, with such
26 boundaries as changed.

27 5. Should the court find that it would not be to the public
28 interest to form such a district, the petition shall be dismissed

1 at the costs of the petitioners. If, however, the court should
2 find in favor of the formation of such district, the court shall
3 enter its decree of incorporation, setting forth the boundaries
4 of the proposed district as determined by the court pursuant to
5 the aforesaid hearing. The decree of incorporation shall also
6 divide the district into five subdistricts and shall fix their
7 boundary lines, all of which subdistricts shall have
8 approximately the same area and shall be numbered. The decree
9 shall further contain an appointment of one voter from each of
10 such subdistricts, to constitute the first board of directors of
11 the district. No two members of such board so appointed or
12 hereafter elected or appointed shall reside in the same
13 subdistrict, except as provided in section 247.060. If no
14 qualified person who lives in the subdistrict is willing to serve
15 on the board, the court may appoint, or the voters may elect, an
16 otherwise qualified person who lives in the district but not in
17 the subdistrict. The court shall designate two of such directors
18 so appointed to serve for a term of two years and one to serve
19 for a term of one year. [And] The directors thus appointed by
20 the court shall serve for the terms thus designated and until
21 their successors shall have been appointed or elected as herein
22 provided. The decree shall further designate the name and number
23 of the district by which it shall hereafter be officially known.

24 6. If the court shall find that the petition has been
25 signed by two-thirds of the registered voters located within the
26 boundaries of the proposed district, or by not less than fifty
27 voters within the proposed district, the decree of incorporation
28 shall become final and conclusive. If the court shall find that

1 the petition has been signed by less than two-thirds of the
2 registered voters located within the boundaries of the proposed
3 district, or by less than fifty voters within the proposed
4 district, then the decree of incorporation shall not become final
5 and conclusive until it shall have been submitted to the voters
6 residing within the boundaries described in such decree and until
7 it shall have been assented to by a majority of the voters as
8 provided in subsection 9 of this section or by two-thirds of the
9 voters of the district voting on the proposition. The decree
10 shall provide for the submission of the question and shall fix
11 the date thereof. The returns shall be certified by the judges
12 and clerks of election to the circuit court having jurisdiction
13 in the case and the court shall thereupon enter its order
14 canvassing the returns and declaring the result of such election.

15 7. If, upon canvass and declaration, it is found and
16 determined that the question shall have been assented to by a
17 majority of two-thirds of the voters of the district voting on
18 such proposition, then the court shall, in such order declaring
19 the result of the election, enter a further order declaring the
20 decree of incorporation to be final and conclusive. In the
21 event, however, that the court should find that the question had
22 not been assented to by the majority above required, the court
23 shall enter a further order declaring such decree of
24 incorporation to be void and of no effect. No appeal shall lie
25 from any such decree of incorporation nor from any of the
26 aforesaid orders. In the event that the court declares the
27 decree of incorporation to be final, as herein provided for, the
28 clerk of the circuit court shall file certified copies of such

1 decree of incorporation and of such final order with the
2 secretary of state of the state of Missouri, and with the
3 recorder of deeds of the county or counties in which the district
4 is situate and with the clerk of the county commission of the
5 county or counties in which the district is situate.

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

9 9. If petitioners seeking formation of a public water
10 supply district specify in their petition that the district to be
11 organized shall be organized without authority to issue general
12 obligation bonds, then the decrees relating to the formation of
13 the district shall recite that the district shall not have
14 authority to issue general obligation bonds and the vote required
15 for such a decree of incorporation to become final and conclusive
16 shall be a simple majority of the voters of the district voting
17 on such proposition.

18 278.258. 1. After a watershed subdistrict has been
19 organized and the organization tax pursuant to section 278.250
20 has been levied, any county in the subdistrict which has not
21 adopted the annual tax pursuant to section 278.250 may detach
22 from the subdistrict upon approval of such detachment of a
23 majority of the qualified voters residing within such subdistrict
24 in such county; however, before such detachment the watershed
25 district trustees shall make arrangements for the county to pay
26 any outstanding indebtedness for services or works of improvement
27 rendered by the subdistrict in such county.

28 2. Following the entry in the official minutes of the

1 trustees of the watershed district of the detachment of the
2 county, the watershed district trustees shall certify this fact
3 on a separate form, authentic copies of which shall be recorded
4 with the recorder of deeds in each county in which any portion of
5 the watershed subdistrict lies and with the state soil and water
6 districts commission.

7 393.705. As used in sections 393.700 to 393.770 and
8 sections 386.025, RSMo, and 393.295, the following terms shall,
9 unless the context clearly indicates otherwise, have the
10 following meanings:

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

15 (2) "Commission", any joint municipal utility commission
16 established by a joint contract [under] pursuant to sections
17 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

18 (3) "Contracting municipality", each municipality which is
19 a party to a joint contract establishing a commission [under]
20 pursuant to sections 393.700 to 393.770 and sections 386.025,
21 RSMo, and 393.295, a water supply district formed [under the
22 provisions of] pursuant to chapter 247, RSMo, or a sewer district
23 formed pursuant to [the provisions of] chapter 204, RSMo, or
24 chapter 249, RSMo;

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

28 (a) Municipalities;

1 (b) Public water supply districts;

2 (c) Public sewer districts;

3 [(d) Nonprofit water companies; or

4 (e) Nonprofit sewer companies;]

5 (5) "Person", a natural person, cooperative or private
6 corporation, association, firm, partnership, or business trust of
7 any nature whatsoever, organized and existing under the laws of
8 any state or of the United States and any municipality or other
9 municipal corporation, governmental unit, or public corporation
10 created under the laws of this state or the United States, and
11 any person, board, or other body declared by the laws of any
12 state or the United States to be a department, agency or
13 instrumentality thereof;

14 (6) "Project", the purchasing, construction, extending or
15 improving of any revenue-producing water, sewage, gas or electric
16 light works, heating or power plants, including all real and
17 personal property of any nature whatsoever to be used in
18 connection therewith, together with all parts thereof and
19 appurtenances thereto, used or useful in the generation,
20 production, transmission, distribution excluding retail sales,
21 purchase, sale, exchange, transport and treatment of sewage or
22 interchange of water, sewage, electric power and energy, or any
23 interest therein or right to capacity thereof and the acquisition
24 of fuel of any kind for any such purposes.

25 393.847. 1. Every nonprofit sewer company constructing,
26 maintaining and operating its wastewater lines and treatment
27 facilities shall construct, maintain and operate such lines and
28 facilities in conformity with the rules and regulations relating

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

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

19 640.100. 1. The safe drinking water commission created in
20 section 640.105 shall promulgate rules necessary for the
21 implementation, administration and enforcement of sections
22 640.100 to 640.140 and the federal Safe Drinking Water Act as
23 amended.

24 2. No standard, rule or regulation or any amendment or
25 repeal thereof shall be adopted except after a public hearing to
26 be held by the commission after at least thirty days' prior
27 notice in the manner prescribed by the rulemaking provisions of
28 chapter 536, RSMo, and an opportunity given to the public to be

1 heard; the commission may solicit the views, in writing, of
2 persons who may be affected by, knowledgeable about, or
3 interested in proposed rules and regulations, or standards. Any
4 person heard or registered at the hearing, or making written
5 request for notice, shall be given written notice of the action
6 of the commission with respect to the subject thereof. Any rule
7 or portion of a rule, as that term is defined in section 536.010,
8 RSMo, that is promulgated to administer and enforce sections
9 640.100 to 640.140 shall become effective only if the agency has
10 fully complied with all of the requirements of chapter 536, RSMo,
11 including but not limited to, section 536.028, RSMo, if
12 applicable, after June 9, 1998. All rulemaking authority
13 delegated prior to June 9, 1998, is of no force and effect and
14 repealed as of June 9, 1998, however, nothing in this section
15 shall be interpreted to repeal or affect the validity of any rule
16 adopted or promulgated prior to June 9, 1998. If the provisions
17 of section 536.028, RSMo, apply, the provisions of this section
18 are nonseverable and if any of the powers vested with the general
19 assembly pursuant to section 536.028, RSMo, to review, to delay
20 the effective date, or to disapprove and annul a rule or portion
21 of a rule are held unconstitutional or invalid, the purported
22 grant of rulemaking authority and any rule so proposed and
23 contained in the order of rulemaking shall be invalid and void,
24 except that nothing in this chapter or chapter 644, RSMo, shall
25 affect the validity of any rule adopted and promulgated prior to
26 June 9, 1998.

27 3. The commission shall promulgate rules and regulations
28 for the certification of public water system operators, backflow

1 prevention assembly testers and laboratories conducting tests
2 pursuant to sections 640.100 to 640.140. Any person seeking to
3 be a certified backflow prevention assembly tester shall
4 satisfactorily complete standard, nationally recognized written
5 and performance examinations designed to ensure that the person
6 is competent to determine if the assembly is functioning within
7 its design specifications. Any such state certification shall
8 satisfy any need for local certification as a backflow prevention
9 assembly tester. However, political subdivisions may set
10 additional testing standards for individuals who are seeking to
11 be certified as backflow prevention assembly testers.
12 Notwithstanding any other provision of law to the contrary,
13 agencies of the state or its political subdivisions shall only
14 require carbonated beverage dispensers to conform to the backflow
15 protection requirements established in the National Sanitation
16 Foundation standard eighteen, and the dispensers shall be so
17 listed by an independent testing laboratory. The commission
18 shall promulgate rules and regulations for collection of samples
19 and analysis of water furnished by municipalities, corporations,
20 companies, state establishments, federal establishments or
21 individuals to the public. The department of natural resources
22 or the department of health and senior services shall, at the
23 request of any supplier, make any analyses or tests required
24 pursuant to the terms of section 192.320, RSMo, and sections
25 640.100 to 640.140. The department shall collect fees to cover
26 the reasonable cost of laboratory services, both within the
27 department of natural resources and the department of health and
28 senior services, laboratory certification and program

1 administration as required by sections 640.100 to 640.140. The
2 laboratory services and program administration fees pursuant to
3 this subsection shall not exceed two hundred dollars for a
4 supplier supplying less than four thousand one hundred service
5 connections, three hundred dollars for supplying less than seven
6 thousand six hundred service connections, five hundred dollars
7 for supplying seven thousand six hundred or more service
8 connections, and five hundred dollars for testing surface water.
9 Such fees shall be deposited in the safe drinking water fund as
10 specified in section 640.110. The analysis of all drinking water
11 required by section 192.320, RSMo, and sections 640.100 to
12 640.140 shall be made by the department of natural resources
13 laboratories, department of health and senior services
14 laboratories or laboratories certified by the department of
15 natural resources.

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

20 5. (1) For the purpose of complying with federal
21 requirements for maintaining the primacy of state enforcement of
22 the federal Safe Drinking Water Act, the department is hereby
23 directed to request appropriations from the general revenue fund
24 and all other appropriate sources to fund the activities of the
25 public drinking water program and in addition to the fees
26 authorized pursuant to subsection 3 of this section, an annual
27 fee for each customer service connection with a public water
28 system is hereby authorized to be imposed upon all customers of

public water systems in this state. The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Each customer of a public water system shall pay an annual fee for each customer service connection.

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

1 to 1,000 connections	\$2.00
1,001 to 4,000 connections	1.84
4,001 to 7,000 connections	1.67
7,001 to 10,000 connections	1.50
10,001 to 20,000 connections	1.34
20,001 to 35,000 connections	1.17
35,001 to 50,000 connections	1.00
50,001 to 100,000 connections84
More than 100,000 connections66.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed five dollars; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed twenty-five dollars; and for customers with meters greater than four inches in size shall not exceed fifty dollars.

(4) Customers served by multiple connections shall pay an

1 annual user fee based on the above rates for each connection,
2 except that no single facility served by multiple connections
3 shall pay a total of more than five hundred dollars per year.

4 6. Fees imposed pursuant to subsection 5 of this section
5 shall become effective on August 28, 1992, and shall be collected
6 by the public water system serving the customer. The commission
7 shall promulgate rules and regulations on the procedures for
8 billing, collection and delinquent payment. Fees collected by a
9 public water system pursuant to subsection 5 of this section are
10 state fees. The annual fee shall be enumerated separately from
11 all other charges, and shall be collected in monthly, quarterly
12 or annual increments. Such fees shall be transferred to the
13 director of the department of revenue at frequencies not less
14 than quarterly. Two percent of the revenue arising from the fees
15 shall be retained by the public water system for the purpose of
16 reimbursing its expenses for billing and collection of such fees.

17 7. Imposition and collection of the fees authorized in
18 subsection 5 of this section shall be suspended on the first day
19 of a calendar quarter if, during the preceding calendar quarter,
20 the federally delegated authority granted to the safe drinking
21 water program within the department of natural resources to
22 administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is
23 withdrawn. The fee shall not be reinstated until the first day
24 of the calendar quarter following the quarter during which such
25 delegated authority is reinstated.

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

28 640.620. In any case, the grant shall not be in excess of

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

13 640.825. In all matters heard by the department of natural
14 resources in chapters 260, 278, 444, 640, 643, and 644, RSMo, the
15 hazardous waste management commission in chapter 260, RSMo, the
16 state soil and water districts commission in chapter 278, RSMo,
17 the land reclamation commission in chapter 444, RSMo, the safe
18 drinking water commission in this chapter, the air conservation
19 commission in chapter 643, RSMo, and the clean water commission
20 in chapter 644, RSMo, the burden of proof shall be upon the
21 department of natural resources or the commission that issued the
22 finding, order, decision or assessment being appealed, except
23 that in matters involving the denial of a permit, license or
24 registration, the burden of proof shall be on the applicant for
25 such permit, license or registration, and except further, unless
26 otherwise provided by law, that in any matter where any person or
27 persons, other than the applicant, appeals the issuance of any
28 such permit, license or registration, or any term or condition

1 thereof, the burden of proof shall be on such person or persons.

2 644.016. When used in sections 644.006 to 644.141 and in
3 standards, rules and regulations promulgated pursuant to sections
4 644.006 to 644.141, the following words and phrases mean:

5 (1) "Aquaculture facility", a hatchery, fish farm, or other
6 facility used for the production of aquatic animals that is
7 required to have a permit pursuant to the federal Clean Water
8 Act, as amended, 33 U.S.C. 1251, et seq.;

9 [(1)] (2) "Commission", the clean water commission of the
10 state of Missouri created in section 644.021;

11 [(2)] (3) "Conference, conciliation and persuasion", a
12 process of verbal or written communications consisting of
13 meetings, reports, correspondence or telephone conferences
14 between authorized representatives of the department and the
15 alleged violator. The process shall, at a minimum, consist of
16 one offer to meet with the alleged violator tendered by the
17 department. During any such meeting, the department and the
18 alleged violator shall negotiate in good faith to eliminate the
19 alleged violation and shall attempt to agree upon a plan to
20 achieve compliance;

21 [(3)] (4) "Department", the department of natural
22 resources;

23 [(4)] (5) "Director", the director of the department of
24 natural resources;

25 [(5)] (6) "Discharge", the causing or permitting of one or
26 more water contaminants to enter the waters of the state;

27 [(6)] (7) "Effluent control regulations", limitations on
28 the discharge of water contaminants;

1 [(7)] (8) "General permit", a permit written with a
2 standard group of conditions and with applicability intended for
3 a designated category of water contaminant sources that have the
4 same or similar operations, discharges and geographical
5 locations, and that require the same or similar monitoring, and
6 that would be more appropriately controlled pursuant to a general
7 permit rather than pursuant to a site-specific permit;

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

12 [(9)] (10) "Income" includes retirement benefits,
13 consultant fees, and stock dividends;

14 [(10)] (11) "Minor violation", a violation which possesses
15 a small potential to harm the environment or human health or
16 cause pollution, was not knowingly committed, and is not defined
17 by the United States Environmental Protection Agency as other
18 than minor;

19 [(11)] (12) "Permit by rule", a permit granted by rule,
20 not by a paper certificate, and conditioned by the permit
21 holder's compliance with commission rules;

22 [(12)] (13) "Permit holders or applicants for a permit"
23 shall not include officials or employees who work full time for
24 any department or agency of the state of Missouri;

25 [(13)] (14) "Person", any individual, partnership,
26 copartnership, firm, company, public or private corporation,
27 association, joint stock company, trust, estate, political
28 subdivision, or any agency, board, department, or bureau of the

1 state or federal government, or any other legal entity whatever
2 which is recognized by law as the subject of rights and duties;

3 [(14)] (15) "Point source", any discernible, confined and
4 discrete conveyance, including but not limited to any pipe,
5 ditch, channel, tunnel, conduit, well, discrete fissure,
6 container, rolling stock, concentrated animal feeding operation,
7 or vessel or other floating craft, from which pollutants are or
8 may be discharged;

9 [(15)] (16) "Pollution", such contamination or other
10 alteration of the physical, chemical or biological properties of
11 any waters of the state, including change in temperature, taste,
12 color, turbidity, or odor of the waters, or such discharge of any
13 liquid, gaseous, solid, radioactive, or other substance into any
14 waters of the state as will or is reasonably certain to create a
15 nuisance or render such waters harmful, detrimental or injurious
16 to public health, safety or welfare, or to domestic, industrial,
17 agricultural, recreational, or other legitimate beneficial uses,
18 or to wild animals, birds, fish or other aquatic life;

19 [(16)] (17) "Pretreatment regulations", limitations on the
20 introduction of pollutants or water contaminants into publicly
21 owned treatment works or facilities which the commission
22 determines are not susceptible to treatment by such works or
23 facilities or which would interfere with their operation, except
24 that wastes as determined compatible for treatment pursuant to
25 any federal water pollution control act or guidelines shall be
26 limited or treated pursuant to this chapter only as required by
27 such act or guidelines;

28 [(17)] (18) "Residential housing development", any land

1 which is divided or proposed to be divided into three or more
2 lots, whether contiguous or not, for the purpose of sale or lease
3 as part of a common promotional plan for residential housing;

4 [(18)] (19) "Sewer system", pipelines or conduits, pumping
5 stations, and force mains, and all other structures, devices,
6 appurtenances and facilities used for collecting or conducting
7 wastes to an ultimate point for treatment or handling;

8 [(19)] (20) "Significant portion of his or her income"
9 shall mean ten percent of gross personal income for a calendar
10 year, except that it shall mean fifty percent of gross personal
11 income for a calendar year if the recipient is over sixty years
12 of age, and is receiving such portion pursuant to retirement,
13 pension, or similar arrangement;

14 [(20)] (21) "Site-specific permit", a permit written for
15 discharges emitted from a single water contaminant source and
16 containing specific conditions, monitoring requirements and
17 effluent limits to control such discharges;

18 [(21)] (22) "Treatment facilities", any method, process,
19 or equipment which removes, reduces, or renders less obnoxious
20 water contaminants released from any source;

21 [(22)] (23) "Water contaminant", any particulate matter or
22 solid matter or liquid or any gas or vapor or any combination
23 thereof, or any temperature change which is in or enters any
24 waters of the state either directly or indirectly by surface
25 runoff, by sewer, by subsurface seepage or otherwise, which
26 causes or would cause pollution upon entering waters of the
27 state, or which violates or exceeds any of the standards,
28 regulations or limitations set forth in sections 644.006 to

1 644.141 or any federal water pollution control act, or is
2 included in the definition of pollutant in such federal act;

3 [(23)] (24) "Water contaminant source", the point or
4 points of discharge from a single tract of property on which is
5 located any installation, operation or condition which includes
6 any point source defined in sections 644.006 to 644.141 and
7 nonpoint source pursuant to any federal water pollution control
8 act, which causes or permits a water contaminant therefrom to
9 enter waters of the state either directly or indirectly;

10 [(24)] (25) "Water quality standards", specified
11 concentrations and durations of water contaminants which reflect
12 the relationship of the intensity and composition of water
13 contaminants to potential undesirable effects;

14 [(25)] (26) "Waters of the state", all rivers, streams,
15 lakes and other bodies of surface and subsurface water lying
16 within or forming a part of the boundaries of the state which are
17 not entirely confined and located completely upon lands owned,
18 leased or otherwise controlled by a single person or by two or
19 more persons jointly or as tenants in common and includes waters
20 of the United States lying within the state.

21 644.036. 1. No standard, rule or regulation or any
22 amendment or repeal thereof shall be adopted except after a
23 public hearing to be held after thirty days' prior notice by
24 advertisement of the date, time and place of the hearing and
25 opportunity given to the public to be heard. Notice of the
26 hearings and copies of the proposed standard, rule or regulation
27 or any amendment or repeal thereof shall also be given by regular
28 mail, at least thirty days prior to the scheduled date of the

1 hearing, to any person who has registered with the director for
2 the purpose of receiving notice of such public hearings in
3 accordance with the procedures prescribed by the commission at
4 least forty-five days prior to the scheduled date of the hearing.
5 However, this provision shall not preclude necessary changes
6 during this thirty-day period.

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

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

27 4. Unless prohibited by any federal water pollution control
28 act, any standard, rule or regulation or any amendment or repeal

1 thereof which is adopted by the commission may differ in its
2 terms and provisions as between particular types and conditions
3 of water quality standards or of water contaminants, as between
4 particular classes of water contaminant sources, and as between
5 particular waters of the state.

6 5. Any listing, designation, standard, rule or regulation
7 that will result in the waters of this state to be classified,
8 designated, qualified or allocated as impaired, contaminated,
9 impacted or deteriorated shall be adopted by rule pursuant to
10 chapter 536, RSMo.

11 644.051. 1. It is unlawful for any person:

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

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

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

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

27 2. It shall be unlawful for any person to build, erect,
28 alter, replace, operate, use or maintain any water contaminant or

1 point source in this state that is subject to standards, rules or
2 regulations promulgated pursuant to the provisions of sections
3 644.006 to 644.141 unless such person holds a permit from the
4 commission, subject to such exceptions as the commission may
5 prescribe by rule or regulation. However, no permit shall be
6 required of any person for any emission into publicly owned
7 treatment facilities or into publicly owned sewer systems
8 tributary to publicly owned treatment works.

9 3. Every proposed water contaminant or point source which,
10 when constructed or installed or established, will be subject to
11 any federal water pollution control act or sections 644.006 to
12 644.141 or regulations promulgated pursuant to the provisions of
13 such act shall make application to the director for a permit at
14 least thirty days prior to the initiation of construction or
15 installation or establishment. Every water contaminant or point
16 source in existence when regulations or sections 644.006 to
17 644.141 become effective shall make application to the director
18 for a permit within sixty days after the regulations or sections
19 644.006 to 644.141 become effective, whichever shall be earlier.
20 The director shall promptly investigate each application, which
21 investigation shall include such hearings and notice, and
22 consideration of such comments and recommendations as required by
23 sections 644.006 to 644.141 and any federal water pollution
24 control act. If the director determines that the source meets or
25 will meet the requirements of sections 644.006 to 644.141 and the
26 regulations promulgated pursuant thereto, the director shall
27 issue a permit with such conditions as he or she deems necessary
28 to ensure that the source will meet the requirements of sections

1 644.006 to 644.141 and any federal water pollution control act as
2 it applies to sources in this state. If the director determines
3 that the source does not meet or will not meet the requirements
4 of either act and the regulations pursuant thereto, the director
5 shall deny the permit pursuant to the applicable act and issue
6 any notices required by sections 644.006 to 644.141 and any
7 federal water pollution control act.

8 4. Before issuing a permit to build or enlarge a water
9 contaminant or point source or reissuing any permit, the director
10 shall issue such notices, conduct such hearings, and consider
11 such factors, comments and recommendations as required by
12 sections 644.006 to 644.141 or any federal water pollution
13 control act. The director shall determine if any state or any
14 provisions of any federal water pollution control act the state
15 is required to enforce, any state or federal effluent limitations
16 or regulations, water quality-related effluent limitations,
17 national standards of performance, toxic and pretreatment
18 standards, or water quality standards which apply to the source,
19 or any such standards in the vicinity of the source, are being
20 exceeded, and shall determine the impact on such water quality
21 standards from the source. The director, in order to effectuate
22 the purposes of sections 644.006 to 644.141, shall deny a permit
23 if the source will violate any such acts, regulations,
24 limitations or standards or will appreciably affect the water
25 quality standards or the water quality standards are being
26 substantially exceeded, unless the permit is issued with such
27 conditions as to make the source comply with such requirements
28 within an acceptable time schedule. Prior to the development or

1 renewal of a general permit or permit by rule, for aquaculture,
2 the director shall convene a meeting or meetings of permit
3 holders and applicants to evaluate the impacts of permits and to
4 discuss any terms and conditions that may be necessary to protect
5 waters of the state. Following the discussions, the director
6 shall finalize a draft permit that considers the comments of the
7 meeting participants and post the draft permit on notice for
8 public comment. The director shall concurrently post with the
9 draft permit an explanation of the draft permit and shall
10 identify types of facilities which are subject to the permit
11 conditions. Affected public or applicants for new general
12 permits, renewed general permits or permits by rule may request a
13 hearing with respect to the new requirements in accordance with
14 this section. If a request for a hearing is received, the
15 commission shall hold a hearing to receive comments on issues of
16 significant technical merit and concerns related to the
17 responsibilities of the Missouri clean water law. The commission
18 shall conduct such hearings in accordance with this section.
19 After consideration of such comments, a final action on the
20 permit shall be rendered. The time between the date of the
21 hearing request and the hearing itself shall not be counted as
22 time elapsed pursuant to subdivision (1) of subsection 13 of this
23 section.

24 5. The director shall grant or deny the permit within sixty
25 days after all requirements of the Federal Water Pollution
26 Control Act concerning issuance of permits have been satisfied
27 unless the application does not require any permit pursuant to
28 any federal water pollution control act. The director or the

1 commission may require the applicant to provide and maintain such
2 facilities or to conduct such tests and monitor effluents as
3 necessary to determine the nature, extent, quantity or degree of
4 water contaminant discharged or released from the source,
5 establish and maintain records and make reports regarding such
6 determination.

7 6. The director shall promptly notify the applicant in
8 writing of his or her action and if the permit is denied state
9 the reasons therefor. The applicant may appeal to the commission
10 from the denial of a permit or from any condition in any permit
11 by filing notice of appeal with the commission within thirty days
12 of the notice of denial or issuance of the permit. The
13 commission shall set the matter for hearing not less than thirty
14 days after the notice of appeal is filed. In no event shall a
15 permit constitute permission to violate the law or any standard,
16 rule or regulation promulgated pursuant thereto.

17 7. In any hearing held pursuant to this section the burden
18 of proof is on the applicant for a permit. Any decision of the
19 commission made pursuant to a hearing held pursuant to this
20 section is subject to judicial review as provided in section
21 644.071.

22 8. In any event, no permit issued pursuant to this section
23 shall be issued if properly objected to by the federal government
24 or any agency authorized to object pursuant to any federal water
25 pollution control act unless the application does not require any
26 permit pursuant to any federal water pollution control act.

27 9. Unless a site-specific permit is requested by the
28 applicant, aquaculture facilities shall be governed by a general

permit issued pursuant to this section with a fee not to exceed
two hundred fifty dollars pursuant to subdivision (5) of
subsection 6 of section 644.052. However, any aquaculture
facility which materially violates the conditions and
requirements of such permit may be required to obtain a site-
specific permit.

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

[10.] 11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or

1 to be introduced into such works or facility by a source which
2 was introducing water contaminants or pollutants into its works
3 at the time of issuance of the permit. Notice must describe the
4 quality and quantity of effluent being introduced or to be
5 introduced into such works or facility and the anticipated impact
6 of such introduction on the quality or quantity of effluent to be
7 released from such works or facility into waters of the state.

8 [11.] 12. The director or the commission may require the
9 filing or posting of a bond as a condition for the issuance of
10 permits for construction of temporary or future water treatment
11 facilities in an amount determined by the commission to be
12 sufficient to ensure compliance with all provisions of sections
13 644.006 to 644.141, and any rules or regulations of the
14 commission and any condition as to such construction in the
15 permit. The bond shall be signed by the applicant as principal,
16 and by a corporate surety licensed to do business in the state of
17 Missouri and approved by the commission. The bond shall remain
18 in effect until the terms and conditions of the permit are met
19 and the provisions of sections 644.006 to 644.141 and rules and
20 regulations promulgated pursuant thereto are complied with.

21 [12.] 13. (1) The department shall issue or deny
22 applications for construction and site-specific operating permits
23 received after January 1, 2001, within one hundred eighty days of
24 the department's receipt of an application. For general
25 construction and operating permit applications received after
26 January 1, 2001, that do not require a public participation
27 process, the department shall issue or deny the requested permits
28 within sixty days of the department's receipt of an application.

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

10 (3) Permit fee disputes may be appealed to the commission
11 within thirty days of the date established in subdivision (2) of
12 this subsection. If the applicant prevails in a permit fee
13 dispute appealed to the commission, the commission may order the
14 director to refund the applicant's permit fee plus interest and
15 reasonable attorney's fees as provided in sections 536.085 and
16 536.087, RSMo. A refund of the initial application or annual fee
17 does not waive the applicant's responsibility to pay any annual
18 fees due each year following issuance of a permit.

19 (4) No later than December 31, 2001, the commission shall
20 promulgate regulations defining shorter review time periods than
21 the time frames established in subdivision (1) of this
22 subsection, when appropriate, for different classes of
23 construction and operating permits. In no case shall commission
24 regulations adopt permit review times that exceed the time frames
25 established in subdivision (1) of this subsection. The
26 department's failure to comply with the commission's permit
27 review time periods shall result in a refund of said permit fees
28 as set forth in subdivision (2) of this subsection. On a

1 semiannual basis, the department shall submit to the commission a
2 report which describes the different classes of permits and
3 reports on the number of days it took the department to issue
4 each permit from the date of receipt of the application and show
5 averages for each different class of permits.

6 (5) During the department's technical review of the
7 application, the department may request the applicant submit
8 supplemental or additional information necessary for adequate
9 permit review. The department's technical review letter shall
10 contain a sufficient description of the type of additional
11 information needed to comply with the application requirements.

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

16 [13.] 14. The department shall respond to all requests for
17 individual certification under Section 401 of the Federal Clean
18 Water Act within the lesser of sixty days or the allowed response
19 period established pursuant to applicable federal regulations
20 without request for an extension period unless such extension is
21 determined by the commission to be necessary to evaluate
22 significant impacts on water quality standards and the commission
23 establishes a timetable for completion of such evaluation in a
24 period of no more than one hundred eighty days.

25 [14.] 15. All permit fees generated pursuant to this
26 chapter shall not be used for the development or expansion of
27 total maximum daily loads studies on either the Missouri or
28 Mississippi rivers.

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

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

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

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

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

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

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

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

28 (7) Three hundred seventy-five dollars if the design flow

1 is equal to or greater than ten thousand gallons per day but less
2 than eleven thousand gallons per day;

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

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

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

12 (11) Five hundred fifty dollars if the design flow is equal
13 to or greater than fourteen thousand gallons per day but less
14 than fifteen thousand gallons per day;

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

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

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

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

27 (16) Two thousand dollars if the design flow is equal to or
28 greater than twenty-three thousand gallons per day but less than

1 twenty-five thousand gallons per day;

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

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

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

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

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

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

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

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

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

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

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

28 5. Persons who produce industrial process wastewater who

are not included in subsection 2 or 3 of this section shall annually pay:

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

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

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

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

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

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

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

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

7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two

1 hundred-dollar fee. The department may waive the fee if it is
2 determined that the necessary modification was either initiated
3 by the department or caused by an error made by the department.

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

11 9. Persons requesting water quality certifications in
12 accordance with Section 401 of the Federal Clean Water Act shall
13 pay a fee of seventy-five dollars and shall submit the standard
14 application form for a Section 404 permit as administered by the
15 U.S. Army Corps of Engineers or similar information required for
16 other federal licenses and permits, except that the fee is waived
17 for water quality certifications issued and accepted for
18 activities authorized pursuant to a general permit or nationwide
19 permit by the U.S. Army Corps of Engineers.

20 10. Persons with a direct or indirect sewer service
21 connection to a public sewer system owned or operated by a city,
22 public sewer district, public water district, or other publicly
23 owned treatment works shall pay an annual fee per water service
24 connection as provided in this subsection. Customers served by
25 multiple water service connections shall pay such fee for each
26 water service connection, except that no single facility served
27 by multiple connections shall pay more than a total of seven
28 hundred dollars per year. The fees provided for in this

1 subsection shall be collected by the agency billing such customer
2 for sewer service and remitted to the department. The fees may
3 be collected in monthly, quarterly or annual increments, and
4 shall be remitted to the department no less frequently than
5 annually. The fees collected shall not exceed the amounts
6 specified in this subsection and, except as provided in
7 subsection 11 of this section, shall be collected at the
8 specified amounts unless adjusted by the commission in rules.
9 The annual fees shall not exceed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 644.578. In addition to those sums authorized prior to
9 August 28, 2002, the board of fund commissioners of the state of
10 Missouri, as authorized by section 37(e) of article III of the
11 Constitution of the state of Missouri, may borrow on the credit
12 of this state the sum of ten million dollars in the manner
13 described, and for the purposes set out, in chapter 640, RSMo,
14 and this chapter.

15 644.579. In addition to those sums authorized prior to
16 August 28, 2002, the board of fund commissioners of the state of
17 Missouri, as authorized by section 37(g) of article III of the
18 Constitution of the state of Missouri, may borrow on the credit
19 of this state the sum of ten million dollars in the manner
20 described, and for the purposes set out, in chapter 640, RSMo,
21 and in this chapter.

22 644.580. In addition to those sums authorized prior to
23 August 28, 2002, the board of fund commissioners of the state of
24 Missouri, as authorized by section 37(h) of article III of the
25 Constitution of the state of Missouri, may borrow on the credit
26 of this state the sum of twenty million dollars in the manner
27 described, and for the purposes set out, in chapter 640, RSMo,
28 and in this chapter.

1 644.581. Notwithstanding the provisions of section 644.570
2 concerning the percentage ratio disbursement of grants and loans,
3 if the full amount of grant and loan funds available for
4 percentage ratio disbursement pursuant to sections 644.578,
5 644.579 or 644.580 are not disbursed to and accepted by eligible
6 recipients, the department shall disburse any remaining funds to
7 one or more of the other eligible recipients to which funds have
8 already been disbursed and accepted.

9 701.034. 1. Notwithstanding any law to the contrary, the
10 department shall approve any existing and future alternative
11 technologies to a traditional gravel subsurface soil absorption
12 system at manufacturers' recommended sizing if the department
13 determines that the following criteria have been met:

14 (1) The manufacturer provides a minimum five-year full
15 performance warranty for its systems;

16 (2) The manufacturer provides a financial assurance
17 instrument in the form of a bond, or letter of credit to the
18 state in an amount equal to at least one hundred thousand dollars
19 for the first year, and equivalent to two thousand dollars per
20 system for three percent of the systems installed the previous
21 year for every year thereafter up to five years;

22 (3) The manufacturer trains and certifies all installer of
23 its systems, and provides a list of these certified installers to
24 the department;

25 (4) The storage capacity of any approved system is
26 equivalent to that available in a conventionally sized rock
27 filled absorption trench system;

28 (5) The total bottom area of the approved system measured

1 as the area bounded by the outer-most limits of the system's
2 contact with the trench bottom is at least fifty percent of that
3 required for a conventional rock filled absorption system;

4 (6) The system must be a type listed in 19 CSR 20-3.060,
5 minimum construction standards for on-site sewage disposal
6 system.

7 2. The manufacturer may submit documentation by application
8 to the department to fulfill these conditions. The application
9 and documentation submitted by the manufacturer or its
10 appropriate authorized representative within the boundaries of
11 this state. The department may charge a fee of up to fifty
12 dollars for the processing of the application. The state will
13 act upon the manufacturer's submission within thirty calendar
14 days either by agreeing the submission adequately addresses the
15 conditions listed above, or by documenting in writing why the
16 conditions were not met.

17 3. The director may suspend, with appropriate hearing, the
18 utilization alternative subsurface soil absorption system upon
19 demonstration that said alternative subsurface soil absorption
20 systems have failed at greater than ten percent of the
21 installations within the boundaries of this state during the
22 warranty period designated pursuant to this section. The
23 decision to suspend this exception may be appealed to the circuit
24 court.

25 Section 1. Any sewer district created pursuant to article
26 VI, section 30 of the state constitution shall retain a qualified
27 independent third party to implement an independent study, no
28 later than January 1, 2003, to determine any and all effects of

1 privatization and any and all aspects of such sewer district.
2 Such independent third party shall have prior experience in
3 privatization studies for municipalities including, but not
4 limited to, planning, design, construction and operation of
5 water, wastewater, stormwater and related facilities.
6 Additionally, such independent third party shall possess
7 expertise in process, electrical and instrumentation engineering.
8 All findings and conclusions resulting from such privatization
9 study, including any and all supporting documentation, shall be
10 presented, in total, by such independent third party, to such
11 sewer district's board of trustees no later than January 1, 2004.

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