

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1748
91ST GENERAL ASSEMBLY

4224L.06T

2002

AN ACT

To repeal sections 247.030, 247.031, 247.040, 247.217, 247.220, 393.705, 393.847, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof twenty-one new sections relating to water resources.

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

Section A. Sections 247.030, 247.031, 247.040, 247.217, 247.220, 393.705, 393.847, 2 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, are repealed and twenty-one 3 new sections enacted in lieu thereof, to be known as sections 247.030, 247.031, 247.040, 4 247.217, 247.220, 278.258, 393.705, 393.847, 640.100, 640.620, 640.825, 644.016, 644.036, 5 644.051, 644.052, 644.578, 644.579, 644.580, 701.034, 1 and 2, to read as follows:

247.030. 1. Territory that may be included in a district sought to be incorporated or 2 enlarged may be wholly within one or in more than one county, may take in school districts or 3 parts thereof, and cities that do not have a waterworks system or cities whose governing body 4 has by a majority vote requested that the city or part thereof be included within the boundaries 5 of a public water supply district. For the purpose of this section, "city" means any city, town or 6 village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in 7 the circuit court of the county in which the largest acreage is located. No two districts shall 8 overlap.

9 2. Any two or more contiguous districts or any city and a contiguous district may, if there 10 are no outstanding general obligation bonds relating to drinking water supply projects in either 11 entity, by a majority vote of the governing body of each entity, provide for territory located in 12 one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of

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

13 the proposed annexation shall be filed with the circuit court that originally issued the decree of
14 incorporation for a district which is detaching territory through the proposed annexation or with
15 the circuit court that originally issued the decree of incorporation for a district which is including
16 a city or part thereof through the proposed annexation. The court shall set a date for a hearing
17 on the proposed annexation and shall cause notice to be published in the same manner as for the
18 filing of the original petition for incorporation; except that publication of notice shall not be
19 required if a majority of the landowners in the territory proposed to be annexed consent in
20 writing, and if notice of the hearing is posted in three public places within the territory proposed
21 to be annexed at least seven days before the date of the hearing. If publication of the notice is
22 not required pursuant to this section, the court shall only approve the proposed annexation if
23 there is sworn testimony by at least five landowners in the area of the proposed annexation, or
24 a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after
25 the hearing, finds that the proposed annexation would not be in the public interest, it shall order
26 that the annexation not be allowed. If the court finds the proposed annexation to be in the public
27 interest, it shall approve the annexation and the territory shall be detached from the one entity
28 and annexed to the other. After the annexation is approved, the circuit court in which each
29 district involved in the proceedings was incorporated shall amend the decree of incorporation for
30 each district to reflect the change in the boundaries as a result of the annexation and to redivide
31 each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts
32 have approximately the same area. A certified copy of the amended decree showing the
33 boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and
34 in the office of the county clerk in each county having territory in the district and in the office
35 of the secretary of state of the state of Missouri.

36 3. The boundaries of any district may be extended or enlarged from time to time upon
37 the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

38 (1) The board of directors of the district and five or more voters **or landowners** within
39 the territory proposed to be annexed by the district; or

40 (2) **The board of directors of the district and** a majority of the landowners within the
41 territory proposed to be annexed to the district.

42 **If the petition is filed by the board of directors of the district and five or more voters or**
43 **landowners within the territory proposed to be annexed by the district, the same**
44 **proceedings shall be followed as are provided in section 247.040 for the filing of a petition**
45 **for the organization of the district, except that no election shall be held. Upon entry of a**
46 **final order declaring the court's decree of annexation to be final and conclusive, the court**
47 **shall modify or rearrange the boundary lines of the subdistricts as may be necessary or**
48 **advisable. If the petition is filed by the board of directors of the district and** a majority of the

49 landowners within the territory proposed to be annexed, the publication of notice shall not be
50 required, provided notice is posted in three public places within the territory proposed to be
51 annexed at least seven days before the date of the hearing and provided that there is sworn
52 testimony by at least five landowners in the territory proposed to be annexed, or a majority of the
53 landowners if the total landowners in the area are fewer than ten. **If the court finds that the**
54 **annexation of such territory would be in the public interest, the court shall enter its order**
55 **granting such annexation.** Upon the entry of [a final] **such** order [declaring the court's decree
56 of annexation to be final and conclusive], the court shall modify or rearrange the boundary lines
57 of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or
58 extension of the district shall be taxed to the district, if the district be enlarged or extended,
59 otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors
60 of the district.

61 4. Should any [voter] **landowner** who owns real estate that abuts upon a district once
62 formed desire to have such real estate incorporated in the district, the [voter] **landowner** shall
63 first petition the board of directors thereof for its approval. If such approval be granted, the clerk
64 of the board shall endorse a certificate of the fact of approval by the board upon the petition. The
65 petition so endorsed shall be filed with the clerk of the circuit court in which the district is
66 incorporated. It shall then be the duty of the court to amend the boundaries of such district by
67 a decree incorporating the real estate in the same. A certified copy of this decree including the
68 real estate in the district shall then be filed in the office of the recorder and in the office of the
69 county clerk of the county in which the real estate is located, and in the office of the secretary
70 of state. The costs of this proceeding shall be borne by the petitioning property owner.

247.031. 1. Territory included in a district that is not being served by such district may
2 be detached from such district provided that there are no outstanding general obligation or
3 special obligation bonds and no contractual obligations of greater than twenty-five thousand
4 dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of
5 water. If any such bonds or debt is outstanding, and the written consent of the holders of such
6 bonds or the creditors to such debt is obtained, then such territory may be detached in spite of
7 the existence of such bonds or debt, except such consent shall not be required for special
8 obligation bonds if the district has no water lines or other facilities located within any of the
9 territory detached. Detachment may be made by the filing of a petition with the circuit court in
10 which the district was incorporated. The petition shall contain a description of the tract to be
11 detached and a statement that the detachment is in the best interest of the district or the
12 inhabitants and property owners of the territory to be detached, together with the facts supporting
13 such allegation. The petition may be submitted by the district acting through its board of
14 directors, in which case the petition shall be signed by a majority of the board of directors of the

15 district. The petition may also be submitted by voters residing in **or by landowners owning**
16 **land in** the territory sought to be detached. If there are more than ten voters **and landowners**
17 in such territory, the petition shall be signed by five or more voters [residing in] **or landowners**
18 **within** the territory; if there are less than ten voters [residing in] **and landowners within** such
19 territory, the petition shall be signed by fifty percent or more of the voters [residing in] **and**
20 **landowners within** the territory. In the event there are no voters living within such territory
21 proposed to be detached, then the petition may be submitted by owners of more than fifty percent
22 of the land in the territory proposed to be detached, in which case said petition shall be signed
23 by the owners so submitting the petition.

24 2. Such petition shall be filed in the circuit court having jurisdiction and the court shall
25 set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three
26 consecutive issues of a weekly newspaper in each county in which any portion of the territory
27 proposed to be detached lies, or in lieu thereof, in [twenty consecutive issues of] a daily
28 newspaper in each county in which any portion of the tract proposed to be detached lies; the last
29 insertion of the notice to be made not less than seven nor more than twenty-one days before the
30 hearing. Such notice shall be substantially as follows:

31 IN THE CIRCUIT COURT OF
32 COUNTY, MISSOURI
33 NOTICE OF THE FILING OF A PETITION FOR
34 TERRITORIAL DETACHMENT FROM
35 PUBLIC WATER SUPPLY DISTRICT NO.
36 OF COUNTY, MISSOURI.

37 To all voters and landowners of land within the boundaries of the above-described
38 district:

39 You are hereby notified:

40 1. That a petition has been filed in this court for the detachment of the following tracts
41 of land from the above-named public water supply district, as provided by law: (Describe tracts
42 of land).

43 2. That a hearing on said petition will be held before this court on the day of,
44 20 ..., at,m.

45 3. Exceptions or objections to the detachment of said tracts from said public water
46 supply district may be made by any voter or landowner of land within the district from which
47 territory is sought to be detached, provided such exceptions or objections are in writing not less
48 than five days prior to the date set for hearing on the petition.

49 4. The names and addresses of the attorneys for the petitioner are:

50

51 Clerk of the Circuit Court of
52 County, Missouri

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

55 4. Exceptions or objections to the detachment of such territory may be made by any voter
56 or landowner within the boundaries of the district, including the territory to be detached. The
57 exceptions or objections shall be in writing and shall specify the grounds upon which they are
58 made and shall be filed not later than five days before the date set for hearing the petition. If any
59 such exceptions or objections are filed, the court shall take them into consideration when
60 considering the petition for detachment and the evidence in support of detachment. If the court
61 finds that the detachment will be in the best interest of the district and the inhabitants and
62 landowners of the area to be detached will not be adversely affected or if the court finds that the
63 detachment will be in the best interest of the inhabitants and landowners of the territory to be
64 detached and will not adversely affect the remainder of the district, it shall approve the
65 detachment and grant the petition.

66 5. If the court approves the detachment, it shall make its order detaching the territory
67 described in the petition from the remainder of the district, or in the event it shall find that only
68 a portion of said territory should be detached, the court shall order such portion detached from
69 the district. The court shall also make any changes in subdistrict boundary lines it deems
70 necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes
71 shall not become effective until the next annual election of a member of the board of directors.

72 6. A certified copy of the court's order shall be filed in the office of the recorder and in
73 the office of the county clerk in each county in which any of the territory of the district prior to
74 detachment is located, and in the office of the secretary of state. Costs of the proceeding shall
75 be borne by the petitioner or petitioners.

247.040. 1. Proceedings for the formation of a public water supply district shall be
2 substantially as follows: a petition in duplicate describing the proposed boundaries of the district
3 sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk
4 of the circuit court of the county wherein the proposed district is situate, or with the clerk of the
5 circuit court of the county having the largest acreage proposed to be included in the proposed
6 district, in the event that the proposed district embraces lands in more than one county. Such
7 petition, in addition to such boundary description, shall set forth an estimate of the number of
8 customers of the proposed district, the necessity for the formation of the district, the probable
9 cost of the improvement, an approximation of the assessed valuation of taxable property within
10 the district and such other information as may be useful to the court in determining whether or
11 not the petition should be granted and a decree of incorporation entered. Such petition shall be

12 accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding,
13 and the petition shall be signed by not less than fifty voters **or owners of real property** within
14 the proposed district and shall pray for the incorporation of the territory therein described into
15 a public water supply district. The petition shall be verified by at least one of the signers thereof.

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

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

31 4. Exceptions to the formation of a district, or to the boundaries outlined in the petition
32 for the incorporation thereof, may be made by any voter **or owner of real property in** the
33 proposed district; provided, such exceptions are filed not less than five days prior to the date set
34 for the hearing on the petition. Such exceptions shall specify the grounds upon which the
35 exceptions are being made.

36 If any such exceptions be filed, the court shall take them into consideration in passing upon the
37 petition and shall also consider the evidence in support of the petition and in support of the
38 exceptions made. Should the court find that the petition should be granted but that changes
39 should be made in the boundary lines, it shall make such changes in the boundary lines as set
40 forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of
41 incorporation, with such boundaries as changed.

42 5. Should the court find that it would not be to the public interest to form such a district,
43 the petition shall be dismissed at the costs of the petitioners. If, however, the court should find
44 in favor of the formation of such district, the court shall enter its decree of incorporation, setting
45 forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid
46 hearing. The decree of incorporation shall also divide the district into five subdistricts and shall
47 fix their boundary lines, all of which subdistricts shall have approximately the same area and

48 shall be numbered. The decree shall further contain an appointment of one voter from each of
49 such subdistricts, to constitute the first board of directors of the district. No two members of
50 such board so appointed or hereafter elected or appointed shall reside in the same subdistrict,
51 except as provided in section 247.060. If no qualified person who lives in the subdistrict is
52 willing to serve on the board, the court may appoint, or the voters may elect, an otherwise
53 qualified person who lives in the district but not in the subdistrict. The court shall designate two
54 of such directors so appointed to serve for a term of two years and one to serve for a term of one
55 year. And the directors thus appointed by the court shall serve for the terms thus designated and
56 until their successors shall have been appointed or elected as herein provided. The decree shall
57 further designate the name and number of the district by which it shall hereafter be officially
58 known.

59 6. The decree of incorporation shall not become final and conclusive until it shall have
60 been submitted to the voters residing within the boundaries described in such decree and until
61 it shall have been assented to by a majority of the voters as provided in subsection 9 of this
62 section or by two-thirds of the voters of the district voting on the proposition. The decree shall
63 provide for the submission of the question and shall fix the date thereof. The returns shall be
64 certified by the judges and clerks of election to the circuit court having jurisdiction in the case
65 and the court shall thereupon enter its order canvassing the returns and declaring the result of
66 such election.

67 7. If, upon canvass and declaration, it is found and determined that the question shall
68 have been assented to by a majority of two-thirds of the voters of the district voting on such
69 proposition, then the court shall, in such order declaring the result of the election, enter a further
70 order declaring the decree of incorporation to be final and conclusive. In the event, however, that
71 the court should find that the question had not been assented to by the majority above required,
72 the court shall enter a further order declaring such decree of incorporation to be void and of no
73 effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid
74 orders. In the event that the court declares the decree of incorporation to be final, as herein
75 provided for, the clerk of the circuit court shall file certified copies of such decree of
76 incorporation and of such final order with the secretary of state of the state of Missouri, and with
77 the recorder of deeds of the county or counties in which the district is situate and with the clerk
78 of the county commission of the county or counties in which the district is situate.

79 8. The costs incurred in the formation of the district shall be taxed to the district, if the
80 district be incorporated otherwise against the petitioners.

81 9. If petitioners seeking formation of a public water supply district specify in their
82 petition that the district to be organized shall be organized without authority to issue general
83 obligation bonds, then the decrees relating to the formation of the district shall recite that the

84 district shall not have authority to issue general obligation bonds and the vote required for such
85 a decree of incorporation to become final and conclusive shall be a simple majority of the voters
86 of the district voting on such proposition.

247.217. 1. Any two or more contiguous public water supply districts organized under
2 the provisions of sections 247.010 to 247.220 may be consolidated into a single district by a
3 decree of the circuit court in which the district with the largest acreage was originally
4 incorporated and organized.

5 2. Proceedings for consolidation of such districts shall be substantially as follows: The
6 board of directors of each of the districts to be consolidated shall authorize, by resolution passed
7 at a regular meeting or a special meeting called for such purpose, its president, on behalf of the
8 district, to petition the circuit court having jurisdiction for consolidation with any one or more
9 other contiguous public water supply districts.

10 3. Such petition shall be filed in the circuit court having jurisdiction and the court shall
11 set a date for a hearing thereon and the clerk shall give notice thereof in some newspaper of
12 general circulation in each county in which each of the districts proposed to be consolidated is
13 located.

14 4. Such notice shall be substantially as follows:

15 IN THE CIRCUIT COURT OF
16 COUNTY, MISSOURI
17 NOTICE OF THE FILING OF A PETITION FOR
18 CONSOLIDATION OF PUBLIC WATER SUPPLY
19 DISTRICT NO., OF COUNTY,
20 MISSOURI, AND PUBLIC WATER SUPPLY DISTRICT
21 NO., OF COUNTY, MISSOURI
22 (Additional districts may be named as required.)

23 To all voters, **landowners, and interested persons** within the boundaries of the
24 above-described public water supply districts:

25 You are hereby notified:

26 1. That a petition has been filed in this court for the consolidation of the above-named
27 public water supply districts into one public water supply district, as provided by law.

28 2. That a hearing on said petition will be held before this court on the..... day of....., [19]
29 **20**....., at.....,m.

30 3. Exceptions or objections to the consolidation of said districts may be made by any
31 voters **or landowners** of any of such districts proposed to be consolidated, provided such
32 exceptions or objections are filed in writing not less than five days prior to the date set for the
33 hearing on the petition.

34 4. The names and addresses of the attorneys for the petitioner are:

35
36 Clerk of the Circuit Court of
37 County, Missouri

38 5. The notice shall be published in three consecutive issues of a weekly newspaper in
39 each county in which any portion of any district proposed to be consolidated lies, or in lieu
40 thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion
41 of any district proposed to be consolidated lies; the last insertion of such notice to be made not
42 less than seven nor more than twenty-one days before the hearing.

43 6. The court, for good cause shown, may continue the case or the hearing thereon from
44 time to time until final disposition thereof.

45 7. Exceptions or objections to the consolidation of such districts may be made by any
46 voter **or landowner** within the boundaries of the proposed district. The exceptions or objections
47 shall be in writing and shall specify the grounds upon which the same are made and shall be filed
48 not later than five days before the date set for hearing the petition. If any such exceptions or
49 objections are filed, the court shall take them into consideration in passing upon the petition for
50 consolidation and shall also consider the evidence in support of the petition. If the court finds
51 that the consolidation will provide for the rendering of necessary water service in the districts,
52 and is in the best interest of the voters **and the landowners** of the district, it shall, by its decree,
53 approve such consolidation. The decree of consolidation shall set an effective date for the
54 consolidation of the districts and shall provide that the proposed consolidated district shall be
55 divided into five subdistricts and shall fix boundary lines of each subdistrict, all of which
56 subdistricts shall have approximately the same area and shall be numbered.

57 8. The decree of consolidation shall not become final and conclusive until it has been
58 submitted to voters in each of the districts proposed to be included in the consolidated district.

59 9. If, upon canvass and declaration of the results, it is found and determined that the
60 question has been assented to by a majority of the voters of each district voting on the question,
61 the court shall issue its order declaring the results of the elections, declaring its previous decree
62 of consolidation to be final and conclusive, and in addition, the decree shall provide for an
63 election of a director from each of the subdistricts set forth in the decree of the court as specified
64 in subsection 7 of this section. The terms of office for the directors elected at such election shall
65 be as follows: The director elected from the subdistrict designated by the circuit court as number
66 one shall serve until the next regular election, or until his successor has been elected and
67 qualified; those directors elected from the subdistricts designated by the circuit court as numbers
68 two and three shall serve until the regular election following the next regular election or until
69 their successors have been elected and qualified; those directors elected from the subdistricts

70 designated by the circuit court as numbers four and five shall serve until the annual regular
71 election following the next two regular elections, or until their successors have been elected and
72 qualified. Thereafter all directors shall be elected as provided by sections 247.010 to 247.220.
73 The election shall be held at least thirty days before the effective date of the consolidation. The
74 returns shall be certified by the judges and clerks of election to the circuit court having
75 jurisdiction and the court shall thereupon enter its order naming the directors from each
76 subdistrict.

77 10. The eligibility and requirements for a director for a consolidated district shall be
78 identical with those set forth in section 247.060 and no two members of the board shall reside
79 in the same subdistrict. Any candidate shall have his name imprinted upon the ballot, provided
80 he shall file a declaration of intention to become such a candidate with the clerk of the circuit
81 court.

82 11. In its final decree, the court shall designate a name for the consolidated district which
83 shall be as follows: Consolidated Public Water Supply District No., of..... County,
84 Missouri.

85 12. On the effective date of the consolidation of the districts, the newly elected directors
86 shall organize in the same manner as is provided in sections 247.010 to 247.220, and all of such
87 provisions shall apply to consolidated public water supply districts in the same manner as to
88 other public water supply districts.

89 13. At the time of the effective date of the consolidation, all the property of the original
90 districts shall be combined and administered as one unit, which shall be subject to the liens,
91 liabilities and obligations of the original districts, provided that if any district included in the
92 consolidated district has issued general obligation bonds which are outstanding at the time of the
93 consolidation, any taxes to be levied to pay the bonds and interest thereon shall be levied only
94 upon the property within the original district issuing the bonds as it existed on the date of such
95 issuance. All special obligation or revenue bonds issued by any district included in the
96 consolidated district shall be paid in accordance with the terms thereof, without preference, from
97 the revenue received by the consolidated district.

98 14. A certified copy of the decrees of the court shall be filed in the office of the recorder
99 and in the office of the county clerk in each county in which any part of the consolidated district
100 is located, and in the office of the secretary of state. Such copies shall be filed by the clerk of
101 the circuit court and the filing fees shall be taxed as costs.

247.220. 1. Proceedings for the dissolution of a public water supply district shall be
2 substantially the same as proceedings for the formation of such a district, as follows: A petition
3 describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the
4 circuit court of the county wherein the subject district is situate, or with the clerk of the circuit

5 court of the county having the largest acreage within the boundaries of the subject district, in the
6 event that the subject district embraces lands in more than one county. Such petition, in addition
7 to such boundary description, shall allege that further operation of the subject district is
8 inimicable to the best interests of the inhabitants of the district, that the district should, in the
9 interest of the public welfare and safety, be dissolved, that an alternative water supplier is
10 available and better able to supply water to the inhabitants of the district, and such other
11 information as may be useful to the court in determining whether [or not] the petition should be
12 granted and a decree of dissolution entered. Such petition shall **also include a detailed plan for**
13 **payment of all debt and obligations of the district at the time of dissolution. Such petition**
14 **shall** be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the
15 proceeding and the petition shall be signed by not less than one-fifth of the registered voters from
16 each subdistrict, or fifty registered voters from each subdistrict, whichever is less, within the
17 subject district. The petition shall be verified by at least one of the signers thereof **and shall be**
18 **served upon the board of directors of the district as provided by law. The district shall be**
19 **a party, and if the board of directors in its discretion determines that such dissolution is**
20 **not in the public interest, the district shall oppose such petition and pay all cost and**
21 **expense thereof.**

22 2. Upon the filing of the petition, the same shall be presented to the circuit court, and
23 such court shall fix a date for a hearing on such petition, as provided in this section. Thereupon,
24 the clerk of the court shall give notice of the filing of the petition in some newspaper of general
25 circulation in the county in which the proceedings are pending, and if the district extends into
26 any other county or counties, such notice shall also be published in some newspaper of general
27 circulation in such other county or counties. The notice shall contain a description of the subject
28 boundary lines of the district and the general purposes of the petition, and shall set forth the date
29 fixed for the hearing on the petition, which shall not be less than [fifteen] **seven** nor more than
30 twenty-one days after the date of the last publication of the notice and shall be on some regular
31 judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk
32 of the circuit court and shall be published in three successive issues of a weekly newspaper or
33 in twenty successive issues of a daily newspaper.

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

36 4. Exceptions to the dissolution of a district may be made by any voter **or landowner**
37 of the [subject] district[;], **and by the district as herein provided[.];** such exceptions [are] **shall**
38 **be** filed not less than five days prior to the date set for the hearing on the petition. Such
39 exceptions shall specify the grounds upon which the exceptions are filed and the court shall take
40 them into consideration in passing upon the petition and shall also consider the evidence in

41 support of the petition and in support of the exceptions made. **Unless petitioners prove that**
42 **all debts and financial obligations of the district can be paid in full upon dissolution, the**
43 **petition shall be dismissed at the cost of the petitioners.**

44 5. Should the court find that it would not be to the public interest to dissolve a district,
45 the petition shall be dismissed at the costs of the petitioners. If, however, the court should find
46 in favor of the petitioners, the court shall enter its interlocutory decree of dissolution which
47 decree shall provide for the submission of the question to the voters of the district in substantially
48 the following form:

49 Shall Public Water Supply District be dissolved?

50 6. The decree of dissolution shall not become final and conclusive until it shall have
51 been submitted to the voters residing within the boundaries described in such decree and until
52 it shall have been assented to by a majority of [four-sevenths] **two-thirds** of the voters of the
53 district voting on the proposition. The decree shall provide for the submission of the question
54 and shall fix the date thereof. The returns shall be certified by the election authority to the circuit
55 court having jurisdiction in the case and the court shall thereupon enter its order canvassing the
56 returns and declaring the result of such election.

57 7. If, upon canvass and declaration, it is found and determined that the question shall
58 have been assented to by a majority of [four-sevenths] **two-thirds** of the voters of the district
59 voting on such proposition then the court shall, in such order declaring the result of the election,
60 enter a further order declaring the decree of dissolution to be final and conclusive. In the event,
61 however, that the court should find that the question had not been assented to by the majority
62 required, the court shall enter a further order declaring such decree of dissolution to be void and
63 of no effect. No appeal shall lie from any of the aforesaid orders. In the event that the court
64 declares the decree of dissolution to be final, as provided in this section, the clerk of the circuit
65 court shall file certified copies of such decree of dissolution and of such final order with the
66 secretary of state of the state of Missouri, and with the recorder of deeds of the county or
67 counties in which the district is situate and with the clerk of the county commission of the county
68 or counties in which the district is situate.

69 8. Notwithstanding anything in this section to the contrary, no district shall be dissolved
70 until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall
71 provide for the disposition of the property of the district.

278.258. 1. After a watershed subdistrict has been organized and the organization
2 **tax pursuant to section 278.250 has been levied, any county in the subdistrict which has not**
3 **adopted the annual tax pursuant to section 278.250 may detach from the subdistrict upon**
4 **approval of such detachment of a majority of the qualified voters residing within such**
5 **subdistrict in such county; however, before such detachment the watershed district trustees**

6 shall make arrangements for the county to pay any outstanding indebtedness for services
7 or works of improvement rendered by the subdistrict in such county.

8 **2. Following the entry in the official minutes of the trustees of the watershed district**
9 **of the detachment of the county, the watershed district trustees shall certify this fact on a**
10 **separate form, authentic copies of which shall be recorded with the recorder of deeds in**
11 **each county in which any portion of the watershed subdistrict lies and with the state soil**
12 **and water 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 the
3 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 contract
8 [under] **pursuant to** sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

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

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

16 (a) Municipalities;

17 (b) Public water supply districts;

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

19 [(d) Nonprofit water companies; or

20 (e) Nonprofit sewer companies;]

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

27 (6) "Project", the purchasing, construction, extending or improving of any
28 revenue-producing water, sewage, gas or electric light works, heating or power plants, including
29 all real and personal property of any nature whatsoever to be used in connection therewith,

30 together with all parts thereof and appurtenances thereto, used or useful in the generation,
31 production, transmission, distribution excluding retail sales, purchase, sale, exchange, transport
32 and treatment of sewage or interchange of water, sewage, electric power and energy, or any
33 interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such
34 purposes.

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

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

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 sections
3 640.100 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 adopted
5 except after a public hearing to be held by the commission after at least thirty days' prior notice
6 in the manner prescribed by the rulemaking provisions of chapter 536, RSMo, and an opportunity
7 given to the public to be heard; the commission may solicit the views, in writing, of persons who
8 may be affected by, knowledgeable about, or interested in proposed rules and regulations, or
9 standards. Any person heard or registered at the hearing, or making written request for notice,
10 shall be given written notice of the action of the commission with respect to the subject thereof.
11 Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
12 promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only
13 if the agency has fully complied with all of the requirements of chapter 536, RSMo, including
14 but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All rulemaking
15 authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9,

16 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any
17 rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028, RSMo,
18 apply, the provisions of this section are nonseverable and if any of the powers vested with the
19 general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or
20 to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the
21 purported grant of rulemaking authority and any rule so proposed and contained in the order of
22 rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644, RSMo,
23 shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

24 3. The commission shall promulgate rules and regulations for the certification of public
25 water system operators, backflow prevention assembly testers and laboratories conducting tests
26 pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow
27 prevention assembly tester shall satisfactorily complete standard, nationally recognized written
28 and performance examinations designed to ensure that the person is competent to determine if
29 the assembly is functioning within its design specifications. Any such state certification shall
30 satisfy any need for local certification as a backflow prevention assembly tester. However,
31 political subdivisions may set additional testing standards for individuals who are seeking to be
32 certified as backflow prevention assembly testers. Notwithstanding any other provision of law
33 to the contrary, agencies of the state or its political subdivisions shall only require carbonated
34 beverage dispensers to conform to the backflow protection requirements established in the
35 National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an
36 independent testing laboratory. The commission shall promulgate rules and regulations for
37 collection of samples and analysis of water furnished by municipalities, corporations, companies,
38 state establishments, federal establishments or individuals to the public. The department of
39 natural resources or the department of health and senior services shall, at the request of any
40 supplier, make any analyses or tests required pursuant to the terms of section 192.320, RSMo,
41 and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost
42 of laboratory services, both within the department of natural resources and the department of
43 health and senior services, laboratory certification and program administration as required by
44 sections 640.100 to 640.140. The laboratory services and program administration fees pursuant
45 to this subsection shall not exceed two hundred dollars for a supplier supplying less than four
46 thousand one hundred service connections, three hundred dollars for supplying less than seven
47 thousand six hundred service connections, five hundred dollars for supplying seven thousand six
48 hundred or more service connections, and five hundred dollars for testing surface water. Such
49 fees shall be deposited in the safe drinking water fund as specified in section 640.110. The
50 analysis of all drinking water required by section 192.320, RSMo, and sections 640.100 to
51 640.140 shall be made by the department of natural resources laboratories, department of health

52 and senior services laboratories or laboratories certified by the department of natural resources.

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

56 5. (1) For the purpose of complying with federal requirements for maintaining the
57 primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby
58 directed to request appropriations from the general revenue fund and all other appropriate
59 sources to fund the activities of the public drinking water program and in addition to the fees
60 authorized pursuant to subsection 3 of this section, an annual fee for each customer service
61 connection with a public water system is hereby authorized to be imposed upon all customers
62 of public water systems in this state. The fees collected shall not exceed the amounts specified
63 in this subsection and the commission may set the fees, by rule, in a lower amount by
64 proportionally reducing all fees charged pursuant to this subsection from the specified maximum
65 amounts. Each customer of a public water system shall pay an annual fee for each customer
66 service connection.

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

70	1 to 1,000 connections	\$2.00
71	1,001 to 4,000 connections	1.84
72	4,001 to 7,000 connections	1.67
73	7,001 to 10,000 connections	1.50
74	10,001 to 20,000 connections	1.34
75	20,001 to 35,000 connections	1.17
76	35,001 to 50,000 connections	1.00
77	50,001 to 100,000 connections	.84
78	More than 100,000 connections	.66.

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

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

86 6. Fees imposed pursuant to subsection 5 of this section shall become effective on
87 August 28, 1992, and shall be collected by the public water system serving the customer. The

88 commission shall promulgate rules and regulations on the procedures for billing, collection and
89 delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this
90 section are state fees. The annual fee shall be enumerated separately from all other charges, and
91 shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to
92 the director of the department of revenue at frequencies not less than quarterly. Two percent of
93 the revenue arising from the fees shall be retained by the public water system for the purpose of
94 reimbursing its expenses for billing and collection of such fees.

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

101 8. Fees imposed pursuant to subsection 5 of this section shall expire on September 1,
102 [2002] **2007**.

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

640.825. In all matters heard by the department of natural resources in chapters
2 **260, 278, 444, 640, 643, and 644, RSMo, the hazardous waste management commission in**
3 **chapter 260, RSMo, the state soil and water districts commission in chapter 278, RSMo,**
4 **the land reclamation commission in chapter 444, RSMo, the safe drinking water**
5 **commission in this chapter, the air conservation commission in chapter 643, RSMo, and**
6 **the clean water commission in chapter 644, RSMo, the burden of proof shall be upon the**
7 **department of natural resources or the commission that issued the finding, order, decision**
8 **or assessment being appealed, except that in matters involving the denial of a permit,**
9 **license or registration, the burden of proof shall be on the applicant for such permit,**
10 **license or registration, and except further, unless otherwise provided by law, that in any**
11 **matter where any person or persons, other than the applicant, appeals the issuance of any**
12 **such permit, license or registration, or any term or condition thereof, the burden of proof**

13 **shall be on such person or persons.**

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

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

7 [(1)] **(2) "Commission", the clean water commission of the state of Missouri created in**
8 **section 644.021;**

9 [(2)] **(3) "Conference, conciliation and persuasion", a process of verbal or written**
10 **communications consisting of meetings, reports, correspondence or telephone conferences**
11 **between authorized representatives of the department and the alleged violator. The process shall,**
12 **at a minimum, consist of one offer to meet with the alleged violator tendered by the department.**
13 **During any such meeting, the department and the alleged violator shall negotiate in good faith**
14 **to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;**

15 [(3)] **(4) "Department", the department of natural resources;**

16 [(4)] **(5) "Director", the director of the department of natural resources;**

17 [(5)] **(6) "Discharge", the causing or permitting of one or more water contaminants to**
18 **enter the waters of the state;**

19 [(6)] **(7) "Effluent control regulations", limitations on the discharge of water**
20 **contaminants;**

21 [(7)] **(8) "General permit", a permit written with a standard group of conditions and with**
22 **applicability intended for a designated category of water contaminant sources that have the same**
23 **or similar operations, discharges and geographical locations, and that require the same or similar**
24 **monitoring, and that would be more appropriately controlled pursuant to a general permit rather**
25 **than pursuant to a site-specific permit;**

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

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

30 [(10)] **(11) "Minor violation", a violation which possesses a small potential to harm the**
31 **environment or human health or cause pollution, was not knowingly committed, and is not**
32 **defined by the United States Environmental Protection Agency as other than minor;**

33 [(11)] **(12) "Permit by rule", a permit granted by rule, not by a paper certificate, and**
34 **conditioned by the permit holder's compliance with commission rules;**

35 [(12)] **(13) "Permit holders or applicants for a permit" shall not include officials or**

36 employees who work full time for any department or agency of the state of Missouri;

37 [(13)] **(14)** "Person", any individual, partnership, copartnership, firm, company, public
38 or private corporation, association, joint stock company, trust, estate, political subdivision, or any
39 agency, board, department, or bureau of the state or federal government, or any other legal entity
40 whatever which is recognized by law as the subject of rights and duties;

41 [(14)] **(15)** "Point source", any discernible, confined and discrete conveyance, including
42 but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container,
43 rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which
44 pollutants are or may be discharged;

45 [(15)] **(16)** "Pollution", such contamination or other alteration of the physical, chemical
46 or biological properties of any waters of the state, including change in temperature, taste, color,
47 turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or
48 other substance into any waters of the state as will or is reasonably certain to create a nuisance
49 or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to
50 domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild
51 animals, birds, fish or other aquatic life;

52 [(16)] **(17)** "Pretreatment regulations", limitations on the introduction of pollutants or
53 water contaminants into publicly owned treatment works or facilities which the commission
54 determines are not susceptible to treatment by such works or facilities or which would interfere
55 with their operation, except that wastes as determined compatible for treatment pursuant to any
56 federal water pollution control act or guidelines shall be limited or treated pursuant to this
57 chapter only as required by such act or guidelines;

58 [(17)] **(18)** "Residential housing development", any land which is divided or proposed
59 to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease
60 as part of a common promotional plan for residential housing;

61 [(18)] **(19)** "Sewer system", pipelines or conduits, pumping stations, and force mains,
62 and all other structures, devices, appurtenances and facilities used for collecting or conducting
63 wastes to an ultimate point for treatment or handling;

64 [(19)] **(20)** "Significant portion of his or her income" shall mean ten percent of gross
65 personal income for a calendar year, except that it shall mean fifty percent of gross personal
66 income for a calendar year if the recipient is over sixty years of age, and is receiving such portion
67 pursuant to retirement, pension, or similar arrangement;

68 [(20)] **(21)** "Site-specific permit", a permit written for discharges emitted from a single
69 water contaminant source and containing specific conditions, monitoring requirements and
70 effluent limits to control such discharges;

71 [(21)] **(22)** "Treatment facilities", any method, process, or equipment which removes,

72 reduces, or renders less obnoxious water contaminants released from any source;

73 [(22)] **(23)** "Water contaminant", any particulate matter or solid matter or liquid or any
74 gas or vapor or any combination thereof, or any temperature change which is in or enters any
75 waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage
76 or otherwise, which causes or would cause pollution upon entering waters of the state, or which
77 violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006
78 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant
79 in such federal act;

80 [(23)] **(24)** "Water contaminant source", the point or points of discharge from a single
81 tract of property on which is located any installation, operation or condition which includes any
82 point source defined in sections 644.006 to 644.141 and nonpoint source pursuant to any federal
83 water pollution control act, which causes or permits a water contaminant therefrom to enter
84 waters of the state either directly or indirectly;

85 [(24)] **(25)** "Water quality standards", specified concentrations and durations of water
86 contaminants which reflect the relationship of the intensity and composition of water
87 contaminants to potential undesirable effects;

88 [(25)] **(26)** "Waters of the state", all rivers, streams, lakes and other bodies of surface
89 and subsurface water lying within or forming a part of the boundaries of the state which are not
90 entirely confined and located completely upon lands owned, leased or otherwise controlled by
91 a single person or by two or more persons jointly or as tenants in common and includes waters
92 of the United States lying within the state.

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

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

16 in, proposed rules and regulations, or standards. Any person heard or represented at the hearing
17 or making written request for notice shall be given written notice of the action of the commission
18 with respect to the subject thereof.

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

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

29 **5. Any listing required by section 303(d) of the federal Clean Water Act, as**
30 **amended, 33 U.S.C. 1251, et seq., to be sent to the United States Environmental Protection**
31 **Agency for their approval that will result in any waters of this state being classified as**
32 **impaired shall be adopted by rule pursuant to chapter 536, RSMo. Total maximum daily**
33 **loads shall not be required for any listed waters that subsequently are determined to meet**
34 **water quality standards.**

644.051. 1. It is unlawful for any person:

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

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

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

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

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

18 emission into publicly owned treatment facilities or into publicly owned sewer systems tributary
19 to publicly owned treatment works.

20 3. Every proposed water contaminant or point source which, when constructed or
21 installed or established, will be subject to any federal water pollution control act or sections
22 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make
23 application to the director for a permit at least thirty days prior to the initiation of construction
24 or installation or establishment. Every water contaminant or point source in existence when
25 regulations or sections 644.006 to 644.141 become effective shall make application to the
26 director for a permit within sixty days after the regulations or sections 644.006 to 644.141
27 become effective, whichever shall be earlier. The director shall promptly investigate each
28 application, which investigation shall include such hearings and notice, and consideration of such
29 comments and recommendations as required by sections 644.006 to 644.141 and any federal
30 water pollution control act. If the director determines that the source meets or will meet the
31 requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto,
32 the director shall issue a permit with such conditions as he or she deems necessary to ensure that
33 the source will meet the requirements of sections 644.006 to 644.141 and any federal water
34 pollution control act as it applies to sources in this state. If the director determines that the
35 source does not meet or will not meet the requirements of either act and the regulations pursuant
36 thereto, the director shall deny the permit pursuant to the applicable act and issue any notices
37 required by sections 644.006 to 644.141 and any federal water pollution control act.

38 4. Before issuing a permit to build or enlarge a water contaminant or point source or
39 reissuing any permit, the director shall issue such notices, conduct such hearings, and consider
40 such factors, comments and recommendations as required by sections 644.006 to 644.141 or any
41 federal water pollution control act. The director shall determine if any state or any provisions
42 of any federal water pollution control act the state is required to enforce, any state or federal
43 effluent limitations or regulations, water quality-related effluent limitations, national standards
44 of performance, toxic and pretreatment standards, or water quality standards which apply to the
45 source, or any such standards in the vicinity of the source, are being exceeded, and shall
46 determine the impact on such water quality standards from the source. The director, in order to
47 effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will
48 violate any such acts, regulations, limitations or standards or will appreciably affect the water
49 quality standards or the water quality standards are being substantially exceeded, unless the
50 permit is issued with such conditions as to make the source comply with such requirements
51 within an acceptable time schedule. **Prior to the development or renewal of a general permit**
52 **or permit by rule, for aquaculture, the director shall convene a meeting or meetings of**
53 **permit holders and applicants to evaluate the impacts of permits and to discuss any terms**

54 and conditions that may be necessary to protect waters of the state. Following the
55 discussions, the director shall finalize a draft permit that considers the comments of the
56 meeting participants and post the draft permit on notice for public comment. The director
57 shall concurrently post with the draft permit an explanation of the draft permit and shall
58 identify types of facilities which are subject to the permit conditions. Affected public or
59 applicants for new general permits, renewed general permits or permits by rule may
60 request a hearing with respect to the new requirements in accordance with this section.
61 If a request for a hearing is received, the commission shall hold a hearing to receive
62 comments on issues of significant technical merit and concerns related to the
63 responsibilities of the Missouri clean water law. The commission shall conduct such
64 hearings in accordance with this section. After consideration of such comments, a final
65 action on the permit shall be rendered. The time between the date of the hearing request
66 and the hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of
67 subsection 13 of this section.

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

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

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

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

89 **9. Unless a site-specific permit is requested by the applicant, aquaculture facilities**

90 shall be governed by a general permit issued pursuant to this section with a fee not to
91 exceed two hundred fifty dollars pursuant to subdivision (5) of subsection 6 of section
92 644.052. However, any aquaculture facility which materially violates the conditions and
93 requirements of such permit may be required to obtain a site-specific permit.

94 [9.] 10. No manufacturing or processing plant or operating location shall be required to
95 pay more than one operating fee. Operating permits shall be issued for a period not to exceed
96 five years after date of issuance, except that general permits shall be issued for a five-year period,
97 and also except that neither a construction nor an annual permit shall be required for a single
98 residence's waste treatment facilities. Applications for renewal of an operating permit shall be
99 filed at least one hundred eighty days prior to the expiration of the existing permit.

100 [10.] 11. Every permit issued to municipal or any publicly owned treatment works or
101 facility shall require the permittee to provide the clean water commission with adequate notice
102 of any substantial new introductions of water contaminants or pollutants into such works or
103 facility from any source for which such notice is required by sections 644.006 to 644.141 or any
104 federal water pollution control act. Such permit shall also require the permittee to notify the
105 clean water commission of any substantial change in volume or character of water contaminants
106 or pollutants being introduced into its treatment works or facility by a source which was
107 introducing water contaminants or pollutants into its works at the time of issuance of the permit.
108 Notice must describe the quality and quantity of effluent being introduced or to be introduced
109 into such works or facility by a source which was introducing water contaminants or pollutants
110 into its works at the time of issuance of the permit. Notice must describe the quality and quantity
111 of effluent being introduced or to be introduced into such works or facility and the anticipated
112 impact of such introduction on the quality or quantity of effluent to be released from such works
113 or facility into waters of the state.

114 [11.] 12. The director or the commission may require the filing or posting of a bond as
115 a condition for the issuance of permits for construction of temporary or future water treatment
116 facilities in an amount determined by the commission to be sufficient to ensure compliance with
117 all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and
118 any condition as to such construction in the permit. The bond shall be signed by the applicant
119 as principal, and by a corporate surety licensed to do business in the state of Missouri and
120 approved by the commission. The bond shall remain in effect until the terms and conditions of
121 the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations
122 promulgated pursuant thereto are complied with.

123 [12.] 13. (1) The department shall issue or deny applications for construction and
124 site-specific operating permits received after January 1, 2001, within one hundred eighty days
125 of the department's receipt of an application. For general construction and operating permit

126 applications received after January 1, 2001, that do not require a public participation process, the
127 department shall issue or deny the requested permits within sixty days of the department's receipt
128 of an application.

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

135 (3) Permit fee disputes may be appealed to the commission within thirty days of the date
136 established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute
137 appealed to the commission, the commission may order the director to refund the applicant's
138 permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and
139 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's
140 responsibility to pay any annual fees due each year following issuance of a permit.

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

151 (5) During the department's technical review of the application, the department may
152 request the applicant submit supplemental or additional information necessary for adequate
153 permit review. The department's technical review letter shall contain a sufficient description of
154 the type of additional information needed to comply with the application requirements. (6)
155 Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall
156 be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated
157 pursuant to sections 644.006 to 644.141.

158 [13.] 14. The department shall respond to all requests for individual certification under
159 Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed
160 response period established pursuant to applicable federal regulations without request for an
161 extension period unless such extension is determined by the commission to be necessary to

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

164 [14.] **15.** All permit fees generated pursuant to this chapter shall not be used for the
165 development or expansion of total maximum daily loads studies on either the Missouri or
166 Mississippi rivers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen

32 thousand gallons per day but less than seventeen thousand gallons per day;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 68 (1) Three hundred dollars for the discharge of storm water from a land disturbance site;
69 (2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;
70 (3) One hundred fifty dollars for the operation of an animal feeding operation or a
71 concentrated animal feeding operation;
- 72 (4) One hundred fifty dollars annually for new permits for the discharge of process water
73 or storm water potentially contaminated by activities not included in subdivisions (1) to (3) of
74 this subsection. Persons paying fees pursuant to this subdivision with existing general permits
75 on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed
76 general permits on the same facility after August 27, 2000, shall pay sixty dollars annually;
- 77 **(5) Up to two hundred fifty dollars annually for the operation of an aquaculture**
78 **facility.**
- 79 7. Requests for modifications to state operating permits on entities that charge a service
80 connection fee pursuant to subsection 10 of this section shall be accompanied by a two
81 hundred-dollar fee. The department may waive the fee if it is determined that the necessary
82 modification was either initiated by the department or caused by an error made by the
83 department.
- 84 8. Requests for state operating permit modifications other than those described in
85 subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the
86 annual operating fee assessed for the facility pursuant to this section. The department may waive
87 the fee if it is determined that the necessary modification was either initiated by the department
88 or caused by an error made by the department.
- 89 9. Persons requesting water quality certifications in accordance with Section 401 of the
90 Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard
91 application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers
92 or similar information required for other federal licenses and permits, except that the fee is
93 waived for water quality certifications issued and accepted for activities authorized pursuant to
94 a general permit or nationwide permit by the U.S. Army Corps of Engineers.
- 95 10. Persons with a direct or indirect sewer service connection to a public sewer system
96 owned or operated by a city, public sewer district, public water district, or other publicly owned
97 treatment works shall pay an annual fee per water service connection as provided in this
98 subsection. Customers served by multiple water service connections shall pay such fee for each
99 water service connection, except that no single facility served by multiple connections shall pay
100 more than a total of seven hundred dollars per year. The fees provided for in this subsection
101 shall be collected by the agency billing such customer for sewer service and remitted to the
102 department. The fees may be collected in monthly, quarterly or annual increments, and shall be
103 remitted to the department no less frequently than annually. The fees collected shall not exceed

104 the amounts specified in this subsection and, except as provided in subsection 11 of this section,
105 shall be collected at the specified amounts unless adjusted by the commission in rules. The
106 annual fees shall not exceed:

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

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

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

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

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

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

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

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

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

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

139 (1) From August 28, 2000, through September 30, 2001, customers of any such district

140 shall pay fifty percent of such fees; and

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

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

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

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

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

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

**701.034. 1. Notwithstanding any law to the contrary, the department may approve
2 for installation any alternative technologies tested and approved for such applications by
3 a community college or other institution of higher education or the department may
4 approve any existing and future alternative technologies to a traditional gravel subsurface
5 soil absorption system at manufacturers' recommended sizing if the department
6 determines that the following criteria have been met:**

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

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

13 (3) The manufacturer trains and certifies all installer of its systems, and provides

14 a list of these certified installers to the department;

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

17 (5) The total bottom area of the approved system measured as the area bounded
18 by the outer-most limits of the system's contact with the trench bottom is at least fifty
19 percent of that required for a conventional rock filled absorption system;

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

22 2. The manufacturer may submit documentation by application to the department
23 to fulfill these conditions. The application and documentation submitted by the
24 manufacturer or its appropriate authorized representative within the boundaries of this
25 state. The department may charge a fee of up to fifty dollars for the processing of the
26 application. The state will act upon the manufacturer's submission within thirty calendar
27 days either by agreeing the submission adequately addresses the conditions listed above,
28 or by documenting in writing why the conditions were not met.

29 3. The director may suspend, with appropriate hearing, the utilization alternative
30 subsurface soil absorption system upon demonstration that said alternative subsurface soil
31 absorption systems have failed at greater than ten percent of the installations within the
32 boundaries of this state during the warranty period designated pursuant to this section.
33 The decision to suspend this exception may be appealed to the circuit court.

Section 1. Any sewer district created pursuant to article VI, section 30 of the state
2 constitution shall retain a qualified independent third party to implement an independent
3 study, no later than June 1, 2003, to determine any and all effects of privatization and any
4 and all aspects of such sewer district. Such independent third party shall have prior
5 experience in privatization studies for municipalities including, but not limited to,
6 planning, design, construction and operation of water, wastewater, stormwater and related
7 facilities. Additionally, such independent third party shall possess expertise in process,
8 electrical and instrumentation engineering. All findings and conclusions resulting from
9 such privatization study, including any and all supporting documentation, shall be
10 presented, in total, by such independent third party, to such sewer district's board of
11 trustees no later than June 1, 2004.

Section 2. Notwithstanding the provisions of chapter 34, RSMo, to the contrary,
2 any levee district in a county with a charter form of government and a population of at
3 least two hundred fifty thousand but less than three hundred thousand inhabitants, when
4 a grant is approved pursuant to sections 644.006 to 644.141, RSMo, the grant funds have
5 not been distributed, and such levee district requests a waiver of the bidding requirements

6 of chapter 34, RSMo, pursuant to section 644.061, RSMo, such district shall receive the
7 waiver from the department of natural resources to exempt the contract from such bidding
8 requirements, provided that such levee district meets the bidding requirements of the
9 Federal Acquisition Regulation Part 19.000. When the levee district completes the
10 requirements under the Federal Acquisition Regulation Part 19.000, and to the satisfaction
11 of the U.S. Army Corp of Engineers, the department shall release the grant award. The
12 provisions of this section shall expire on December 31, 2002.