

HCS SB 659 -- DEPARTMENT OF NATURAL RESOURCES

This bill modifies the provisions relating to the Department of Natural Resources.

STATE PARKS

The bill requires the Department of Natural Resources to submit a report to the General Assembly on or before January 1, 2019, and annually thereafter, regarding the maintenance, repair, and construction at State Parks and Historic Sites. The report must include certain information including the total cost of maintenance; repair and construction projects during the prior fiscal year; specific information on projects where costs exceed the state competitive bid minimum; a list of projects for the upcoming year that meet certain criteria; the amount of revenue generated and the operating expenditures for each park and historic site; and the total revenue generated at all parks and historic sites averaged over the past two fiscal years (Section 253.147, RSMo).

COAL COMBUSTION RESIDUAL

This bill repeals the current exemption from solid waste permitting requirements for coal combustion generation facilities in Kansas City and authorizes the department to promulgate rules and approve site-specific target levels for the management, closure, and post-closure of coal combustion residual (CCR) units. The rules may allow for the use of risk-based decision making and establish target levels for soil and groundwater impacted by CCR constituents.

Until the department has an approved and effective state program, the department is authorized to issue guidance or enter into enforceable agreements with site owners or operators to establish risk-based target levels using the Missouri Risk-Based Corrective Action (MRBCA).

The department must promulgate the rules by December 31, 2018, for CCR surface impoundments, but is not authorized to promulgate rules requiring a construction or operating permit for CCR impoundment closure or corrective action, or post-closure ground water monitoring for certain CCR surface impoundments. The rules, including location restrictions and design standards cannot be more restrictive than federal regulations, with a few exceptions explained in the bill (Section 260.242).

LEAD-ACID BATTERY FEE

The bill extends from December 31, 2018, to December 31, 2023, the \$.50 fee that is collected on the retail sale of a lead-acid battery as well as the fees for any hazardous waste generated (Section 260.262).

RADIOACTIVE WASTE INVESTIGATION FUND

This bill creates the "Radioactive Waste Investigation Fund" to be used by the Department of Natural Resources to investigate concerns of exposure to radioactive waste. Upon request of a local governing body, the department will use the money in the fund to investigate and collect soil and dust samples. The department will work with local officials to design a testing plan, including collecting at least 500 samples within a one-mile radius, that will provide conclusive evidence to determine if the area is contaminated, and report the results to the body that requested the investigation. Monies from the Hazardous Waste Fund can be transferred, upon appropriation, to the Radioactive Waste Investigation Fund. Transfers to the fund cannot exceed \$150,000 per fiscal year (Sections 260.391 and 260.558).

ENVIRONMENTAL RESTORATION ACT

The bill creates the "Environmental Restoration Corporation Act," which allows for the formation of a nonprofit corporation to hold, manage, or own environmentally impaired property that is subject to an ongoing cleanup or remedial action. In addition to the powers of all nonprofit corporations, any environmental restoration corporation has certain additional powers as specified in the bill, including the ability to acquire, accept, convey, dispose, encumber, manage and own real property that is subject to certain clean up or remedial action and to enter into contracts with private or public entities to conduct, manage, oversee, and regulate activities that may be necessary for the implementation of clean up and remedial actions on such property. The property must be located in Jefferson, Washington, St. Francois, Iron, Madison, Reynolds and Wayne counties.

Any environmental restoration corporation will be managed by a board of no less than five directors, who will initially be appointed by the incorporators. The bill specifies the make-up of the board and its duties and requirements. All actions of the corporations must be taken at meetings open to the public, except for confidential matter relating to personnel, contracts, or litigation.

If an environmental restoration corporation receives public funds for any activities at a specific property, the corporation must allow for periodic audits by the State Auditor and upon request,

provide an annual report to the General Assembly concerning the receipt and use of the funds.

Any conveyance of property to a third party may include an environmental covenant or conservation easement. Prior to acquiring interest in real property subject to restoration activities, a corporation must undertake all due diligence activities under U.S. Environmental Protection Agency regulations to qualify as a bona fide prospective purchaser, which would make the corporation immune from liability under certain Missouri laws. However, the corporation must comply with all regulatory requirements. A corporation owes no duty of care and has no liability to any trespasser who enters onto the corporation's property (Section 260.1150).

PETROLEUM STORAGE TANK INSURANCE FUND

Currently, the fund expires on December 31, 2020. The bill extends the expiration date to December 31, 2025 and establishes the "Task Force on the Petroleum Storage Tank Insurance Fund." The task force shall be composed of eight members, with three being from the House of Representatives and appointed by the Speaker, three from the Senate, and two industry stakeholders. The task force shall conduct research and compile a report, by December 31, 2018, on certain topics relating to the Petroleum Storage Tank Insurance Fund (Sections 319.129 and 319.140).

FUEL STANDARDS

Currently, all fuels shall meet American Society for Testing and Materials (ASTM) standards, in addition to rules promulgated by the Director of the Department of Agriculture. This bill allows the director to waive specific requirements, or establish temporary alternative requirements in the event of an extreme and unusual fuel supply circumstance. The waiver must be as limited in scope and applicability as necessary, and applied equally and uniformly to all persons and companies in the impacted fuel supply and distribution system (Section 414.032).

WATER SUPPLY AND SEWER SYSTEM GRANTS

The bill increases the potential grant amount administered by the Department of Natural Resources for the benefit of public water supply districts, sewer districts, rural community water or sewer systems, or municipal sewer systems. The current grant limitation of \$1,400 per water connection is increased to \$3,000 per connection (Section 640.620).