

HCS SS SCS SB 782 -- DEPARTMENT OF NATURAL RESOURCES

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

FENCE MAINTENANCE ALONG THE MISSOURI ROCK ISLAND RAILROAD CORRIDOR

The bill requires the Division of State Parks within the Department of Natural Resources to maintain the fence coinciding with the boundary between individual landowner property and the historic Missouri Rock Island railroad corridor, with costs being paid by the State Park Earnings Fund. Nothing should be construed to require an individual landowner to locate a fence on his or her own property (Section 253.175, 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).

DEPARTMENT FEES

Currently, several Department of Natural Resources fees expire December 31, 2018. This bill extends, until December 31, 2024, the expiration of the hazardous waste generator permits, land reclamation permits, and water pollution control permits. The bill also repeals the expired provisions requiring a comprehensive review, with stakeholders, of the water pollution control permits structure (Sections 260.380, 260.475, 444.768, 444.772, 644.054, and 644.057).

#### RADIOACTIVE WASTE INVESTIGATION FUND

The 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 contaminate, 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).

#### 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).

#### WATER SUPPLY AND SEWER SYSTEM GRANTS

This 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).

#### MISSOURI CLEAN WATER LAW

The bill specifies that agricultural stormwater discharges and return flows from irrigated agriculture are exempt from permitting requirements under the Missouri Clean Water Law and should not be considered unlawful unless the discharges have entered the waters of the state and rendered the waters harmful, detrimental, or injurious to public health, safety, or welfare, to industrial or agricultural uses, or to wild animals, birds, fish, or other aquatic life.

Nothing in this bill should be construed to affect, limit, or supersede any law or regulation of concentrated animal feeding operations (Section 644.059).