

HCS SCS SB 917 -- COAL COMBUSTION RESIDUAL

This bill repeals the current exemption from solid waste permitting requirements for coal combustion generation facilities in Kansas City.

This bill also authorizes the Department of Natural Resources to promulgate rules and approve site-specific target levels for the management, closure, and post-closure of coal combustion residual (CCR) units. The rules must be as protective as 40 CFR 257. The rules may allow for the use of risk-based decision making and establish target levels for soil and groundwater impacted by CCR constituents. The Missouri Risk-Based Corrective Action (MRBCA) rule and accompanying guidance may be used for establishing target levels for all CCR constituents to be left in place after closure and post-closure of a CCR unit.

The department must promulgate the rules by December 31, 2018, for CCR surface impoundments. The department 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.

No later than December 31, 2018, the department must amend or promulgate rules applicable to utility waste and CCR landfills. The rules, including location restrictions and design standards cannot be more restrictive than federal regulations, with a few exceptions set out in the bill.

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 MRBCA.

As of January 1, 2019, the department must require each owner, operator, or permittee of a CCR unit to pay a one-time enrollment fee of \$62,000, provided that the CCR unit is not a utility waste landfill, or \$48,000 per CCR unit, depending on when the CCR unit is closed, and an annual fee of \$15,000 per unit thereafter. The bill specifies requirements for the submittal of the fees.

All fees received under these provisions must be deposited into the "Coal Combustion Residuals Subaccount" of the Solid Waste Management Fund, and are dedicated solely to the department for conducting activities required by the bill.

The department may pursue penalties for failure to pay the required fees. However, the department shall not apply any standards that conflict with 40 CFR 257 to purchases of landfills adjoining

municipal power stations prior to December 31, 2018, unless there is an imminent threat to human health and the environment.