

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 650

AN ACT

To repeal sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.320, 260.325, 260.330, 260.335, 260.345, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-seven new sections relating to the department of natural resources, with penalty provisions and an emergency clause for certain sections.

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

1 Section A. Sections 43.543, 60.185, 60.195, 60.301, 60.321,
2 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580,
3 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410,
4 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030,
5 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249,
6 260.262, 260.320, 260.325, 260.330, 260.335, 260.345, 260.365,
7 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023,
8 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715,
9 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, are
10 repealed and sixty-seven new sections enacted in lieu thereof, to

1 be known as sections 43.543, 60.185, 60.195, 60.301, 60.321,
2 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580,
3 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410,
4 253.090, 253.180, 253.185, 256.117, 256.438, 258.010, 258.060,
5 258.070, 258.080, 260.200, 260.205, 260.214, 260.235, 260.249,
6 260.262, 260.320, 260.325, 260.330, 260.335, 260.345, 260.365,
7 260.380, 260.390, 260.395, 260.475, 261.023, 444.772, 621.250,
8 640.010, 640.012, 640.017, 640.026, 640.065, 640.075, 640.080,
9 640.236, 640.715, 640.725, 643.079, 644.029, 644.051, 644.052,
10 644.054, 644.057, 644.062, and 1, to read as follows:

11 43.543. Any state agency listed in section 621.045, the
12 division of professional registration of the department of
13 insurance, financial institutions and professional registration,
14 the department of social services, the supreme court of Missouri,
15 the state courts administrator, the department of elementary and
16 secondary education, the department of natural resources, the
17 Missouri lottery, the Missouri gaming commission, or any state,
18 municipal, or county agency which screens persons seeking
19 employment with such agencies or issuance or renewal of a
20 license, permit, certificate, or registration of authority from
21 such agencies; or any state, municipal, or county agency or
22 committee, or state school of higher education which is
23 authorized by state statute or executive order, or local or
24 county ordinance to screen applicants or candidates seeking or
25 considered for employment, assignment, contracting, or
26 appointment to a position within state, municipal, or county
27 government; or the Missouri peace officers standards and
28 training, POST, commission which screens persons, not employed by

1 a criminal justice agency, who seek enrollment or access into a
2 certified POST training academy police school, or persons seeking
3 a permit to purchase or possess a firearm for employment as a
4 watchman, security personnel, or private investigator; or law
5 enforcement agencies which screen persons seeking issuance or
6 renewal of a license, permit, certificate, or registration to
7 purchase or possess a firearm shall submit two sets of
8 fingerprints to the Missouri state highway patrol, Missouri
9 criminal records repository, for the purpose of checking the
10 person's criminal history. The first set of fingerprints shall
11 be used to search the Missouri criminal records repository and
12 the second set shall be submitted to the Federal Bureau of
13 Investigation to be used for searching the federal criminal
14 history files if necessary. The fingerprints shall be submitted
15 on forms and in the manner prescribed by the Missouri state
16 highway patrol. Fees assessed for the searches shall be paid by
17 the applicant or in the manner prescribed by the Missouri state
18 highway patrol. Notwithstanding the provisions of section
19 610.120, all records related to any criminal history information
20 discovered shall be accessible and available to the state,
21 municipal, or county agency making the record request.

22 60.185. The county surveyor of every county or city shall:

23 (1) Keep a fair and correct record of all surveys made by
24 himself and his deputies, in a well-bound book, with a convenient
25 index, to be procured at the expense of the county or city for
26 that purpose, which books and indexes shall be the property of
27 such county or city, and shall be known as the county surveyor's
28 plat book, and every such surveyor shall record in such book a

1 plat of all surveys executed by him or his deputies, within two
2 weeks after the plat of survey has been certified to, and such
3 books shall be kept at the county seat or city hall and subject
4 to inspection by any person interested therein, under the
5 supervision of the county surveyor for such county or city;

6 (2) Number his surveys progressively;

7 (3) Deliver a copy of any plat of survey to any person
8 requiring such a copy, on payment of an amount equal to the fees
9 allowed to the recorder of deeds for such a document, so long as
10 such records shall remain in his possession, and after such
11 record shall have been deposited in the office of the recorder of
12 deeds, the recorder shall, on the request of anyone and on
13 payment of his fees for such service, deliver to such person a
14 duly certified copy of such records under the seal of his office,
15 which shall be accepted as evidence, to all intents and purposes,
16 as the originals themselves;

17 (4) Maintain a copy of corner restoration documents as
18 required in section 60.321 when provided by the Missouri
19 department of [natural resources] agriculture, and subject to
20 inspection and copying by any person interested therein during
21 the normal office hours of the county on payment of the fees
22 allowed to the recorder for similar documents.

23 60.195. The several county commissions in this state are
24 hereby authorized, in all cases wherein they shall consider it to
25 be the interest of their counties, to obtain from the Missouri
26 department of [natural resources] agriculture a certified copy of
27 so much of the field notes of all surveys lying within their
28 counties, respectively, which have been and may be made by the

1 United States, as relates to the description of the township,
2 section, fractional section, quarter section and legal
3 subdivisional corners, the variation of the needle at which the
4 east and west boundaries of township or range lines were run, the
5 length of the north and south, as well as east and west sectional
6 lines; also, the fallings of all east and west township and
7 sectional lines the same to be filed in the office of the county
8 surveyor of their counties, respectively.

9 60.301. Whenever the following words and terms are used in
10 this chapter they shall have the following meaning unless the
11 context clearly indicates that a different meaning is intended:

12 (1) "Corners of the United States public land survey",
13 those points that determine the boundaries of the various
14 subdivisions represented on the official plat such as the
15 township corner, the section corner, the quarter-section corner,
16 grant corner and meander corner;

17 (2) "Existent corner", a corner whose position can be
18 identified by verifying the evidence of the original monument or
19 its accessories, or by some physical evidence described in the
20 field notes, or located by an acceptable supplemental survey
21 record or some physical evidence thereof, or by testimony. The
22 physical evidence of a corner may have been entirely obliterated
23 but the corner will be considered existent if its position can be
24 recovered through the testimony of one or more witnesses who have
25 a dependable knowledge of the original location. A legally
26 reestablished corner shall have the same status as an existent
27 corner;

28 (3) "Lost corner", a corner whose position cannot be

1 determined, beyond reasonable doubt, either from traces of the
2 original marks or from acceptable evidence or testimony that
3 bears upon the original position;

4 (4) "Monument", the physical object which marks the corner
5 point determined by the surveying process. The accessories, such
6 as bearing trees, bearing objects, reference monuments, mounds of
7 stone and other similar objects that aid in identifying the
8 corner position, are also considered a part of a corner monument;

9 (5) "Obliterated, decayed or destroyed corner", an existent
10 corner at whose point there are no remaining traces of the
11 original monument or its accessories, but whose location has been
12 perpetuated by subsequent surveys, or the point may be recovered
13 beyond reasonable doubt by the acts and testimony of local
14 residents, competent surveyors, other qualified local authorities
15 or witnesses, or by some acceptable record evidence. A position
16 that depends upon the use of collateral evidence can be accepted
17 only if duly supported, generally through proper relation to
18 known corners, and agreement with the field notes regarding
19 distances to natural objects, stream crossings, line trees, etc.,
20 or unquestionable testimony;

21 (6) "Original government survey", that survey executed
22 under the authority of the United States government as recorded
23 on the official plats and field notes of the United States public
24 land survey maintained by the Missouri department of [natural
25 resources] agriculture;

26 (7) "Proportionate measurement", a measurement of a line
27 that gives equal relative weight to all parts of the line. The
28 excess or deficiency between two existent corners is so

1 distributed that the amount of excess or deficiency given to each
2 interval bears the same proportion to the whole difference as the
3 record length of the interval bears to the whole record distance:

4 (a) "Single proportionate measurement", a measurement of a
5 line applied to a new measurement made between known points on a
6 line to determine one or more positions on that line;

7 (b) "Double proportionate measurement", a measurement
8 applied to a new measurement made between four known corners, two
9 each on intersecting meridional and latitudinal lines, for the
10 purpose of relating the intersection to both. The procedure is
11 described as follows: First, measurements will be made between
12 the nearest existent corners north and south of the lost corner.
13 A temporary point will be determined to locate the latitude of
14 the lost corner on the straight line connecting the existent
15 corners and at the proper proportionate distance. Second,
16 measurements will be made between the nearest existent corners
17 east and west of the lost corner. A temporary point will be
18 determined to locate the longitude of the lost corner on the
19 straight line connecting the existent corners and at the
20 proportionate distance. Third, determine the location of the
21 lost corner at the intersection of an east-west line through the
22 point determining the latitude of the lost corner with a
23 north-south line through the point determining the longitude of
24 the lost corner. When the total length of the line between the
25 nearest existing corners was not measured in the original
26 government survey, the record distance from one existing corner
27 to the lost corner will be used instead of the proportionate
28 distance. This exception will apply to either or both of the

1 east-west or north-south lines;

2 (8) "Record distance", the distance or length as shown on
3 the original government survey. In determining record distances,
4 consideration shall be given as to whether the distance was
5 measured on a random or true line.

6 60.321. For the purpose of perpetuating the corners of the
7 United States public land survey, every surveyor who
8 reestablishes a lost corner or restores an existent corner shall
9 monument the corner and shall file an instrument showing such
10 reestablishment or restoration with the Missouri department of
11 [natural resources] agriculture, in accordance with the
12 specifications and procedures adopted by the Missouri department
13 of [natural resources] agriculture. Any surveyor who willfully
14 and knowingly fails to perpetuate corners in accordance with this
15 section is guilty of misconduct in the practice of land
16 surveying.

17 60.451. 1. For the purpose of more precisely defining the
18 Missouri coordinate system of 1927, the following definition by
19 the United States Coast and Geodetic Survey is adopted:

20 (1) The Missouri coordinate system of 1927, east zone, is a
21 transverse Mercator projection of the Clarke spheroid of 1866,
22 having a central meridian 90 degrees -- 30 minutes west of
23 Greenwich, on which meridian the scale is set at one part in
24 fifteen thousand too small. The origin of coordinates is at the
25 intersection of the meridian 90 degrees -- 30 minutes west of
26 Greenwich and the parallel 35 degrees -- 50 minutes north
27 latitude. This origin is given the coordinates: $x = 500,000$
28 feet and $y = 0$ feet;

1 (2) The Missouri coordinate system of 1927, central zone,
2 is a transverse Mercator projection of the Clarke spheroid of
3 1866, having a central meridian 92 degrees -- 30 minutes west of
4 Greenwich, on which meridian the scale is set at one part in
5 fifteen thousand too small. The origin of coordinates is at the
6 intersection of the meridian 92 degrees -- 30 minutes west of
7 Greenwich and the parallel of 35 degrees -- 50 minutes north
8 latitude. This origin is given the coordinates: $x = 500,000$
9 feet and $y = 0$ feet;

10 (3) The Missouri coordinate system of 1927, west zone, is a
11 transverse Mercator projection of the Clarke spheroid of 1866,
12 having a central meridian 94 degrees -- 30 minutes west of
13 Greenwich, on which meridian the scale is set at one part in
14 seventeen thousand too small. The origin of coordinates is at
15 the intersection of the meridian 94 degrees -- 30 minutes west of
16 Greenwich and the parallel 36 degrees -- 10 minutes north
17 latitude. This origin is given the coordinates: $x = 500,000$
18 feet and $y = 0$ feet.

19 2. For purposes of more precisely defining the Missouri
20 coordinate system of 1983, the following definition by the
21 National Ocean Survey/National Geodetic Survey is adopted:

22 (1) The Missouri coordinate system 1983, east zone, is a
23 transverse Mercator projection of the North American Datum of
24 1983 having a central meridian 90 degrees -- 30 minutes west of
25 Greenwich, on which meridian the scale is set at one part in
26 fifteen thousand too small. The origin of coordinates is at the
27 intersection of the meridian 90 degrees -- 30 minutes west of
28 Greenwich and the parallel 35 degrees -- 50 minutes north

1 latitude. This origin is given the coordinates: $x = 250,000$
2 meters and $y = 0$ meters;

3 (2) The Missouri coordinate system 1983, central zone, is a
4 transverse Mercator projection of the North American Datum of
5 1983 having a central meridian 92 degrees -- 30 minutes west of
6 Greenwich, on which meridian the scale is set at one part in
7 fifteen thousand too small. The origin of coordinates is at the
8 intersection of the meridian 92 degrees -- 30 minutes west of
9 Greenwich and the parallel of 35 degrees -- 50 minutes north
10 latitude. This origin is given the coordinates: $x = 500,000$
11 meters and $y = 0$ meters;

12 (3) The Missouri coordinate system 1983, west zone, is a
13 transverse Mercator projection of the North American Datum of
14 1983 having a central meridian 94 degrees -- 30 minutes west of
15 Greenwich, on which meridian the scale is set at one part in
16 seventeen thousand too small. The origin of coordinates is at
17 the intersection of the meridian 94 degrees -- 30 minutes west of
18 Greenwich and the parallel 36 degrees -- 10 minutes north
19 latitude. This origin is given the coordinates: $x = 850,000$
20 meters and $y = 0$ meters.

21 3. The position of either Missouri coordinate system shall
22 be as marked on the ground by horizontal control stations
23 established in conformity with the standards adopted by the
24 department of [natural resources] agriculture for first-order and
25 second-order work, whose geodetic positions have been rigidly
26 adjusted on the appropriate datum and whose coordinates have been
27 computed on the system defined in this section. Any such station
28 may be used for establishing a survey connection with the

1 Missouri coordinate system.

2 60.510. The functions, duties and responsibilities of the
3 department of [natural resources] agriculture shall be as
4 follows:

5 (1) To restore, maintain, and preserve the land survey
6 monuments, section corners, and quarter section corners
7 established by the United States public land survey within
8 Missouri, together with all pertinent field notes, plats and
9 documents; and also to restore, establish, maintain, and preserve
10 Missouri state and county boundary markers and other boundary
11 markers considered by the department of [natural resources]
12 agriculture to be of importance, or otherwise established by law;

13 (2) To design and cause to be placed at established public
14 land survey corner sites, where practical, substantial monuments
15 permanently indicating, with words and figures, the exact
16 location involved, but if such monuments cannot be placed at the
17 exact corner point, then witness corners of similar design shall
18 be placed as near by as possible, with words and figures
19 indicating the bearing and distance to the true corner;

20 (3) To establish, maintain, and provide safe storage
21 facilities for a comprehensive system of recordation of
22 information respecting all monuments established by the United
23 States public land survey within this state, and such records as
24 may be pertinent to the department of [natural resources']
25 agriculture's establishment or maintenance of other land corners,
26 Missouri state coordinate system stations and accessories, and
27 survey monuments in general;

28 (4) To provide the framework for all geodetic positioning

1 activities in the state. The foundational elements include
2 latitude, longitude, and elevation which contribute to informed
3 decision making and impact on a wide range of important
4 activities including mapping and geographic information systems,
5 flood risk determination, transportation, land use and ecosystem
6 management and use of the Missouri state coordinate system, as
7 established by sections 60.401 to 60.491;

8 (5) To collect and preserve information obtained from
9 surveys made by those authorized to establish land monuments or
10 land boundaries, and to assist in the proper recording of the
11 same by the duly constituted county officials, or otherwise;

12 (6) To furnish, upon reasonable request and tender of the
13 required fees therefor, certified copies of records created or
14 maintained by the department of [natural resources] agriculture
15 which, when certified by the state land surveyor or a designated
16 assistant, shall be admissible in evidence in any court in this
17 state, as the original record; and

18 (7) To prescribe, and disseminate to those engaged in the
19 business of land surveying, regulations designed to assist in
20 uniform and professional surveying methods and standards in this
21 state.

22 60.530. The state land surveyor shall, under guidance of
23 the department of [natural resources] agriculture and with the
24 recommendation of the land survey commission, carry out the
25 routine functions and duties of the department of [natural
26 resources] agriculture, as prescribed in sections 60.510 to
27 60.620 and section 60.670. He or she shall, whenever practical,
28 cause all land surveys, except geodetic surveys, to be executed,

1 under his or her direction by the registered county surveyor or a
2 local registered land surveyor when no registered county surveyor
3 exists. He or she shall perform such other work and acts as
4 shall, in the judgment of the department of [natural resources]
5 agriculture and with the recommendation of the land survey
6 commission, be necessary and proper to carry out the objectives
7 of sections 60.510 to 60.620 and section 60.670 and, within the
8 limits of appropriations made therefor and subject to the
9 approval of the department of [natural resources and the state
10 merit system] agriculture, employ and fix the compensation of
11 such additional employees as may be necessary to carry out the
12 provisions of sections 60.510 to 60.620 and section 60.670.

13 60.540. The department of [natural resources] agriculture
14 may acquire, in the name of the state of Missouri, lands or
15 interests therein, where necessary, to establish permanent
16 control stations; and may lease or purchase or acquire by
17 negotiation or condemnation, where necessary, land for the
18 establishment of an office of the land survey program of the
19 department of [natural resources] agriculture. If condemnation
20 is necessary, the attorney general shall bring the suit in the
21 name of the state in the same manner as authorized by law for the
22 acquisition of lands by the state transportation department.

23 60.550. The custody and ownership of the original United
24 States public land survey corners and accessories, including all
25 restoration and replacements thereof and all accessories,
26 belonging to the state of Missouri is hereby transferred to the
27 department of [natural resources] agriculture. The department of
28 [natural resources] agriculture shall see that the markers are

1 maintained, and the alteration, removal, disfiguration or
2 destruction of any of the corners or accessories, without
3 specific permission of the department of [natural resources]
4 agriculture, is an act of destruction of state property and is a
5 misdemeanor. Any person convicted thereof shall be punished as
6 provided by law. Each of the several prosecuting attorneys is
7 specifically directed to prosecute for the violation of this
8 section for any act of destruction which occurs in his county.

9 60.560. Upon their request, the state attorney general
10 shall advise the land survey commission or the department of
11 [natural resources] agriculture or the state land surveyor with
12 respect to any legal matter, and shall represent the land survey
13 commission or department of [natural resources] agriculture in
14 any proceeding in any court of the state in which the land survey
15 commission or land survey program shall be a party.

16 60.570. 1. The permanent headquarters of the land survey
17 program shall be at or near to the principal office of the
18 Missouri state geological survey. Until such time as other
19 headquarters can be obtained by the land survey program, the
20 state geologist shall [assign] provide such space in the state
21 geological survey building as may be available. The land survey
22 program may also establish and maintain regional offices in the
23 metropolitan areas of the state for the storage and distribution
24 of local survey record information.

25 2. The building that occupies the permanent headquarters of
26 the land survey program may be renamed and referred to as the
27 "Robert E. Myers Building".

28 60.580. The state land surveyor or any and all employees of

1 the department of [natural resources] agriculture have the right
2 to enter upon private property for the purpose of making surveys,
3 or for searching for, locating, relocating, or remonumenting land
4 monuments, leveling stations, or section corners. Should any of
5 these persons necessarily damage property of the owner in making
6 the surveys or searches or remonumentations, the department of
7 [natural resources] agriculture may make reasonable payment for
8 the damage from funds available for that purpose. However,
9 department of [natural resources] agriculture employees are
10 personally liable for any damage caused by their wantonness,
11 willfulness or negligence. All department of [natural resources]
12 agriculture employees are immune from arrest for trespass in
13 performing their legal duties as stated in sections 60.510 to
14 60.620 and section 60.670.

15 60.590. 1. On request of the department of [natural
16 resources] agriculture or the state land surveyor, all city and
17 county recorders of deeds, together with all departments, boards
18 or agencies of state government, county, or city government,
19 shall furnish to the department of [natural resources]
20 agriculture or the state land surveyor certified copies of
21 desired records which are in their custody. This service shall
22 be free of cost when possible; otherwise, it shall be at actual
23 cost of reproduction of the records. On the same basis of cost,
24 the department of [natural resources] agriculture shall furnish
25 records within its custody to other agencies or departments of
26 state, county or city, certifying them.

27 2. The department of [natural resources] agriculture may
28 produce, reproduce and sell maps, plats, reports, studies, and

1 records, and the commission shall recommend to the department of
2 [natural resources] agriculture the charges therefor. All income
3 received shall be promptly deposited in the state treasury to the
4 credit of the department of [natural resources document]
5 agriculture land survey revolving services fund.

6 60.595. 1. The "Department of [Natural Resources]
7 Agriculture Land Survey Revolving Services Fund" is hereby
8 created. All funds received by the department of [natural
9 resources] agriculture from the delivery of services and the sale
10 or resale of maps, plats, reports, studies, records and other
11 publications and documents and surveying information, on paper or
12 in electronic format, by the department shall be credited to the
13 fund. The director of the department shall administer the fund.
14 The state treasurer is the custodian of the fund and shall
15 approve disbursements from the fund requested by the director of
16 the department. When appropriated, moneys in the fund shall be
17 used to purchase goods, equipment, hardware and software,
18 maintenance and licenses, software and database development and
19 maintenance, personal services, and other services that will
20 ultimately be used to provide copies of information maintained or
21 provided by the land survey program, reprint maps, publications
22 or other documents requested by governmental agencies or members
23 of the general public; to publish the maps, publications or other
24 documents or to purchase maps, publications or other documents
25 for resale; and to pay shipping charges, [laboratory services,
26 core library fees, workshop fees, conference fees,
27 interdivisional cooperative agreements,] but for no other
28 purpose.

1 2. Effective August 28, 2013, a transfer of monies between
2 the department of natural resources revolving services fund,
3 created in section 640.065, and the department of agriculture
4 land survey revolving services fund shall be made such that only
5 the balance related to the reproduction and sale of land survey
6 documents is transferred to the department of agriculture land
7 survey revolving services fund.

8 3. An unencumbered balance in the fund at the end of the
9 fiscal year not exceeding one million dollars is exempt from the
10 provisions of section 33.080 relating to the transfer of
11 unexpended balances to the general revenue fund.

12 [3.] 4. The department of [natural resources] agriculture
13 shall report all income to and expenditures from such fund on a
14 quarterly basis to the house budget committee and the senate
15 appropriations committee.

16 60.600. Every employee of the department of [natural
17 resources] agriculture who is engaged in work required by law to
18 be done by a registered land surveyor will be so registered. No
19 employee of the department of [natural resources] agriculture
20 shall engage in private land surveying or consultation while
21 employed by the department of [natural resources] agriculture.

22 60.610. Whenever the department of [natural resources]
23 agriculture deems it expedient, and when funds appropriated
24 permit, the department of [natural resources] agriculture may
25 enter into any contract with agencies of the United States, with
26 agencies of other states, or with private persons, registered
27 land surveyors or professional engineers, in order to plan and
28 execute desired land surveys or geodetic surveys, or to plan and

1 execute other projects which are within the scope and purpose of
2 sections 60.510 to 60.620 and section 60.670.

3 60.620. 1. There is hereby created the "Land Survey
4 Commission", within the department of [natural resources]
5 agriculture. The commission shall consist of seven members, six
6 of whom shall be appointed by the governor. Members shall reside
7 in this state. Members of the commission shall hold office for
8 terms of three years, but of the original appointments, two
9 members shall serve for one year, two members shall serve for two
10 years, and two members shall serve for three years. Members may
11 serve only three consecutive terms on the commission.

12 2. The land survey commission shall consist of the
13 following persons:

14 (1) Four members who shall be registered land surveyors, one
15 of which shall be a county surveyor;

16 (2) One member who shall represent the real estate or land
17 title industry;

18 (3) One member who shall represent the public and have an
19 interest in and knowledge of land surveying; and

20 (4) The director of the department of [natural resources]
21 agriculture or his or her designee.

22
23 The members in subdivisions (1) to (3) of this subsection shall
24 be appointed by the governor with advice and consent of the
25 senate and each shall serve until his or her successor is duly
26 appointed.

27 3. The land survey commission shall elect a chairman
28 annually. The commission shall meet semiannually and at other

1 such times as called by the chairman of the commission and shall
2 have a quorum when at least four members are present.

3 4. The land survey commission members shall serve without
4 compensation but shall be reimbursed for actual and necessary
5 expenses incurred in the performance of their official duties.

6 5. The land survey commission shall provide the director of
7 the department of [natural resources] agriculture and the state
8 land surveyor with recommendations on the operation and the
9 planning and prioritization of the land survey program and the
10 design of regulations needed to carry out the functions, duties,
11 and responsibilities of the department of [natural resources]
12 agriculture in sections 60.510 to 60.620 and section 60.670.

13 6. The land survey commission shall recommend to the
14 department of [natural resources] agriculture:

15 (1) A person to be selected and appointed state land
16 surveyor, who shall be the chief administrative officer of the
17 land survey program. The state land surveyor shall be selected
18 [under the state merit system] on the basis of professional
19 experience and registration;

20 (2) Prioritization and execution of projects which are
21 within the scope and purpose of sections 60.510 to 60.620 and
22 section 60.670;

23 (3) Prioritization and selection of public land survey
24 corner monuments to be reestablished through the county
25 cooperative contracts in accordance with sections 8.285 to 8.291;
26 and

27 (4) Approval of all other contracts for the planning and
28 execution of projects which are within the scope and purpose of

1 sections 60.510 to 60.620 and section 60.670 and in accordance
2 with sections 8.285 to 8.291.

3 7. The commission shall, at least annually, prepare a
4 report, which shall be available to the general public, of the
5 review by the commission of the land survey program, stating its
6 findings, conclusions, and recommendations to the director.

7 8. By December 1, 2013, the commission shall provide a
8 report to the department of [natural resources] agriculture and
9 general assembly that recommends the appropriate administrative
10 or overhead cost rate that will be charged to the program, where
11 such cost rate shall include all indirect services provided by
12 the [division of geology and land survey,] department of [natural
13 resources,] agriculture and office of administration.

14 60.653. 1. It shall be the duty of the recorder of deeds
15 to maintain a copy of all survey plats delivered to his custody
16 in an appropriate file medium capable of reproduction.

17 2. Survey plats shall be placed in the plat books or such
18 other record books as have been previously established.

19 3. A duplicate of the recorded survey plat shall be
20 provided to the land survey [division] program of the department
21 of [natural resources] agriculture at an amount not to exceed the
22 actual cost of the duplicate.

23 4. The recorder shall maintain an index of all survey
24 plats, subdivision plats, and condominium plats by section,
25 township, and range and by subdivision or condominium name.

26 5. Copies of survey plats shall be evidence in all courts
27 of justice when properly certified under the hand and official
28 seal of the recorder.

1 60.670. 1. As used in this section, the following terms
2 shall mean:

3 (1) "Cadastral parcel mapping", an accurately delineated
4 identification of all real property parcels. The cadastral map
5 is based upon the USPLSS. For cadastral parcel maps the position
6 of the legal framework is derived from the USPLSS, existing tax
7 maps, and tax database legal descriptions, recorded deeds,
8 recorded surveys, and recorded subdivision plats;

9 (2) "Digital cadastral parcel mapping", encompasses the
10 concepts of automated mapping, graphic display and output, data
11 analysis, and database management as pertains to cadastral parcel
12 mapping. Digital cadastral parcel mapping systems consist of
13 hardware, software, data, people, organizations, and
14 institutional arrangements for collecting, storing, analyzing,
15 and disseminating information about the location and areas of
16 parcels and the USPLSS;

17 (3) "USPLSS" or "United States Public Land Survey System",
18 a survey executed under the authority of the United States
19 government as recorded on the official plats and field notes of
20 the United States public land survey maintained by the land
21 survey program of the department of [natural resources]
22 agriculture;

23 (4) "Tax map", a document or map for taxation purposes
24 representing the location, dimensions, and other relevant
25 information pertaining to a parcel of land subject to property
26 taxes.

27 2. The office of the state land surveyor established within
28 the department of [natural resources] agriculture shall

1 promulgate rules and regulations establishing minimum standards
2 for digital cadastral parcel mapping. Any rule or portion of a
3 rule, as that term is defined in section 536.010, that is created
4 under the authority delegated in this section shall become
5 effective only if it complies with and is subject to all of the
6 provisions of chapter 536 and, if applicable, section 536.028.
7 This section and chapter 536 are nonseverable and if any of the
8 powers vested with the general assembly pursuant to chapter 536
9 to review, to delay the effective date, or to disapprove and
10 annul a rule are subsequently held unconstitutional, then the
11 grant of rulemaking authority and any rule proposed or adopted
12 after August 28, 2010, shall be invalid and void.

13 3. Any map designed and used to reflect legal property
14 descriptions or boundaries for use in a digital cadastral mapping
15 system shall comply with the rules promulgated under this
16 section, unless the party requesting the map specifies otherwise
17 in writing, the map was designed and in use prior to the
18 promulgation of the rules, or the parties requesting and
19 designing the map have already agreed to the terms of their
20 contract on the effective date of the rules promulgation.

21 236.410. 1. There is hereby created a "Dam and Reservoir
22 Safety Council", whose domicile for the purposes of sections
23 236.400 to 236.500 shall be the department of natural resources
24 of the state of Missouri, for the regulation of dam and reservoir
25 safety. The council shall consist of seven members, no more than
26 four of whom shall be members of the same political party,
27 appointed by the governor with the advice and consent of the
28 senate.

1 2. The members of the council shall have a background of
2 academic training or professional experience directly related to
3 the design of dams and reservoirs. At least two members of the
4 council shall be professional engineers registered in the state
5 of Missouri, one of whom shall represent the general public; at
6 least one member shall be an engineering geologist; at least one
7 member, in addition to the professional engineer, shall be a
8 representative of the general public; two members shall be from
9 industry, one of whom shall be earthmoving contractors; and one
10 member shall be the owner of a dam or reservoir. Of the seven
11 members, three shall be from each of the three United States
12 congressional districts in this state with the highest number of
13 dams. The members shall serve for a term of two years; except,
14 of the first appointments three shall be appointed for one year.
15 The governor shall fill any vacancy on the council and may remove
16 any appointed member for cause. The council shall annually elect
17 a chairman and vice chairman from among its members. The council
18 shall meet regularly but not less than quarterly. Special
19 meetings and hearings may be called upon delivery of written
20 notice to each member of the council signed by the director, the
21 chief engineer, the council chairman or four of the council
22 members. Four members of the council shall constitute a quorum
23 to transact the business of the council. The council shall
24 decide all questions by a majority vote of those present and
25 constituting a quorum. The members of this council shall not
26 receive any compensations other than for actual travel and
27 subsistence when acting officially as members of the council.
28 The council shall prepare and present an annual report to the

1 general assembly by December thirty-first of each year.

2 253.090. 1. All revenue derived from privileges,
3 conveniences, contracts or otherwise, all moneys received by
4 gifts, bequests or contributions or from county or municipal
5 sources and all moneys received from the operation of
6 concessions, projects or facilities and from resale items shall
7 be paid into the state treasury to the credit of the "State Park
8 Earnings Fund", which is hereby created. The state treasurer
9 shall invest moneys in the fund in the same manner as other funds
10 are invested. All interest and moneys earned on such investments
11 shall be credited to the fund. In the event any state park or
12 any part thereof is taken under the power of eminent domain by
13 the federal government the moneys paid for the taking shall be
14 deposited in the state park earnings fund. The fund shall be
15 used solely for the payment of the expenditures of the department
16 of natural resources in the administration of this law, except
17 that in any fiscal year the department may expend a sum not to
18 exceed fifty percent of the preceding fiscal year's deposits to
19 the state park earnings fund for the purpose of:

- 20 (1) Paying the principal and interest of revenue bonds
21 issued;
- 22 (2) Providing an interest and sinking fund;
- 23 (3) Providing a reasonable reserve fund;
- 24 (4) Providing a reasonable fund for depreciation; and
- 25 (5) Paying for feasibility reports necessary for the
26 issuing of revenue bonds.

27 2. Notwithstanding the provisions of section 33.080 to the
28 contrary, any moneys remaining in the fund at the end of the

1 biennium shall not revert to the credit of the general revenue
2 fund.

3 3. A good and sufficient bond conditioned upon the faithful
4 performance of the contract and compliance with this law shall be
5 required of all contractors.

6 4. Any person who contracts pursuant to this section with
7 the state shall keep true and accurate records of his or her
8 receipts and disbursements arising out of the performance of the
9 contract and shall permit the department of natural resources and
10 the state auditor to audit such records.

11 253.180. No person shall allow any domestic or other animal
12 under his control or ownership to range within any state park at
13 any time, unless as authorized under section 253.185.

14 253.185. 1. Except for the provisions of subsection 2 of
15 this section, domestic household animals shall not be allowed in
16 any state park unless restrained by a leash not longer than ten
17 feet held by some person or firmly affixed to some stationary
18 object so as to prevent the animal from ranging at large. No
19 domestic household or other animal shall be allowed inside any
20 state park building under the control of either the department of
21 natural resources or a concessionaire licensed by the department
22 of natural resources unless permission is granted by the
23 department of natural resources.

24 2. The department of natural resources may designate a
25 specified area within any state park to serve as a dog park or an
26 off-leash area for domestic household animals.

27 256.117. 1. Funds from department of natural resources
28 [document] revolving services fund created in section [60.595]

1 640.065 may be used to purchase, acquire and copy maps described
2 in sections 256.112 to 256.117, as well as all services necessary
3 for the operation of the map repository.

4 2. All funds from the sale of maps and products from the
5 mine map repository shall be deposited in the department of
6 natural resources [document] revolving services fund created in
7 section [60.595] 640.065.

8 256.438. 1. There is hereby established in the state
9 treasury a fund to be known as the "Multi-Purpose Water Resource
10 Program Renewable Water Program Fund", which shall consist of all
11 money deposited in such fund from whatever source, whether public
12 or private. Notwithstanding the provisions of section 33.080 to
13 the contrary, any moneys remaining in the fund at the end of the
14 biennium shall not revert to the credit of the general revenue
15 fund. The state treasurer shall invest moneys in the fund in the
16 same manner as other funds are invested. Any interest and other
17 moneys earned on such investments shall be credited to the fund.
18 Any unexpended balance in such fund at the end of any
19 appropriation period shall not be transferred to the general
20 revenue fund and, accordingly, shall be exempt from the
21 provisions of section 33.080 relating to the transfer of funds to
22 the general revenue funds of the state by the state treasurer.

23 2. Upon appropriation, the department of natural resources
24 shall use money in the fund created by this section for the
25 purposes of carrying out the provisions of sections 256.435 to
26 256.445, including, but not limited to, the provision of grants
27 or other financial assistance, and, if such limitations or
28 conditions are imposed, only upon such other limitations or

1 conditions specified in the instrument that appropriates, grants,
2 bequeaths, or otherwise authorizes the transmission of money to
3 the fund.

4 258.010. 1. [There shall be a "State Interagency Council
5 for Outdoor Recreation" composed of the following state agencies:

- 6 (1) Department of agriculture;
- 7 (2) Office of administration;
- 8 (3) Department of social services;
- 9 (4) Department of economic development;
- 10 (5) Department of conservation;
- 11 (6) Department of natural resources;
- 12 (7) Department of transportation;
- 13 (8) University of Missouri]

14 The department of natural
15 resources shall be responsible for convening any committee,
16 council, or board the department deems necessary or advisable in
17 order for the department to perform any functions or duties
18 related to state parks or historic sites, recreational trails,
19 outdoor recreation, any federal grant program pursuant to
20 chapters 253 and 258, any federal land and water conservation
21 fund act, 28 U.S.C. 206, or any other law.

22 2. The department of natural resources shall provide all
23 staff support and office space for [the council] any such bodies.

24 258.060. The [state inter-agency council for outdoor
25 recreation] department of natural resources shall be:

26 (1) The official state agency for liaison with the federal
27 bureau of outdoor recreation;

28 (2) The official state agency to receive and disburse
federal funds available to this state for overall outdoor

1 recreation planning and any recreational trails planning or
2 programs;

3 (3) The official state agency to receive and allocate to
4 the appropriate agency, or political subdivision, federal funds
5 available for outdoor recreation or recreational trails programs;
6 and

7 (4) Shall provide a forum for consideration of outdoor
8 recreation problems affecting member agencies and as an advisory
9 and planning agency for overall outdoor recreational programs.
10 The [council] department may provide information and advisory
11 services for any political subdivision requesting its services.

12 258.070. Representatives of [the member agencies] any
13 committee, council, or board convened by the department pursuant
14 to section 258.010 shall not receive any additional compensation
15 for their services [as representatives on the council], and all
16 expenses of any agency representatives shall be paid by their
17 respective agency.

18 258.080. 1. There is hereby created in the state treasury
19 for the use of the [state inter-agency council for outdoor
20 recreation] department of natural resources a fund to be known as
21 "The Inter-Agency Council Fund". All federal moneys received by
22 the state of Missouri from the Land and Water Conservation Fund
23 Act of 1965, Public Law 88-578, shall be deposited in the fund.

24 2. Moneys deposited in the fund shall, upon appropriation
25 by the general assembly to the [state inter-agency council for
26 outdoor recreation] department, be received and expended or
27 allocated by the [state inter-agency council] department for
28 outdoor recreation for outdoor recreation planning, acquisition

1 and development and for no other purposes; provided, however,
2 that not less than fifty percent of the moneys appropriated shall
3 be allocated by [said council] the department to political
4 subdivisions of the state of Missouri, none of which moneys so
5 allocated shall be expended for the improvement or operation of
6 projects under the supervision or control of any state agency.

7 3. Any unexpended balance in [the inter-agency council]
8 such fund at the end of any appropriation period shall not be
9 transferred to the general revenue fund of the state treasury
10 and, accordingly, shall be exempt from the provisions of section
11 33.080 relating to transfer of funds to the general revenue funds
12 of the state by the state treasurer.

13 260.200. 1. The following words and phrases when used in
14 sections 260.200 to 260.345 shall mean:

15 (1) "Alkaline-manganese battery" or "alkaline battery", a
16 battery having a manganese dioxide positive electrode, a zinc
17 negative electrode, an alkaline electrolyte, including
18 alkaline-manganese button cell batteries intended for use in
19 watches, calculators, and other electronic products, and
20 larger-sized alkaline-manganese batteries in general household
21 use;

22 (2) "Applicant", a person or persons seeking or holding a
23 facility permit;

24 (3) "Bioreactor", a municipal solid waste disposal area or
25 portion of a municipal solid waste disposal area where the
26 controlled addition of liquid waste or water accelerates both the
27 decomposition of waste and landfill gas generation;

28 [(3)] (4) "Button cell battery" or "button cell", any small

1 alkaline-manganese or mercuric-oxide battery having the size and
2 shape of a button;

3 [(4)] (5) "City", any incorporated city, town, or village;

4 [(5)] (6) "Clean fill", uncontaminated soil, rock, sand,
5 gravel, concrete, asphaltic concrete, cinderblocks, brick,
6 minimal amounts of wood and metal, and inert solids as approved
7 by rule or policy of the department for fill, reclamation or
8 other beneficial use;

9 [(6)] (7) "Closure", the permanent cessation of active
10 disposal operations, abandonment of the disposal area, revocation
11 of the permit or filling with waste of all areas and volumes
12 specified in the permit and preparing the area for long-term
13 care;

14 [(7)] (8) "Closure plan", plans, designs and relevant data
15 which specify the methods and schedule by which the operator will
16 complete or cease disposal operations, prepare the area for
17 long-term care, and make the area suitable for other uses, to
18 achieve the purposes of sections 260.200 to 260.345 and the
19 regulations promulgated thereunder;

20 [(8)] (9) "Conference, conciliation and persuasion", a
21 process of verbal or written communications consisting of
22 meetings, reports, correspondence or telephone conferences
23 between authorized representatives of the department and the
24 alleged violator. The process shall, at a minimum, consist of
25 one offer to meet with the alleged violator tendered by the
26 department. During any such meeting, the department and the
27 alleged violator shall negotiate in good faith to eliminate the
28 alleged violation and shall attempt to agree upon a plan to

1 achieve compliance;

2 [(9)] (10) "Construction and demolition waste", waste
3 materials from the construction and demolition of residential,
4 industrial, or commercial structures, but shall not include
5 materials defined as clean fill under this section;

6 [(10)] (11) "Demolition landfill", a solid waste disposal
7 area used for the controlled disposal of demolition wastes,
8 construction materials, brush, wood wastes, soil, rock, concrete
9 and inert solids insoluble in water;

10 [(11)] (12) "Department", the department of natural
11 resources;

12 [(12)] (13) "Director", the director of the department of
13 natural resources;

14 [(13)] (14) "Disclosure statement", a sworn statement or
15 affirmation, in such form as may be required by the director of
16 the department of natural resources, which includes:

17 (a) The full names and business address of key personnel;

18 (b) The full name and business address of any entity, other
19 than a natural person, that collects, transfers, processes,
20 treats, stores, or disposes of solid waste in which all key
21 personnel holds an equity interest of seven percent or more;

22 (c) A description of the business experience of all key
23 personnel listed in the disclosure statement;

24 (d) For the five year period ending on the date the sworn
25 disclosure statement or affirmation is signed by key personnel:

26 a. A listing organized by issuing federal, state, or county
27 or county equivalent regulatory body of all environmental permits
28 or licenses for the collection, transfer, treatment, processing,

1 storage, or disposal of solid waste issued to or held by any key
2 personnel;

3 b. A listing and explanation of notices of violation which
4 shall by rule be defined, prosecutions, or other administrative
5 enforcement actions resulting in an adjudication or conviction;

6 c. A listing of license or permit suspensions, revocations,
7 or denials issued by any state, the federal government or a
8 county or county equivalent, which are pending or have concluded
9 with a finding of violation or entry of a consent agreement
10 regarding an allegation of civil or criminal violation of law,
11 regulation or requirement relating to the collection, transfer,
12 treatment, processing, storage, or disposal of solid waste or
13 violation of the environmental statutes of other states or
14 federal statutes;

15 d. An itemized list of all felony convictions under the
16 laws of the state of Missouri or the equivalent thereof under the
17 laws of any other jurisdiction; and a listing of any findings of
18 guilt for any crimes or criminal acts an element of which
19 involves restraint of trade, price-fixing, intimidation of the
20 customers of another person or for engaging in any other acts
21 which may have the effect of restraining or limiting competition
22 concerning activities regulated pursuant to this chapter or
23 similar laws of other states or the federal government including,
24 but not limited to, racketeering or violation of antitrust laws
25 of any key personnel;

26 (15) "District", a solid waste management district
27 established under section 260.305;

28 [(14)] (16) "Financial assurance instrument", an instrument

1 or instruments, including, but not limited to, cash or surety
2 bond, letters of credit, corporate guarantee or secured trust
3 fund, submitted by the applicant to ensure proper closure and
4 postclosure care and corrective action of a solid waste disposal
5 area in the event that the operator fails to correctly perform
6 closure and postclosure care and corrective action requirements,
7 except that the financial test for the corporate guarantee shall
8 not exceed one and one-half times the estimated cost of closure
9 and postclosure. The form and content of the financial assurance
10 instrument shall meet or exceed the requirements of the
11 department. The instrument shall be reviewed and approved or
12 disapproved by the attorney general;

13 [(15)] (17) "Flood area", any area inundated by the one
14 hundred year flood event, or the flood event with a one percent
15 chance of occurring in any given year;

16 [(16)] (18) "Household consumer", an individual who
17 generates used motor oil through the maintenance of the
18 individual's personal motor vehicle, vessel, airplane, or other
19 machinery powered by an internal combustion engine;

20 [(17)] (19) "Household consumer used motor oil collection
21 center", any site or facility that accepts or aggregates and
22 stores used motor oil collected only from household consumers or
23 farmers who generate an average of twenty-five gallons per month
24 or less of used motor oil in a calendar year. This section shall
25 not preclude a commercial generator from operating a household
26 consumer used motor oil collection center;

27 [(18)] (20) "Household consumer used motor oil collection
28 system", any used motor oil collection center at publicly owned

1 facilities or private locations, any curbside collection of
2 household consumer used motor oil, or any other household
3 consumer used motor oil collection program determined by the
4 department to further the purposes of sections 260.200 to
5 260.345;

6 [(19)] (21) "Infectious waste", waste in quantities and
7 characteristics as determined by the department by rule,
8 including isolation wastes, cultures and stocks of etiologic
9 agents, blood and blood products, pathological wastes, other
10 wastes from surgery and autopsy, contaminated laboratory wastes,
11 sharps, dialysis unit wastes, discarded biologicals known or
12 suspected to be infectious; provided, however, that infectious
13 waste does not mean waste treated to department specifications;

14 (22) "Key personnel", the applicant itself and any person
15 employed by the applicant in a managerial capacity, or empowered
16 to make discretionary decisions with respect to the solid waste
17 operations of the applicant in Missouri, but shall not include
18 employees exclusively engaged in the physical or mechanical
19 collection, transfer, transportation, treatment, processing,
20 storage, or disposal of solid waste and such other employees as
21 the director of the department of natural resources may designate
22 by regulation. If the applicant has not previously conducted
23 solid waste operations in Missouri, the term also includes any
24 officer, director, partner of the applicant, or any holder of
25 seven percent or more of the equity or debt of the applicant. If
26 any holder of seven percent or more of the equity or debt of the
27 applicant or of any key personnel is not a natural person, the
28 term includes all key personnel of that entity, provided that

1 where such entity is a chartered lending institution or a
2 reporting company under the federal Securities Exchange Act of
3 1934, the term does not include key personnel of such entity.
4 Provided further that the term means the chief executive officer
5 of any agency of the United States or of any agency or political
6 subdivision of the state of Missouri, and all key personnel of
7 any person, other than a natural person, that operates a landfill
8 or other facility for the collection, transfer, treatment,
9 processing, storage, or disposal of nonhazardous solid waste
10 under contract with or for one of those governmental entities;

11 _____ [(20)] (23) "Lead-acid battery", a battery designed to
12 contain lead and sulfuric acid with a nominal voltage of at least
13 six volts and of the type intended for use in motor vehicles and
14 watercraft;

15 [(21)] (24) "Major appliance", clothes washers and dryers,
16 water heaters, trash compactors, dishwashers, conventional ovens,
17 ranges, stoves, woodstoves, air conditioners, refrigerators and
18 freezers;

19 [(22)] (25) "Mercuric-oxide battery" or "mercury battery",
20 a battery having a mercuric-oxide positive electrode, a zinc
21 negative electrode, and an alkaline electrolyte, including
22 mercuric-oxide button cell batteries generally intended for use
23 in hearing aids and larger size mercuric-oxide batteries used
24 primarily in medical equipment;

25 [(23)] (26) "Minor violation", a violation which possesses
26 a small potential to harm the environment or human health or
27 cause pollution, was not knowingly committed, and is not defined
28 by the United States Environmental Protection Agency as other

1 than minor;

2 [(24)] (27) "Motor oil", any oil intended for use in a
3 motor vehicle, as defined in section 301.010, train, vessel,
4 airplane, heavy equipment, or other machinery powered by an
5 internal combustion engine;

6 [(25)] (28) "Motor vehicle", as defined in section 301.010;

7 [(26)] (29) "Operator" and "permittee", anyone so
8 designated, and shall include cities, counties, other political
9 subdivisions, authority, state agency or institution, or federal
10 agency or institution;

11 [(27)] (30) "Permit modification", any permit issued by the
12 department which alters or modifies the provisions of an existing
13 permit previously issued by the department;

14 [(28)] (31) "Person", any individual, partnership, limited
15 liability company, corporation, association, trust, institution,
16 city, county, other political subdivision, authority, state
17 agency or institution, or federal agency or institution, or any
18 other legal entity;

19 [(29)] (32) "Plasma arc technology", a process that
20 converts electrical energy into thermal energy. This electric
21 arc is created when an ionized gas transfers electric power
22 between two or more electrodes;

23 [(30)] (33) "Postclosure plan", plans, designs and relevant
24 data which specify the methods and schedule by which the operator
25 shall perform necessary monitoring and care for the area after
26 closure to achieve the purposes of sections 260.200 to 260.345
27 and the regulations promulgated thereunder;

28 [(31)] (34) "Recovered materials", those materials which

1 have been diverted or removed from the solid waste stream for
2 sale, use, reuse or recycling, whether or not they require
3 subsequent separation and processing;

4 [(32)] (35) "Recycled content", the proportion of fiber in
5 a newspaper which is derived from postconsumer waste;

6 [(33)] (36) "Recycling", the separation and reuse of
7 materials which might otherwise be disposed of as solid waste;

8 [(34)] (37) "Resource recovery", a process by which
9 recyclable and recoverable material is removed from the waste
10 stream to the greatest extent possible, as determined by the
11 department and pursuant to department standards, for reuse or
12 remanufacture;

13 [(35)] (38) "Resource recovery facility", a facility in
14 which recyclable and recoverable material is removed from the
15 waste stream to the greatest extent possible, as determined by
16 the department and pursuant to department standards, for reuse or
17 remanufacture;

18 [(36)] (39) "Sanitary landfill", a solid waste disposal
19 area which accepts commercial and residential solid waste;

20 [(37)] (40) "Scrap tire", a tire that is no longer suitable
21 for its original intended purpose because of wear, damage, or
22 defect;

23 [(38)] (41) "Scrap tire collection center", a site where
24 scrap tires are collected prior to being offered for recycling or
25 processing and where fewer than five hundred tires are kept on
26 site on any given day;

27 [(39)] (42) "Scrap tire end-user facility", a site where
28 scrap tires are used as a fuel or fuel supplement or converted

1 into a useable product. Baled or compressed tires used in
2 structures, or used at recreational facilities, or used for flood
3 or erosion control shall be considered an end use;

4 [(40)] (43) "Scrap tire generator", a person who sells
5 tires at retail or any other person, firm, corporation, or
6 government entity that generates scrap tires;

7 [(41)] (44) "Scrap tire processing facility", a site where
8 tires are reduced in volume by shredding, cutting, or chipping or
9 otherwise altered to facilitate recycling, resource recovery, or
10 disposal;

11 [(42)] (45) "Scrap tire site", a site at which five hundred
12 or more scrap tires are accumulated, but not including a site
13 owned or operated by a scrap tire end-user that burns scrap tires
14 for the generation of energy or converts scrap tires to a useful
15 product;

16 [(43)] (46) "Solid waste", garbage, refuse and other
17 discarded materials including, but not limited to, solid and
18 semisolid waste materials resulting from industrial, commercial,
19 agricultural, governmental and domestic activities, but does not
20 include hazardous waste as defined in sections 260.360 to
21 260.432, recovered materials, overburden, rock, tailings, matte,
22 slag or other waste material resulting from mining, milling or
23 smelting;

24 [(44)] (47) "Solid waste disposal area", any area used for
25 the disposal of solid waste from more than one residential
26 premises, or one or more commercial, industrial, manufacturing,
27 recreational, or governmental operations;

28 [(45)] (48) "Solid waste fee", a fee imposed pursuant to

1 sections 260.200 to 260.345 and may be:

2 (a) A solid waste collection fee imposed at the point of
3 waste collection; or

4 (b) A solid waste disposal fee imposed at the disposal
5 site;

6 [(46)] (49) "Solid waste management area", a solid waste
7 disposal area which also includes one or more of the functions
8 contained in the definitions of recycling, resource recovery
9 facility, waste tire collection center, waste tire processing
10 facility, waste tire site or solid waste processing facility,
11 excluding incineration;

12 [(47)] (50) "Solid waste management system", the entire
13 process of managing solid waste in a manner which minimizes the
14 generation and subsequent disposal of solid waste, including
15 waste reduction, source separation, collection, storage,
16 transportation, recycling, resource recovery, volume
17 minimization, processing, market development, and disposal of
18 solid wastes;

19 [(48)] (51) "Solid waste processing facility", any facility
20 where solid wastes are salvaged and processed, including:

21 (a) A transfer station; or

22 (b) An incinerator which operates with or without energy
23 recovery but excluding waste tire end-user facilities; or

24 (c) A material recovery facility which operates with or
25 without composting;

26 (d) A plasma arc technology facility;

27 [(49)] (52) "Solid waste technician", an individual who has
28 successfully completed training in the practical aspects of the

1 design, operation and maintenance of a permitted solid waste
2 processing facility or solid waste disposal area in accordance
3 with sections 260.200 to 260.345;

4 [(50)] (53) "Tire", a continuous solid or pneumatic rubber
5 covering encircling the wheel of any self-propelled vehicle not
6 operated exclusively upon tracks, or a trailer as defined in
7 chapter 301, except farm tractors and farm implements owned and
8 operated by a family farm or family farm corporation as defined
9 in section 350.010;

10 [(51)] (54) "Used motor oil", any motor oil which, as a
11 result of use, becomes unsuitable for its original purpose due to
12 loss of original properties or the presence of impurities, but
13 used motor oil shall not include ethylene glycol, oils used for
14 solvent purposes, oil filters that have been drained of free
15 flowing used oil, oily waste, oil recovered from oil tank
16 cleaning operations, oil spilled to land or water, or industrial
17 nonlube oils such as hydraulic oils, transmission oils, quenching
18 oils, and transformer oils;

19 [(52)] (55) "Utility waste landfill", a solid waste
20 disposal area used for fly ash waste, bottom ash waste, slag
21 waste and flue gas emission control waste generated primarily
22 from the combustion of coal or other fossil fuels;

23 [(53)] (56) "Yard waste", leaves, grass clippings, yard and
24 garden vegetation and Christmas trees. The term does not include
25 stumps, roots or shrubs with intact root balls.

26 2. For the purposes of this section and sections 260.270 to
27 260.279 and any rules in place as of August 28, 2005, or
28 promulgated under said sections, the term "scrap" shall be used

1 synonymously with and in place of waste, as it applies only to
2 scrap tires.

3 260.205. 1. It shall be unlawful for any person to operate
4 a solid waste processing facility or solid waste disposal area of
5 a solid waste management system without first obtaining an
6 operating permit from the department. It shall be unlawful for
7 any person to construct a solid waste processing facility or
8 solid waste disposal area without first obtaining a construction
9 permit from the department pursuant to this section. A current
10 authorization to operate issued by the department pursuant to
11 sections 260.200 to 260.345 shall be considered to be a permit to
12 operate for purposes of this section for all solid waste disposal
13 areas and processing facilities existing on August 28, 1995. A
14 permit shall not be issued for a sanitary landfill to be located
15 in a flood area, as determined by the department, where flood
16 waters are likely to significantly erode final cover. A permit
17 shall not be required to operate a waste stabilization lagoon,
18 settling pond or other water treatment facility which has a valid
19 permit from the Missouri clean water commission even though the
20 facility may receive solid or semisolid waste materials.

21 2. No person or operator may apply for or obtain a permit
22 to construct a solid waste disposal area unless the person has
23 requested the department to conduct a preliminary site
24 investigation and obtained preliminary approval from the
25 department. The department shall, within sixty days of such
26 request, conduct a preliminary investigation and approve or
27 disapprove the site.

28 3. All proposed solid waste disposal areas for which a

1 preliminary site investigation request pursuant to subsection 2
2 of this section is received by the department on or after August
3 28, 1999, shall be subject to a public involvement activity as
4 part of the permit application process. The activity shall
5 consist of the following:

6 (1) The applicant shall notify the public of the
7 preliminary site investigation approval within thirty days after
8 the receipt of such approval. Such public notification shall be
9 by certified mail to the governing body of the county or city in
10 which the proposed disposal area is to be located and by
11 certified mail to the solid waste management district in which
12 the proposed disposal area is to be located;

13 (2) Within ninety days after the preliminary site
14 investigation approval, the department shall conduct a public
15 awareness session in the county in which the proposed disposal
16 area is to be located. The department shall provide public
17 notice of such session by both printed and broadcast media at
18 least thirty days prior to such session. Printed notification
19 shall include publication in at least one newspaper having
20 general circulation within the county in which the proposed
21 disposal area is to be located. Broadcast notification shall
22 include public service announcements on radio stations that have
23 broadcast coverage within the county in which the proposed
24 disposal area is to be located. The intent of such public
25 awareness session shall be to provide general information to
26 interested citizens on the design and operation of solid waste
27 disposal areas;

28 (3) At least sixty days prior to the submission to the

1 department of a report on the results of a detailed site
2 investigation pursuant to subsection 4 of this section, the
3 applicant shall conduct a community involvement session in the
4 county in which the proposed disposal area is to be located.
5 Department staff shall attend any such session. The applicant
6 shall provide public notice of such session by both printed and
7 broadcast media at least thirty days prior to such session.
8 Printed notification shall include publication in at least one
9 newspaper having general circulation within the county in which
10 the proposed disposal area is to be located. Broadcast
11 notification shall include public service announcements on radio
12 stations that have broadcast coverage within the county in which
13 the proposed disposal area is to be located. Such public notices
14 shall include the addresses of the applicant and the department
15 and information on a public comment period. Such public comment
16 period shall begin on the day of the community involvement
17 session and continue for at least thirty days after such session.
18 The applicant shall respond to all persons submitting comments
19 during the public comment period no more than thirty days after
20 the receipt of such comments;

21 (4) If a proposed solid waste disposal area is to be
22 located in a county or city that has local planning and zoning
23 requirements, the applicant shall not be required to conduct a
24 community involvement session if the following conditions are
25 met:

26 (a) The local planning and zoning requirements include a
27 public meeting;

28 (b) The applicant notifies the department of intent to

1 utilize such meeting in lieu of the community involvement session
2 at least thirty days prior to such meeting;

3 (c) The requirements of such meeting include providing
4 public notice by printed or broadcast media at least thirty days
5 prior to such meeting;

6 (d) Such meeting is held at least thirty days prior to the
7 submission to the department of a report on the results of a
8 detailed site investigation pursuant to subsection 4 of this
9 section;

10 (e) The applicant submits to the department a record of
11 such meeting;

12 (f) A public comment period begins on the day of such
13 meeting and continues for at least fourteen days after such
14 meeting, and the applicant responds to all persons submitting
15 comments during such public comment period no more than fourteen
16 days after the receipt of such comments.

17 4. No person may apply for or obtain a permit to construct
18 a solid waste disposal area unless the person has submitted to
19 the department a plan for conducting a detailed surface and
20 subsurface geologic and hydrologic investigation and has obtained
21 geologic and hydrologic site approval from the department. The
22 department shall approve or disapprove the plan within thirty
23 days of receipt. The applicant shall conduct the investigation
24 pursuant to the plan and submit the results to the department.
25 The department shall provide approval or disapproval within sixty
26 days of receipt of the investigation results.

27 5. (1) Every person desiring to construct a solid waste
28 processing facility or solid waste disposal area shall make

1 application for a permit on forms provided for this purpose by
2 the department. Every applicant shall submit evidence of
3 financial responsibility with the application. Any applicant who
4 relies in part upon a parent corporation for this demonstration
5 shall also submit evidence of financial responsibility for that
6 corporation and any other subsidiary thereof.

7 (2) Every applicant shall provide a financial assurance
8 instrument or instruments to the department prior to the granting
9 of a construction permit for a solid waste disposal area. The
10 financial assurance instrument or instruments shall be
11 irrevocable, meet all requirements established by the department
12 and shall not be cancelled, revoked, disbursed, released or
13 allowed to terminate without the approval of the department.
14 After the cessation of active operation of a sanitary landfill,
15 or other solid waste disposal area as designed by the department,
16 neither the guarantor nor the operator shall cancel, revoke or
17 disburse the financial assurance instrument or allow the
18 instrument to terminate until the operator is released from
19 postclosure monitoring and care responsibilities pursuant to
20 section 260.227.

21 (3) The applicant for a permit to construct a solid waste
22 disposal area shall provide the department with plans,
23 specifications, and such other data as may be necessary to comply
24 with the purpose of sections 260.200 to 260.345. The application
25 shall demonstrate compliance with all applicable local planning
26 and zoning requirements. The department shall make an
27 investigation of the solid waste disposal area and determine
28 whether it complies with the provisions of sections 260.200 to

1 260.345 and the rules and regulations adopted pursuant to
2 sections 260.200 to 260.345. Within twelve consecutive months of
3 the receipt of an application for a construction permit the
4 department shall approve or deny the application. The department
5 shall issue rules and regulations establishing time limits for
6 permit modifications and renewal of a permit for a solid waste
7 disposal area. The time limit shall be consistent with this
8 chapter.

9 (4) The applicant for a permit to construct a solid waste
10 processing facility shall provide the department with plans,
11 specifications and such other data as may be necessary to comply
12 with the purpose of sections 260.200 to 260.345. Within one
13 hundred eighty days of receipt of the application, the department
14 shall determine whether it complies with the provisions of
15 sections 260.200 to 260.345. Within twelve consecutive months of
16 the receipt of an application for a permit to construct an
17 incinerator as defined in section 260.200 or a material recovery
18 facility as defined in section 260.200, and within six months for
19 permit modifications, the department shall approve or deny the
20 application. Permits issued for solid waste facilities shall be
21 for the anticipated life of the facility.

22 (5) If the department fails to approve or deny an
23 application for a permit or a permit modification within the time
24 limits specified in subdivisions (3) and (4) of this subsection,
25 the applicant may maintain an action in the circuit court of Cole
26 County or that of the county in which the facility is located or
27 is to be sited. The court shall order the department to show
28 cause why it has not acted on the permit and the court may, upon

1 the presentation of evidence satisfactory to the court, order the
2 department to issue or deny such permit or permit modification.
3 Permits for solid waste disposal areas, whether issued by the
4 department or ordered to be issued by a court, shall be for the
5 anticipated life of the facility.

6 (6) The applicant for a permit to construct a solid waste
7 processing facility shall pay an application fee of one thousand
8 dollars. Upon completion of the department's evaluation of the
9 application, but before receiving a permit, the applicant shall
10 reimburse the department for all reasonable costs incurred by the
11 department up to a maximum of four thousand dollars. The
12 applicant for a permit to construct a solid waste disposal area
13 shall pay an application fee of two thousand dollars. Upon
14 completion of the department's evaluations of the application,
15 but before receiving a permit, the applicant shall reimburse the
16 department for all reasonable costs incurred by the department up
17 to a maximum of eight thousand dollars. Applicants who withdraw
18 their application before the department completes its evaluation
19 shall be required to reimburse the department for costs incurred
20 in the evaluation. The department shall not collect the fees
21 authorized in this subdivision unless it complies with the time
22 limits established in this section.

23 (7) When the review reveals that the facility or area does
24 conform with the provisions of sections 260.200 to 260.345 and
25 the rules and regulations adopted pursuant to sections 260.200 to
26 260.345, the department shall approve the application and shall
27 issue a permit for the construction of each solid waste
28 processing facility or solid waste disposal area as set forth in

1 the application and with any permit terms and conditions which
2 the department deems appropriate. In the event that the facility
3 or area fails to meet the rules and regulations adopted pursuant
4 to sections 260.200 to 260.345, the department shall issue a
5 report to the applicant stating the reason for denial of a
6 permit.

7 6. Plans, designs, and relevant data for the construction
8 of solid waste processing facilities and solid waste disposal
9 areas shall be submitted to the department by a registered
10 professional engineer licensed by the state of Missouri for
11 approval prior to the construction, alteration or operation of
12 such a facility or area.

13 7. Any person or operator as defined in section 260.200 who
14 intends to obtain a construction permit in a solid waste
15 management district with an approved solid waste management plan
16 shall request a recommendation in support of the application from
17 the executive board created in section 260.315. The executive
18 board shall consider the impact of the proposal on, and the
19 extent to which the proposal conforms to, the approved district
20 solid waste management plan prepared pursuant to section 260.325.
21 The executive board shall act upon the request for a
22 recommendation within sixty days of receipt and shall submit a
23 resolution to the department specifying its position and its
24 recommendation regarding conformity of the application to the
25 solid waste plan. The board's failure to submit a resolution
26 constitutes recommendation of the application. The department
27 may consider the application, regardless of the board's action
28 thereon and may deny the construction permit if the application

1 fails to meet the requirements of sections 260.200 to 260.345, or
2 if the application is inconsistent with the district's solid
3 waste management plan.

4 8. If the site proposed for a solid waste disposal area is
5 not owned by the applicant, the owner or owners of the site shall
6 acknowledge that an application pursuant to sections 260.200 to
7 260.345 is to be submitted by signature or signatures thereon.
8 The department shall provide the owner with copies of all
9 communication with the operator, including inspection reports and
10 orders issued pursuant to section 260.230.

11 9. The department shall not issue a permit for the
12 operation of a solid waste disposal area designed to serve a city
13 with a population of greater than four hundred thousand located
14 in more than one county, if the site is located within one-half
15 mile of an adjoining municipality, without the approval of the
16 governing body of such municipality. The governing body shall
17 conduct a public hearing within fifteen days of notice, shall
18 publicize the hearing in at least one newspaper having general
19 circulation in the municipality, and shall vote to approve or
20 disapprove the land disposal facility within thirty days after
21 the close of the hearing.

22 10. Upon receipt of an application for a permit to
23 construct a solid waste processing facility or disposal area, the
24 department shall notify the public of such receipt:

25 (1) By legal notice published in a newspaper of general
26 circulation in the area of the proposed disposal area or
27 processing facility;

28 (2) By certified mail to the governing body of the county

1 or city in which the proposed disposal area or processing
2 facility is to be located; and

3 (3) By mail to the last known address of all record owners
4 of contiguous real property or real property located within one
5 thousand feet of the proposed disposal area and, for a proposed
6 processing facility, notice as provided in section 64.875 or
7 section 89.060, whichever is applicable.

8 (4) If an application for a construction permit meets all
9 statutory and regulatory requirements for issuance, a public
10 hearing on the draft permit shall be held by the department in
11 the county in which the proposed solid waste disposal area is to
12 be located prior to the issuance of the permit. The department
13 shall provide public notice of such hearing by both printed and
14 broadcast media at least thirty days prior to such hearing.
15 Printed notification shall include publication in at least one
16 newspaper having general circulation within the county in which
17 the proposed disposal area is to be located. Broadcast
18 notification shall include public service announcements on radio
19 stations that have broadcast coverage within the county in which
20 the proposed disposal area is to be located.

21 11. After the issuance of a construction permit for a solid
22 waste disposal area, but prior to the beginning of disposal
23 operations, the owner and the department shall execute an
24 easement to allow the department, its agents or its contractors
25 to enter the premises to complete work specified in the closure
26 plan, or to monitor or maintain the site or to take remedial
27 action during the postclosure period. After issuance of a
28 construction permit for a solid waste disposal area, but prior to

1 the beginning of disposal operations, the owner shall submit
2 evidence that he or she has recorded, in the office of the
3 recorder of deeds in the county where the disposal area is
4 located, a notice and covenant running with the land that the
5 property has been permitted as a solid waste disposal area and
6 prohibits use of the land in any manner which interferes with the
7 closure and, where appropriate, postclosure plans filed with the
8 department.

9 12. Every person desiring to obtain a permit to operate a
10 solid waste disposal area or processing facility shall submit
11 applicable information and apply for an operating permit from the
12 department. The department shall review the information and
13 determine, within sixty days of receipt, whether it complies with
14 the provisions of sections 260.200 to 260.345 and the rules and
15 regulations adopted pursuant to sections 260.200 to 260.345.
16 When the review reveals that the facility or area does conform
17 with the provisions of sections 260.200 to 260.345 and the rules
18 and regulations adopted pursuant to sections 260.200 to 260.345,
19 the department shall issue a permit for the operation of each
20 solid waste processing facility or solid waste disposal area and
21 with any permit terms and conditions which the department deems
22 appropriate. In the event that the facility or area fails to
23 meet the rules and regulations adopted pursuant to sections
24 260.200 to 260.345, the department shall issue a report to the
25 applicant stating the reason for denial of a permit.

26 13. Each solid waste disposal area, except utility waste
27 landfills unless otherwise and to the extent required by the
28 department, and those solid waste processing facilities

1 designated by rule, shall be operated under the direction of a
2 certified solid waste technician in accordance with sections
3 260.200 to 260.345 and the rules and regulations promulgated
4 pursuant to sections 260.200 to 260.345.

5 14. Base data for the quality and quantity of groundwater
6 in the solid waste disposal area shall be collected and submitted
7 to the department prior to the operation of a new or expansion of
8 an existing solid waste disposal area. Base data shall include a
9 chemical analysis of groundwater drawn from the proposed solid
10 waste disposal area.

11 15. Leachate collection and removal systems shall be
12 incorporated into new or expanded sanitary landfills which are
13 permitted after August 13, 1986. The department shall assess the
14 need for a leachate collection system for all types of solid
15 waste disposal areas, other than sanitary landfills, and the need
16 for monitoring wells when it evaluates the application for all
17 new or expanded solid waste disposal areas. The department may
18 require an operator of a solid waste disposal area to install a
19 leachate collection system before the beginning of disposal
20 operations, at any time during disposal operations for unfilled
21 portions of the area, or for any portion of the disposal area as
22 a part of a remedial plan. The department may require the
23 operator to install monitoring wells before the beginning of
24 disposal operations or at any time during the operational life or
25 postclosure care period if it concludes that conditions at the
26 area warrant such monitoring. The operator of a demolition
27 landfill or utility waste landfill shall not be required to
28 install a leachate collection and removal system or monitoring

1 wells unless otherwise and to the extent the department so
2 requires based on hazardous waste characteristic criteria or site
3 specific geohydrological characteristics or conditions.

4 16. Permits granted by the department, as provided in
5 sections 260.200 to 260.345, shall be subject to suspension for a
6 designated period of time, civil penalty or revocation whenever
7 the department determines that the solid waste processing
8 facility or solid waste disposal area is, or has been, operated
9 in violation of sections 260.200 to 260.345 or the rules or
10 regulations adopted pursuant to sections 260.200 to 260.345, or
11 has been operated in violation of any permit terms and
12 conditions, or is creating a public nuisance, health hazard, or
13 environmental pollution. In the event a permit is suspended or
14 revoked, the person named in the permit shall be fully informed
15 as to the reasons for such action.

16 17. Each permit for operation of a facility or area shall
17 be issued only to the person named in the application. Permits
18 are transferable as a modification to the permit. An application
19 to transfer ownership shall identify the proposed permittee. A
20 disclosure statement for the proposed permittee listing
21 violations contained in [subsection 19 of this section] the
22 definition of disclosure statement found in section 260.200 shall
23 be submitted to the department. The operation and design plans
24 for the facility or area shall be updated to provide compliance
25 with the currently applicable law and rules. A financial
26 assurance instrument in such an amount and form as prescribed by
27 the department shall be provided for solid waste disposal areas
28 by the proposed permittee prior to transfer of the permit. The

1 financial assurance instrument of the original permittee shall
2 not be released until the new permittee's financial assurance
3 instrument has been approved by the department and the transfer
4 of ownership is complete.

5 18. Those solid waste disposal areas permitted on January
6 1, 1996, shall, upon submission of a request for permit
7 modification, be granted a solid waste management area operating
8 permit if the request meets reasonable requirements set out by
9 the department.

10 19. In case a permit required pursuant to this section is
11 denied or revoked, the person may request a hearing in accordance
12 with section 260.235.

13 20. [Any person seeking a permit or renewal of a permit to
14 operate a commercial solid waste processing facility, or a solid
15 waste disposal area shall, concurrently with the filing of
16 application for a permit, file a disclosure statement with the
17 department of natural resources. The disclosure statement shall
18 include, but not be limited to, a listing of any felony
19 convictions by state or federal agencies, and a listing of other
20 enforcement actions, sanctions, permit revocations or denials by
21 any state or federal authority of every person seeking a permit,
22 including officers, directors, partners and facility or location
23 managers of each person seeking a permit, any violations of
24 Missouri environmental statutes, violations of the environmental
25 statutes of other states or federal statutes and a listing of
26 convictions for any crimes or criminal acts, an element of which
27 involves restraint of trade, price-fixing, intimidation of the
28 customers of another person or for engaging in any other acts

1 which may have the effect of restraining or limiting competition
2 concerning activities regulated pursuant to this chapter or
3 similar laws of other states or the federal government; except
4 that convictions for violations by entities purchased or acquired
5 by an applicant or permittee which occurred prior to the purchase
6 or acquisition shall not be included. The department shall by
7 rule, define those environmental violations which must be
8 reported pursuant to this section. For purposes of this section,
9 additional persons as required by rule shall be named in the
10 statement and violations or convictions of such persons shall be
11 listed. The department or its representative shall verify the
12 information provided on the disclosure statement prior to permit
13 issuance. The disclosure statement shall be used by the
14 department in determining whether a permit should be granted or
15 denied on the basis of the applicant's status as a habitual
16 violator; however, the department has the authority to make a
17 habitual violator determination independent of the information
18 contained in the disclosure statement. After permit issuance,
19 each facility shall annually file an updated disclosure statement
20 with the department of natural resources on or before March
21 thirty-first of each year. Any county, district, municipality,
22 authority or other political subdivision of this state which owns
23 and operates a sanitary landfill shall be exempt from the
24 provisions of this subsection] Every applicant for a permit shall
25 file a disclosure statement with the information required by and
26 on a form developed by the department of natural resources at the
27 same time the application for a permit is filed with the
28 department.

1 21. [Any person seeking a permit to operate a solid waste
2 disposal area, a solid waste processing facility or a resource
3 recovery facility shall, concurrently with the filing of the
4 application for a permit, disclose any convictions in this state
5 of municipal or county public health or land use ordinances
6 related to the management of solid waste. If the department
7 finds that there has been a continuing pattern of serious
8 adjudicated violations by the applicant, the department may deny
9 the application] Upon request of the director of the department
10 of natural resources, the applicant for a permit, any person that
11 could reasonably be expected to be involved in management
12 activities of the solid waste disposal area or solid waste
13 processing facility, or any person who has a controlling interest
14 in any permittee shall be required to submit to a criminal
15 background check under section 43.543.

16 22. All persons required to file a disclosure statement
17 shall provide any assistance or information requested by the
18 director or by the Missouri state highway patrol and shall
19 cooperate in any inquiry or investigation conducted by the
20 department and any inquiry, investigation or hearing conducted by
21 the director. If, upon issuance of a formal request to answer
22 any inquiry or produce information, evidence or testimony, any
23 person required to file a disclosure statement refuses to comply,
24 the application of an applicant or the permit of a permittee may
25 be denied or revoked by the director.

26 23. If any of the information required to be included in
27 the disclosure statement changes, or if any additional
28 information should be added after the filing of the statement,

1 the person required to file it shall provide that information to
2 the director in writing, within thirty days after the change or
3 addition. The failure to provide such information within thirty
4 days may constitute the basis for the revocation of or denial of
5 an application for any permit issued or applied for in accordance
6 with this section, but only if, prior to any such denial or
7 revocation, the director notifies the applicant or permittee of
8 the director's intention to do so and gives the applicant or
9 permittee fourteen days from the date of the notice to explain
10 why the information was not provided within the required thirty-
11 day period. The director shall consider this information when
12 determining whether to revoke, deny or conditionally grant the
13 permit.

14 24. No person shall be required to submit the disclosure
15 statement required by this section if the person is a corporation
16 or an officer, director or shareholder of that corporation or any
17 subsidiary thereof, and that corporation:

18 (1) Has on file and in effect with the federal Securities
19 and Exchange Commission a registration statement required under
20 Section 5, Chapter 38, Title 1 of the Securities Act of 1933, as
21 amended, 15 U.S.C. Section 77e(c);

22 (2) Submits to the director with the application for a
23 permit evidence of the registration described in subdivision (1)
24 of this subsection and a copy of the corporation's most recent
25 annual form 10-K or an equivalent report; and

26 (3) Submits to the director on the anniversary date of the
27 issuance of any permit it holds under the Missouri solid waste
28 management law evidence of registration described in subdivision

1 (1) of this subsection and a copy of the corporation's most
2 recent annual form 10-K or an equivalent report.

3 25. After permit issuance, each facility shall annually
4 file an update to the disclosure statement with the department of
5 natural resources on or before March thirty-first of each year.
6 Failure to provide such update may result in penalties as
7 provided for under section 260.240.

8 26. Any county, district, municipality, authority, or other
9 political subdivision of this state which owns and operates a
10 sanitary landfill shall be exempt from the requirement for the
11 filing of the disclosure statement and annual update to the
12 disclosure statement.

13 27. Any person seeking a permit to operate a solid waste
14 disposal area, a solid waste processing facility, or a resource
15 recovery facility shall, concurrently with the filing of the
16 application for a permit, disclose any convictions in this state,
17 county or county equivalent public health or land use ordinances
18 related to the management of solid waste. If the department
19 finds that there has been a continuing pattern of adjudicated
20 violations by the applicant, the department may deny the
21 application.

22 28. No permit to construct or permit to operate shall be
23 required pursuant to this section for any utility waste landfill
24 located in a county of the third classification with a township
25 form of government which has a population of at least eleven
26 thousand inhabitants and no more than twelve thousand five
27 hundred inhabitants according to the most recent decennial
28 census, if such utility waste landfill complies with all design

1 and operating standards and closure requirements applicable to
2 utility waste landfills pursuant to sections 260.200 to 260.345
3 and provided that no waste disposed of at such utility waste
4 landfill is considered hazardous waste pursuant to the Missouri
5 hazardous waste law.

6 260.214. 1. Preliminary site investigation approval shall
7 not be required for any municipal utility located in a county of
8 the first classification with more than two hundred sixty but
9 fewer than three hundred thousand inhabitants to proceed with a
10 utility waste landfill detailed site investigation. Nothing in
11 this section shall preclude the department from exercising its
12 existing authority to approve or disapprove the site upon
13 completion of the detailed site investigation. Solely for
14 purposes of conducting the public involvement activity described
15 in subsection 3 of section 260.205, the effective date of this
16 section shall be considered the date of approval of the
17 preliminary site investigation.

18 2. If any provision of this section or the application
19 thereof to anyone or to any circumstance is held invalid, the
20 remainder of this act and the application of such provisions to
21 others or other circumstances shall not be affected thereby.

22 260.235. [1.] Any person aggrieved by a forfeiture of any
23 financial assurance instrument, civil or administrative penalty
24 or denial, suspension or revocation of a permit required by
25 section 260.205 or a modification to a permit issued under
26 section 260.205 or any disapproval of the plan required by
27 section 260.220, may [within thirty days of notice of such action
28 request a hearing] appeal such decision as provided in section

1 621.250, subject to judicial review as provided by law. The
2 notice of the department shall be effected by certified mail and
3 shall set forth the reasons for such forfeiture, disapproval,
4 denial, suspension, civil penalty or revocation. The department
5 may seek an injunction in the circuit court in which the facility
6 is located requiring the facility for which the transfer of
7 ownership has been denied, or the permit or modification of the
8 permit has been denied, suspended or revoked, to cease operations
9 from the date ordered by the court until such time as the appeal
10 is resolved or obtain a performance bond in the amount and manner
11 as prescribed by rule. The department's action seeking an
12 injunction shall be based on the seriousness of the threat to the
13 environment which continued operation of the facility poses.

14 **[The] A bond may be required in order to stay the effect of the**
15 **department's action until the appeal is resolved, in which case**
16 **such bond** shall remain in place until the appeal is resolved. If
17 the department's decision is upheld, the bond shall be forfeited
18 and placed in a separate subaccount of the solid waste management
19 fund.

20 [2. The hearing shall be conducted by the director or his
21 designated representative in accordance with the procedures set
22 forth in sections 536.070, 536.073, 536.077, 536.080, and
23 536.090. The decision of the department shall become final thirty
24 days after delivery or certified mailing of a copy of it to the
25 person. Such decisions may be appealed to the administrative
26 hearing commission pursuant to sections 536.063 to 536.095 and
27 shall be subject to judicial review of a final decision as
28 provided in sections 536.100 to 536.140.]

1 260.249. 1. In addition to any other remedy provided by
2 law, upon a determination by the director that a provision of
3 sections 260.200 to 260.281, or a standard, limitation, order,
4 rule or regulation promulgated pursuant thereto, or a term or
5 condition of any permit has been violated, the director may issue
6 an order assessing an administrative penalty upon the violator
7 under this section. An administrative penalty shall not be
8 imposed until the director has sought to resolve the violations
9 through conference, conciliation and persuasion and shall not be
10 imposed for minor violations of sections 260.200 to 260.281 or
11 minor violation of any standard, limitation, order, rule or
12 regulation promulgated pursuant to sections 260.200 to 260.281 or
13 minor violations of any term or condition of a permit issued
14 pursuant to sections 260.200 to 260.281 or any violations of
15 sections 260.200 to 260.281 by any person resulting from
16 mismanagement of solid waste generated and managed on the
17 property of the place of residence of the person. If the
18 violation is resolved through conference, conciliation and
19 persuasion, no administrative penalty shall be assessed unless
20 the violation has caused, or has the potential to cause, a risk
21 to human health or to the environment, or has caused or has
22 potential to cause pollution, or was knowingly committed, or is
23 defined by the United States Environmental Protection Agency as
24 other than minor. Any order assessing an administrative penalty
25 shall state that an administrative penalty is being assessed
26 under this section and that the person subject to the penalty may
27 appeal as provided by section 260.235 and section 621.250. Any
28 such order that fails to state the statute under which the

1 penalty is being sought, the manner of collection or rights of
2 appeal shall result in the state's waiving any right to
3 collection of the penalty.

4 2. The department shall promulgate rules and regulations
5 for the assessment of administrative penalties. The amount of
6 the administrative penalty assessed per day of violation for each
7 violation under this section shall not exceed the amount of the
8 civil penalty specified in section 260.240. Such rules shall
9 reflect the criteria used for the administrative penalty matrix
10 as provided for in the Resource Conservation and Recovery Act, 42
11 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm
12 which the violation causes, or may cause, the violator's previous
13 compliance record, and any other factors which the department may
14 reasonably deem relevant. An administrative penalty shall be
15 paid within sixty days from the date of issuance of the order
16 assessing the penalty. Any person subject to an administrative
17 penalty may appeal as provided in section 260.235 and section
18 621.250. Any appeal will stay the due date of such
19 administrative penalty until the appeal is resolved. Any person
20 who fails to pay an administrative penalty by the final due date
21 shall be liable to the state for a surcharge of fifteen percent
22 of the penalty plus ten percent per annum on any amounts owed.
23 Any administrative penalty paid pursuant to this section shall be
24 handled in accordance with section 7 of article IX of the state
25 constitution. An action may be brought in the appropriate
26 circuit court to collect any unpaid administrative penalty, and
27 for attorney's fees and costs incurred directly in the collection
28 thereof.

1 3. An administrative penalty shall not be increased in
2 those instances where department action, or failure to act, has
3 caused a continuation of the violation that was a basis for the
4 penalty. Any administrative penalty must be assessed within two
5 years following the department's initial discovery of such
6 alleged violation, or from the date the department in the
7 exercise of ordinary diligence should have discovered such
8 alleged violation.

9 4. The state may elect to assess an administrative penalty,
10 or, in lieu thereof, to request that the attorney general or
11 prosecutor file an appropriate legal action seeking a civil
12 penalty in the appropriate circuit court.

13 5. Any final order imposing an administrative penalty [is
14 subject to judicial review upon the filing of a petition pursuant
15 to section 536.100] may be appealed by any person subject to the
16 administrative penalty as provided in section 260.235 and section
17 621.250, subject to judicial review as provided by law. No
18 judicial review shall be available until all administrative
19 remedies are exhausted.

20 260.262. A person selling lead-acid batteries at retail or
21 offering lead-acid batteries for retail sale in the state shall:

22 (1) Accept, at the point of transfer, in a quantity at
23 least equal to the number of new lead-acid batteries purchased,
24 used lead-acid batteries from customers, if offered by customers;

25 (2) Post written notice which must be at least four inches
26 by six inches in size and must contain the universal recycling
27 symbol and the following language:

28 (a) It is illegal to discard a motor vehicle battery or

1 other lead-acid battery;

2 (b) Recycle your used batteries; and

3 (c) State law requires us to accept used motor vehicle
4 batteries, or other lead-acid batteries for recycling, in
5 exchange for new batteries purchased; and

6 (3) Manage used lead-acid batteries in a manner consistent
7 with the requirements of the state hazardous waste law;

8 (4) Collect at the time of sale a fee of fifty cents for
9 each lead-acid battery sold. Such fee shall be added to the
10 total cost to the purchaser at retail after all applicable sales
11 taxes on the battery have been computed. The fee imposed, less
12 six percent of fees collected, which shall be retained by the
13 seller as collection costs, shall be paid to the department of
14 revenue in the form and manner required by the department and
15 shall include the total number of batteries sold during the
16 preceding month. The department of revenue shall promulgate
17 rules and regulations necessary to administer the fee collection
18 and enforcement. The terms "sold at retail" and "retail sales"
19 do not include the sale of batteries to a person solely for the
20 purpose of resale, if the subsequent retail sale in this state is
21 to the ultimate consumer and is subject to the fee. However,
22 this fee shall not be paid on batteries sold for use in
23 agricultural operations upon written certification by the
24 purchaser; and

25 (5) The department of revenue shall administer, collect,
26 and enforce the fee authorized pursuant to this section pursuant
27 to the same procedures used in the administration, collection,
28 and enforcement of the general state sales and use tax imposed

1 pursuant to chapter 144 except as provided in this section. The
2 proceeds of the battery fee, less four percent of the proceeds,
3 which shall be retained by the department of revenue as
4 collection costs, shall be transferred by the department of
5 revenue into the hazardous waste fund, created pursuant to
6 section 260.391. The fee created in subdivision (4) and this
7 subdivision shall be effective October 1, 2005. The provisions
8 of subdivision (4) and this subdivision shall terminate December
9 31, [2013] 2018.

10 260.320. 1. The executive board shall meet within thirty
11 days after the selection of the initial members. The time and
12 place of the first meeting of the board shall be designated by
13 the council. A majority of the members of the board shall
14 constitute a quorum. At its first meeting the board shall elect
15 a chairman from its members and select a secretary, treasurer and
16 such officers or employees as it deems expedient or necessary for
17 the accomplishment of its purposes. The secretary and treasurer
18 need not be members of the board.

19 2. The executive board may adopt, alter or repeal its own
20 bylaws, rules and regulations governing the manner in which its
21 business may be transacted, including procedures for the
22 replacement of persons who habitually fail to attend board
23 meetings, and may establish its fiscal year, adopt an official
24 seal, apply for and accept grants, gifts or appropriations from
25 any public or private sector, make all expenditures which are
26 incidental and necessary to carry out its purposes and powers,
27 and take such action, enter into such agreements and exercise all
28 other powers and functions necessary or appropriate to carry out

1 the duties and purposes of sections 260.200 to 260.345.

2 3. The executive board shall:

3 (1) Review and comment upon applications for permits
4 submitted pursuant to section 260.205, for solid waste processing
5 facilities and solid waste disposal areas which are to be located
6 within the region or, if located in an adjacent region, which
7 will impact solid waste management practices within the region;

8 (2) [Prepare and recommend to the council a solid waste
9 management plan for the district;

10 (3)] Identify illegal dump sites and provide all available
11 information about such sites to the appropriate county prosecutor
12 and to the department;

13 [(4)] (3) Establish an education program to inform the
14 public about responsible waste management practices;

15 [(5)] (4) Establish procedures to minimize the introduction
16 of small quantities of hazardous waste, including household
17 hazardous waste, into the solid waste stream;

18 [(6)] (5) Assure adequate capacity to manage waste which is
19 not otherwise removed from the solid waste stream; and

20 [(7)] (6) Appoint one or more geographically balanced
21 advisory committees composed of the representatives of commercial
22 generators, representatives of the solid waste management
23 industry, and two citizens unaffiliated with a solid waste
24 facility or operation to assess and make recommendations on solid
25 waste management.

26 4. The executive board may enter into contracts with any
27 person for services related to any component of the solid waste
28 management system. Bid specifications for solid waste management

1 services shall be designed to meet the objectives of sections
2 260.200 to 260.345, encourage small businesses to engage and
3 compete in the delivery of waste management services and to
4 minimize the long-run cost of managing solid waste. Bid
5 specifications shall enumerate the minimum components and minimum
6 quantities of waste products which shall be recycled by the
7 successful bidder. The board shall divide the district into
8 units to maximize access for small businesses when it requests
9 bids for solid waste management services.

10 5. No person shall serve as a member of the council or of
11 the executive board who is a stockholder, officer, agent,
12 attorney or employee or who is in any way pecuniarily interested
13 in any business which engages in any aspect of solid waste
14 management regulated under sections 260.200 to 260.345; provided,
15 however, that such member may own stock in a publicly traded
16 corporation which may be involved in waste management as long as
17 such holdings are not substantial.

18 260.325. [1. The executive board of each district shall
19 submit to the department a plan which has been approved by the
20 council for a solid waste management system serving areas within
21 its jurisdiction and shall, from time to time, submit officially
22 adopted revisions of its plan as it deems necessary or the
23 department may require. In developing the district's solid waste
24 management plan, the board shall consider the model plan
25 distributed to the board pursuant to section 260.225. Districts
26 may contract with a licensed professional engineer or as provided
27 in chapter 70 for the development and submission of a joint plan.

28 2. The board shall hold at least one public hearing in each

1 county in the district when it prepares a proposed plan or
2 substantial revisions to a plan in order to solicit public
3 comments on the plan.

4 3. The solid waste management plan shall be submitted to
5 the department within eighteen months of the formation of the
6 district. The plan shall be prepared and submitted according to
7 the procedures specified in section 260.220 and this section.

8 4. Each plan shall:

9 (1) Delineate areas within the district where solid waste
10 management systems are in existence;

11 (2) Reasonably conform to the rules and regulations adopted
12 by the department for implementation of sections 260.200 to
13 260.345;

14 (3) Delineate provisions for the collection of recyclable
15 materials or collection points for recyclable materials;

16 (4) Delineate provisions for the collection of compostable
17 materials or collection points for compostable materials;

18 (5) Delineate provisions for the separation of household
19 waste and other small quantities of hazardous waste at the source
20 or prior to disposal;

21 (6) Delineate provisions for the orderly extension of solid
22 waste management services in a manner consistent with the needs
23 of the district, including economic impact, and in a manner which
24 will minimize degradation of the waters or air of the state,
25 prevent public nuisances or health hazards, promote recycling and
26 waste minimization and otherwise provide for the safe and
27 sanitary management of solid waste;

28 (7) Take into consideration existing comprehensive plans,

1 population trend projections, engineering and economics so as to
2 delineate those portions of the district which may reasonably be
3 expected to be served by a solid waste management system;

4 (8) Specify how the district will achieve a reduction in
5 solid waste placed in sanitary landfills through waste
6 minimization, reduction and recycling;

7 (9) Establish a timetable, with milestones, for the
8 reduction of solid waste placed in a landfill through waste
9 minimization, reduction and recycling;

10 (10) Establish an education program to inform the public
11 about responsible waste management practices;

12 (11) Establish procedures to minimize the introduction of
13 small quantities of hazardous waste, including household
14 hazardous waste, into the solid waste stream;

15 (12) Establish a time schedule and proposed method of
16 financing for the development, construction and operation of the
17 planned solid waste management system together with the estimated
18 cost thereof;

19 (13) Identify methods by which rural households that are
20 not served by a regular solid waste collection service may
21 participate in waste reduction, recycling and resource recovery
22 efforts within the district; and

23 (14) Include such other reasonable information as the
24 department shall require.

25 5. The board shall review the district's solid waste
26 management plan at least every twenty-four months for the purpose
27 of evaluating the district's progress in meeting the requirements
28 and goals of the plan, and shall submit plan revisions to the

1 department and council.

2 6. In the event any plan or part thereof is disapproved,
3 the department shall furnish any and all reasons for such
4 disapproval and shall offer assistance for correcting
5 deficiencies. The executive board shall within sixty days revise
6 and resubmit the plan for approval or request a hearing in
7 accordance with section 260.235. Any plan submitted by a
8 district shall stand approved one hundred twenty days after
9 submission unless the department disapproves the plan or some
10 provision thereof.

11 7. The director may institute appropriate action under
12 section 260.240 to compel submission of plans in accordance with
13 sections 260.200 to 260.345 and the rules and regulations adopted
14 pursuant to sections 260.200 to 260.345.

15 8. The provisions of section 260.215 to the contrary
16 notwithstanding, any county within a region which on or after
17 January 1, 1995, is not a member of a district shall by June 30,
18 1995, submit a solid waste management plan to the department of
19 natural resources. Any county which withdraws from a district
20 and all cities within the county with a population over five
21 hundred shall submit a solid waste plan or a revision to an
22 existing plan to the department of natural resources within one
23 hundred eighty days of its decision not to participate. The plan
24 shall meet the requirements of section 260.220 and this section.

25 9. Funds may, upon appropriation, be made available to
26 cities, counties and districts, under section 260.335, for the
27 purpose of implementing the requirements of this section.

28 10.] The district board shall arrange for independent

1 financial audits of the records and accounts of its operations by
2 a certified public accountant or a firm of certified public
3 accountants. Districts receiving two hundred thousand dollars or
4 more of financial assistance shall have annual independent
5 financial audits and districts receiving less than two hundred
6 thousand dollars of financial assistance shall have independent
7 financial audits at least once every two years. The state
8 auditor may examine the findings of such audits and may conduct
9 audits of the districts. Subject to limitations caused by the
10 availability resources, the department shall conduct a
11 performance audit of grants to each district at least once every
12 three years.

13 260.330. 1. Except as otherwise provided in subsection 6
14 of this section, effective October 1, ~~[1990]~~ 2013, each operator
15 of a solid waste sanitary landfill shall collect a charge equal
16 to one dollar and ~~[fifty]~~ ninety cents per ton or its volumetric
17 equivalent of solid waste accepted and each operator of the solid
18 waste demolition landfill shall collect a charge equal to one
19 dollar and twenty-seven cents per ton or its volumetric
20 equivalent of solid waste accepted. Each operator shall submit
21 the charge, less collection costs, to the department of natural
22 resources for deposit in the "Solid Waste Management Fund" which
23 is hereby created. On October 1, ~~[1992]~~ 2014, and thereafter,
24 the charge imposed herein shall be adjusted annually by the same
25 percentage as the increase in the general price level as measured
26 by the Consumer Price Index for All Urban Consumers for the
27 United States, or its successor index, as defined and officially
28 recorded by the United States Department of Labor or its

1 successor agency. No annual adjustment shall be made to the
2 charge imposed under this subsection during October 1, [2005]
3 2014, to October 1, 2017, except an adjustment amount consistent
4 with the need to fund the operating costs of the department and
5 taking into account any annual percentage increase in the total
6 of the volumetric equivalent of solid waste accepted in the prior
7 year at solid waste sanitary landfills and demolition landfills
8 and solid waste to be transported out of this state for disposal
9 that is accepted at transfer stations. No annual increase during
10 October 1, [2005] 2014, to October 1, 2017, shall exceed the
11 percentage increase measured by the Consumer Price Index for All
12 Urban Consumers for the United States, or its successor index, as
13 defined and officially recorded by the United States Department
14 of Labor or its successor agency and calculated on the percentage
15 of revenues dedicated under subdivision (1) of subsection 2 of
16 section 260.335. Any such annual adjustment shall only be made
17 at the discretion of the director, subject to appropriations.
18 Collection costs shall be established by the department and shall
19 not exceed two percent of the amount collected pursuant to this
20 section.

21 2. The department shall, by rule and regulation, provide
22 for the method and manner of collection.

23 3. The charges established in this section shall be
24 enumerated separately from the disposal fee charged by the
25 landfill and may be passed through to persons who generated the
26 solid waste. Moneys shall be transmitted to the department shall
27 be no less than the amount collected less collection costs and in
28 a form, manner and frequency as the department shall prescribe.

1 The provisions of section 33.080 to the contrary notwithstanding,
2 moneys in the account shall not lapse to general revenue at the
3 end of each biennium. Failure to collect the charge does not
4 relieve the operator from responsibility for transmitting an
5 amount equal to the charge to the department.

6 4. The department may examine or audit financial records
7 and landfill activity records and measure landfill usage to
8 verify the collection and transmittal of the charges established
9 in this section. The department may promulgate by rule and
10 regulation procedures to ensure and to verify that the charges
11 imposed herein are properly collected and transmitted to the
12 department.

13 5. Effective October 1, ~~[1990]~~ 2013, any person who
14 operates a transfer station in Missouri shall transmit a fee to
15 the department for deposit in the solid waste management fund
16 which is equal to one dollar and ~~[fifty]~~ ninety cents per ton or
17 its volumetric equivalent of solid waste accepted. Such fee
18 shall be applicable to all solid waste to be transported out of
19 the state for disposal. On October 1, ~~[1992]~~ 2014, and
20 thereafter, the charge imposed herein shall be adjusted annually
21 by the same percentage as the increase in the general price level
22 as measured by the Consumer Price Index for All Urban Consumers
23 for the United States, or its successor index, as defined and
24 officially recorded by the United States Department of Labor or
25 its successor agency. No annual adjustment shall be made to the
26 charge imposed under this subsection during October 1, ~~[2005]~~
27 2014, to October 1, 2017, except an adjustment amount consistent
28 with the need to fund the operating costs of the department and

1 taking into account any annual percentage increase in the total
2 of the volumetric equivalent of solid waste accepted in the prior
3 year at solid waste sanitary landfills and demolition landfills
4 and solid waste to be transported out of this state for disposal
5 that is accepted at transfer stations. No annual increase during
6 October 1, [2005] 2014, to October 1, 2017, shall exceed the
7 percentage increase measured by the Consumer Price Index for All
8 Urban Consumers for the United States, or its successor index, as
9 defined and officially recorded by the United States Department
10 of Labor or its successor agency and calculated on the percentage
11 of revenues dedicated under subdivision (1) of subsection 2 of
12 section 260.335. Any such annual adjustment shall only be made
13 at the discretion of the director, subject to appropriations.
14 The department shall prescribe rules and regulations governing
15 the transmittal of fees and verification of waste volumes
16 transported out of state from transfer stations. Collection
17 costs shall also be established by the department and shall not
18 exceed two percent of the amount collected pursuant to this
19 subsection. A transfer station with the sole function of
20 separating materials for recycling or resource recovery
21 activities shall not be subject to the fee imposed in this
22 subsection.

23 6. Each political subdivision which owns an operational
24 solid waste disposal area may designate, pursuant to this
25 section, up to two free disposal days during each calendar year.
26 On any such free disposal day, the political subdivision shall
27 allow residents of the political subdivision to dispose of any
28 solid waste which may be lawfully disposed of at such solid waste

1 disposal area free of any charge, and such waste shall not be
2 subject to any state fee pursuant to this section. Notice of any
3 free disposal day shall be posted at the solid waste disposal
4 area site and in at least one newspaper of general circulation in
5 the political subdivision no later than fourteen days prior to
6 the free disposal day.

7 260.335. 1. Each fiscal year eight hundred thousand
8 dollars from the solid waste management fund shall be made
9 available, upon appropriation, to the department and the
10 environmental improvement and energy resources authority to fund
11 activities that promote the development and maintenance of
12 markets for recovered materials. [Each fiscal year up to two
13 hundred thousand dollars from the solid waste management fund be
14 used by the department upon appropriation for grants to solid
15 waste management districts for district grants and district
16 operations. Only those solid waste management districts that are
17 allocated fewer funds under subsection 2 of this section than if
18 revenues had been allocated based on the criteria in effect in
19 this section on August 27, 2004, are eligible for these grants.
20 An eligible district shall receive a proportionate share of these
21 grants based on that district's share of the total reduction in
22 funds for eligible districts calculated by comparing the amount
23 of funds allocated under subsection 2 of this section with the
24 amount of funds that would have been allocated using the criteria
25 in effect in this section on August 27, 2004.] The department
26 and the authority shall establish a joint interagency agreement
27 with the department of economic development to identify state
28 priorities for market development and to develop the criteria to

1 be used to judge proposed projects. Additional moneys may be
2 appropriated in subsequent fiscal years if requested. The
3 authority shall establish a procedure to measure the
4 effectiveness of the grant program under this subsection and
5 shall provide a report to the governor and general assembly by
6 January fifteenth of each year regarding the effectiveness of the
7 program.

8 2. All remaining revenues deposited into the fund each
9 fiscal year after moneys have been made available under
10 subsection 1 of this section shall be allocated as follows:

11 (1) [~~Thirty-nine~~] Forty-five percent of the revenues shall
12 be dedicated, upon appropriation, to the elimination of illegal
13 solid waste disposal, to identify and prosecute persons disposing
14 of solid waste illegally, to conduct solid waste permitting
15 activities, to administer grants and perform other duties imposed
16 in sections 260.200 to [~~260.345~~] 260.335 and section 260.432. In
17 addition to the [~~thirty-nine~~] forty-five percent of the revenues,
18 the department may receive any annual increase in the charge
19 during October 1, [~~2005~~] 2014, to October 1, [~~2014~~] 2017, under
20 section 260.330 and such increases shall be used solely to fund
21 the operating costs of the department;

22 (2) [~~Sixty-one~~] Fifty-five percent of the revenues, except
23 any annual increases in the charge under section 260.330 during
24 October 1, [~~2005~~] 2014, to October 1, [~~2014~~] 2017, which shall be
25 used solely to fund the operating costs of the department, shall
26 be allocated through grants, upon appropriation, to participating
27 cities, counties and districts. Revenues to be allocated under
28 this subdivision shall be divided as follows: forty percent

1 shall be allocated based on the population of each district in
2 the latest decennial census, and sixty percent shall be allocated
3 based on the amount of revenue generated within each district.
4 For the purposes of this subdivision, revenue generated within
5 each district shall be determined from the previous year's data.
6 No more than ~~[fifty]~~ ten percent of the revenue allocable under
7 this subdivision may be allocated to the districts upon approval
8 of the department for ~~[implementation of a solid waste management
9 plan and]~~ district operations, and at least ~~[fifty]~~ ninety
10 percent of the revenue allocable to the districts under this
11 subdivision shall be allocated to the cities and counties of the
12 district or to persons or entities providing solid waste
13 management, waste reduction, recycling and related services in
14 these cities and counties. Each district shall receive a minimum
15 of seventy-five thousand dollars under this subdivision. After
16 August 28, 2005, each district shall receive a minimum of
17 ninety-five thousand dollars under this subdivision for district
18 grants and district operations. ~~[Each district receiving moneys
19 under this subdivision shall expend such moneys pursuant to a
20 solid waste management plan required under section 260.325, and
21 only in the case that the district is in compliance with planning
22 requirements established by the department]~~. Moneys shall be
23 awarded based upon grant applications. Any moneys remaining in
24 any fiscal year due to insufficient or inadequate applications
25 may be reallocated pursuant to this subdivision;

26 (3) Except for the amount up to one-fourth of the
27 department's previous fiscal year expense, any remaining
28 unencumbered funds generated under subdivision (1) of this

1 subsection in prior fiscal years shall be reallocated under this
2 section;

3 (4) Funds may be made available under this subsection for
4 the administration and grants of the used motor oil program
5 described in section 260.253;

6 (5) The department and the environmental improvement and
7 energy resources authority shall conduct sample audits of grants
8 provided under this subsection.

9 3. [The advisory board created in section 260.345 shall
10 recommend criteria to be used to allocate grant moneys to
11 districts, cities and counties. These criteria shall establish a
12 priority for proposals which provide methods of solid waste
13 reduction and recycling.] The department shall promulgate
14 criteria for evaluating grants by rule and regulation. [Projects
15 of cities and counties located within a district which are funded
16 by grants under this section shall conform to the district solid
17 waste management plan.] These criteria shall establish the
18 following order of priority:

19 (1) Grants to facilities of organizations employing
20 individuals with disabilities under sections 178.900 to 178.960
21 or sections 205.968 to 205.972;

22 (2) Grants for proposals which provide methods of solid
23 waste reduction and recycling; and

24 (3) All other grants.

25 4. The funds awarded to the districts, counties and cities
26 pursuant to this section [shall be used for the purposes set
27 forth in sections 260.300 to 260.345, and] shall be used in
28 addition to existing funds appropriated by counties and cities

1 for solid waste management and shall not supplant county or city
2 appropriated funds.

3 5. The department, in conjunction with the solid waste
4 advisory board, shall review the performance of all grant
5 recipients to ensure that grant moneys were appropriately and
6 effectively expended to further the purposes of the grant, as
7 expressed in the recipient's grant application. The grant
8 application shall contain specific goals and implementation
9 dates, and grant recipients shall be contractually obligated to
10 fulfill same. The department may require the recipient to submit
11 periodic reports and such other data as are necessary, both
12 during the grant period and up to five years thereafter, to
13 ensure compliance with this section. The department may audit
14 the records of any recipient to ensure compliance with this
15 section. Recipients of grants under sections 260.300 to 260.345
16 shall maintain such records as required by the department. If a
17 grant recipient fails to maintain records or submit reports as
18 required herein, refuses the department access to the records, or
19 fails to meet the department's performance standards, the
20 department may withhold subsequent grant payments, if any, and
21 may compel the repayment of funds provided to the recipient
22 pursuant to a grant.

23 6. The department shall provide for a security interest in
24 any machinery or equipment purchased through grant moneys
25 distributed pursuant to this section.

26 7. If the moneys are not transmitted to the department
27 within the time frame established by the rule promulgated,
28 interest shall be imposed on the moneys due the department at the

1 rate of ten percent per annum from the prescribed due date until
2 payment is actually made. These interest amounts shall be
3 deposited to the credit of the solid waste management fund.

4 260.345. A state "Solid Waste Advisory Board" is created
5 within the department of natural resources. The advisory board
6 shall be composed of the chairman of the executive board of each
7 of the solid waste management districts and other members as
8 provided in this section. Up to five additional members shall be
9 appointed by the director of which two members shall represent
10 the solid waste management industry and have an economic interest
11 in or activity with any solid waste facility or operation, one
12 member may represent the solid waste composting or recycling
13 industry businesses, and the remaining members shall be public
14 members who have demonstrated interest in solid waste management
15 issues and shall have no economic interest in or activity with
16 any solid waste facility or operation but may own stock in a
17 publicly traded corporation which may be involved in waste
18 management as long as such holdings are not substantial. The
19 advisory board shall advise the department regarding:

20 (1) The efficacy of its technical assistance program;

21 (2) Solid waste management problems experienced by solid
22 waste management districts;

23 (3) The effects of proposed rules and regulations upon
24 solid waste management within the districts;

25 (4) [Criteria to be used in awarding grants pursuant to
26 section 260.335;

27 (5)] Waste management issues pertinent to the districts;

28 [(6)] (5) The development of improved methods of solid

1 waste minimization, recycling and resource recovery; and

2 ~~[(7)]~~ (6) Such other matters as the advisory board may
3 determine.

4 260.365. 1. There is hereby created a hazardous waste
5 management agency to be known as the "Hazardous Waste Management
6 Commission of the State of Missouri", whose domicile for the
7 purpose of sections 260.350 to 260.430 shall be deemed to be that
8 of the department of natural resources of the state of Missouri.
9 The commission shall consist of seven members appointed by the
10 governor with the advice and consent of the senate. No more than
11 four members shall belong to the same political party. All
12 members shall be representative of the general interest of the
13 public and shall have an interest in and knowledge of waste
14 management and the effects of improper waste management on health
15 and the environment and shall serve in a manner consistent with
16 the purposes of sections 260.350 to 260.430. ~~[Three]~~ Four of the
17 members, but no more than ~~[three]~~ four, one for each interest,
18 shall be knowledgeable of and may be employed in agriculture, the
19 retail petroleum industry, the waste generating industry and the
20 waste management industry. Except for the industry members, no
21 member shall receive, or have received during the previous two
22 years, a significant portion of income directly or indirectly
23 from any license or permit holder or applicant for license or
24 permit under any waste management act. At the first meeting of
25 the commission and annually thereafter, the members shall select
26 from among themselves a chairman and a vice chairman. Prior to
27 any vote on any variance, appeal or order, they shall adopt a
28 voting rule to exclude from such vote any member with a conflict

1 of interest with respect to the matter at issue.

2 2. The members' terms of office shall be four years and
3 until their successors are selected and qualified, except that,
4 of those first appointed, three shall have a term of three years,
5 two shall have a term of two years and two shall have a term of
6 one year as designated by the governor at the time of
7 appointment. There is no limitation on the number of terms any
8 appointed member may serve. If a vacancy occurs the governor may
9 appoint a member for the remaining portion of the unexpired term
10 created by the vacancy. The governor may remove any appointed
11 member for cause. The members of the commission shall be
12 reimbursed for actual and necessary expenses incurred in the
13 performance of their duties, and shall receive fifty dollars per
14 day for each day spent in the performance of their official
15 duties while in attendance at regular commission meetings.

16 3. The commission shall hold at least four regular meetings
17 each year and such additional meetings as the chairman deems
18 desirable at a place and time to be fixed by the chairman.
19 Special meetings may be called by three members of the commission
20 upon delivery of written notice to each member of the commission.
21 Reasonable written notice of all meetings shall be given by the
22 department to all members of the commission. Four members of the
23 commission shall constitute a quorum. All powers and duties
24 conferred upon members of the commission shall be exercised
25 personally by the members and not by alternates or
26 representatives. All actions of the commission shall be taken at
27 meetings open to the public. Any member absent from four
28 consecutive regular commission meetings for any cause whatsoever

1 shall be deemed to have resigned and the vacancy shall be filled
2 immediately in accordance with this section.

3 260.380. 1. After six months from the effective date of
4 the standards, rules and regulations adopted by the commission
5 pursuant to section 260.370, hazardous waste generators located
6 in Missouri shall:

7 (1) Promptly file and maintain with the department, on
8 registration forms it provides for this purpose, information on
9 hazardous waste generation and management as specified by rules
10 and regulations. Hazardous waste generators shall pay a one
11 hundred dollar registration fee upon initial registration, and a
12 one hundred dollar registration renewal fee annually thereafter
13 to maintain an active registration. Such fees shall be deposited
14 in the hazardous waste fund created in section 260.391;

15 (2) Containerize and label all hazardous wastes as
16 specified by standards, rules and regulations;

17 (3) Segregate all hazardous wastes from all nonhazardous
18 wastes and from noncompatible wastes, materials and other
19 potential hazards as specified by standards, rules and
20 regulations;

21 (4) Provide safe storage and handling, including spill
22 protection, as specified by standards, rules and regulations, for
23 all hazardous wastes from the time of their generation to the
24 time of their removal from the site of generation;

25 (5) Unless provided otherwise in the rules and regulations,
26 utilize only a hazardous waste transporter holding a license
27 pursuant to sections 260.350 to 260.430 for the removal of all
28 hazardous wastes from the premises where they were generated;

1 (6) Unless provided otherwise in the rules and regulations,
2 provide a separate manifest to the transporter for each load of
3 hazardous waste transported from the premises where it was
4 generated. The generator shall specify the destination of such
5 load on the manifest. The manner in which the manifest shall be
6 completed, signed and filed with the department shall be in
7 accordance with rules and regulations;

8 (7) Utilize for treatment, resource recovery, disposal or
9 storage of all hazardous wastes, only a hazardous waste facility
10 authorized to operate pursuant to sections 260.350 to 260.430 or
11 the federal Resource Conservation and Recovery Act, or a state
12 hazardous waste management program authorized pursuant to the
13 federal Resource Conservation and Recovery Act, or any facility
14 exempted from the permit required pursuant to section 260.395;

15 (8) Collect and maintain such records, perform such
16 monitoring or analyses, and submit such reports on any hazardous
17 waste generated, its transportation and final disposition, as
18 specified in sections 260.350 to 260.430 and rules and
19 regulations adopted pursuant to sections 260.350 to 260.430;

20 (9) Make available to the department upon request samples
21 of waste and all records relating to hazardous waste generation
22 and management for inspection and copying and allow the
23 department to make unhampered inspections at any reasonable time
24 of hazardous waste generation and management facilities located
25 on the generator's property and hazardous waste generation and
26 management practices carried out on the generator's property;

27 (10) Pay annually, on or before January first of each year,
28 effective January 1, 1982, a fee to the state of Missouri to be

1 placed in the hazardous waste fund. The fee shall be five
2 dollars per ton or portion thereof of hazardous waste registered
3 with the department as specified in subdivision (1) of this
4 subsection for the twelve-month period ending June thirtieth of
5 the previous year. However, the fee shall not exceed fifty-two
6 thousand dollars per generator site per year nor be less than one
7 hundred fifty dollars per generator site per year;

8 (a) All moneys payable pursuant to the provisions of this
9 subdivision shall be promptly transmitted to the department of
10 revenue, which shall deposit the same in the state treasury to
11 the credit of the hazardous waste fund created in section
12 260.391;

13 (b) The hazardous waste management commission shall
14 establish and submit to the department of revenue procedures
15 relating to the collection of the fees authorized by this
16 subdivision. Such procedures shall include, but not be limited
17 to, necessary records identifying the quantities of hazardous
18 waste registered, the form and submission of reports to accompany
19 the payment of fees, the time and manner of payment of fees,
20 which shall not be more often than quarterly;

21 (c) The director of the department of natural resources may
22 conduct a comprehensive review of the fee structure set forth in
23 this section. The comprehensive review shall include stakeholder
24 meetings in order to solicit stakeholder input from each of the
25 following groups: cement kiln representatives, chemical
26 companies, large and small hazardous waste generators, and any
27 other interested parties. Upon completion of the comprehensive
28 review, the department shall submit proposed changes to the fee

1 structure with stakeholder agreement to the hazardous waste
2 management commission. The commission shall, upon receiving the
3 department's recommendations, review such recommendations at the
4 forthcoming regular or special meeting. The commission shall not
5 take a vote on the fee structure until the following regular
6 meeting. If the commission approves, by vote of two-thirds
7 majority, the hazardous waste fee structure recommendations, the
8 commission shall promulgate by regulation and publish the
9 recommended fee structure no later than October first of the same
10 year. The commission shall file the order of rulemaking for such
11 rule with the joint committee on administrative rules pursuant to
12 sections 536.021 and 536.024 no later than December first of the
13 same year. If such rules are not disapproved by the general
14 assembly in the manner set out below, they shall take effect on
15 January first of the next odd-numbered year and the fee structure
16 set out in this section shall expire upon the effective date of
17 the commission adopted fee structure, contrary to subsection 4 of
18 this section. Any regulation promulgated under this subsection
19 shall be deemed to be beyond the scope and authority provided in
20 this subsection, or detrimental to permit applicants, if the
21 general assembly, within the first sixty calendar days of the
22 regular session immediately following the promulgation of such
23 regulation, by concurrent resolution, shall disapprove the fee
24 structure contained in such regulation. If the general assembly
25 so disapproves any regulation promulgated under this subsection,
26 the hazardous waste management commission shall continue to use
27 the fee structure set forth in the most recent preceding
28 regulation promulgated under this subsection. This subsection

1 shall expire on August 28, 2023.

2 2. Missouri treatment, storage, or disposal facilities
3 shall pay annually, on or before January first of each year, a
4 fee to the department equal to two dollars per ton or portion
5 thereof for all hazardous waste received from outside the state.
6 This fee shall be based on the hazardous waste received for the
7 twelve-month period ending June thirtieth of the previous year.

8 3. Exempted from the requirements of this section are
9 individual householders and farmers who generate only small
10 quantities of hazardous waste and any person the commission
11 determines generates only small quantities of hazardous waste on
12 an infrequent basis, except that:

13 (1) Householders, farmers and exempted persons shall manage
14 all hazardous wastes they may generate in a manner so as not to
15 adversely affect the health of humans, or pose a threat to the
16 environment, or create a public nuisance; and

17 (2) The department may determine that a specific quantity
18 of a specific hazardous waste requires special management. Upon
19 such determination and after public notice by press release or
20 advertisement thereof, including instructions for handling and
21 delivery, generators exempted pursuant to this subsection shall
22 deliver, but without a manifest or the requirement to use a
23 licensed hazardous waste transporter, such waste to:

24 (a) Any storage, treatment or disposal site authorized to
25 operate pursuant to sections 260.350 to 260.430 or the federal
26 Resource Conservation and Recovery Act, or a state hazardous
27 waste management program authorized pursuant to the federal
28 Resource Conservation and Recovery Act which the department

1 designates for this purpose; or

2 (b) A collection station or vehicle which the department
3 may arrange for and designate for this purpose.

4 4. Failure to pay the fee, or any portion thereof,
5 prescribed in this section by the due date shall result in the
6 imposition of a penalty equal to fifteen percent of the original
7 fee. The fee prescribed in this section shall expire December
8 31, [2013] 2018, except that the department shall levy and
9 collect this fee for any hazardous waste generated prior to such
10 date and reported to the department.

11 260.390. 1. After six months from the effective date of
12 the standards, rules and regulations adopted by the commission
13 pursuant to section 260.370, hazardous waste facility owners or
14 operators shall:

15 (1) Not construct, substantially alter or operate[,
16 including all postclosure activities and operations specified in
17 the rules and regulations,] a hazardous waste facility without
18 first obtaining a hazardous waste facility permit from the
19 department as specified in section 260.395;

20 (2) Operate the facility according to the standards, rules
21 and regulations adopted under sections 260.350 to 260.430 and all
22 terms and conditions of the permit;

23 (3) Unless otherwise provided in sections 260.350 to
24 260.430 or the rules and regulations adopted hereunder, accept
25 delivery of hazardous waste only if delivery is by a hazardous
26 waste transporter holding a license under sections 260.350 to
27 260.430, the shipment is accompanied by a manifest properly
28 completed by both the generator and transporter and their

1 facility is the destination indicated by the generator on the
2 manifest. Exempted from the requirements of this subsection are
3 deliveries, when directed by the department, from householders,
4 farmers and other persons exempted from generator
5 responsibilities under provisions of section 260.380 and
6 deliveries made in emergency situations as specified in sections
7 260.350 to 260.550 or the rules and regulations adopted
8 hereunder. For such exempted deliveries they shall make a record
9 of any waste accepted, its type, quantity, origin and the
10 identity of the person making the delivery and promptly report
11 this information to the department;

12 (4) Complete, sign and file the facility operator portion
13 of the manifest as specified in rules and regulations adopted
14 under sections 260.350 to 260.430;

15 (5) Whenever final disposition is to be achieved at another
16 hazardous waste or exempted facility, initiate a new manifest and
17 comply with the other responsibilities of generators specified in
18 sections 260.350 to 260.430 and in rules and regulations and
19 terms and conditions of their permit adopted or issued hereunder;

20 (6) Collect and maintain such records, submit such reports
21 and perform such monitoring as specified in sections 260.350 to
22 260.430 and in rules and regulations and terms and conditions of
23 their permit adopted or issued hereunder;

24 (7) Make available to the department, upon request, samples
25 of wastes received and all records, for inspection and copying,
26 relating to hazardous waste management and allow the department
27 to make unhampered inspections at any reasonable time of all
28 facilities and equipment.

1 2. All hazardous waste landfills shall collect, on behalf
2 of the state from each hazardous waste generator or transporter,
3 a tax equal to two percent of the gross charges and fees charged
4 such generator for disposal at the landfill site to be placed in
5 the hazardous waste fund to be used solely for the administration
6 of sections 260.350 to 260.430. The tax shall be accounted for
7 separately on the statement of charges and fees made to the
8 hazardous waste generator and shall be collected at the time of
9 the collection of such charges and fees. All moneys payable
10 under the provisions of this subsection shall be promptly
11 transmitted to the department of revenue, which shall daily
12 deposit the same in the state treasury to the credit of the
13 hazardous waste fund. The hazardous waste management commission
14 shall establish and submit to the department of revenue
15 procedures relating to the collection of the taxes authorized by
16 this subsection. Such procedures shall include, but not be
17 limited to, necessary records identifying the quantities of
18 hazardous waste received, the form and submission of reports to
19 accompany the payment of taxes, the time and manner of payment of
20 taxes, which shall not be more often than quarterly.

21 3. The owner or operator of a hazardous waste disposal
22 facility must close that facility upon termination of its
23 operation, and shall after closure of the facility provide for
24 protection during a postclosure care period, in accordance with
25 the requirements of the commission, including the funds necessary
26 for same. Protection shall include, but not be limited to,
27 monitoring and maintenance subject to the rules and regulations
28 of the hazardous waste management commission. The owner or

1 operator shall maintain a hazardous waste facility permit for the
2 postclosure care period. The operator and the state may enter
3 into an agreement consistent with the rules and regulations of
4 the hazardous waste management commission where the state may
5 accept deed to, and monitor and maintain the site.

6 4. All owners or operators of hazardous waste facilities
7 who have obtained, or are required to obtain, a hazardous waste
8 facility permit from the department and who accept, on a
9 commercial basis for remuneration, hazardous waste from off-site
10 sources, but not including wastes generated by the same person at
11 other sites located in Missouri or within a metropolitan
12 statistical area located partially in Missouri and owned or
13 operated by the same person and transferred to the hazardous
14 waste facility, for treatment, storage or disposal, shall pay
15 fees for inspections conducted by the department to determine
16 compliance with sections 260.350 to 260.430 and the rules
17 promulgated thereunder. Hazardous waste facility inspection fees
18 shall be specified by the hazardous waste management commission
19 by rule. The inspection fees shall be used by the department as
20 specified in subsection 3 of section 260.391.

21 260.395. 1. After six months from the effective date of
22 the standards, rules and regulations adopted by the commission
23 pursuant to section 260.370, it shall be unlawful for any person
24 to transport any hazardous waste in this state without first
25 obtaining a hazardous waste transporter license. Any person
26 transporting hazardous waste in this state shall file an
27 application for a license pursuant to this subsection which
28 shall:

1 (1) Be submitted on a form provided for this purpose by the
2 department and shall furnish the department with such equipment
3 identification and data as may be necessary to demonstrate to the
4 satisfaction of the department that equipment engaged in such
5 transportation of hazardous waste, and other equipment as
6 designated in rules and regulations pursuant to sections 260.350
7 to 260.430, is adequate to provide protection of the health of
8 humans and the environment and to comply with the provisions of
9 any federal hazardous waste management act and sections 260.350
10 to 260.430 and the standards, rules and regulations adopted
11 pursuant to sections 260.350 to 260.430. If approved by the
12 department, this demonstration of protection may be satisfied by
13 providing certification that the equipment so identified meets
14 and will be operated in accordance with the rules and regulations
15 of the Missouri public service commission and the federal
16 Department of Transportation for the transportation of the types
17 of hazardous materials for which it will be used;

18 (2) Include, as specified by rules and regulations,
19 demonstration of financial responsibility, including, but not
20 limited to, guarantees, liability insurance, posting of bond or
21 any combination thereof which shall be related to the number of
22 units, types and sizes of equipment to be used in the transport
23 of hazardous waste by the applicant;

24 (3) Include, as specified in rules and regulations, a fee
25 payable to the state of Missouri which shall consist of an annual
26 application fee, plus an annual use fee based upon tonnage,
27 mileage or a combination of tonnage and mileage. The fees
28 established pursuant to this subdivision shall be set to

1 generate, as nearly as is practicable, six hundred thousand
2 dollars annually. No fee shall be collected pursuant to this
3 subdivision from railroads that pay a fee pursuant to subsection
4 19 of this section. Fees collected pursuant to this subdivision
5 shall be deposited in the hazardous waste fund created pursuant
6 to section 260.391.

7 2. If the department determines the application conforms to
8 the provisions of any federal hazardous waste management act and
9 sections 260.350 to 260.430 and the standards, rules and
10 regulations adopted pursuant to sections 260.350 to 260.430, it
11 shall issue the hazardous waste transporter license with such
12 terms and conditions as it deems necessary to protect the health
13 of humans and the environment. The department shall act within
14 ninety days after receipt of the application. If the department
15 denies the license, it shall issue a report to the applicant
16 stating the reason for denial of the license.

17 3. A license may be suspended or revoked whenever the
18 department determines that the equipment is or has been operated
19 in violation of any provision of sections 260.350 to 260.430 or
20 any standard, rule or regulation, order, or license term or
21 condition adopted or issued pursuant to sections 260.350 to
22 260.430, poses a threat to the health of humans or the
23 environment, or is creating a public nuisance.

24 4. Whenever a license is issued, renewed, denied, suspended
25 or revoked by the department, any aggrieved person, by petition
26 filed with the department within thirty days of the decision, may
27 appeal such decision and shall be entitled to a hearing as
28 provided in section 260.400.

1 5. A license shall be issued for a period of one year and
2 shall be renewed upon proper application by the holder and a
3 determination by the department that the applicant is in
4 compliance with all provisions of sections 260.350 to 260.430 and
5 all standards, rules and regulations, orders and license terms
6 and conditions adopted or issued pursuant to sections 260.350 to
7 260.430.

8 6. A license is not required for the transport of any
9 hazardous waste on the premises where it is generated or onto
10 contiguous property owned by the generator thereof, or for those
11 persons exempted in section 260.380. Nothing in this subsection
12 shall be interpreted to preclude the department from inspecting
13 unlicensed hazardous waste transporting equipment and to require
14 that it be adequate to provide protection for the health of
15 humans and the environment.

16 7. After six months from the effective date of the
17 standards, rules and regulations adopted by the commission
18 pursuant to section 260.370, it shall be unlawful for any person
19 to construct, substantially alter or operate, including
20 [postclosure activities and] operations specified in the rules
21 and regulations, a hazardous waste facility without first
22 obtaining a hazardous waste facility permit for such
23 construction, alteration or operation from the department. Such
24 person must submit to the department at least ninety days prior
25 to submitting a permit application a letter of intent to
26 construct, substantially alter or operate any hazardous waste
27 disposal facility. The person must file an application within
28 one hundred eighty days of the filing of a letter of intent

1 unless granted an extension by the commission. The department
2 shall publish such letter of intent as specified in section
3 493.050 within ten days of receipt of such letter. The letter
4 shall be published once each week for four weeks in the county
5 where the hazardous waste disposal facility is proposed. Once
6 such letter is submitted, all conditions for the permit
7 application evaluation purposes in existence as of the date of
8 submission shall be deemed frozen, in that no subsequent action
9 by any person to change such conditions in an attempt to thwart a
10 fair and impartial decision on the application for a permit shall
11 be allowed as grounds for denial of the permit. Any person
12 before constructing, substantially altering or operating a
13 hazardous waste facility in this state shall file an application
14 for a permit which shall:

15 (1) Be submitted on a form provided for this purpose by the
16 department and shall furnish the department with plans,
17 specifications and such other data as may be necessary to
18 demonstrate to the satisfaction of the department that such
19 facility does or will provide adequate protection of the health
20 of humans and the environment and does or will comply with the
21 provisions of any federal hazardous waste management act and
22 sections 260.350 to 260.430 and the standards, rules and
23 regulations adopted pursuant to sections 260.350 to 260.430;

24 (2) Include plans, designs, engineering reports and
25 relevant data for construction, alteration or operation of a
26 hazardous waste facility, to be submitted to the department by a
27 registered professional engineer licensed by this state;

28 (3) Include, as specified by rules and regulations,

1 demonstration of financial responsibility, including, but not
2 limited to, guarantees, liability insurance, posting of bond or
3 any combination thereof, which shall be related to type and size
4 of facility;

5 (4) Include such environmental and geologic information,
6 assessments and studies as required by the rules and regulations
7 of the commission;

8 (5) [Submit with the application for a hazardous waste
9 disposal or treatment facility a profile of the environmental and
10 economic characteristics of the area as required by the
11 commission, including the extent of air pollution and groundwater
12 contamination; and a profile of the health characteristics of the
13 area which identifies all serious illness, the rate of which
14 exceeds the state average for such illness, which might be
15 attributable to environmental contamination;

16 (6)] Include a fee payable to the state of Missouri which
17 shall not exceed one thousand dollars, which shall cover the
18 first year of the permit, if issued, but which is not refundable.
19 If the permit is issued for more than one year, a fee equal in
20 amount to the first year's fee shall be paid to the state of
21 Missouri prior to issuance of the permit for each year the permit
22 is to be in effect beyond the first year;

23 [(7)] (6) The department shall supervise any field work
24 undertaken to collect geologic and engineering data for
25 submission with the application. The state geologist and
26 departmental engineers shall review the geologic and engineering
27 plans, respectively, and attest to their accuracy and adequacy.
28 The applicant shall pay all reasonable costs, as determined by

1 the commission, incurred by the department pursuant to this
2 subsection.

3 8. (1) Prior to issuing or renewing a hazardous waste
4 facility permit, the department shall issue public notice by
5 press release or advertisement and shall notify all record owners
6 of adjoining property by mail directed to the last known address,
7 and the village, town or city, if any, and the county in which
8 the hazardous waste facility is located; and, upon request, shall
9 hold a public hearing after public notice as required in this
10 subsection at a location convenient to the area affected by the
11 issuance of the permit.

12 (2) Prior to issuing[, reviewing every five years as
13 required in subsection 12 of this section,] or renewing a
14 hazardous waste disposal facility permit the department shall
15 issue public notice by press release and advertisement and shall
16 notify all record owners of property, within one mile of the
17 outer boundaries of the site, by mail directed to the last known
18 address; and shall hold a public hearing after public notice as
19 required in this subsection at a location convenient to the area
20 affected by the issuance of the permit.

21 9. If the department determines that the application
22 conforms to the provisions of any federal hazardous waste
23 management act and sections 260.350 to 260.430 and the standards,
24 rules and regulations adopted pursuant to sections 260.350 to
25 260.430, it shall issue the hazardous waste facility permit, with
26 such terms and conditions and require such testing and
27 construction supervision as it deems necessary to protect the
28 health of humans or the environment. The department shall act

1 within one hundred and eighty days after receipt of the
2 application. If the department denies the permit, it shall issue
3 a report to the applicant stating the reason for denial of a
4 permit.

5 10. A permit may be suspended or revoked whenever the
6 department determines that the hazardous waste facility is, or
7 has been, operated in violation of any provision of sections
8 260.350 to 260.430 or any standard, rule or regulation, order or
9 permit term or condition adopted or issued pursuant to sections
10 260.350 to 260.430, poses a threat to the health of humans or the
11 environment or is creating a public nuisance.

12 11. Whenever a permit is issued, renewed, denied, suspended
13 or revoked by the department, any aggrieved person, by petition
14 filed with the department within thirty days of the decision, may
15 appeal such decision and shall be entitled to a hearing as
16 provided in section 260.400.

17 12. A permit shall be issued for a fixed term, which shall
18 not exceed ten years in the case of any land disposal facility,
19 storage facility, incinerator, or other treatment facility. [Each
20 permit for a land disposal facility shall be reviewed five years
21 after the date of its issuance or reissuance and shall be
22 modified as necessary to assure that the facility continues to
23 comply with the currently applicable requirements of federal and
24 state law.] Nothing in this subsection shall preclude the
25 department from reviewing and modifying a permit at any time
26 during its term. Review of any application for a permit renewal
27 shall consider improvements in the state of control and
28 measurement technology as well as changes in applicable

1 regulations. Each permit issued pursuant to this section shall
2 contain such terms and conditions as the department determines
3 necessary to protect human health and the environment, and upon
4 proper application by the holder and a determination by the
5 department that the applicant is in compliance with all
6 provisions of sections 260.350 to 260.430 and all standards,
7 rules and regulations, orders and permit terms and conditions
8 adopted or issued pursuant to sections 260.350 to 260.430.

9 13. A hazardous waste facility permit is not required for:

10 (1) On-site storage of hazardous wastes where such storage
11 is exempted by the commission by rule or regulation; however,
12 such storage must conform to the provisions of any federal
13 hazardous waste management act and sections 260.350 to 260.430
14 and the applicable standards, rules and regulations adopted
15 pursuant to sections 260.350 to 260.430 and any other applicable
16 hazardous materials storage and spill-prevention requirements
17 provided by law;

18 (2) A publicly owned treatment works which has an operating
19 permit pursuant to section 644.051 and is in compliance with that
20 permit;

21 (3) A resource recovery facility which the department
22 certifies uses hazardous waste as a supplement to, or substitute
23 for, nonwaste material, and that the sole purpose of the facility
24 is manufacture of a product rather than treatment or disposal of
25 hazardous wastes;

26 (4) That portion of a facility engaged in hazardous waste
27 resource recovery, when the facility is engaged in both resource
28 recovery and hazardous waste treatment or disposal, provided the

1 owner or operator can demonstrate to the department's
2 satisfaction and the department finds that such portion is not
3 intended and is not used for hazardous waste treatment or
4 disposal.

5 14. Facilities exempted pursuant to subsection 13 of this
6 section must comply with the provisions of subdivisions (3) to
7 (7) of section 260.390 and such other requirements, to be
8 specified by rules and regulations, as are necessary to comply
9 with any federal hazardous waste management act or regulations
10 hereunder. Generators who use such an exempted facility shall
11 keep records of hazardous wastes transported, except by legal
12 flow through sewer lines, to the facility and submit such records
13 to the department in accordance with the provisions of section
14 260.380 and the standards, rules and regulations adopted pursuant
15 to sections 260.350 to 260.430. Any person, before constructing,
16 altering or operating a resource recovery facility in this state
17 shall file an application for a certification. Such application
18 shall include:

19 (1) Plans, designs, engineering reports and other relevant
20 information as specified by rule that demonstrate that the
21 facility is designed and will operate in a manner protective of
22 human health and the environment; and

23 (2) An application fee of not more than five hundred
24 dollars for a facility that recovers waste generated at the same
25 facility or an application fee of not more than one thousand
26 dollars for a facility that recovers waste generated at off-site
27 sources. Such fees shall be deposited in the hazardous waste
28 fund created in section 260.391. The department shall review such

1 application for conformance with applicable laws, rules and
2 standard engineering principles and practices. The applicant
3 shall pay to the department all reasonable costs, as determined
4 by the commission, incurred by the department pursuant to this
5 subsection. All such funds shall be deposited in the hazardous
6 waste fund created in section 260.391.

7 15. The owner or operator of any hazardous waste facility
8 in existence on September 28, 1977, who has achieved federal
9 interim status pursuant to 42 U.S.C. 6925(e), and who has
10 submitted to the department Part A of the federal facility permit
11 application, may continue to receive and manage hazardous wastes
12 in the manner as specified in the Part A application, and in
13 accordance with federal interim status requirements, until
14 completion of the administrative disposition of a permit
15 application submitted pursuant to sections 260.350 to 260.430.
16 The department may at any time require submission of, or the
17 owner or operator may at any time voluntarily submit, a complete
18 application for a permit pursuant to sections 260.350 to 260.430
19 and commission regulations. The authority to operate pursuant to
20 this subsection shall cease one hundred eighty days after the
21 department has notified an owner or operator that an application
22 for permit pursuant to sections 260.350 to 260.430 must be
23 submitted, unless within such time the owner or operator submits
24 a completed application therefor. Upon submission of a complete
25 application, the authority to operate pursuant to this subsection
26 shall continue for such reasonable time as is required to
27 complete the administrative disposition of the permit
28 application. If a facility loses its federal interim status, or

1 the Environmental Protection Agency requires the owner or
2 operator to submit Part B of the federal application, the
3 department shall notify the owner or operator that an application
4 for a permit must be submitted pursuant to this subsection. In
5 addition to compliance with the federal interim status
6 requirements, the commission shall have the authority to adopt
7 regulations requiring persons operating pursuant to this
8 subsection to meet additional state interim status requirements.

9 16. [A license or permit shall not be issued to any person
10 who is determined by the department to habitually engage in or to
11 have habitually engaged in hazardous waste management practices
12 which pose a threat to the health of humans or the environment or
13 who is determined by the department to habitually violate or to
14 have habitually violated the requirements of the Missouri solid
15 or hazardous waste laws, the solid or hazardous waste laws of
16 other states or federal laws pertaining to hazardous waste. Nor
17 shall a license or permit be issued to any person who has been
18 adjudged in contempt of any court order enforcing the provisions
19 of the Missouri solid or hazardous waste laws, the solid or
20 hazardous waste laws of other states or federal laws pertaining
21 to hazardous waste or who has offered, in person or through an
22 agent, any inducement, including any discussion of potential
23 employment opportunities, to any employee of the department when
24 such person has an application for a permit pending or a permit
25 under review. For the purposes of this subsection, the term
26 "person" shall include any officer or management employee of the
27 applicant, or any officer or management employee of any
28 corporation or business which owns an interest in the applicant,

1 or any officer or management employee of any business which is
2 owned either wholly or in part by any person, corporation, or
3 business which owns an interest in the applicant.

4 [17.] No person, otherwise qualified pursuant to sections
5 260.350 to 260.430 for a license to transport hazardous wastes or
6 for a permit to construct, substantially alter or operate a
7 hazardous waste facility, shall be denied such license or permit
8 on the basis of a lack of need for such transport service or such
9 facility because of the existence of other services or facilities
10 capable of meeting that need; except that permits for hazardous
11 waste facilities may be denied on determination made by the
12 department that the financial resources of the persons applying
13 are such that the continued operation of the sites in accordance
14 with sections 260.350 to 260.430 cannot be reasonably assured or
15 on determination made by the department that the probable volume
16 of business is insufficient to ensure and maintain the solvency
17 of then existing permitted hazardous waste facilities.

18 [18.] 17. All hazardous waste landfills constructed after
19 October 31, 1980, shall have a leachate collection system. The
20 rules and regulations of the commission shall treat and protect
21 all aquifers to the same level of protection. The provisions of
22 this subsection shall not apply to the disposal of tailings and
23 slag resulting from mining, milling and primary smelting
24 operations.

25 [19.] 18. Any railroad corporation as defined in section
26 388.010 that transports any hazardous waste as defined in section
27 260.360 or any hazardous substance as defined in section 260.500
28 shall pay an annual fee of three hundred fifty dollars. Fees

1 collected pursuant to this subsection shall be deposited in the
2 hazardous waste fund created in section 260.391.

3 260.475. 1. Every hazardous waste generator located in
4 Missouri shall pay, in addition to the fees imposed in section
5 260.380, a fee of twenty-five dollars per ton annually on all
6 hazardous waste which is discharged, deposited, dumped or placed
7 into or on the soil as a final action, and two dollars per ton on
8 all other hazardous waste transported off site. No fee shall be
9 imposed upon any hazardous waste generator who registers less
10 than ten tons of hazardous waste annually pursuant to section
11 260.380, or upon:

12 (1) Hazardous waste which must be disposed of as provided
13 by a remedial plan for an abandoned or uncontrolled hazardous
14 waste site;

15 (2) Fly ash waste, bottom ash waste, slag waste and flue
16 gas emission control waste generated primarily from the
17 combustion of coal or other fossil fuels;

18 (3) Solid waste from the extraction, beneficiation and
19 processing of ores and minerals, including phosphate rock and
20 overburden from the mining of uranium ore and smelter slag waste
21 from the processing of materials into reclaimed metals;

22 (4) Cement kiln dust waste;

23 (5) Waste oil; or

24 (6) Hazardous waste that is:

25 (a) Reclaimed or reused for energy and materials;

26 (b) Transformed into new products which are not wastes;

27 (c) Destroyed or treated to render the hazardous waste
28 nonhazardous; or

1 (d) Waste discharged to a publicly owned treatment works.

2 2. The fees imposed in this section shall be reported and
3 paid to the department on an annual basis not later than the
4 first of January. The payment shall be accompanied by a return
5 in such form as the department may prescribe.

6 3. All moneys collected or received by the department
7 pursuant to this section shall be transmitted to the department
8 of revenue for deposit in the state treasury to the credit of the
9 hazardous waste fund created pursuant to section 260.391.

10 Following each annual reporting date, the state treasurer shall
11 certify the amount deposited in the fund to the commission.

12 4. If any generator or transporter fails or refuses to pay
13 the fees imposed by this section, or fails or refuses to furnish
14 any information reasonably requested by the department relating
15 to such fees, there shall be imposed, in addition to the fee
16 determined to be owed, a penalty of fifteen percent of the fee
17 shall be deposited in the hazardous waste fund.

18 5. If the fees or any portion of the fees imposed by this
19 section are not paid by the date prescribed for such payment,
20 there shall be imposed interest upon the unpaid amount at the
21 rate of ten percent per annum from the date prescribed for its
22 payment until payment is actually made, all of which shall be
23 deposited in the hazardous waste fund.

24 6. The state treasurer is authorized to deposit all of the
25 moneys in the hazardous waste fund in any of the qualified
26 depositories of the state. All such deposits shall be secured in
27 such a manner and shall be made upon such terms and conditions as
28 are now or may hereafter be provided for by law relative to state

1 deposits. Interest received on such deposits shall be credited
2 to the hazardous waste fund.

3 7. This fee shall expire December 31, [2013] 2018, except
4 that the department shall levy and collect this fee for any
5 hazardous waste generated prior to such date and reported to the
6 department.

7 8. The director of the department of natural resources may
8 conduct a comprehensive review of the fee structure set forth in
9 this section. The comprehensive review shall include stakeholder
10 meetings in order to solicit stakeholder input from each of the
11 following groups: cement kiln representatives, chemical
12 companies, large and small hazardous waste generators, and any
13 other interested parties. Upon completion of the comprehensive
14 review, the department shall submit proposed changes to the fee
15 structure with stakeholder agreement to the hazardous waste
16 management commission. The commission shall, upon receiving the
17 department's recommendations, review such recommendations at the
18 forthcoming regular or special meeting. The commission shall not
19 take a vote on the fee structure until the following regular
20 meeting. If the commission approves, by vote of two-thirds
21 majority, the hazardous waste fee structure recommendations, the
22 commission shall promulgate by regulation and publish the
23 recommended fee structure no later than October first of the same
24 year. The commission shall file the order of rulemaking for such
25 rule with the joint committee on administrative rules pursuant to
26 sections 536.021 and 536.024 no later than December first of the
27 same year. If such rules are not disapproved by the general
28 assembly in the manner set out below, they shall take effect on

1 January first of the next odd-numbered year and the fee structure
2 set out in this section shall expire upon the effective date of
3 the commission adopted fee structure, contrary to subsection 9 of
4 this section. Any regulation promulgated under this subsection
5 shall be deemed to be beyond the scope and authority provided in
6 this subsection, or detrimental to permit applicants, if the
7 general assembly, within the first sixty calendar days of the
8 regular session immediately following the promulgation of such
9 regulation, by concurrent resolution, shall disapprove the fee
10 structure contained in such regulation. If the general assembly
11 so disapproves any regulation promulgated under this subsection,
12 the hazardous waste management commission shall continue to use
13 the fee structure set forth in the most recent preceding
14 regulation promulgated under this subsection. This subsection
15 shall expire on August 28, 2023.

16 261.023. 1. There is hereby created a department of
17 agriculture to be headed by a director of the department of
18 agriculture to be appointed by the governor, by and with the
19 advice and consent of the senate. The director shall possess the
20 qualifications presently provided by law for the position of
21 commissioner of agriculture.

22 2. All powers, duties and functions now vested by law to
23 the commissioner of the department of agriculture and the
24 department of agriculture, chapter 261 and others, are
25 transferred by type I transfer to the director of the department
26 of agriculture and to the department of agriculture herein
27 created.

28 3. The state horticultural society created by sections

1 262.010 and 262.020 is transferred by type I transfer to the
2 department of agriculture.

3 4. All the powers, duties, and functions vested in the
4 state milk board, chapter 196, are transferred to the department
5 of agriculture by type III transfer. The appointed members of
6 the board shall be nominated by the department director, and
7 appointed by the governor with the advice and consent of the
8 senate. The department of health and senior services shall
9 retain the powers, duties and functions assigned by chapter 196.

10 5. All the powers, duties, functions and properties of the
11 state fruit experiment station, chapter 262, are transferred by
12 type I transfer to the Southwest Missouri State University and
13 fruit experiment station board of trustees is abolished.

14 6. All the powers, duties and functions of the department
15 of revenue relating to the inspection of motor fuel and special
16 fuel distributors, chapters 323 and 414, are transferred by type
17 I transfer to the department of agriculture and to the director
18 of that department. The collection of the taxes provided in
19 chapters 142 and 136, however, shall be made by the department of
20 revenue.

21 7. All the powers, duties, and functions of the land survey
22 program of the department of natural resources are transferred to
23 the department of agriculture by type I transfer.

24 444.772. 1. Any operator desiring to engage in surface
25 mining shall make written application to the director for a
26 permit.

27 2. Application for permit shall be made on a form
28 prescribed by the commission and shall include:

1 (1) The name of all persons with any interest in the land
2 to be mined;

3 (2) The source of the applicant's legal right to mine the
4 land affected by the permit;

5 (3) The permanent and temporary post office address of the
6 applicant;

7 (4) Whether the applicant or any person associated with the
8 applicant holds or has held any other permits pursuant to
9 sections 444.500 to 444.790, and an identification of such
10 permits;

11 (5) The written consent of the applicant and any other
12 persons necessary to grant access to the commission or the
13 director to the area of land affected under application from the
14 date of application until the expiration of any permit granted
15 under the application and thereafter for such time as is
16 necessary to assure compliance with all provisions of sections
17 444.500 to 444.790 or any rule or regulation promulgated pursuant
18 to them. Permit applications submitted by operators who mine an
19 annual tonnage of less than ten thousand tons shall be required
20 to include written consent from the operator to grant access to
21 the commission or the director to the area of land affected;

22 (6) A description of the tract or tracts of land and the
23 estimated number of acres thereof to be affected by the surface
24 mining of the applicant for the next succeeding twelve months;
25 and

26 (7) Such other information that the commission may require
27 as such information applies to land reclamation.

28 3. The application for a permit shall be accompanied by a

1 map in a scale and form specified by the commission by
2 regulation.

3 4. The application shall be accompanied by a bond, security
4 or certificate meeting the requirements of section 444.778, a
5 geologic resources fee authorized under section 256.700, and a
6 permit fee approved by the commission not to exceed one thousand
7 dollars. The commission may also require a fee for each site
8 listed on a permit not to exceed four hundred dollars for each
9 site. If mining operations are not conducted at a site for six
10 months or more during any year, the fee for such site for that
11 year shall be reduced by fifty percent. The commission may also
12 require a fee for each acre bonded by the operator pursuant to
13 section 444.778 not to exceed twenty dollars per acre. If such
14 fee is assessed, the per-acre fee on all acres bonded by a single
15 operator that exceed a total of two hundred acres shall be
16 reduced by fifty percent. In no case shall the total fee for any
17 permit be more than three thousand dollars. Permit and renewal
18 fees shall be established by rule, except for the initial fees as
19 set forth in this subsection, and shall be set at levels that
20 recover the cost of administering and enforcing sections 444.760
21 to 444.790, making allowances for grants and other sources of
22 funds. The director shall submit a report to the commission and
23 the public each year that describes the number of employees and
24 the activities performed the previous calendar year to administer
25 sections 444.760 to 444.790. For any operator of a gravel mining
26 operation where the annual tonnage of gravel mined by such
27 operator is less than five thousand tons, the total cost of
28 submitting an application shall be three hundred dollars. The

1 issued permit shall be valid from the date of its issuance until
2 the date specified in the mine plan unless sooner revoked or
3 suspended as provided in sections 444.760 to 444.790. Beginning
4 August 28, 2007, the fees shall be set at a permit fee of eight
5 hundred dollars, a site fee of four hundred dollars, and an acre
6 fee of ten dollars, with a maximum fee of three thousand dollars.
7 Fees may be raised as allowed in this subsection after a
8 regulation change that demonstrates the need for increased fees.

9 5. An operator desiring to have his or her permit amended
10 to cover additional land may file an amended application with the
11 commission. Upon receipt of the amended application, and such
12 additional fee and bond as may be required pursuant to the
13 provisions of sections 444.760 to 444.790, the director shall, if
14 the applicant complies with all applicable regulatory
15 requirements, issue an amendment to the original permit covering
16 the additional land described in the amended application.

17 6. An operation may withdraw any land covered by a permit,
18 excepting affected land, by notifying the commission thereof, in
19 which case the penalty of the bond or security filed by the
20 operator pursuant to the provisions of sections 444.760 to
21 444.790 shall be reduced proportionately.

22 7. Where mining or reclamation operations on acreage for
23 which a permit has been issued have not been completed, the
24 permit shall be renewed. The operator shall submit a permit
25 renewal form furnished by the director for an additional permit
26 year and pay a fee equal to an application fee calculated
27 pursuant to subsection 4 of this section, but in no case shall
28 the renewal fee for any operator be more than three thousand

1 dollars. For any operator involved in any gravel mining
2 operation where the annual tonnage of gravel mined by such
3 operator is less than five thousand tons, the permit as to such
4 acreage shall be renewed by applying on a permit renewal form
5 furnished by the director for an additional permit year and
6 payment of a fee of three hundred dollars. Upon receipt of the
7 completed permit renewal form and fee from the operator, the
8 director shall approve the renewal. With approval of the
9 director and operator, the permit renewal may be extended for a
10 portion of an additional year with a corresponding prorating of
11 the renewal fee.

12 8. Where one operator succeeds another at any uncompleted
13 operation, either by sale, assignment, lease or otherwise, the
14 commission may release the first operator from all liability
15 pursuant to sections 444.760 to 444.790 as to that particular
16 operation if both operators have been issued a permit and have
17 otherwise complied with the requirements of sections 444.760 to
18 444.790 and the successor operator assumes as part of his or her
19 obligation pursuant to sections 444.760 to 444.790 all liability
20 for the reclamation of the area of land affected by the former
21 operator.

22 9. The application for a permit shall be accompanied by a
23 plan of reclamation that meets the requirements of sections
24 444.760 to 444.790 and the rules and regulations promulgated
25 pursuant thereto, and shall contain a verified statement by the
26 operator setting forth the proposed method of operation,
27 reclamation, and a conservation plan for the affected area
28 including approximate dates and time of completion, and stating

1 that the operation will meet the requirements of sections 444.760
2 to 444.790, and any rule or regulation promulgated pursuant to
3 them.

4 10. At the time that a permit application is deemed
5 complete by the director, the operator shall publish a notice of
6 intent to operate a surface mine in any newspaper qualified
7 pursuant to section 493.050 to publish legal notices in any
8 county where the land is located. If the director does not
9 respond to a permit application within forty-five calendar days,
10 the application shall be deemed to be complete. Notice in the
11 newspaper shall be posted once a week for four consecutive weeks
12 beginning no more than ten days after the application is deemed
13 complete. The operator shall also send notice of intent to
14 operate a surface mine by certified mail to the governing body of
15 the counties or cities in which the proposed area is located, and
16 to the last known addresses of all record landowners of
17 contiguous real property or real property located adjacent to the
18 proposed mine plan area. The notices shall include the name and
19 address of the operator, a legal description consisting of
20 county, section, township and range, the number of acres
21 involved, a statement that the operator plans to mine a specified
22 mineral during a specified time, and the address of the
23 commission. The notices shall also contain a statement that any
24 person with a direct, personal interest in one or more of the
25 factors the commission may consider in issuing a permit may
26 request a public meeting, a public hearing or file written
27 comments to the director no later than fifteen days following the
28 final public notice publication date.

1 11. The commission may approve a permit application or
2 permit amendment whose operation or reclamation plan deviates
3 from the requirements of sections 444.760 to 444.790 if it can be
4 demonstrated by the operator that the conditions present at the
5 surface mining location warrant an exception. The criteria
6 accepted for consideration when evaluating the merits of an
7 exception or variance to the requirements of sections 444.760 to
8 444.790 shall be established by regulations.

9 12. Fees imposed pursuant to this section shall become
10 effective August 28, 2007, and shall expire on December 31,
11 ~~[2013]~~ 2018. No other provisions of this section shall expire.

12 621.250. 1. All authority to hear contested case
13 administrative appeals granted in chapters 236, 256, 260, 444,
14 640, 643, and 644, and to the hazardous waste management
15 commission in chapter 260, the land reclamation commission in
16 chapter 444, the safe drinking water commission in chapter 640,
17 the air conservation commission in chapter 643, and the clean
18 water commission in chapter 644 shall be transferred to the
19 administrative hearing commission under this chapter. The
20 authority to render final decisions after hearing on appeals
21 heard by the administrative hearing commission shall remain with
22 the commissions listed in this subsection. For appeals pursuant
23 to chapter 236, chapter 256, section 260.235, or section 260.249,
24 the administrative hearing commission shall render a final
25 decision rather than a recommended decision. The administrative
26 hearing commission may render [a] its recommended or final
27 decision after hearing or through stipulation, consent order,
28 agreed settlement or by disposition in the nature of default

1 judgment, judgment on the pleadings, or summary determination,
2 consistent with the requirements of this subsection and the rules
3 and procedures of the administrative hearing commission.

4 2. Except as otherwise provided by law, any person or
5 entity who is a party to, or who is aggrieved or adversely
6 affected by, any finding, order, decision, or assessment for
7 which the authority to hear appeals was transferred to the
8 administrative hearing commission in subsection 1 of this section
9 may file a notice of appeal with the administrative hearing
10 commission within thirty days after any such finding, order,
11 decision, or assessment is placed in the United States mail or
12 within thirty days of any such finding, order, decision, or
13 assessment being delivered, whichever is earlier. Within ninety
14 days after the date on which the notice of appeal is filed the
15 administrative hearing commission may hold hearings, and within
16 one hundred twenty days after the date on which the notice of
17 appeal is filed shall make a recommended decision [based on those
18 hearings or shall make a recommended decision based on
19 stipulation of the parties, consent order, agreed settlement or
20 by disposition in the nature of default judgment, judgment on the
21 pleadings, or summary determination], or a final decision where
22 applicable, in accordance with the requirements of this
23 [subsection] section and the rules and procedures of the
24 administrative hearing commission; provided, however, that the
25 dates by which the administrative hearing commission is required
26 to hold hearings and make a recommended decision may be extended
27 at the sole discretion of the permittee as either petitioner or
28 intervenor in the appeal.

1 3. Any decision by the director of the department of
2 natural resources that may be appealed as provided in subsection
3 1 of this section shall contain a notice of the right of appeal
4 in substantially the following language: "If you were adversely
5 affected by this decision, you may be entitled to pursue an
6 appeal [to have the matter heard by] before the administrative
7 hearing commission. To appeal, you must file a petition with the
8 administrative hearing commission within thirty days after the
9 date this decision was mailed or the date it was delivered,
10 whichever date was earlier. If any such petition is sent by
11 registered mail or certified mail, it will be deemed filed on the
12 date it is mailed; if it is sent by any method other than
13 registered mail or certified mail, it will be deemed filed on the
14 date it is received by the administrative hearing commission."
15 Within fifteen days after the administrative hearing commission
16 renders [its] a recommended decision, it shall transmit the
17 record and a transcript of the proceedings, together with the
18 administrative hearing commission's recommended decision to the
19 commission having authority to issue a final decision. The final
20 decision of the commission shall be issued within one hundred
21 eighty days of the date the notice of appeal in subsection 2 of
22 this section is filed and shall be based only on the facts and
23 evidence in the hearing record; provided, however, that the date
24 by which the commission is required to issue a final decision may
25 be extended at the sole discretion of the permittee as either
26 petitioner or intervenor in the appeal. The commission may adopt
27 the recommended decision as its final decision. The commission
28 may change a finding of fact or conclusion of law made by the

1 administrative hearing commission, or may vacate or modify the
2 recommended decision issued by the administrative hearing
3 commission, only if the commission states in writing the specific
4 reason for a change made under this subsection.

5 4. In the event the person filing the appeal prevails in
6 any dispute under this section, interest shall be allowed upon
7 any amount found to have been wrongfully collected or erroneously
8 paid at the rate established by the director of the department of
9 revenue under section 32.065.

10 5. Appropriations shall be made from the respective funds
11 of the [various commissions] department of natural resources to
12 cover the administrative hearing commission's costs associated
13 with these appeals.

14 6. In all matters heard by the administrative hearing
15 commission under this section, the burden of proof shall comply
16 with section 640.012. The hearings shall be conducted by the
17 administrative hearing commission in accordance with the
18 provisions of chapter 536 and its regulations promulgated
19 thereunder.

20 7. No cause of action or appeal arising out of any finding,
21 order, decision, or assessment of any of the commissions listed
22 in subsection 1 of this section shall accrue in any court unless
23 the party seeking to file such cause of action or appeal shall
24 have filed a notice of appeal and received a final decision in
25 accordance with the provisions of this section.

26 640.010. 1. There is hereby created a department of
27 natural resources in charge of a director appointed by the
28 governor, by and with the advice and consent of the senate. The

1 director shall administer the programs assigned to the department
2 relating to environmental control and the conservation and
3 management of natural resources. The director shall coordinate
4 and supervise all staff and other personnel assigned to the
5 department. He shall faithfully cause to be executed all
6 policies established by the boards and commissions assigned to
7 the department, be subject to their decisions as to all
8 substantive and procedural rules and his or her decisions shall
9 be subject to appeal [to the board or commission on request of
10 the board or commission or by affected parties] as provided by
11 law. The director shall recommend policies to the various boards
12 and commissions assigned to the department to achieve effective
13 and coordinated environmental control and natural resource
14 conservation policies.

15 2. The director shall appoint directors of staff to service
16 each of the policy making boards or commissions assigned to the
17 department. Each director of staff shall be qualified by
18 education, training and experience in the technical matters of
19 the board to which he is assigned and his or her appointment
20 shall be approved by the board to which he is assigned and he
21 shall be removed or reassigned on their request in writing to the
22 director of the department. All other employees of the
23 department and of each board and commission assigned to the
24 department shall be appointed by the director of the department
25 in accord with chapter 36, and shall be assigned and may be
26 reassigned as required by the director of the department in such
27 a manner as to provide optimum service, efficiency and economy.

28 3. The air conservation commission, chapter 203 and others,

1 the clean water commission, chapter 204 and others, are
2 transferred by type II transfer to the department of natural
3 resources. The governor shall appoint the members of these
4 bodies in accord with the laws establishing them, with the advice
5 and consent of the senate. The bodies hereby transferred shall
6 retain all rulemaking and hearing powers allotted by law, as well
7 as those of any bodies transferred to their jurisdiction. All
8 the powers, duties and functions of the state environmental
9 improvement authority, chapter 260 and others, are transferred by
10 type III transfer to the air conservation commission. All the
11 powers, duties and functions of the water resources board,
12 chapter 256 and others, are transferred by type I transfer to the
13 clean water commission and the board is abolished. No member of
14 the clean water commission shall receive or shall have received,
15 during the previous two years from the date of his or her
16 appointment, a significant portion of his or her income directly
17 or indirectly from permit holders or applicants for a permit
18 under the jurisdiction of the clean water commission. The state
19 park board, chapter 253, is transferred to the department of
20 natural resources by type I transfer.

21 4. All the powers, duties and functions of the state soil
22 and water districts commission, chapter 278 and others, are
23 transferred by a type II transfer to the department.

24 5. All the powers, duties and functions of the state
25 geologist, chapter 256 and others, are transferred by type I
26 transfer to the department of natural resources. [All the
27 powers, duties and functions of the state land survey authority,
28 chapter 60, are transferred to the department of natural

1 resources by type I transfer and the authority is abolished.]
2 All the powers, duties and functions of the state oil and gas
3 council, chapter 259 and others, are transferred to the
4 department of natural resources by type II transfer. The
5 director of the department shall appoint a state geologist who
6 shall have the duties to supervise and coordinate the work
7 formerly done by the departments or authorities abolished by this
8 subsection, and shall provide staff services for the state oil
9 and gas council.

10 6. All the powers, duties and functions of the land
11 reclamation commission, chapter 444 and others, are transferred
12 to the department of natural resources by type II transfer. All
13 necessary personnel required by the commission shall be selected,
14 employed and discharged by the commission. The director of the
15 department shall not have the authority to abolish positions.

16 7. The functions performed by the division of health in
17 relation to the maintenance of a safe quality of water dispensed
18 to the public, sections 640.100 to 640.115, and others, and for
19 licensing and regulating solid waste management systems and plans
20 are transferred by type I transfer to the department of natural
21 resources.

22 [8. (1) The state interagency council for outdoor
23 recreation, chapter 258, is transferred to the department of
24 natural resources by type II transfer. The council shall consist
25 of representatives of the following state agencies: department
26 of agriculture; department of conservation; office of
27 administration; department of natural resources; department of
28 economic development; department of social services; department

1 of transportation; and the University of Missouri.

2 (2) The council shall function as provided in chapter 258,
3 except that the department of natural resources shall provide all
4 staff services as required by the council notwithstanding the
5 provisions of sections 258.030 and 258.040, and all personnel and
6 property of the council are hereby transferred by type I transfer
7 to the department of natural resources and the office of
8 executive secretary to the council is abolished.]

9 640.012. In all [matters] contested case administrative
10 appeals heard by the [department of natural resources in this
11 chapter and chapters 260, 278, 444, 643, and 644, the hazardous
12 waste management commission in chapter 260, the state soil and
13 water districts commission in chapter 278, the land reclamation
14 commission in chapter 444, the safe drinking water commission in
15 this chapter, the air conservation commission in chapter 643, and
16 the clean water commission in chapter 644] administrative hearing
17 commission pursuant to section 621.250, the burden of proof shall
18 be upon the department of natural resources [or the commission
19 that issued] to demonstrate the lawfulness of the finding, order,
20 decision or assessment being appealed, except that in matters
21 involving the denial of a permit, license or registration, the
22 burden of proof shall be on the applicant for such permit,
23 license or registration.

24 640.017. 1. Notwithstanding any other provision of law,
25 for activities that may require multiple environmental state
26 permits or certifications, an applicant may [request to
27 coordinate] directly petition the director for purposes of
28 approving or denying such permits or certifications, and for

1 purposes of coordinating a unified permit schedule with the
2 department which covers the timing and order to obtain such
3 permits in a coordinated and streamlined process. In determining
4 the schedule, the department and applicant shall consider which
5 permits are most critical for the regulated activity, the need
6 for unified public participation for all of the regulated aspects
7 of the permitted activity, the applicant's anticipated staging of
8 construction and financing for the permitted activity, and the
9 applicant's use of innovative environmental approaches or
10 strategies to minimize its environmental impacts.

11 2. In order to facilitate a unified and streamlined
12 permitting process, the director shall develop and implement a
13 process to coordinate the processing of multiple environmental
14 permits, certifications, or permit modifications from a single
15 applicant.

16 3. The department may initiate the unified permits process
17 for a class of similar activities by notifying any known
18 applicants interested in those regulated activities of the intent
19 to use the unified process. To the extent practicable and
20 consistent with the purposes of this section, the department
21 shall coordinate with interested applicants on the unified permit
22 schedule.

23 [3.] 4. The [department] process developed and implemented
24 by the director shall include working with such applicants in an
25 effort to help determine, at the earliest stage, all of the
26 permits required for a specific proposed activity based on
27 information provided by the applicant; additional information
28 regarding the proposed activity may result in different permits

1 being required. The department shall ~~[propose]~~ inform applicants
2 that a unified permitting schedule ~~[to interested applicants]~~ is
3 available. Any multiple-permit applicant may decline at any time
4 to have its permits processed in accordance with the schedule and
5 instead proceed ~~[in]~~ on a permit-by-permit approach. The
6 department shall publicize the order and tentative schedule on
7 the department's internet website.

8 [4.] 5. Following the establishment of a unified permit
9 schedule, the director shall notify the applicant in writing of
10 the order in which the applicant shall obtain permits. The
11 department shall proceed to consider applications accordingly and
12 may only modify the schedule with the consent of the applicant
13 through the date of the public hearing. Each application shall
14 be reviewed by the department based solely on its own merits and
15 compliance with the applicable law.

16 [5.] 6. The department shall coordinate with the applicant,
17 to the extent possible, to align the unified permit process so
18 that all public meetings or hearings related to the permits are
19 consolidated into one hearing in a location near the facility.

20 [6.] 7. In furtherance of this section, the director may
21 waive otherwise applicable procedural requirements related to
22 timing as set forth in state environmental laws or rules found in
23 this chapter and chapters 236, 259, 260, 444, 643, and 644, so
24 long as:

25 (1) The public comment periods related to each permit are
26 not shortened; and

27 (2) The unified permitting schedule does not impair the
28 ability of the applicant or the department to comply with

1 substantive legal requirements related to the permit application.

2 [7.] 8. The director shall promulgate rules to implement
3 the provisions of this section. Any rule or portion of a rule,
4 as that term is defined in section 536.010, that is created under
5 the authority delegated in this section shall become effective
6 only if it complies with and is subject to all of the provisions
7 of chapter 536 and, if applicable, section 536.028. This section
8 and chapter 536 are nonseverable and if any of the powers vested
9 with the general assembly under chapter 536 to review, to delay
10 the effective date, or to disapprove and annul a rule are
11 subsequently held unconstitutional, then the grant of rulemaking
12 authority and any rule proposed or adopted after August 28, 2008,
13 shall be invalid and void.

14 640.026. 1. The department of natural resources shall, by
15 December 1, 2013, and annually thereafter, develop a list of all
16 documents produced for external dissemination, excluding permits,
17 that the department utilizes to implement enforcement actions or
18 penalties levied by the department which have not been
19 established in statute or have not been promulgated pursuant to
20 chapter 536. The list and all documents referenced shall be
21 provided to the joint committee on administrative rules for the
22 purpose of a review, in consultation with the department, to
23 determine if the documents are statements of general
24 applicability that implement, interpret, or prescribe law or
25 policy that should be subject to the rulemaking process
26 prescribed in chapter 536.

27 2. All documents, excluding permits and rules, produced by
28 the department for external dissemination shall contain:

- 1 (1) The name of the department;
2 (2) The name of the division of the department, if
3 applicable;
4 (3) The name of the director of the division, if
5 applicable;
6 (4) The calendar date on which the document was produced;
7 and
8 (5) A disclosure statement stating: "Nothing in this
9 document may be used to implement any enforcement action or levy
10 any penalty unless promulgated by rule under chapter 536 or
11 authorized by statute.".

12 3. The list and all documents required by this section to
13 be provided to the joint committee on administrative rules shall
14 be satisfied by providing either physical copies of both a list
15 and all documents, excluding permits, or by providing a list of
16 documents accompanied by a separate uniform resource locator for
17 each listed document.

18 640.065. 1. The "Department of Natural Resources Revolving
19 Services Fund" is hereby created. All funds received by the
20 department of natural resources from the delivery of services and
21 the sale or resale of maps, plats, reports, studies, records, and
22 other publications and documents, on paper or in electronic
23 format, shall be credited to the fund. The director of the
24 department shall administer the fund. The state treasurer is the
25 custodian of the fund and may approve disbursements from the fund
26 requested by the director of the department. When appropriated,
27 moneys in the fund shall be used to purchase goods, equipment,
28 hardware and software, maintenance and licenses, software and

1 database development and maintenance, personal services, and
2 other services that will ultimately be used to provide copies of
3 information maintained or provided by the department, reprint
4 maps, publications or other documents requested by governmental
5 agencies or members of the general public; to publish the maps,
6 publications, or other documents; to purchase maps, publications,
7 or other documents for resale; and to pay shipping charges,
8 laboratory services, core library fees, workshop fees, conference
9 fees, and interdivisional cooperative agreements, but for no
10 other purpose.

11 2. The department of natural resources may produce,
12 reproduce, and sell maps, plats, reports, studies, and records
13 and shall fix the charge therefor. All income received shall be
14 promptly deposited in the state treasury to the credit of the
15 department of natural resources revolving services fund.

16 3. An unencumbered balance not exceeding one million
17 dollars in the department of natural resources revolving services
18 fund at the end of the fiscal year is exempt from the provisions
19 of section 33.080 relating to the transfer of unexpended balances
20 to the general revenue fund.

21 4. The department of natural resources shall report all
22 income to and expenditures from such fund on a quarterly basis to
23 the house of representatives budget committee and the senate
24 appropriations committee.

25 640.075. The department of natural resources is authorized
26 to gather data, photographs and such other materials as may be
27 necessary and to prepare, edit and publish from time to time, as
28 deemed necessary, copies of a brochure on the Thomas Hart Benton

1 murals in the house lounge and on other major works of art of the
2 Missouri state capitol. The brochure shall be sold at a price to
3 be set by the department of natural resources. The proceeds from
4 the sale of the brochure shall be deposited in the state treasury
5 to the credit of the natural resources [document] revolving
6 services fund created in section [60.595] 640.065.

7 640.080. 1. For Missouri state parks' designated swim
8 beaches, a standard that measures E. coli using the Environmental
9 Protection Agency's Method 1603, or any other equivalent method
10 that measures culturable E. coli, with the geometric mean (GM) of
11 weekly sampling of one hundred ninety colony forming units per
12 one hundred milliliters shall be utilized.

13 2. If beaches exceed the GM standard established in
14 subsection 1 of this section, the department of natural resources
15 shall post the beach with signs that state "Swimming is Not
16 Recommended".

17 3. The department reserves the right to close a beach in
18 the event of a documented health risk including things such as
19 but not limited to wastewater by-pass, extremely high sampling
20 values, spills of hazardous chemicals, or localized outbreaks of
21 an infectious disease.

22 640.236. In all civil actions involving claims that arise
23 from the ownership, maintenance, management, or control of
24 underground hard rock mining or hard rock milling sites that
25 ceased operations prior to January 1, 1975, or that arise from
26 chat or tailings generated at those sites, brought against
27 persons or entities alleged to have owned, maintained, managed,
28 or controlled such sites, chat, or tailings at any time, such

1 persons and entities shall be exempt from punitive or exemplary
2 damages with respect to all claims that relate in any way to the
3 ownership, maintenance, management, or control of such sites,
4 chat, or tailings, so long as such persons or entities or their
5 employees, agents, owners, parent, subsidiary, or any related
6 companies have made or are making good faith efforts to remediate
7 such sites. Any evidence may be introduced to demonstrate good
8 faith efforts to remediate, including substantial compliance with
9 an order or permit issued by or negotiated with either the state
10 of Missouri or the United States concerning remediation or
11 closure. The total of any awards of punitive or exemplary
12 damages shall not exceed one million dollars in the aggregate as
13 to all defendants in a civil action within this section. The
14 provisions of section 537.675 shall not apply to such action, and
15 one-half of any such awards for punitive or exemplary damages
16 shall be paid into the Missouri lead abatement loan fund
17 established under section 701.337. Nothing in this section shall
18 be construed as precluding any party from pursuing compensatory
19 damages, including claims for natural resource damages.

20 640.715. 1. Prior to filing an application to acquire [a
21 construction] an operating permit for a new or expanded facility
22 from the department, the owner or operator of any class IA, class
23 IB, or class IC concentrated animal feeding operation shall
24 provide the following information to the department, to the
25 county governing body and to all adjoining property owners of
26 property located within one and one-half times the buffer
27 distance as specified in subsection 2 of section 640.710 for the
28 size of the proposed facility:

1 (1) The number of animals anticipated at such facility;

2 (2) The waste handling plan and general layout of the
3 facility;

4 (3) The location and number of acres of such facility;

5 (4) Name, address, telephone number and registered agent
6 for further information as it relates to subdivisions (1) to (3)
7 of this subsection;

8 (5) Notice that the department will accept written comments
9 from the public for a period of thirty days; and

10 (6) The address of the regional or state office of the
11 department. The department shall require proof of such
12 notification upon accepting an application for [a construction]
13 an operating permit for a new or expanded facility. The
14 department shall accept written comments from the public for
15 thirty days after receipt of application for [construction] such
16 permit.

17 2. The department shall not issue [a] an operating permit
18 to a facility described in subsection 1 of this section to engage
19 in any activity regulated by the department unless the applicant
20 is in compliance with sections 640.700 to 640.755.

21 3. The department shall issue [a] an operating permit or
22 respond with a letter of comment to the owner or operator of such
23 facility within forty-five days of receiving a completed permit
24 application and verification of compliance with subsection 1 of
25 this section.

26 640.725. 1. The owner or operator of any flush system
27 animal waste wet handling facility shall employ one or more
28 persons who shall once per week visually inspect the [animal

1 waste wet handling facility and lagoons for unauthorized
2 discharge and structural integrity at least every twelve hours
3 with a deviation of not to exceed three hours] gravity outfall
4 lines, recycle pump stations, recycle force mains, and
5 appurtenances for any release to any containment structure
6 required by section 640.730. The owner or operator shall also
7 visually inspect once per day any lagoon whose water level is
8 less than twelve inches from the emergency spillway. The owner
9 or operator of the facility shall keep records of each
10 inspection. Such records shall be retained for three years. The
11 department shall provide or approve a form provided by the owner
12 or operator for each facility for such inspections.

13 2. All new construction permits for flush system animal
14 waste wet handling facilities shall have an electronic or
15 mechanical shutoff of the system in the event of pipe stoppage.
16 As of July 1, 1997, all existing flush system animal waste wet
17 handling facilities shall have, at a minimum, an electronic or
18 mechanical shutoff of the system in the event of pipe stoppage or
19 backflow.

20 643.079. 1. Any air contaminant source required to obtain
21 a permit issued under sections 643.010 to 643.355 shall pay
22 annually beginning April 1, 1993, a fee as provided herein. For
23 the first year the fee shall be twenty-five dollars per ton of
24 each regulated air contaminant emitted. Thereafter, the fee
25 shall be set every three years by the commission by rule and
26 shall be at least twenty-five dollars per ton of regulated air
27 contaminant emitted but not more than forty dollars per ton of
28 regulated air contaminant emitted in the previous calendar year.

1 If necessary, the commission may make annual adjustments to the
2 fee by rule. The fee shall be set at an amount consistent with
3 the need to fund the reasonable cost of administering sections
4 643.010 to 643.355, taking into account other moneys received
5 pursuant to sections 643.010 to 643.355. For the purpose of
6 determining the amount of air contaminant emissions on which the
7 fees authorized under this section are assessed, a facility shall
8 be considered one source under the definition of subsection 2 of
9 section 643.078, except that a facility with multiple operating
10 permits shall pay the emission fees authorized under this section
11 separately for air contaminants emitted under each individual
12 permit.

13 2. A source which produces charcoal from wood shall pay an
14 annual emission fee under this subsection in lieu of the fee
15 established in subsection 1 of this section. The fee shall be
16 based upon a maximum fee of twenty-five dollars per ton and
17 applied upon each ton of regulated air contaminant emitted for
18 the first four thousand tons of each contaminant emitted in the
19 amount established by the commission pursuant to subsection 1 of
20 this section, reduced according to the following schedule:

21 (1) For fees payable under this subsection in the years
22 1993 and 1994, the fee shall be reduced by one hundred percent;

23 (2) For fees payable under this subsection in the years
24 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

25 (3) For fees payable under this subsection in the years
26 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

27 3. The fees imposed in subsection 2 of this section shall
28 not be imposed or collected after the year 2000 unless the

1 general assembly reimposes the fee.

2 4. Each air contaminant source with a permit issued under
3 sections 643.010 to 643.355 shall pay the fee for the first four
4 thousand tons of each regulated air contaminant emitted each year
5 but no air contaminant source shall pay fees on total emissions
6 of regulated air contaminants in excess of twelve thousand tons
7 in any calendar year. A permitted air contaminant source which
8 emitted less than one ton of all regulated pollutants shall pay a
9 fee equal to the amount per ton set by the commission. An air
10 contaminant source which pays emission fees to a holder of a
11 certificate of authority issued pursuant to section 643.140 may
12 deduct such fees from any amount due under this section. The
13 fees imposed in this section shall not be applied to carbon oxide
14 emissions. The fees imposed in subsection 1 and this subsection
15 shall not be applied to sulfur dioxide emissions from any Phase I
16 affected unit subject to the requirements of Title IV, Section
17 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651,
18 et seq., any sooner than January 1, 2000. The fees imposed on
19 emissions from Phase I affected units shall be consistent with
20 and shall not exceed the provisions of the federal Clean Air Act,
21 as amended, and the regulations promulgated thereunder. Any such
22 fee on emissions from any Phase I affected unit shall be reduced
23 by the amount of the service fee paid by that Phase I affected
24 unit pursuant to subsection 8 of this section in that year. Any
25 fees that may be imposed on Phase I sources shall follow the
26 procedures set forth in subsection 1 and this subsection and
27 shall not be applied retroactively.

28 5. Moneys collected under this section shall be transmitted

1 to the director of revenue for deposit in appropriate subaccounts
2 of the natural resources protection fund created in section
3 640.220. A subaccount shall be maintained for fees paid by air
4 contaminant sources which are required to be permitted under
5 Title V of the federal Clean Air Act, as amended, 42 U.S.C.
6 Section 7661, et seq., and used, upon appropriation, to fund
7 activities by the department to implement the operating permits
8 program authorized by Title V of the federal Clean Air Act, as
9 amended. Another subaccount shall be maintained for fees paid by
10 air contaminant sources which are not required to be permitted
11 under Title V of the federal Clean Air Act as amended, and used,
12 upon appropriation, to fund other air pollution control program
13 activities. Another subaccount shall be maintained for service
14 fees paid under subsection 8 of this section by Phase I affected
15 units which are subject to the requirements of Title IV, Section
16 404, of the federal Clean Air Act Amendments of 1990, as amended,
17 42 U.S.C. 7651, and used, upon appropriation, to fund air
18 pollution control program activities. The provisions of section
19 33.080 to the contrary notwithstanding, moneys in the fund shall
20 not revert to general revenue at the end of each biennium.
21 Interest earned by moneys in the subaccounts shall be retained in
22 the subaccounts. The per-ton fees established under subsection 1
23 of this section may be adjusted annually, consistent with the
24 need to fund the reasonable costs of the program, but shall not
25 be less than twenty-five dollars per ton of regulated air
26 contaminant nor more than forty dollars per ton of regulated air
27 contaminant. The first adjustment shall apply to moneys payable
28 on April 1, 1994, and shall be based upon the general price level

1 for the twelve-month period ending on August thirty-first of the
2 previous calendar year.

3 6. The department may initiate a civil action in circuit
4 court against any air contaminant source which has not remitted
5 the appropriate fees within thirty days. In any judgment against
6 the source, the department shall be awarded interest at a rate
7 determined pursuant to section 408.030 and reasonable attorney's
8 fees. In any judgment against the department, the source shall
9 be awarded reasonable attorney's fees.

10 7. The department shall not suspend or revoke a permit for
11 an air contaminant source solely because the source has not
12 submitted the fees pursuant to this section.

13 8. Any Phase I affected unit which is subject to the
14 requirements of Title IV, Section 404, of the federal Clean Air
15 Act, as amended, 42 U.S.C. 7651, shall pay annually beginning
16 April 1, 1993, and terminating December 31, 1999, a service fee
17 for the previous calendar year as provided herein. For the first
18 year, the service fee shall be twenty-five thousand dollars for
19 each Phase I affected generating unit to help fund the
20 administration of sections 643.010 to 643.355. Thereafter, the
21 service fee shall be annually set by the commission by rule,
22 following public hearing, based on an annual allocation prepared
23 by the department showing the details of all costs and expenses
24 upon which such fees are based consistent with the department's
25 reasonable needs to administer and implement sections 643.010 to
26 643.355 and to fulfill its responsibilities with respect to Phase
27 I affected units, but such service fee shall not exceed
28 twenty-five thousand dollars per generating unit. Any such Phase

1 I affected unit which is located on one or more contiguous tracts
2 of land with any Phase II generating unit that pays fees under
3 subsection 1 or subsection 2 of this section shall be exempt from
4 paying service fees under this subsection. A "contiguous tract
5 of land" shall be defined to mean adjacent land, excluding public
6 roads, highways and railroads, which is under the control of or
7 owned by the permit holder and operated as a single enterprise.

8 9. The department of natural resources shall determine the
9 fees due pursuant to this section by the state of Missouri and
10 its departments, agencies and institutions, including two- and
11 four-year institutions of higher education. The director of the
12 department of natural resources shall forward the various totals
13 due to the joint committee on capital improvements and the
14 directors of the individual departments, agencies and
15 institutions. The departments, as part of the budget process,
16 shall annually request by specific line item appropriation funds
17 to pay said fees and capital funding for projects determined to
18 significantly improve air quality. If the general assembly fails
19 to appropriate funds for emissions fees as specifically
20 requested, the departments, agencies and institutions shall pay
21 said fees from other sources of revenue or funds available. The
22 state of Missouri and its departments, agencies and institutions
23 may receive assistance from the small business technical
24 assistance program established pursuant to section 643.173.

25 10. The director of the department of natural resources may
26 conduct a comprehensive review of the fee structure set forth in
27 this section. The comprehensive review shall include stakeholder
28 meetings in order to solicit stakeholder input from each of the

1 following groups: electric utilities, mineral and metallic
2 mining and processing facilities, cement kiln representatives,
3 and any other interested industrial or business entities or
4 interested parties. Upon completion of the comprehensive review,
5 the department shall submit proposed changes to the fee structure
6 with stakeholder agreement to the air conservation commission.
7 The commission shall, upon receiving the department's
8 recommendations, review such recommendations at the forthcoming
9 regular or special meeting. The commission shall review fee
10 structure recommendations from the department. The commission
11 shall not take a vote on the fee structure recommendations until
12 the following regular or special meeting. If the commission
13 approves, by vote of two-thirds majority or five of seven
14 commissioners, the fee structure recommendations, the commission
15 shall promulgate by regulation and publish the recommended fee
16 structure no later than October first of the same year. The
17 commission shall file the order of rulemaking for such rule with
18 the joint committee on administrative rules pursuant to sections
19 536.021 and 536.024 no later than December first of the same
20 year. If such rules are not disapproved by the general assembly
21 in the manner set out below, they shall take effect on January
22 first of the next odd-numbered year and the fee structure set out
23 in this section shall expire upon the effective date of the
24 commission adopted fee structure. Any regulation promulgated
25 under this subsection shall be deemed to be beyond the scope and
26 authority provided in this subsection, or detrimental to permit
27 applicants, if the general assembly, within the first sixty
28 calendar days of the regular session immediately following the

1 promulgation of such regulation, by concurrent resolution, shall
2 disapprove the fee structure contained in such regulation. If
3 the general assembly so disapproves any regulation promulgated
4 under this subsection, the air conservation commission shall
5 continue to use the fee structure set forth in the most recent
6 preceding regulation promulgated under this subsection. This
7 subsection shall expire on August 28, 2023.

8 644.029. The department shall allow an appropriate schedule
9 of compliance for a permittee to make upgrades or changes to its
10 facilities that are necessary to meet new water quality
11 requirements. For publicly owned treatment works, schedules of
12 compliance shall be consistent with affordability findings made
13 under section 644.145. For privately owned treatment works,
14 schedules of compliance shall be negotiated with the facilities
15 recognizing their financial capabilities and shall reflect
16 statewide performance expectations. The department shall
17 incorporate new water quality requirements into existing permits
18 at the time of permit renewal unless there are compelling reasons
19 to implement these requirements earlier through permit
20 modifications. All new permit applicants may be required to
21 meet any new water quality standards or classifications
22 prescribed by the commission.

23 644.051. 1. It is unlawful for any person:

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

28 (2) To discharge any water contaminants into any waters of

1 the state which reduce the quality of such waters below the water
2 quality standards established by the commission;

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

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

11 2. It shall be unlawful for any person to [build, erect,
12 alter, replace,] operate, use or maintain any water contaminant
13 or point source in this state that is subject to standards, rules
14 or regulations promulgated pursuant to the provisions of sections
15 644.006 to 644.141 unless such person holds [a] an operating
16 permit from the commission, subject to such exceptions as the
17 commission may prescribe by rule or regulation. However, no
18 operating permit shall be required of any person for any emission
19 into publicly owned treatment facilities or into publicly owned
20 sewer systems tributary to publicly owned treatment works.

21 3. [Every proposed water contaminant or point source which,
22 when constructed or installed or established, will be subject to
23 any federal water pollution control act or sections 644.006 to
24 644.141 or regulations promulgated pursuant to the provisions of
25 such act shall make application to the director for a permit at
26 least thirty days prior to the initiation of construction or
27 installation or establishment. Every water contaminant or point
28 source in existence when regulations or sections 644.006 to

1 644.141 become effective shall make application to the director
2 for a permit within sixty days after the regulations or sections
3 644.006 to 644.141 become effective, whichever shall be earlier.
4 The director shall promptly investigate each application, which
5 investigation shall include such hearings and notice, and
6 consideration of such comments and recommendations as required by
7 sections 644.006 to 644.141 and any federal water pollution
8 control act. If the director determines that the source meets or
9 will meet the requirements of sections 644.006 to 644.141 and the
10 regulations promulgated pursuant thereto, the director shall
11 issue a permit with such conditions as he or she deems necessary
12 to ensure that the source will meet the requirements of sections
13 644.006 to 644.141 and any federal water pollution control act as
14 it applies to sources in this state. If the director determines
15 that the source does not meet or will not meet the requirements
16 of either act and the regulations pursuant thereto, the director
17 shall deny the permit pursuant to the applicable act and issue
18 any notices required by sections 644.006 to 644.141 and any
19 federal water pollution control act] It shall be unlawful for any
20 person to construct, build, replace or make major modification to
21 any point source or collection system that is principally
22 designed to convey or discharge human sewage to waters of the
23 state, unless such person obtains a construction permit from the
24 commission, except as provided in this section. The following
25 activities shall be excluded from construction permit
26 requirements:
27 (1) Facilities greater than one million gallons per day
28 that are authorized through a local supervised program, and are

1 not receiving any department financial assistance;

2 (2) All sewer extensions or collection projects that are
3 one thousand feet in length or less with fewer than two lift
4 stations;

5 (3) All sewer collection projects that are authorized
6 through a local supervised program; and

7 (4) Any other exclusions the commission may promulgate by
8 rule.

9
10 However, nothing shall prevent the department from taking action
11 to assure protection of the environment and human health. A
12 construction permit may be required where necessary as determined
13 by the department, including the following:

14 (a) Substantial deviation from the commission's design
15 standards;

16 (b) To correct noncompliance;

17 (c) When an unauthorized discharge has occurred or has the
18 potential to occur; or

19 (d) To correct a violation of water quality standards.

20
21 In addition, any point source that proposes to construct an
22 earthen storage structure to hold, convey, contain, store or
23 treat domestic, agricultural, or industrial process wastewater
24 also shall be subject to the construction permit provisions of
25 this subsection. All other construction-related activities at
26 point sources shall be exempt from the construction permit
27 requirements. All activities that are exempted from the
28 construction permit requirement are subject to the following

1 conditions:

2 a. Any point source system designed to hold, convey,
3 contain, store or treat domestic, agricultural or industrial
4 process wastewater shall be designed by a professional engineer
5 registered in Missouri in accordance with the commission's design
6 rules;

7 b. Such point source system shall be constructed in
8 accordance with the registered professional engineer's design and
9 plans; and

10 c. Such point source system may receive a post-construction
11 site inspection by the department prior to receiving operating
12 permit approval. A site inspection may be performed by the
13 department, upon receipt of a complete operating permit
14 application or submission of an engineer's statement of work
15 complete.

16
17 A governmental unit may apply to the department for authorization
18 to operate a local supervised program, and the department may
19 authorize such a program. A local supervised program would
20 recognize the governmental unit's engineering capacity and
21 ability to conduct engineering work, supervise construction and
22 maintain compliance with relevant operating permit requirements.

23 4. Before issuing [a permit to build or enlarge a water
24 contaminant or point source or reissuing any permit] any permit
25 required by this section, the director shall issue such notices,
26 conduct such hearings, and consider such factors, comments and
27 recommendations as required by sections 644.006 to 644.141 or any
28 federal water pollution control act. The director shall

1 determine if any state or any provisions of any federal water
2 pollution control act the state is required to enforce, any state
3 or federal effluent limitations or regulations, water
4 quality-related effluent limitations, national standards of
5 performance, toxic and pretreatment standards, or water quality
6 standards which apply to the source, or any such standards in the
7 vicinity of the source, are being exceeded, and shall determine
8 the impact on such water quality standards from the source. The
9 director, in order to effectuate the purposes of sections 644.006
10 to 644.141, shall deny a permit if the source will violate any
11 such acts, regulations, limitations or standards or will
12 appreciably affect the water quality standards or the water
13 quality standards are being substantially exceeded, unless the
14 permit is issued with such conditions as to make the source
15 comply with such requirements within an acceptable time schedule.

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

27 6. The director shall promptly notify the applicant in
28 writing of his or her action and if the permit is denied state

1 the reasons therefor. The applicant may appeal to the commission
2 from the denial of a permit or from any condition in any permit
3 by filing notice of appeal with the commission within thirty days
4 of the notice of denial or issuance of the permit. After a final
5 action is taken on a new or reissued general permit, a potential
6 applicant for the general permit who can demonstrate that he or
7 she is or may be adversely affected by any permit term or
8 condition may appeal the terms and conditions of the general
9 permit within thirty days of the department's issuance of the
10 general permit. In no event shall a permit constitute permission
11 to violate the law or any standard, rule or regulation
12 promulgated pursuant thereto.

13 7. In any hearing held pursuant to this section that
14 involves a permit, license, or registration, the burden of proof
15 is on the party specified in section 640.012. Any decision of
16 the commission made pursuant to a hearing held pursuant to this
17 section is subject to judicial review as provided in section
18 644.071.

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

24 9. Permits may be modified, reissued, or terminated at the
25 request of the permittee. All requests shall be in writing and
26 shall contain facts or reasons supporting the request.

27 10. No manufacturing or processing plant or operating
28 location shall be required to pay more than one operating fee.

1 Operating permits shall be issued for a period not to exceed five
2 years after date of issuance, except that general permits shall
3 be issued for a five-year period, and also except that neither a
4 construction nor an annual permit shall be required for a single
5 residence's waste treatment facilities. Applications for renewal
6 of a site-specific operating permit shall be filed at least one
7 hundred eighty days prior to the expiration of the existing
8 permit. Applications seeking to renew coverage under a general
9 permit shall be submitted at least thirty days prior to the
10 expiration of the general permit, unless the permittee has been
11 notified by the director that an earlier application must be
12 made. General permits may be applied for and issued
13 electronically once made available by the director.

14 11. Every permit issued to municipal or any publicly owned
15 treatment works or facility shall require the permittee to
16 provide the clean water commission with adequate notice of any
17 substantial new introductions of water contaminants or pollutants
18 into such works or facility from any source for which such notice
19 is required by sections 644.006 to 644.141 or any federal water
20 pollution control act. Such permit shall also require the
21 permittee to notify the clean water commission of any substantial
22 change in volume or character of water contaminants or pollutants
23 being introduced into its treatment works or facility by a source
24 which was introducing water contaminants or pollutants into its
25 works at the time of issuance of the permit. Notice must
26 describe the quality and quantity of effluent being introduced or
27 to be introduced into such works or facility by a source which
28 was introducing water contaminants or pollutants into its works

1 at the time of issuance of the permit. Notice must describe the
2 quality and quantity of effluent being introduced or to be
3 introduced into such works or facility and the anticipated impact
4 of such introduction on the quality or quantity of effluent to be
5 released from such works or facility into waters of the state.

6 12. The director or the commission may require the filing
7 or posting of a bond as a condition for the issuance of permits
8 for construction of temporary or future water treatment
9 facilities or facilities that utilize innovative technology for
10 wastewater treatment in an amount determined by the commission to
11 be sufficient to ensure compliance with all provisions of
12 sections 644.006 to 644.141, and any rules or regulations of the
13 commission and any condition as to such construction in the
14 permit. For the purposes of this section, "innovative technology
15 for wastewater treatment" shall mean a completely new and
16 generally unproven technology in the type or method of its
17 application that bench testing or theory suggest has
18 environmental, efficiency, and cost benefits beyond the standard
19 technologies. No bond shall be required for designs approved by
20 any federal agency or environmental regulatory agency of another
21 state. The bond shall be signed by the applicant as principal,
22 and by a corporate surety licensed to do business in the state of
23 Missouri and approved by the commission. The bond shall remain
24 in effect until the terms and conditions of the permit are met
25 and the provisions of sections 644.006 to 644.141 and rules and
26 regulations promulgated pursuant thereto are complied with.

27 13. (1) The department shall issue or deny applications
28 for construction and site-specific operating permits received

1 after January 1, 2001, within one hundred eighty days of the
2 department's receipt of an application. For general construction
3 and operating permit applications received after January 1, 2001,
4 that do not require a public participation process, the
5 department shall issue or deny the permits within sixty days of
6 the department's receipt of an application. For an application
7 seeking coverage under a renewed general permit that does not
8 require an individual public participation process, the director
9 shall issue or deny the permit within sixty days of the
10 director's receipt of the application, or upon issuance of the
11 general permit, whichever is later. In regard to an application
12 seeking coverage under an initial general permit that does not
13 require an individual public participation process, the director
14 shall issue or deny the permit within sixty days of the
15 department's receipt of the application. For an application
16 seeking coverage under a renewed general permit that requires an
17 individual public participation process, the director shall issue
18 or deny the permit within ninety days of the director's receipt
19 of the application, or upon issuance of the general permit,
20 whichever is later. In regard to an application for an initial
21 general permit that requires an individual public participation
22 process, the director shall issue or deny the permit within
23 ninety days of the director's receipt of the application.

24 (2) If the department fails to issue or deny with good
25 cause a construction or operating permit application within the
26 time frames established in subdivision (1) of this subsection,
27 the department shall refund the full amount of the initial
28 application fee within forty-five days of failure to meet the

1 established time frame. If the department fails to refund the
2 application fee within forty-five days, the refund amount shall
3 accrue interest at a rate established pursuant to section 32.065.

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

13 (4) No later than December 31, 2001, the commission shall
14 promulgate regulations defining shorter review time periods than
15 the time frames established in subdivision (1) of this
16 subsection, when appropriate, for different classes of
17 construction and operating permits. In no case shall commission
18 regulations adopt permit review times that exceed the time frames
19 established in subdivision (1) of this subsection. The
20 department's failure to comply with the commission's permit
21 review time periods shall result in a refund of said permit fees
22 as set forth in subdivision (2) of this subsection. On a
23 semiannual basis, the department shall submit to the commission a
24 report which describes the different classes of permits and
25 reports on the number of days it took the department to issue
26 each permit from the date of receipt of the application and show
27 averages for each different class of permits.

28 (5) During the department's technical review of the

1 application, the department may request the applicant submit
2 supplemental or additional information necessary for adequate
3 permit review. The department's technical review letter shall
4 contain a sufficient description of the type of additional
5 information needed to comply with the application requirements.

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

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

19 15. All permit fees generated pursuant to this chapter
20 shall not be used for the development or expansion of total
21 maximum daily loads studies on either the Missouri or Mississippi
22 rivers.

23 16. The department shall implement permit shield provisions
24 equivalent to the permit shield provisions implemented by the
25 U.S. Environmental Protection Agency pursuant to the Clean Water
26 Act, Section 402(k), 33 U.S.C. 1342(k), and its implementing
27 regulations, for permits issued pursuant to chapter 644.

28 17. Prior to the development of a new general permit or

1 reissuance of a general permit for aquaculture, land disturbance
2 requiring a storm water permit, or reissuance of a general permit
3 under which fifty or more permits were issued under a general
4 permit during the immediately preceding five-year period for a
5 designated category of water contaminant sources, the director
6 shall implement a public participation process complying with the
7 following minimum requirements:

8 (1) For a new general permit or reissuance of a general
9 permit, a general permit template shall be developed for which
10 comments shall be sought from permittees and other interested
11 persons prior to issuance of the general permit;

12 (2) The director shall publish notice of his intent to
13 issue a new general permit or reissue a general permit by posting
14 notice on the department's website at least one hundred eighty
15 days before the proposed effective date of the general permit;

16 (3) The director shall hold a public informational meeting
17 to provide information on anticipated permit conditions and
18 requirements and to receive informal comments from permittees and
19 other interested persons. The director shall include notice of
20 the public informational meeting with the notice of intent to
21 issue a new general permit or reissue a general permit under
22 subdivision (2) of this subsection. The notice of the public
23 informational meeting, including the date, time and location,
24 shall be posted on the department's website at least thirty days
25 in advance of the public meeting. If the meeting is being held
26 for reissuance of a general permit, notice shall also be made by
27 electronic mail to all permittees holding the current general
28 permit which is expiring. Notice to current permittees shall be

1 made at least twenty days prior to the public meeting;

2 (4) The director shall hold a thirty-day public comment
3 period to receive comments on the general permit template with
4 the thirty-day comment period expiring at least sixty days prior
5 to the effective date of the general permit. Scanned copies of
6 the comments received during the public comment period shall be
7 posted on the department's website within five business days
8 after close of the public comment period;

9 (5) A revised draft of a general permit template and the
10 director's response to comments submitted during the public
11 comment period shall be posted on the department's website at
12 least forty-five days prior to issuance of the general permit.
13 At least forty-five days prior to issuance of the general permit
14 the department shall notify all persons who submitted comments to
15 the department that these documents have been posted to the
16 department's website;

17 (6) Upon issuance of a new or renewed general permit, the
18 general permit shall be posted to the department's website.

19 18. Notices required to be made by the department pursuant
20 to subsection 17 of this section may be made by electronic mail.
21 The department shall not be required to make notice to any
22 permittee or other person who has not provided a current
23 electronic mail address to the department. In the event the
24 department chooses to make material modifications to the general
25 permit before its expiration, the department shall follow the
26 public participation process described in subsection 17 of this
27 section.

28 19. The provisions of subsection 17 of this section shall

1 become effective beginning January 1, 2013.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (16) Two thousand dollars if the design flow is equal to or

1 greater than twenty-three thousand gallons per day but less than
2 twenty-five thousand gallons per day;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (4) One hundred fifty dollars annually for new permits for
18 the discharge of process water or storm water potentially
19 contaminated by activities not included in subdivisions (1) to
20 (3) of this subsection. Persons paying fees pursuant to this
21 subdivision with existing general permits on August 27, 2000, and
22 persons paying fees pursuant to this subdivision who receive
23 renewed general permits on the same facility after August 27,
24 2000, shall pay sixty dollars annually;

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

27 7. Requests for modifications to state operating permits on
28 entities that charge a service connection fee pursuant to

1 subsection 10 of this section shall be accompanied by a two
2 hundred dollar fee. The department may waive the fee if it is
3 determined that the necessary modification was either initiated
4 by the department or caused by an error made by the department.

5 8. Requests for state operating permit modifications other
6 than those described in subsection 7 of this section shall be
7 accompanied by a fee equal to twenty-five percent of the annual
8 operating fee assessed for the facility pursuant to this section.
9 However, requests for modifications for such operating permits
10 that seek name changes, address changes, or other nonsubstantive
11 changes to the operating permit shall be accompanied by a fee of
12 one hundred dollars. The department may waive the fee if it is
13 determined that the necessary modification was either initiated
14 by the department or caused by an error made by the department.

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

24 10. Persons with a direct or indirect sewer service
25 connection to a public sewer system owned or operated by a city,
26 public sewer district, public water district, or other publicly
27 owned treatment works shall pay an annual fee per water service
28 connection as provided in this subsection. Customers served by

1 multiple water service connections shall pay such fee for each
2 water service connection, except that no single facility served
3 by multiple connections shall pay more than a total of seven
4 hundred dollars per year. The fees provided for in this
5 subsection shall be collected by the agency billing such customer
6 for sewer service and remitted to the department. The fees may
7 be collected in monthly, quarterly or annual increments, and
8 shall be remitted to the department no less frequently than
9 annually. The fees collected shall not exceed the amounts
10 specified in this subsection and, except as provided in
11 subsection 11 of this section, shall be collected at the
12 specified amounts unless adjusted by the commission in rules.
13 The annual fees shall not exceed:

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

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

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

28 (4) For sewer systems that serve equal to or less than

1 seven thousand but more than one thousand customers, seventy
2 cents per residential customer as defined by the provider of said
3 sewer service until such time as the commission promulgates rules
4 defining the billing procedure;

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

9 (6) Three dollars for commercial or industrial customers
10 not served by a public water system as defined in chapter 640;

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

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

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

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

27 (1) From August 28, 2000, through September 30, 2001,
28 customers of any such district shall pay fifty percent of such

1 fees; and

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

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

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

11 644.054. 1. Fees imposed in sections 644.052 and 644.053
12 shall, except for those fees imposed pursuant to subsection 4 and
13 subsections 6 to 13 of section 644.052, become effective October
14 1, 1990, and shall expire [~~September 1, 2013~~] December 31, 2018.
15 Fees imposed pursuant to subsection 4 and subsections 6 to 13 of
16 section 644.052 shall become effective August 28, 2000, and shall
17 expire on [~~September 1, 2013~~] December 31, 2018. The clean water
18 commission shall promulgate rules and regulations on the
19 procedures for billing and collection. All sums received through
20 the payment of fees shall be placed in the state treasury and
21 credited to an appropriate subaccount of the natural resources
22 protection fund created in section 640.220. Moneys in the
23 subaccount shall be expended, upon appropriation, solely for the
24 administration of sections 644.006 to 644.141. Fees collected
25 pursuant to subsection 10 of section 644.052 by a city, a public
26 sewer district, a public water district or other publicly owned
27 treatment works are state fees. Five percent of the fee revenue
28 collected shall be retained by the city, public sewer district,

1 public water district or other publicly owned treatment works as
2 reimbursement of billing and collection expenses.

3 2. The commission may grant a variance pursuant to section
4 644.061 to reduce fees collected pursuant to section 644.052 for
5 facilities that adopt systems or technologies that reduce the
6 discharge of water contaminants substantially below the levels
7 required by commission rules.

8 3. Fees imposed in subsections 2 to 6 of section 644.052
9 shall be due on the date of application and on each anniversary
10 date of permit issuance thereafter until the permit is
11 terminated.

12 4. The director of the department of natural resources
13 shall conduct a comprehensive review of the fee structure in
14 sections 644.052 and 644.053. The review shall include
15 stakeholder meetings in order to solicit stakeholder input. The
16 director shall submit a report to the general assembly by
17 December 31, 2012, which shall include its findings and a
18 recommended plan for the fee structure. The plan shall also
19 include time lines for permit issuance, provisions for expedited
20 permits, and recommendations for any other improved services
21 provided by the fee funding.

22 644.057. The director of the department of natural
23 resources may conduct a comprehensive review of the clean water
24 fee structure set forth in sections 644.052 and 644.053. The
25 comprehensive review shall include stakeholder meetings in order
26 to solicit stakeholder input from each of the following groups:
27 agriculture, industry, municipalities, public and private
28 wastewater facilities, and the development community. Upon

1 completion of the comprehensive review, the department shall
2 submit proposed changes to the fee structure with stakeholder
3 agreement to the clean water commission. The commission shall,
4 upon receiving the department's recommendations, review such
5 recommendations at the forthcoming regular or special meeting
6 under subsection 3 of section 644.021. The commission shall not
7 take a vote on the clean water fee structure recommendations
8 until the following regular or special meeting. In no case shall
9 the clean water commission adopt or recommend any clean water fee
10 in excess of five thousand dollars. If the commission approves,
11 by vote of two-thirds majority or five of seven commissioners,
12 the clean water fee structure recommendations, the commission
13 shall promulgate by regulation and publish the recommended clean
14 water fee structure no later than October first of the same year.
15 The commission shall file the order of rulemaking for such rule
16 with the joint committee on administrative rules pursuant to
17 sections 536.021 and 536.024 no later than December first of the
18 same year. If such rules are not disapproved by the general
19 assembly in the manner set out below, they shall take effect on
20 January first of the next odd-numbered year and the fee
21 structures set forth in sections 644.052 and 644.053 shall expire
22 upon the effective date of the commission adopted fee structure,
23 contrary to section 644.054. Any regulation promulgated under
24 this subsection shall be deemed to be beyond the scope and
25 authority provided in this subsection, or detrimental to permit
26 applicants, if the general assembly, within the first sixty
27 calendar days of the regular session immediately following the
28 promulgation of such regulation, by concurrent resolution, shall

1 disapprove the fee structure contained in such regulation. If
2 the general assembly so disapproves any regulation promulgated
3 under this subsection, the clean water commission shall continue
4 to use the fee structure set forth in the most recent preceding
5 regulation promulgated under this subsection. This section shall
6 expire on August 28, 2023.

7 644.062. 1. The director may grant provisional variances
8 whenever it is determined, upon application of adequate proof,
9 that compliance on a short-term basis with the limitations
10 prescribed in sections 644.006 to 644.141, or rule, standard,
11 requirement, limitation, or order of the director adopted thereto
12 due to conditions beyond reasonable control such as extended
13 elevated temperatures or extreme drought conditions will result
14 in an arbitrary or unreasonable hardship that exists solely
15 because of the regulatory requirement in question and the costs
16 of compliance are substantial and certain. If the hardship
17 complained of consists solely of the need for a reasonable delay
18 in which to correct a violation of sections 644.006 to 644.141,
19 or rule, standard, requirement, limitation, or order of the
20 director, the director shall condition the grant of such variance
21 upon the posting of sufficient performance bond or other security
22 to assure the completion of the work covered by the variance. In
23 granting such provisional variance, the director shall consider
24 the hardship imposed by requiring compliance on a short-term
25 basis and adverse impacts that may result from granting the
26 provisional variance. The director shall exercise wide
27 discretion in weighing the equities involved and the advantages
28 and disadvantages to the applicant and to those affected by water

1 contaminants emitted by the applicant.

2 2. Any provisional variance granted by the director under
3 this section shall be for a period not to exceed forty-five days.
4 A provisional variance may be extended by the director up to an
5 additional forty-five days, but in no event longer than ninety
6 days in one calendar year.

7 3. Any person seeking a provisional variance shall file a
8 petition for a variance with the director describing the
9 conditions or circumstances giving rise to the request for
10 relief. There shall be a two hundred fifty dollar filing fee
11 payable to the state of Missouri with each petition for
12 provisional variance. The director shall promptly investigate
13 the petition and shall take action within fourteen days of the
14 request. If the director denies the petition, the person may
15 initiate a proceeding under section 644.061. The director may
16 condition any provisional variance as sections 644.006 to
17 644.141, or rule, standard, requirement, limitation or order of
18 the director may require.

19 4. If the director grants a provisional variance under this
20 section, he or she shall promptly notify the petitioner and shall
21 file a copy of the written decision with the commission. The
22 commission must maintain, for public inspection, copies of all
23 provisional variances filed with it by the director.

24 Section 1. 1. Upon public notice, the division of state
25 parks shall once each year hold a stakeholder meeting in each
26 park district.

27 2. A stakeholder may petition the director of state parks
28 regarding any policy or park issue that has been presented to the

1 relevant facility manager and district supervisor. The director,
2 or his or her designee, shall respond to the stakeholder within
3 fourteen days and may schedule a stakeholder meeting to determine
4 if action is warranted in response to the petition. If a
5 stakeholder meeting occurs, the director shall notify the
6 stakeholder in writing that either no action is warranted or that
7 specific action will be undertaken within thirty days of the
8 meeting. The decision of the director shall be final and not
9 subject to review.

10 3. For purposes of this section, "stakeholder" shall mean
11 any person with an interest in the subject matter of the petition
12 who has visited the park in the past sixty days.

13 [258.020. The member agencies shall be
14 represented on the council by the executive head of the
15 agency. The executive head of any member agency may
16 from time to time authorize any member of the agency's
17 staff to represent it on the council and to fully
18 exercise any of the powers and duties of an agency
19 representative.]

20
21 [258.030. 1. The officers of the council shall
22 be a chairman and vice chairman appointed by the
23 governor from the executive heads of the agencies
24 represented on the council. A chairman may serve more
25 than one term.

26 2. Duties of the chairman shall be to see that
27 policies and directives of the council are carried out
28 by the executive secretary and to preside at meetings
29 of the council. If the chairman cannot perform the
30 duties, the vice chairman shall assume them.]

31
32 [260.379. 1. The department of natural resources
33 shall not issue a permit to any person for the
34 operation of any facility or issue any license to any
35 person under the authority of sections 260.350 to
36 260.434, if such person has had three or more
37 convictions, which convictions occurred after July 9,
38 1990, and within any five-year period within the courts
39 of the United States or of any state except Missouri or
40 had two or more convictions within a Missouri court
41 after July 9, 1990, and within any five-year period,

1 for any crimes or criminal acts, an element of which
2 involves restraint of trade, price-fixing, intimidation
3 of the customers of any person or for engaging in any
4 other acts which may have the effect of restraining or
5 limiting competition concerning activities regulated
6 under this chapter or similar laws of other states or
7 the federal government; except that convictions for
8 violations by entities purchased or acquired by an
9 applicant or permittee which occurred prior to the
10 purchase or acquisition shall not be included. For the
11 purpose of this section, the term "person" shall
12 include any business organization or entity, successor
13 corporation, partnership or subsidiary of any business
14 organization or entity, and the owners and officers
15 thereof, or the entity submitting the application.

16 2. The director shall suspend, revoke or not
17 renew the permit or license of any person issued
18 pursuant to sections 260.350 to 260.434, if such person
19 has had two or more convictions in any court of the
20 United States or of any state other than Missouri or
21 two or more convictions within a Missouri court for
22 crimes as specified herein if such conviction occurred
23 after July 9, 1990, and within any five-year period.

24 3. Any person applying for a permit or license
25 under sections 260.350 to 260.434 shall notify the
26 director of any conviction for any act which would have
27 the effect of limiting competition. Any person with a
28 permit or license shall notify the department of any
29 such conviction within thirty days of the conviction or
30 plea. Failure to notify the director is a class D
31 felony and subject to a fine of one thousand dollars
32 per day for each day unreported.

33 4. Provided that after a period of five years
34 after a permit has been revoked under the provisions of
35 this section, the person, firm or corporation affected
36 may apply for rehabilitation and reinstatement to the
37 director of the department. The department shall
38 promulgate the necessary rules and regulations for
39 rehabilitation and reinstatement. The time period for
40 same shall not exceed five years.]

41
42 [260.434. 1. The department shall assess the
43 transportation system serving a proposed site for a new
44 hazardous waste resource recovery, treatment or
45 disposal facility as a part of its review of the
46 application for a permit. The department shall examine
47 the transportation route or routes to ensure that the
48 design and maintenance of such route or routes provides
49 adequate safety for the public using or living near the
50 route or routes. The department may designate or
51 prohibit specific routes, limit use of approved routes

1 during certain time periods or impose other reasonable
2 restrictions upon the transportation of hazardous waste
3 to or from the facility.

4 2. The department shall review the capability of
5 local governments near a proposed site to respond to an
6 emergency involving the transportation of hazardous
7 waste or an emergency at the hazardous waste resource
8 recovery, treatment or disposal facility when it
9 reviews an application for a permit. The department
10 shall reassess that capability whenever the operator
11 proposes recovering, treating or disposing of a
12 hazardous waste which is substantially more toxic,
13 corrosive, ignitable or reactive than those wastes
14 approved under the current permit. The department may
15 require the operator to provide supplemental emergency
16 response capability to ensure public safety.

17 3. The department shall enter into an interagency
18 agreement with the department of transportation and the
19 department of public safety to permit the sharing of
20 information and to assign responsibility for performing
21 the assessment required in this section.]

22 Section B. Because immediate action is necessary to ensure
23 an operational clean water fee structure, and to ensure public
24 safety, the enactment of sections 640.080 and 644.057 of this act
25 is deemed necessary for the immediate preservation of the public
26 health, welfare, peace and safety, and is hereby declared to be
27 an emergency act within the meaning of the constitution, and the
28 enactment of sections 640.080 and 644.057 of this act shall be in
29 full force and effect upon its passage and approval.