

HCS HB 604 -- NATURAL RESOURCES

SPONSOR: Phillips

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Tourism and Natural Resources by a vote of 22 to 1.

This substitute changes the law regarding the Department of Natural Resources. In its main provisions, the substitute:

- (1) Authorizes the department to submit fingerprints to the State Highway Patrol for the purpose of checking the criminal history of a person seeking the issuance or renewal of a license, permit, certificate, or registration of authority;
- (2) Allows the department to designate an area within any state park to serve as a dog park or an off-leash area for domestic household animals;
- (3) Repeals the requirement to file a disclosure form when seeking a renewal permit for a commercial solid waste processing facility or a solid waste disposal area;
- (4) Modifies the information required in the disclosure statement for an entity seeking a permit for a commercial waste processing facility or a solid waste disposal area;
- (5) Requires, upon request from the department director, a permit applicant, any person that could reasonably be expected to be involved in the management activities of the solid waste disposal area or solid waste processing facility, or anyone with a controlling interest in a permittee to submit to a criminal background check;
- (6) Requires anyone who must file a disclosure statement to provide any assistance or information requested by the department director or the State Highway Patrol and to cooperate in any investigation or hearing conducted by the director. If the person does not cooperate or provide information, the permit may be denied or revoked;
- (7) Requires an applicant to submit any additional information or change in information to the department within 30 days. Failure to provide the information may result in revocation, denial or conditional granting of the permit if the director notifies the permittee or applicant of his intention to do so;
- (8) Specifies the people who are exempt from the requirement to file a disclosure statement;

- (9) Requires permittees to annually update the disclosure form;
- (10) Exempts political subdivisions from the requirement to file and update a disclosure form;
- (11) Requires any permit applicant to disclose any final administrative, civil or criminal adjudication in the state related to solid waste. If the department finds there is a continuing pattern of violations, it may deny the application;
- (12) Prohibits the department from requiring a permit for an expansion of an existing permitted utility waste landfill. The landfill must comply with applicable design requirements, and the expansion plans, designs and drawings must be submitted to the department on behalf of the permittee by a registered professional engineer;
- (13) Extends from December 31, 2013, to December 31, 2018, the 50 cent fee that is collected on the retail sale of a lead-acid battery as well as the fees for any hazardous waste generated;
- (14) Repeals the provision requiring hazardous waste facility owners to obtain a permit for post closure activities;
- (15) Repeals the provision requiring hazardous waste facilities to submit a profile of the environmental and economic characteristics of the area including the extent of any air pollution, groundwater contamination and health characteristics, when applying for or renewing a hazardous waste facility permit;
- (16) Repeals the provision requiring the department to conduct a five-year review of certain permitted hazardous waste facilities;
- (17) Repeals the provision that prohibits the department from issuing a license or permit to anyone who is determined to habitually engage in hazardous waste management practices that pose a threat to human health or the environment;
- (18) Extends from December 31, 2013, to December 31, 2018, the industrial mineral permit fees utilized to regulate and ensure reclamation of surfaced mined lands;
- (19) Requires Missouri state parks' designated swim beaches to utilize a standard that measures E. coli using the federal Environmental Protection Agency's Method 1603 or an equivalent method that measures culturable E. coli at a geometric mean based on weekly sampling over a 30-day period of a specified number of forming units and statistical threshold value;

(20) Requires the department to post signs stating "Swimming is Not Recommended" if a beach exceeds the established geometric mean standard. If a beach exceeds the established statistical threshold value standard, two additional tests are required. If either of the retests exceeds the standard, the department must post signs stating "Swimming is Not Recommended" until both tests are below the standard;

(21) Specifies that the department reserves the right to close a beach in the event of a documented health risk including, but not limited to, wastewater by-pass, extremely high sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious disease;

(22) Repeals the requirement for certain wastewater discharges to obtain a construction permit. It is unlawful for a person to construct, build, replace or make a major modification to a point source that is principally designed to discharge human sewage unless the person obtains a construction permit from the Clean Water Commission;

(23) Requires any point source that proposes to construct an earthen storage structure for domestic, agricultural, or industrial process wastewater to obtain a construction permit. All other construction-related activities are exempt from the permit requirement but are subject to specified conditions;

(24) Extends from September 1, 2013, to September 1, 2018, the Clean Water Commission's authority to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control;

(25) Authorizes the department director to grant provisional variances when it is determined that compliance with the limitations in the clean water law or the related rules and regulations are due to conditions beyond reasonable control and will result in an arbitrary or unreasonable taking of property or in the closing of a business without sufficient corresponding benefit or advantage to the people;

(26) Specifies the effects the director must consider when granting the variance to temperature requirements;

(27) Specifies that a variance will be granted for 45 days and may be extended by the director for an additional 45 days, but a variance cannot last longer than 90 days in one calendar year;

(28) Specifies the application process for a variance and requires

a \$250 fee with each petition. The director must investigate each petition and take action within 14 days of its receipt;

(29) Specifies that if the director grants a provisional variance, he or she must notify the petitioner and file a written copy of the decision with the Clean Water Commission. The commission must maintain copies of all provisional variances; and

(30) Repeals the provisions requiring the department to assess the transportation system serving a proposed hazardous waste facility.

PROPOSERS: Supporters say that currently, companies without any violations of the solid waste laws spend a lot of time and money to develop disclosure statements. This bill will reduce the reporting requirements for many solid waste companies. The bill also extends the fees that support many programs in the Department of Natural Resources. Without these fees, the state risks the federal government stepping in and implementing the programs.

Testifying for the bill were Representative Phillips; Department of Natural Resources; Mining Industry Council of Missouri; Environmental Industry Associations; Missouri Limestone Producers Association; and Metropolitan St. Louis Sewer District.

OPPOSERS: There was no opposition voiced to the committee.