

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 664**  
**97TH GENERAL ASSEMBLY**

5127H.05C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 260.273, 444.772, and 643.055, RSMo, and to enact in lieu thereof seven new sections relating to natural resources, with an emergency clause for a certain section.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 260.273, 444.772, and 643.055, RSMo, are repealed and seven new  
2 sections enacted in lieu thereof, to be known as sections 247.680, 260.273, 444.772, 640.136,  
3 643.055, 643.640, and 644.058, to read as follows:

**247.680. Notwithstanding any other provision of law to the contrary, if a water  
2 main of a public water supply district, commercial water supplier, or municipal water  
3 utility, hereinafter referred to as "water supplier", needs to be extended in order for a  
4 residential property owner to connect water service lines from the residential property to  
5 the water main, the property owner shall not be charged or liable for more than the cost  
6 of extending the water supplier's smallest required service pipe size as determined by the  
7 water supplier, the distance required by the water supplier in order for it to feasibly extend  
8 its water main to establish a connection by the owner to its water main, and shall not be  
9 charged or liable for the cost of any additional extension of the water main.**

260.273. 1. Any person purchasing a new tire may present to the seller the used tire or  
2 remains of such used tire for which the new tire purchased is to replace.

3 2. A fee for each new tire sold at retail shall be imposed on any person engaging in the  
4 business of making retail sales of new tires within this state. The fee shall be charged by the  
5 retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed  
6 at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the  
7 purchaser at retail after all applicable sales taxes on the tires have been computed. The fee

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 imposed, less six percent of fees collected, which shall be retained by the tire retailer as  
9 collection costs, shall be paid to the department of revenue in the form and manner required by  
10 the department of revenue and shall include the total number of new tires sold during the  
11 preceding month. The department of revenue shall promulgate rules and regulations necessary  
12 to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do  
13 not include the sale of new tires to a person solely for the purpose of resale, if the subsequent  
14 retail sale in this state is to the ultimate consumer and is subject to the fee.

15 3. The department of revenue shall administer, collect and enforce the fee authorized  
16 pursuant to this section pursuant to the same procedures used in the administration, collection  
17 and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except  
18 as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds,  
19 which shall be retained by the department of revenue as collection costs, shall be transferred by  
20 the department of revenue into an appropriate subaccount of the solid waste management fund,  
21 created pursuant to section 260.330.

22 4. Up to five percent of the revenue available may be allocated, upon appropriation, to  
23 the department of natural resources to be used cooperatively with the department of elementary  
24 and secondary education for the purposes of developing environmental educational materials,  
25 programs, and curriculum that assist in the department's implementation of sections 260.200 to  
26 260.345.

27 5. Up to fifty percent of the moneys received pursuant to this section may, upon  
28 appropriation, be used to administer the programs imposed by this section. Up to forty-five  
29 percent of the moneys received under this section may, upon appropriation, be used for the grants  
30 authorized in subdivision (2) of subsection 6 of this section. All remaining moneys shall be  
31 allocated, upon appropriation, for the projects authorized in section 260.276, except that any  
32 unencumbered moneys may be used for public health, environmental, and safety projects in  
33 response to environmental or public health emergencies and threats as determined by the  
34 director.

35 6. The department shall promulgate, by rule, a statewide plan for the use of moneys  
36 received pursuant to this section to accomplish the following:

37 (1) Removal of waste tires from illegal tire dumps;

38 (2) Providing grants to persons that will use products derived from waste tires, or used  
39 waste tires as a fuel or fuel supplement; and

40 (3) Resource recovery activities conducted by the department pursuant to section  
41 260.276.

42           7. The fee imposed in subsection 2 of this section shall begin the first day of the month  
43 which falls at least thirty days but no more than sixty days immediately following August 28,  
44 2005, and shall terminate January 1, [2015] **2020**.

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

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

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

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

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

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

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

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

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

22          3. The application for a permit shall be accompanied by a map in a scale and form  
23 specified by the commission by regulation.

24          4. The application shall be accompanied by a bond, security or certificate meeting the  
25 requirements of section 444.778, a geologic resources fee authorized under section 256.700, and  
26 a permit fee approved by the commission not to exceed one thousand dollars. The commission  
27 may also require a fee for each site listed on a permit not to exceed four hundred dollars for each  
28 site. If mining operations are not conducted at a site for six months or more during any year, the  
29 fee for such site for that year shall be reduced by fifty percent. The commission may also require  
30 a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty  
31 dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator  
32 that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the  
33 total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be

34 established by rule, except for the initial fees as set forth in this subsection, and shall be set at  
35 levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making  
36 allowances for grants and other sources of funds. The director shall submit a report to the  
37 commission and the public each year that describes the number of employees and the activities  
38 performed the previous calendar year to administer sections 444.760 to 444.790. For any  
39 operator of a gravel mining operation where the annual tonnage of gravel mined by such operator  
40 is less than five thousand tons, the total cost of submitting an application shall be three hundred  
41 dollars. The issued permit shall be valid from the date of its issuance until the date specified in  
42 the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.  
43 Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site  
44 fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand  
45 dollars. Fees may be raised as allowed in this subsection after a regulation change that  
46 demonstrates the need for increased fees.

47 5. An operator desiring to have his or her permit amended to cover additional land may  
48 file an amended application with the commission. Upon receipt of the amended application, and  
49 such additional fee and bond as may be required pursuant to the provisions of sections 444.760  
50 to 444.790, the director shall, if the applicant complies with all applicable regulatory  
51 requirements, issue an amendment to the original permit covering the additional land described  
52 in the amended application.

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

57 7. Where mining or reclamation operations on acreage for which a permit has been  
58 issued have not been completed, the permit shall be renewed. The operator shall submit a permit  
59 renewal form furnished by the director for an additional permit year and pay a fee equal to an  
60 application fee calculated pursuant to subsection 4 of this section, but in no case shall the  
61 renewal fee for any operator be more than three thousand dollars. For any operator involved in  
62 any gravel mining operation where the annual tonnage of gravel mined by such operator is less  
63 than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit  
64 renewal form furnished by the director for an additional permit year and payment of a fee of three  
65 hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator,  
66 the director shall approve the renewal. With approval of the director and operator, the permit  
67 renewal may be extended for a portion of an additional year with a corresponding prorating of  
68 the renewal fee.

69           8. Where one operator succeeds another at any uncompleted operation, either by sale,  
70 assignment, lease or otherwise, the commission may release the first operator from all liability  
71 pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have  
72 been issued a permit and have otherwise complied with the requirements of sections 444.760 to  
73 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections  
74 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former  
75 operator.

76           9. The application for a permit shall be accompanied by a plan of reclamation that meets  
77 the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated  
78 pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed  
79 method of operation, reclamation, and a conservation plan for the affected area including  
80 approximate dates and time of completion, and stating that the operation will meet the  
81 requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant  
82 to them.

83           10. At the time that a permit application is deemed complete by the director, the operator  
84 shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to  
85 section 493.050 to publish legal notices in any county where the land is located. If the director  
86 does not respond to a permit application within forty-five calendar days, the application shall be  
87 deemed to be complete. Notice in the newspaper shall be posted once a week for four  
88 consecutive weeks beginning no more than ten days after the application is deemed complete.  
89 The operator shall also send notice of intent to operate a surface mine by certified mail to the  
90 governing body of the counties or cities in which the proposed area is located, and to the last  
91 known addresses of all record landowners [of contiguous real property or real property located  
92 adjacent to the proposed mine plan area] **within two thousand six hundred forty feet or one-**  
93 **half of one mile from the border of the proposed mine plan area.** The notices shall include  
94 the name and address of the operator, a legal description consisting of county, section, township  
95 and range, the number of acres involved, a statement that the operator plans to mine a specified  
96 mineral during a specified time, and the address of the commission. The notices shall also  
97 contain a statement that any person with a direct, personal interest in one or more of the factors  
98 the commission may consider in issuing a permit may request a public meeting, a public hearing  
99 or file written comments to the director no later than fifteen days following the final public notice  
100 publication date.

101           11. The commission may approve a permit application or permit amendment whose  
102 operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if  
103 it can be demonstrated by the operator that the conditions present at the surface mining location  
104 warrant an exception. The criteria accepted for consideration when evaluating the merits of an

105 exception or variance to the requirements of sections 444.760 to 444.790 shall be established by  
106 regulations.

107 12. Fees imposed pursuant to this section shall become effective August 28, 2007, and  
108 shall expire on December 31, 2018. No other provisions of this section shall expire.

**640.136. Any public water system, as defined in section 640.102, or public water  
2 supply district, as defined in chapter 247, which intends to permanently cease fluoridation  
3 of its water supply shall notify the department of natural resources, the department of  
4 health and senior services, and its customers of its intentions at least ninety days prior to  
5 any vote on the matter. The public water system or public water supply district shall  
6 notify its customers via radio, television, newspaper, or mail at least ninety days prior to  
7 any meeting at which said vote will occur. If notice is sent via mail, the county or  
8 municipality in which the public water system or public water supply district is located  
9 shall pay for the cost of such notice. Any public water system or public water supply  
10 district that violates the notification requirements of this section shall reinstate fluoridation  
11 of its water supply until proper notification is provided under the provisions of this section.**

643.055. 1. Other provisions of law notwithstanding, the Missouri air conservation  
2 commission shall have the authority to promulgate rules and regulations, pursuant to chapter 536,  
3 to establish standards and guidelines to ensure that the state of Missouri is in compliance with  
4 the provisions of the federal Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.). The  
5 standards and guidelines so established shall not be any stricter than those required under the  
6 provisions of the federal Clean Air Act, as amended; nor shall those standards and guidelines be  
7 enforced in any area of the state prior to the time required by the federal Clean Air Act, as  
8 amended. The restrictions of this section shall not apply to the parts of a state implementation  
9 plan developed by the commission to bring a nonattainment area into compliance and to maintain  
10 compliance when needed to have a United States Environmental Protection Agency approved  
11 state implementation plan. The determination of which parts of a state implementation plan are  
12 not subject to the restrictions of this section shall be based upon specific findings of fact by the  
13 air conservation commission as to the rules, regulations and criteria that are needed to have a  
14 United States Environmental Protection Agency approved plan.

15 2. The Missouri air conservation commission shall also have the authority to grant  
16 exceptions and variances from the rules set under subsection 1 of this section when the person  
17 applying for the exception or variance can show that compliance with such rules:

- 18 (1) Would cause economic hardship; or
- 19 (2) Is physically impossible; or
- 20 (3) Is more detrimental to the environment than the variance would be; or
- 21 (4) Is impractical or of insignificant value under the existing conditions.

22           **3. The department shall not regulate the manufacture, performance, or use of**  
23 **residential wood burning heaters or appliances through a state implementation plan or**  
24 **otherwise, unless first specifically authorized to do so by the general assembly. No rule or**  
25 **regulation respecting the establishment or the enforcement of performance standards for**  
26 **residential wood burning heaters or appliances shall become effective unless and until first**  
27 **approved by the joint committee on administrative rules.**

28           **4. New rules or regulations shall not be applied to existing wood burning furnaces,**  
29 **stoves, fireplaces, or heaters that individuals are currently using as their source of heat for**  
30 **their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters**  
31 **existing on August 28, 2014 shall not be subject to any rules or regulations enacted after**  
32 **such date. No employee of the state or a state agency shall enforce any new rules or**  
33 **regulations against such existing wood burning furnaces, stoves, fireplaces, and heaters.**

**643.640. 1. The commission shall develop emission standards under 42 U.S.C.**  
2 **Section 7411(d) and 40 CFR 60.24 through a unit-by-unit analysis of each existing affected**  
3 **source of carbon dioxide within the state. As used in this section, “unit-by-unit analysis”**  
4 **means an analysis of each generation plant individually, regardless of the number of**  
5 **turbines at each plant site.**

6           **2. The commission shall consider in developing and implementing emission**  
7 **standards for each existing affected source of carbon dioxide, among other factors, the**  
8 **remaining useful life of the existing affected source to which such standard applies,**  
9 **consistent with 42 U.S.C. Section 7411(d).**

10           **3. The commission shall consider, consistent with its statutory duties to achieve the**  
11 **prevention, abatement, and control of air pollution by all commercially available and**  
12 **economically feasible methods, the overall economic impact from any and all emission**  
13 **standards and compliance schedules developed and implemented under 42 U.S.C. Section**  
14 **7411(d).**

15           **4. The commission may develop, on a unit-by-unit basis for individual existing**  
16 **affected sources and emissions of carbon dioxide at these existing affected sources,**  
17 **consistent with 40 CFR 60.24(f), emission standards that are less stringent, but not more**  
18 **stringent, than applicable federal emission guidelines or longer compliance schedules than**  
19 **those required by federal regulations. This determination shall be based on:**

20           **(1) Unreasonable cost of control resulting from plant age, location, or basic process**  
21 **design;**

22           **(2) Physical impossibility of installing necessary control equipment; or**

23           **(3) Other factors specific to the existing affected source or class of existing affected**  
24 **sources that make application of a less stringent standard or final compliance time**

25 significantly more reasonable including, but not limited to, the absolute cost of applying  
26 the emission standard and compliance schedule to the existing affected source; the  
27 outstanding debt associated with the existing affected source; the economic impacts of  
28 closing the existing affected source, including expected job losses if the existing affected  
29 source is unable to comply with the performance standard; and the customer impacts of  
30 applying the emission standard and compliance schedule to the existing affected source,  
31 including any disproportionate electric rate impacts on low income populations.

32 5. As required by 40 CFR 60.26, the commission has legal authority to carry out  
33 any state implementation plan with emission standards and compliance schedules that are  
34 developed and implemented consistent with this chapter.

35 6. If any provision of this section or the application thereof to any person or  
36 circumstance is held invalid, such invalidity shall not affect other provisions or applications  
37 of this section that can be given effect without the invalid provision or application, and to  
38 this end the provisions of this section are declared to be severable.

644.058. Notwithstanding the provisions of section 644.026 to the contrary, in  
2 promulgating water quality standards, the commission shall only revise water quality  
3 standards upon the completion of an assessment by the department finding that there is  
4 an environmental need for such revision. As part of the implementation of any revised  
5 water quality standards modifications of twenty-five percent or more, the department shall  
6 conduct an evaluation which shall include the environmental and economic impacts of the  
7 revised water quality criteria on a subbasin basis. This evaluation shall be conducted at  
8 the eight-digit hydrologic unit code level. The department shall document these  
9 evaluations and use them in making individual site-specific permit decisions.

Section B. Because immediate action is necessary to ensure that agencies and interested  
2 individuals are notified of proposed changes to the public water supply, the enactment of section  
3 640.136 of section A of this act is deemed necessary for the immediate preservation of the public  
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
5 meaning of the constitution, and the enactment of section 640.136 of section A of this act shall  
6 be in full force and effect upon its passage and approval.

✓