

HCS SS SB 135 -- ENVIRONMENTAL PROTECTIONS

SPONSOR: Schaefer (Jones, 89)

COMMITTEE ACTION: Voted "do pass" by the Committee on Tourism and Natural Resources by a vote of 17 to 0.

This substitute changes the laws regarding environmental protections.

STATE DEPARTMENT CASH TRANSACTIONS (Sections 253.082, 256.055, and 640.045, RSMo)

Upon a request from the Director of the Department of Natural Resources, the Commissioner of the Office of Administration is authorized to provide funds in an amount not to exceed \$500 each to the division directors of State Parks, Geology and Land Survey, or to any other division within the department to be placed in a revolving fund for the purpose of cash transactions involving the sale of items made by the divisions.

STATE PARKS EARNINGS FUND (Section 253.090)

The State Treasurer is authorized to deposit all of the moneys in the State Park Earnings Fund in any of the qualified depositories of the state and requires all these deposits to be secured in a manner provided by law relative to state deposits. Any interest earned on these deposits must be credited to the fund, and any moneys remaining in the fund at the end of the biennium will not revert to the credit of the General Revenue Fund.

BATTERY AND HAZARDOUS WASTE FEES (Sections 260.262, 260.380, and 260.475)

The provisions regarding 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 are extended from June 30, 2011, and December 31, 2011, respectively to December 31, 2015.

DISPOSAL OF USED TIRES (Section 260.269)

The state or any political subdivision or agency of the state is allowed to transfer possession and ownership of used tires, scrap tires, or tire shred to any in-state private entity to be lawfully disposed of or recycled if the tires or shred are not burned as a fuel or disposed of in a landfill. The cost of transferring the tires or shred must be less than the cost the state, political subdivision, or agency would have otherwise incurred had it disposed of the tires or shred. The private entity must pay for the transportation of the used tires it

receives.

#### DRY-CLEANING FACILITIES (Section 260.965)

The expiration date on the provisions regarding dry-cleaning facilities and their operations is extended from August 28, 2012, to August 28, 2017.

#### COOLERS ON RIVERS AND WATERWAYS (Section 306.109)

Currently, a person is not allowed to possess expanded polypropylene coolers on or within 50 feet of any river in this state except for certain specified rivers and areas. The substitute repeals this provision.

#### UNDERGROUND STORAGE TANK OPERATOR TRAINING PROGRAM (Section 319.130)

Beginning April 1, 2012, the board of trustees of the Petroleum Storage Tank Insurance Fund must hold one or more public hearings to determine whether to establish and fund an underground storage tank operator training program. The substitute specifies the criteria the board must consider when making its decision. If after conducting the hearings, a majority of the board votes to establish and fund a program, the program at a minimum must:

- (1) Meet federal requirements;
- (2) Be developed in collaboration with the departments of Natural Resources and Agriculture, the board's advisory committee, and affected members of the private sector;
- (3) Be offered at no cost to the required participants;
- (4) Specify standards, reporting, and documentation requirements; and
- (5) Be established by rule.

The board can contract with a third party to establish a program; and it can, at any time, be modified or eliminated by the board adopting a rule. Any records regarding a program must be made public and readily available to the Department of Natural Resources.

#### MOTOR FUEL TAX (Section 319.132)

The substitute adds to the list of activities for which the board of trustees of the Petroleum Storage Tank Insurance Fund can assess a surcharge to include the inspection fees paid on any

petroleum product which is shipped outside Missouri for use, sale, or distribution and all provisions governing the administration, collection, and enforcement of the state motor fuel tax.

#### MOTOR FUEL MEASURING DEVICES (Section 414.072 and Section 1)

The manufacturer's expiration date on motor fuel pump nozzles, hoses, and hose breakaway equipment must not be the sole factor in requiring their repair or replacement or in imposing a fine, penalty, or punishment by the state or any political subdivision. The manufacturer's expiration date on these items cannot impose any new or additional liability on the state, political subdivisions, motor fuel retailers, wholesalers, suppliers, and distributors as well as the retailers and wholesalers of the devices and equipment.

Any automatic volumetric correction device for measuring certain motor fuel sold at retail fueling facilities is prohibited by state rule or national standards or rules unless specifically authorized and required by state law.

Only the Department of Natural Resources is authorized to set stage 1 and 2 motor fuel vapor recovery fees which must be uniform across the state and which cannot be changed by a political subdivision or local law enforcement agency.

#### ENVIRONMENTAL PERMITS (Section 640.905)

All engineering plans, specifications, and designs prepared by a registered professional engineer that are submitted to the Department of Natural Resources as part of a permit application or modification must include a statement that the plans, specifications, and designs were prepared in accordance with all applicable requirements and must be sealed by the registered professional engineer. The department must use the complete, sealed plans, specifications, and designs as submitted in addition to a permit application or other relevant information, documents, and materials in developing comments on the engineering submittals and in determining whether to issue or deny a permit. The review of documents, plans, specifications, and designs sealed by a registered professional engineer must be conducted by a registered professional engineer or an engineering intern on behalf of the department.

The department must designate a supervisory registered professional engineer for permitting purposes in environmental programs. Any applicant receiving written comments on an engineering submittal may request a determination from the department's supervisory engineer as to a final disposition of

the department's comments. The supervisory engineer must inform the applicant of a preliminary decision within 15 days of the request and must make a final determination within 30 days.

These requirements do not require plans or other submittals to the department that come under a general permit or an application for a site specific permit to be prepared by a registered professional engineer unless otherwise required by state or federal law.

#### CLEAN WATER COMMISSION (Sections 644.036 and 644.054)

The public notice requirements of the Clean Water Commission of the State of Missouri when listing any impaired waters of the state under Section 303(d) of the federal Clean Water Act are extended from August 28, 2010, to August 28, 2015.

The commission's authority to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control is extended from December 31, 2010, to December 31, 2015.

The substitute contains an emergency clause for the provisions regarding the State Parks Earnings Fund, the battery and hazardous waste fees, and the Clean Water Commission.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$111,196 in FY 2012, \$82,868 in FY 2013, and \$70,400 in FY 2014. Estimated Net Income on Other State Funds of \$561,196 in FY 2012, \$1,141,668 to \$1,200,633 in FY 2013, and \$1,739,300 to \$1,798,175 in FY 2014.

PROPOSERS: Supporters say that the bill will extend the Dry Cleaning Fund which is used to investigate and clean up releases of chlorinated solvents from dry cleaners. This is not a new fee and has helped fund a successful program for many years since there is no private insurance available for dry cleaners. The bill also satisfies a 2005 federal requirement for the Petroleum Storage Tank Insurance Fund to create an operator training program for underground fuel storage tanks. The program is funded by the insurance fund and will not cost the state or participants. Fuel pump equipment expiration dates do not reflect the actual condition of the equipment and, therefore, require owners to replace equipment more often than necessary. The Department of Agriculture's inspections of this equipment ensures that it is properly working. Changing fuel types or the means by which fuel is measured will place expensive mandates on fuel retailers and other business. By requiring the General Assembly to approve any changes to fuel type or measurements, these changes will be examined through a public process by

elected officials. Currently, the stage 1 and stage 2 fees across the state vary from county to county. The bill will require the Department of Natural Resources to set consistent fees for fuel retailers across the state.

Testifying for the bill were Representative Jones (89) for Senator Schaefer; Missouri Petroleum Marketers and Convenience Store Association; American Cleaners and Laundry Company, Incorporated; and Missouri Retailers Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill answered questions about upcoming rule changes within the Department of Agriculture regarding fuel nozzles.

Testifying on the bill was Department of Agriculture.