

CCS HCS SS SB 135 -- ENVIRONMENTAL PROTECTIONS

This bill changes the laws regarding environmental protections.

STATE PARKS EARNINGS FUND (Section 253.090, RSMo)

Any moneys remaining in the State Parks Earnings Fund at the end of the biennium will not revert to the credit of the General Revenue Fund.

LEAD-ACID 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, 2013.

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, except in a permitted facility, 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, their operations, and payments to the Dry-cleaning Environmental Response Trust Fund is extended from August 28, 2012, to August 28, 2017.

COOLERS ON RIVERS AND WATERWAYS (Section 306.109)

Currently, a person is prohibited from possessing expanded polypropylene coolers on or within 50 feet of any river in this state except for certain specified rivers and areas. The bill repeals this provision.

UNDERGROUND PETROLEUM STORAGE TANK OPERATOR TRAINING PROGRAM (Section 319.130)

On or before 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 bill 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 those required to participate;
- (4) Specify standards, reporting, and documentation requirements; and
- (5) Be established by rule.

The board can contract with one or more third parties to establish a program which can, at any time, be modified or eliminated by the board's adoption of a rule. Any records created or maintained by the board regarding the program must be public records under the Open Meetings and Records Law, commonly known as the Sunshine Law, and made readily available to the Department of Natural Resources.

#### SURCHARGE ON PETROLEUM PRODUCTS (Section 319.132)

The bill adds to the list of activities for which the board of trustees of the Petroleum Storage Tank Insurance Fund can administer the surcharge on petroleum products to include the inspection fees paid on any petroleum product which is shipped outside Missouri for use, sale, or distribution and all applicable provisions in Chapter 142 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 gasoline and certain specified motor fuel blends sold at retail fueling facilities is prohibited by state rule or the automatic adoption or incorporation of national standards or rules unless the device is first 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, including permit and construction fees, which must be uniform across the state and which cannot be changed by a political subdivision or local enforcement agency.

#### WATER WELL REGULATIONS (Section 640.116)

Any water system that exclusively serves a charitable or benevolent organization will be exempt from all rules relating to well construction except those applying to a multifamily well unless the well or pump installation for the well is determined to present a threat to groundwater or public health. A water system cannot be exempt if it regularly serves an average of 100 or more people for at least 60 days of the year or if it serves a school or day care facility.

If a system has three or more violations of the total coliform maximum contaminant level in a 12-month period or one acute violation of the maximum contaminant level, the system's owner must provide an alternative source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least 99.99% treatment of the viruses.

An exempt organization cannot be required to replace, change, upgrade, or alter an existing well constructed prior to August 28, 2011, unless the well is determined to present a threat to groundwater or public health or contains certain contaminant levels.

#### 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 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 provisions cannot be construed to 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.

The bill contains an emergency clause for the provisions regarding the State Parks Earnings Fund and the lead-acid battery and hazardous waste fees.