

Missouri Revised Statutes

Chapter 644 Water Pollution

- [←Chapter: 643](#)
- [Chapter: 650→](#) August 28, 2015

Citation of act.

[644.006](#). This subchapter shall be known and may be cited as the "Missouri Clean Water Law".
(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321)
Effective 7-23-73

Statement of policy.

[644.011](#). Whereas the pollution of the waters of this state constitutes a menace to public health and welfare, creates a public nuisance, is harmful to wildlife, fish and aquatic life and impairs domestic, agricultural, industrial, recreational and other legitimate uses of water, and whereas the problem of water pollution in this state is closely related to the problem of water pollution in adjoining states, and whereas this state must possess the authority required of states in the Federal Water Pollution Control Act, as amended, if it is to retain control of its water pollution control programs, it is hereby declared to be the public policy of this state to conserve the waters of the state and to protect, maintain, and improve the quality thereof for public water supplies and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses and for the propagation of wildlife, fish and aquatic life; to provide that no waste be discharged into any waters of the state without first receiving the necessary treatment or other corrective action to protect the legitimate beneficial uses of such waters and meet the requirements of the Federal Water Pollution Control Act, as amended; to provide for the prevention, abatement and control of new or existing water pollution; and to cooperate with other agencies of the state, agencies of other states, the federal government and any other persons in carrying out these objectives. It is also the policy of this state to strive to meet these objectives while maintaining maximum employment and full industrial development of the state. The commission shall seek the accomplishment of these objectives through the prevention, abatement, and control of water pollution by all practical and economically feasible methods.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 2015 H.B. 92)

Definitions.

[644.016](#). When used in sections [644.006](#) to [644.141](#) and in standards, rules and regulations promulgated pursuant to sections [644.006](#) to [644.141](#), the following words and phrases mean:

(1) "Aquaculture facility", a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq.;

(2) "Commission", the clean water commission of the state of Missouri created in section [644.021](#);

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the department of natural resources;

(5) "Director", the director of the department of natural resources;

(6) "Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;

(7) "Effluent control regulations", limitations on the discharge of water contaminants;

(8) "General permit", a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;

(9) "General permit template", a draft general permit that is being developed through a public participation process;

(10) "Human sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;

(11) "Income" includes retirement benefits, consultant fees, and stock dividends;

(12) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(13) "Permit by rule", a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;

(14) "Permit holders or applicants for a permit" shall not include officials or employees who work full time for any department or agency of the state of Missouri;

(15) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(16) "Point source", any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include agricultural storm water discharges and return flows from irrigated agriculture;

(17) "Pollution", such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;

(18) "Pretreatment regulations", limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment pursuant to any federal water pollution control act or guidelines shall be limited or treated pursuant to this chapter only as required by such act or guidelines;

(19) "Residential housing development", any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;

(20) "Sewer system", pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

(21) "Significant portion of his or her income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

(22) "Site-specific permit", a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

(23) "Treatment facilities", any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

(24) "Water contaminant", any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections [644.006](#) to [644.141](#) or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

(25) "Water contaminant source", the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections [644.006](#) to [644.141](#) and nonpoint source pursuant to any federal water pollution control act, which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly;

(26) "Water quality standards", specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

(27) "Waters of the state", all waters within the jurisdiction of this state, including all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1993 S.B. 80, et al., A.L. 2000 S.B. 741, A.L. 2002 S.B. 984 & 985, A.L. 2006 H.B. 1149, A.L. 2012 H.B. 1251, A.L. 2015 H.B. 92)

Reasonable use defined in cases involving surface water inflood-prone areas.

[644.018](#). In any contested case or judicial proceeding filed after January 1, 1998, involving surface water in any flood-prone area, if any defendant has obtained and fully complied with a permit from a political subdivision which has enacted orders or ordinances as required by the Federal Emergency Management Agency as a prerequisite to participation in the National Flood Insurance Program, and which political subdivision has jurisdiction, pursuant to the zoning laws of this state or the laws and regulations of the Federal Emergency Management Agency, over the area in dispute, then the proper permitting and compliance with all conditions of such permitting of such project shall be conclusive proof that the project is a reasonable use and meets any reasonable-use test imposed by law or by a court.

(L. 1998 H.B. 1161)

Effective 6-9-98

Commission created, members, qualifications, term--meetings.

[644.021](#). 1. There is hereby created a water contaminant control agency to be known as the "Clean Water Commission of the State of Missouri", whose domicile for the purposes of sections [644.006](#) to [644.141](#) shall be deemed to be that of the department of natural resources. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. No more than four of the members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of conservation and the effects and control of water contaminants. Two such members, but no more than two, shall be knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs in a manner consistent with the purposes of sections [644.006](#) to [644.141](#). One such member shall be knowledgeable concerning the needs of publicly owned wastewater treatment works. Four members shall represent the public. No member shall receive, or have received during the previous two years, a significant portion of his or her income directly or indirectly from permit holders or applicants for a permit pursuant to any federal water pollution control act as amended and as applicable to this state. All members appointed on or after August 28, 2002, shall have demonstrated an interest and knowledge about water quality. All members appointed on or after August 28, 2002, shall be qualified by interest, education, training or experience to provide, assess and evaluate scientific and technical information concerning water quality, financial requirements and the effects of the promulgation of standards, rules and regulations. At the first meeting of the commission and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman.

2. The members' terms of office shall be four years and until their successors are selected and qualified. Provided, however, that the first three members appointed shall serve a term of two years, the next three members appointed shall serve a term of four years, thereafter all members appointed shall serve a term of four years. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the director to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred specifically upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from six consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with subsection 1 of this section.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 2000 S.B. 741, A.L. 2002 S.B. 708, A.L. 2007 S.B. 420)

CROSS REFERENCE:

Commissioner's appointment prohibited if the commissioner has received income from permit holders or applicants for permit under jurisdiction of clean water commission within two years, [640.010](#)

Powers and duties of commission--rules, procedure.

[644.026](#). 1. The commission shall:

(1) Exercise general supervision of the administration and enforcement of sections [644.006](#) to [644.141](#) and all rules and regulations and orders promulgated thereunder;

(2) Develop comprehensive plans and programs for the prevention, control and abatement of new or existing pollution of the waters of the state;

(3) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries in furtherance of the purposes of sections [644.006](#) to [644.141](#);

(4) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended for other than the purposes for which provided;

(5) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties pursuant to sections [644.006](#) to [644.141](#);

(6) Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

(7) After holding public hearings, identify waters of the state and prescribe water quality standards for them, giving due recognition to variations, if any, and the characteristics of different waters of the state which may be deemed by the commission to be relevant insofar as possible pursuant to any federal water pollution control act. These shall be reevaluated and modified as required by any federal water pollution control act;

(8) Adopt, amend, promulgate, or repeal after due notice and hearing rules and regulations to enforce, implement, and effectuate the powers and duties of sections [644.006](#) to [644.141](#) and any required of this state by any federal water pollution control act, and as the commission may deem necessary to prevent, control and abate existing or potential pollution. In addition to opportunities to submit written statements or provide testimony at public hearings in support of or in opposition to proposed rulemakings as required by section [536.021](#), any person who submits written comments or oral testimony on a proposed rule shall, at any public meeting to vote on an order of rulemaking or other commission policy, have the opportunity to respond to the proposed order of rulemaking or department of natural resources' response to comments to the extent that such response is limited to issues raised in oral or written comments made during the public notice comment period or public hearing on the proposed rule;

(9) Issue, modify or revoke orders prohibiting or abating discharges of water contaminants into the waters of the state or adopting other remedial measures to prevent, control or abate pollution;

(10) Administer state and federal grants and loans to municipalities and political subdivisions for the planning and construction of sewage treatment works;

(11) Hold such hearings, issue such notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, administer such oaths, and take such testimony as the commission deems necessary or as required by any federal water pollution control act. Any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;

(12) Require the prior submission of plans and specifications, or other data including the quantity and types of water contaminants, and inspect the construction of treatment facilities and sewer systems or any part thereof in connection with the issuance of such permits or approval as are required by sections [644.006](#) to [644.141](#), except that manholes and polyvinyl chloride (PVC) pipe used for gravity sewers and with a diameter no greater than twenty-seven inches shall not be required to be tested for leakage;

(13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution or any violations of sections [644.006](#) to [644.141](#) or any federal water pollution control act, permits for the discharge of water contaminants into the waters of this state, and for the installation, modification or operation of treatment facilities, sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements of this subdivision, shall ensure compliance with all effluent regulations or limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and time schedules thereunder as established by sections [644.006](#) to [644.141](#) and any federal water pollution control act; however, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works;

(14) Establish permits by rule. Such permits shall only be available for those facilities or classes of facilities that control potential water contaminants that pose a reduced threat to public health or the environment and that are in compliance with commission water quality standards rules, effluent rules or rules establishing permits by rule. Such permits by rule shall have the same legal standing as other permits issued pursuant to this chapter. Nothing in this section shall prohibit the commission from requiring a site-specific permit or a general permit for individual facilities;

(15) Require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities and systems;

(16) Exercise all incidental powers necessary to carry out the purposes of sections [644.006](#) to [644.141](#), assure that the state of Missouri complies with any federal water pollution control act, retains maximum control thereunder and receives all desired federal grants, aid and benefits;

(17) Establish effluent and pretreatment and toxic material control regulations to further the purposes of sections [644.006](#) to [644.141](#) and as required to ensure compliance with all effluent limitations, water quality-related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and any time schedules thereunder, as established by any federal water pollution control act for point sources in this state, and where necessary to prevent violation of water quality standards of this state;

(18) Prohibit all discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of this state;

(19) Require that all publicly owned treatment works or facilities which receive or have received grants or loans from the state or the federal government for construction or improvement make all charges required by sections [644.006](#) to [644.141](#) or any federal water pollution control act for use and recovery of capital costs, and the operating authority for such works or facility is hereby authorized to make any such charges;

(20) Represent the state of Missouri in all matters pertaining to interstate water pollution including the negotiation of interstate compacts or agreements;

(21) Develop such facts and make such investigations as are consistent with the purposes of sections [644.006](#) to [644.141](#), and, in connection therewith, to enter or authorize any representative of the commission to enter at all reasonable times and upon reasonable notice in or upon any private or public property for any purpose required by any federal water pollution control act or sections [644.006](#) to [644.141](#) for the purpose of developing rules, regulations, limitations, standards, or permit conditions, or inspecting or investigating any records required to be kept by sections [644.006](#) to [644.141](#) or any permit issued pursuant to sections [644.006](#) to [644.141](#), any condition which the commission or director has probable cause to believe to be a water contaminant source or the site of any suspected violation of sections [644.006](#) to [644.141](#), regulations, standards, or limitations, or permits issued pursuant to sections [644.006](#) to [644.141](#). The results of any such investigation shall be reduced to writing, and shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for the purposes of inspection pursuant to this subdivision, to an authorized representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any representative for the purpose of enabling him or her to make such inspection. Information obtained pursuant to this section shall be available to the public unless it constitutes trade secrets or confidential information, other than effluent data, of the person from whom it is obtained, except when disclosure is required pursuant to any federal water pollution control act;

(22) Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections [644.006](#) to [644.141](#) and prescribe the times at which they shall be appointed and their powers and duties;

(23) Secure necessary scientific, technical, administrative and operation services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or

any board, department, or other agency of any political subdivision of the state or the federal government;

(24) Require persons owning or engaged in operations which do or could discharge water contaminants, or introduce water contaminants or pollutants of a quality and quantity to be established by the commission, into any publicly owned treatment works or facility, to provide and maintain any facilities and conduct any tests and monitoring necessary to establish and maintain records and to file reports containing information relating to measures to prevent, lessen or render any discharge less harmful or relating to rate, period, composition, temperature, and quality and quantity of the effluent, and any other information required by any federal water pollution control act or the director, and to make them public, except as provided in subdivision (21) of this section. The commission shall develop and adopt such procedures for inspection, investigation, testing, sampling, monitoring and entry respecting water contaminant and point sources as may be required for approval of such a program pursuant to any federal water pollution control act;

(25) Take any action necessary to implement continuing planning processes and areawide waste treatment management as established pursuant to any federal water pollution control act or sections [644.006](#) to [644.141](#);

(26) Exercise general supervision of the department as the sole designated state agency with authority to administer the federal Clean Water Act in the state of Missouri, which shall include authority to approve any stream or wetland mitigation used in connection with any Section 401 water quality certification.

2. No rule or portion of a rule promulgated pursuant to this chapter shall become effective unless it has been promulgated pursuant to chapter 536.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1987 H.B. 497, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 2000 S.B. 741, A.L. 2012 H.B. 1251, A.L. 2014 S.B. 642)

CROSS REFERENCE:

Additional duties and powers of commission, Chap. 256

Sewer districts and systems made available to political subdivisions, no restriction allowed on connecting to system.

[644.027](#). Nothing in sections [644.006](#) through [644.150](#) shall be deemed to restrict, inhibit or otherwise deny the power of any city, town or village, whether organized under the general law or by constitutional or special charter, any sewer district organized under chapter 204 or chapter 249, any public water supply district organized under chapter 247, or any other municipality, political subdivision or district of the state which owns or operates a sewer system that provides for the collection and treatment of sewage, to require the owners of all houses, buildings or other facilities within a municipality, political subdivision or district to connect to the sewer system of the municipality, political subdivision or district when such sewer system is available.

(L. 2001 S.B. 256)

Effective 4-17-01

New water quality requirements, grandfathering provision.

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

(L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

*H.B. 650 effective 10-11-13, see § [21.250](#). H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

Storm water control, first class counties, Kansas City and St.Louis--distribution of funds--plan required--contracts for construction to be made within eighteen months--unused funds returned to clean water commission--redistribution of fund to alleligible cities and counties--state to pay one-third of cost--distribution directly to districts in certain cities and counties.

[644.031](#). 1. The general assembly may appropriate funds to the clean water commission of the department of natural resources for the control of storm water in any county of the first classification or in any city with a population of more than four hundred thousand inhabitants, or in any city not within a county. The commission shall administer and expend such funds in accordance with the terms of the appropriation.

2. The commission shall administer and expend such funds in the following manner:

(1) The funds shall be distributed based on the percentage of the population of a county or city that is eligible pursuant to this section in relation to the combined population of all counties and cities that are eligible for such funds pursuant to this section, according to the most recent federal decennial census. Participating counties or cities must have a comprehensive storm water control plan or study approved by the Missouri clean water commission, or a comparable study acceptable to the U.S. Army Corps of Engineers and approved by the commission, prior to being eligible, however, a comprehensive storm water control plan or study prepared by any city or other political subdivision within a participating county may be accepted by the clean water commission in lieu of a county plan or study;

(2) The commission shall obligate all funds appropriated under this section to qualifying political subdivisions for storm water projects or for a comprehensive storm water control plan or study

approved by the Missouri clean water commission prior to the end of the fiscal year of the appropriation or reappropriation. The political subdivisions receiving assistance under this section shall award all significant construction contracts for their projects within eighteen months of the appropriation or reappropriation;

(3) Any funds remaining unobligated at the end of the fiscal year together with any funds obligated for construction contracts which were not awarded within eighteen months of the appropriation or reappropriation shall be returned to the commission and redistributed in accordance with this section.

3. Funds authorized by the general assembly for storm water control to an eligible county or city may be expended for no more than one-third of the costs of any one storm water project.

4. Notwithstanding the other provisions of this section, in those cities or counties served by a sewer district established pursuant to Article VI, Section 30(a) of the Constitution of Missouri, any grants or loans awarded shall be disbursed directly to such district.

(L. 1977 H.B. 492 § 1, A.L. 1989 S.B. 444, A.L. 1995 H.B. 88, A.L. 1999 H.B. 450 and A.L. 1999 S.B. 160 & 82, A.L. 2011 H.B. 315)

Sales tax for purpose of storm water control or local parks or both may be imposed by any county or municipality--tax, how calculated--voter approval--ballot form--effective when--failure of tax, resubmission, when--revenue may be used for parks located outside of county or municipality, when.

644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, when imposed by any county with a charter form of government and with more than one million inhabitants.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of impose a sales tax of (insert amount) for the purpose of providing funding for (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the

first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section [644.033](#) until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section [644.033](#) and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section [644.033](#) be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section [644.033](#).

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section [644.033](#) shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section [70.220](#).

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.

(L. 1995 H.B. 88 § 8 subsecs. 1 to 4, A.L. 1998 H.B. 1158, A.L. 2004 H.B. 795, et al. merged with H.B. 833 merged with S.B. 1155)

**Sales tax collection to be deposited in local parks and storm water control sales tax fund--
fund established--powers and duties of director of revenue--abolition of tax, procedure.**

[644.033](#). 1. All sales taxes collected by the director of revenue under this section and section [644.032](#) on behalf of any municipality or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section [32.087](#), shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Parks and Storm Water Control Sales Tax Trust Fund". The moneys in the local parks and storm water control sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust * which was collected in each municipality or county imposing a sales tax under this section and section [644.032](#), * the records shall be open to the inspection of officers of the municipality or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the municipality or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer of the municipality, and all expenditures of funds arising from the local parks and storm water control sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such municipality or county. Expenditures may be made from the fund for any storm water control or local park functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

2. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any municipality or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such municipalities or counties. If any municipality or county abolishes the tax, the municipality or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such municipality or county, the director of revenue shall remit the balance in the account to the municipality or county and close the account of that municipality or county. The director of revenue shall notify each municipality or county of each instance of any amount refunded or any check redeemed from receipts due the municipality or county.

3. Except as modified in this section and section [644.032](#), all provisions of sections [32.085](#) and [32.087](#) shall apply to the tax imposed under this section and section [644.032](#).

(L. 1995 H.B. 88 § 8 subsecs. 5 to 7)

*Word "and" appears here in original rolls.

Wastewater and water pollution abatement in certain counties(including Christian and Greene counties), amount--issue submitted to voters, ballot language--sales tax, special trust fund established, purpose.

[644.034](#). 1. To promote tourism by maintaining the quality of the waters of the state, the governing body of any county containing part of a Corp of Engineers lake, any county of the third classification without a township form of government with at least thirty-two thousand but not more than thirty-five thousand inhabitants or any county of the first classification without a charter form of government with a population of at least two hundred thousand inhabitants may impose, by ordinance or order, a sales tax in the amount of up to one-fourth of one percent on all retail sales made in such county which are subject to taxation pursuant to the provisions of sections [144.010](#) to [144.525](#), for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities, and the governing body of any county, in conjunction with the imposition of any sales tax pursuant to this subsection, may have the option to issue bonds to preliminarily* fund the provision of improved treatment of wastewater and water pollution abatement as specified in this subsection. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; except that, no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax. In addition, a county shall only be authorized to issue bonds in conjunction with any sales tax imposed pursuant to this section after the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the

governing body of the county to issue bonds. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years; provided that, if sales tax is imposed pursuant to this section in conjunction with the issuance of bonds, the sales tax shall expire upon full repayment of all bonds issued.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO"; or

(2) If the proposal submitted involves authorization to impose the tax authorized by this section, authorization to issue bonds to preliminarily fund the provision of improved treatment of wastewater and water pollution abatement as specified in subsection 1 of this section, obligates the county to repay all bonds issued from the proceeds of the tax authorized by this section and requires the expiration of the tax upon the repayment of all such bonds, the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county, issue bonds to preliminarily fund the provision of improved treatment of wastewater and water pollution abatement, repay all bonds issued from the proceeds of the tax imposed and terminate such tax upon the repayment of all such bonds?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the

sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 2 of this section within such county for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 2 of this section within such county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section [32.087](#), shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Wastewater Treatment Sales Tax Trust Fund". The moneys in the local wastewater treatment sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the local wastewater treatment sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any purposes authorized pursuant to subsection 2 of this section in the ordinance or order adopted by the governing body submitting the local wastewater treatment tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections [32.085](#) and [32.087](#) shall apply to the tax imposed pursuant to this section.

8. All provisions of chapter 108 shall apply to any bonds issued pursuant to this section.

9. For purposes of this section, the term "wastewater** treatment and water pollution abatement" is limited to the following:

(1) Establishment of new wastewater treatment facilities or expansion or other improvement to existing wastewater treatment facilities;

(2) Elimination or reduction of the release of water pollutants affecting waters of the state located in the county; and

(3) Use of funds as matching funds for grants or loans from the clean water commission pursuant to this chapter.

(L. 1999 H.B. 139 § 5)

Effective 7-13-99

*Word "preliminary" appears in original rolls.

**Word "waterwater" appears in original rolls.

Public hearings--rules and regulations, how promulgated--listings under Clean Water Act, requirements, procedures.

[644.036](#). 1. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held after thirty days' prior notice by advertisement of the date, time and place of the hearing and opportunity given to the public to be heard. Notice of the hearings and copies of the proposed standard, rule or regulation or any amendment or repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date of the hearing, to any person who has registered with the director for the purpose of receiving notice of such public hearings in accordance with the procedures prescribed by the commission at least forty-five days prior to the scheduled date of the hearing. However, this provision shall not preclude necessary changes during this thirty-day period.

2. At the hearing, opportunity to be heard by the commission with respect to the subject thereof shall be afforded any interested person upon written request to the commission, addressed to the director, not later than seven days prior to the hearing, and may be afforded to other persons if convenient. In addition, any interested persons, whether or not heard, may submit, within seven days subsequent to the hearings, a written statement of their views. The commission may solicit the views, in writing, of persons who may be affected by, or interested in, proposed rules and regulations, or standards. Any person heard or represented at the hearing or making written request for notice shall be given written notice of the action of the commission with respect to the subject thereof.

3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it has been approved in writing by at least four members of the commission. A standard, rule or regulation or an amendment or repeal thereof shall not become effective until a certified copy thereof has been filed with the secretary of state as provided in chapter 536.

4. Unless prohibited by any federal water pollution control act, any standard, rule or regulation or any amendment or repeal thereof which is adopted by the commission may differ in its terms and provisions as between particular types and conditions of water quality standards or of water contaminants, as between particular classes of water contaminant sources, and as between particular waters of the state.

5. Any listing required by Section 303(d) of the federal Clean Water Act, as amended, 33 U.S.C. 1251, et seq., to be sent to the U.S. Environmental Protection Agency for its approval that will result in any waters of the state being classified as impaired shall be adopted by the commission after a public hearing, or series of hearings, held in accordance with the following procedures. The department of natural resources shall publish in at least six regional newspapers, in advance, a notice by advertisement the availability of a proposed list of impaired waters of the state and such notice shall include at least ninety days' advance notice of the date, time, and place of the public hearing and opportunity given to the public to be heard. Notice of the hearings and copies of the proposed list of impaired waters also shall be posted on the department of natural resources' website and given by regular mail, at least ninety days prior to the scheduled date of the hearing, to any person who has registered with the director for the purpose of receiving notice of such public hearings. The proposed list of impaired waters shall identify the water segment, the uses to be made of such waters, the uses impaired, identify the pollutants causing or expected to cause violations of the applicable water quality standards, and provide a summary of the data relied upon to make the preliminary determination. Contemporaneous with the publication of the notice of public hearing, the department shall make available on its website all data and information it relied upon to prepare the proposed list of impaired waters, including a narrative explanation of how the department determined the water segment was impaired. At any time after the public notice and until seven days after the public hearing, the department shall accept written comments on the proposed list of impaired waters. After the public hearing and after all written comments have been submitted, the department shall prepare a written response to all comments and a revised list of impaired waters. The commission shall adopt a list of impaired waters in a public meeting during which the public shall be afforded an opportunity to respond to the department's written response to comments and revised list of impaired waters. Notice of the meeting shall include the date, time, and place of the public meeting and shall provide notice that the commission will give interested persons the opportunity to respond to the department's revised list of impaired waters and written responses to comments. At its discretion, the commission may extend public comment periods or hold additional public hearings on the proposed and revised lists of impaired waters. The commission shall not vote to add to the list of impaired waters any waters not recommended by the department in the proposed or revised lists of impaired waters without granting the public at least thirty additional days to comment on the proposed addition. The list of impaired waters adopted by the commission shall not be deemed to be a rule as defined by section [536.010](#). The listing of any water segment on the list of impaired waters

adopted by the commission shall be subject to judicial review by any adversely affected party under section [536.150](#).

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 2000 S.B. 741, A.L. 2002 S.B. 984 & 985, A.L. 2006 H.B. 1149, A.L. 2009 H.B. 661 merged with H.B. 734, A.L. 2011 H.B. 89)

Effective 7-11-11

CROSS REFERENCE:

Nonseverability clause, [640.099](#)

Wetlands impact by nationwide permit, department to certify.

[644.037](#). Where applicable, under Section 404 of the federal Clean Water Act and where the U.S. Army Corps of Engineers has determined that a nationwide permit may be utilized, the department shall certify without conditions such nationwide permit as it applies to impacts on wetlands in this state.

(L. 1998 H.B. 1161)

Effective 6-9-98

Certification of nationwide permit by department, when.

[644.038](#). Where applicable, under Section 404 of the federal Clean Water Act and where the U.S. Army Corps of Engineers has determined that a nationwide permit may be utilized for the construction of highways and bridges approved by the Missouri highways and transportation commission, the department shall certify without conditions such nationwide permit as it applies to impacts on all waters of the state.

(L. 2001 H.B. 453 merged with H.B. 501)

Effluent regulations to be promulgated.

[644.041](#). As promptly as possible the commission shall adopt and promulgate reasonable effluent, pretreatment and toxic material control regulations which require the use of effective treatment facilities, or other methods to prevent water contamination, for each and every significant source, potential source, and classification of sources of water contaminants, or to limit or prevent introduction of water contaminants into publicly owned treatment works or facilities as required under any federal water pollution control act, throughout the state and thereafter may modify such regulations from time to time.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321)

Effective 7-23-73

Losing streams, a rebuttable presumption, how determined.

[644.042](#). The commission may adopt by rule a rebuttable presumption that any stream segment located within one mile upstream of a stream segment that has been determined by the commission to be a losing stream, as defined by the commission by rule, is also a losing stream until determined otherwise by the commission based upon the evidence. Except for the presumption authorized by the preceding sentence, the commission shall not adopt any presumption that any other stream segments are losing streams, and shall make any such determinations based on data applicable to such stream segments.

(L. 1998 H.B. 1161 merged with S.B. 479 merged with S.B. 739)

Effective 6-9-98 (H.B. 1161)

8-28-98 (S.B. 479), (S.B. 739)

Prohibited acts--permits required, when, fee--bond required of permit holders, when--permit application procedures--rulemaking--limitation on use of permit fees--permit shield provisions.

[644.051](#). 1. It is unlawful for any person:

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

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

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

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

2. It shall be unlawful for any person to operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections [644.006](#) to [644.141](#) unless such person holds an operating permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no operating permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. It shall be unlawful for any person to construct, build, replace or make major modification to any point source or collection system that is principally designed to convey or discharge human sewage to waters of the state, unless such person obtains a construction permit from the commission, except as provided in this section. The following activities shall be excluded from construction permit requirements:

(1) Facilities greater than one million gallons per day that are authorized through a local supervised program, and are not receiving any department financial assistance;

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

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

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

A construction permit may be required by the department in the following circumstances:

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

(b) To address noncompliance;

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

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

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

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

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

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

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

4. Before issuing any permit required by this section, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections [644.006](#) to [644.141](#) or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections [644.006](#) to [644.141](#), shall deny a permit if the source will

violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

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

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons for such denial. As provided by sections [621.250](#) and [640.013](#), the applicant may appeal to the administrative hearing commission from the denial of a permit or from any condition in any permit by filing a petition with the administrative hearing commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit, a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit within thirty days of the department's issuance of the general permit. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, or any condition of the permit. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, or any condition of the permit. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the point source is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

7. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section [640.012](#). Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section [644.071](#).

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

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

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of a site-specific operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit. Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections [644.006](#) to [644.141](#) or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

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

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the

department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the permits within sixty days of the department's receipt of an application. For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department's receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section [32.065](#).

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

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

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

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

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

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

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

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

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

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

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

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public

comment period shall be posted on the department's website within five business days after close of the public comment period;

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

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

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

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1982 S.B. 646, A.L. 1990 S.B. 582, A.L. 1999 S.B. 160 & 82, A.L. 2000 S.B. 741, A.L. 2002 S.B. 984 & 985, A.L. 2006 H.B. 1149, A.L. 2011 H.B. 89, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650, A.L. 2014 S.B. 642, A.L. 2015 H.B. 92)

CROSS REFERENCE:

Nonseverability clause, [640.099](#)

Permit types, fees, amounts--requests for permit modifications--requests for federal clean water certifications.

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

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

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

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

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

- (4) Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;
- (5) Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;
- (6) Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;
- (7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;
- (8) Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;
- (9) Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;
- (10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;
- (11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;
- (12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;
- (13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;
- (14) Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;
- (15) One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;
- (16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;
- (17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;
- (18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or
- (19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

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

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

10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:

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

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

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

(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

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

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

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

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

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

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

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

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

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

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

(L. 1990 S.B. 582, A.L. 2000 S.B. 741, A.L. 2002 S.B. 984 & 985, A.L. 2013 H.B. 28 merged with H.B. 542 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

8-28-13 (H.B. 542)

10-11-13 (H.B. 650)

*H.B. 650 effective 10-11-13, see § [21.250](#). H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

*For effective and expiration dates for fees imposed by this section, see § [644.054](#).

Construction permit, fees--general construction permits by rule, feesnot to exceed this section--animal feeding operation permit fees.

[644.053](#). 1. Persons applying for a construction permit issued pursuant to this chapter shall pay a construction permit fee as follows:

(1) Seven hundred fifty for a wastewater treatment plant if the design flow is less than five hundred dollars** thousand gallons per day;

(2) Two thousand two hundred dollars for a wastewater treatment plant if the design flow is equal to or more than five hundred thousand gallons per day;

(3) Seventy-five dollars for a sewer extension of less than one thousand lineal feet of pipe;

(4) Three hundred dollars for a sewer extension equal to or more than one thousand lineal feet of pipe; or

(5) Three hundred dollars for each sewage pumping station.

2. The applicant shall pay the highest appropriate fee pursuant to subdivisions (1) to (5) of subsection 1 of this section, but shall pay only pursuant to one subdivision regardless of the nature of the planned construction.

3. The commission may establish, by rule, general permits for construction and establish fees for such permits that shall not exceed the construction permit fees provided for in subsection 1 of this section.

4. Persons who apply for or possess an operator's certificate for treatment of wastewater or for concentrated animal feeding operation waste management shall pay fees of:

(1) Forty-five dollars for an application for a certificate of competency, including an initial exam and the issuance of an initial certificate of competency;

(2) Twenty dollars for an application for subsequent exams of the same certification type and level if the applicant fails the initial exam;

(3) Forty-five dollars for an application for a renewal of a certificate of competency;

(4) Forty dollars for an application for reciprocity with other certification programs; and

(5) Twenty-five dollars for the issuance of a reciprocated certificate of competency.

(L. 1990 S.B. 582, A.L. 2000 S.B. 741)

*For effective and expiration dates for fees imposed by this section, see § [644.054](#).

**Word "dollars" does not appear in original rolls.

Fees, billing and collection--administration, generally--fees to become effective, when--fees to expire, when--variances granted, when--fee structure review.

[644.054](#). 1. Fees imposed in sections [644.052](#) and [644.053](#) shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section [644.052](#), become effective October 1, 1990, and shall expire December 31, 2018. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section [644.052](#) shall become effective August 28, 2000, and shall expire on December 31, 2018. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section [640.220](#). Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections [644.006](#) to [644.141](#). Fees collected pursuant to subsection

10 of section [644.052](#) by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section [644.061](#) to reduce fees collected pursuant to section [644.052](#) for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section [644.052](#) shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

4. The director of the department of natural resources shall conduct a comprehensive review of the fee structure in sections [644.052](#) and [644.053](#). The review shall include stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to the general assembly by December 31, 2012, which shall include its findings and a recommended plan for the fee structure. The plan shall also include time lines for permit issuance, provisions for expedited permits, and recommendations for any other improved services provided by the fee funding.

(L. 1990 S.B. 582, A.L. 1994 H.B. 1156, A.L. 2000 S.B. 741, A.L. 2006 H.B. 1149 merged with S.B. 1165, A.L. 2009 H.B. 661 merged with H.B. 734, A.L. 2010 H.B. 1965, A.L. 2011 H.B. 89, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

*H.B. 650 effective 10-11-13, see § [21.250](#). H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

CROSS REFERENCE:

Nonseverability clause, [640.099](#)

Fees, nonpayment--penalty.

[644.055](#). Any person who fails to pay the required fees shall be subject to a penalty of the amount of interest accrued on the unpaid fees at the rate of two percent for each month that the fee is delinquent. If the fees are not paid within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent permittee. All remaining moneys shall be placed in the appropriate subaccount of the natural resources protection fund.

(L. 1990 S.B. 582)

Investigations, when--misrepresentation or failure to disclose aviolation, when--abatement orders, when--permits terminated,when--hearings--appeals.

[644.056](#). 1. The director shall cause investigations to be made upon the request of the commission or upon receipt of information concerning alleged violations of

sections [644.006](#) to [644.141](#) or any standard, limitation, order, rule or regulation promulgated pursuant thereto, or any term or condition of any permit and may cause to be made any other investigations he or she deems advisable. Violations shall include obtaining a permit by misrepresentation or failure to fully disclose all relevant facts.

2. If, in the opinion of the director, the investigation discloses that a violation does exist, the director may, by conference, conciliation or persuasion, endeavor to eliminate the violation.

3. In case of the failure by conference, conciliation or persuasion to correct or remedy any claimed violation, or as required to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants, the director may order abatement or request legal action by the attorney general. When the director files a complaint, the commission shall order a hearing. The director shall cause to have issued and served upon the person complained against a written notice of the order or complaint, together with a copy of the order or complaint, which shall specify the provision of sections [644.006](#) to [644.141](#) or the standard, rule, limitation, or regulation adopted pursuant thereto, or the condition of the permit of which the person is alleged to be in violation, and a statement of the manner in which and the extent to which the person is alleged to violate sections [644.006](#) to [644.141](#) or the standard, rule, limitation, or regulation, or condition of the permit. In any case involving a complaint, the commission shall require the person complained against to answer the charges of the formal complaint at a hearing before the commission at a time not less than thirty days after the date of notice. Service may be made upon any person within or without the state by registered mail, return receipt requested. Any person against whom the director issues an order may appeal the order to the commission within thirty days and the appeal shall stay the enforcement of the order until final determination by the commission. The commission shall set appeals for a hearing at a time not less than thirty days after the date of the request. The commission may sustain, reverse, or modify the director's order or may make such other orders as the commission deems appropriate under the circumstances. If any order issued by the director is not appealed within the time provided in this section, the order becomes final and may be enforced as provided in section [644.076](#). When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the notice given as provided in this subsection, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.

4. Permits may be revoked, terminated, or modified if obtained in violation of sections [644.006](#) to [644.141](#) or by misrepresentation or failing to fully disclose all relevant facts, or when required to prevent violations of any provision of sections [644.006](#) to [644.141](#), or to protect the waters of this state, when such action is required by a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge, subject to the right of appeal contained in sections [621.250](#) and [640.013](#).

5. Whenever a permit under this chapter is revoked, terminated, or modified by the department of natural resources, the applicant, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections [621.250](#) and [640.013](#). Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit revocation, termination, or modification. The commission shall issue its own decision, based on the appeal, for permit revocation, termination, or modification. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the point source is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 2000 S.B. 741, A.L. 2015 H.B. 92)

Clean water fee structure review, requirements.

[644.057](#). Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the clean water fee structure set forth in sections [644.052](#), [644.053](#), and [644.061](#). The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the clean water commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. In no case shall the clean water commission adopt or recommend any clean water fee in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections [536.021](#) and [536.024](#) no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the fee structures set forth in sections [644.052](#), [644.053](#), and [644.061](#) shall expire upon the effective date of the commission-adopted fee structure, contrary to section [644.054](#). Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee

structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure provided by this section shall expire on August 28, 2024.

(L. 2013 H.B. 28 merged with H.B. 650, A.L. 2014 S.B. 642)

*Authority to revise fee structure expires 8-28-24.

Water quality standards revised, when--evaluation to be conducted,when.

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

(L. 2014 S.B. 642 merged with S.B. 664)

Variances, when allowed--petition, fee--variance revoked,when--judicial review, how.

[644.061](#). 1. Unless prohibited by any federal water pollution control act, or if an application does not require a permit pursuant to any federal water pollution control act, the commission may grant individual variances beyond the limitations prescribed in sections [644.006](#) to [644.141](#) whenever it is found, upon presentation of adequate proof, that compliance with any provisions of sections [644.006](#) to [644.141](#) or rule or regulation, standard, requirement, limitation, or order of the commission or director adopted pursuant thereto will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case, without sufficient corresponding benefit or advantage to the people; but no variance shall be granted where the effect of a variance will permit the continuance of a condition which may unreasonably cause or contribute to adverse health effects upon humans or upon fish or other aquatic life or upon game or other wildlife, and any variance so granted shall not be so construed as to relieve the person who receives the variance from any liability imposed by other law for the commission or maintenance of a nuisance.

2. In determining under what conditions and to what extent a variance may be granted, the commission shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by water contaminants emitted by the applicant.

3. Variances shall be granted for such period of time and under such terms and conditions as shall be specified by the commission in its order. The variance may be extended by affirmative action of the commission. In no event shall the variance be granted for a period of time greater than

is reasonably necessary for complying with sections [644.006](#) to [644.141](#) or any standard, rule or regulation promulgated pursuant to sections [644.006](#) to [644.141](#).

4. Any person seeking a variance shall file a petition for variance with the director. There shall be a two hundred fifty dollar filing fee payable to the state of Missouri with each petition for variance. The director shall promptly investigate the application and make a recommendation to the commission within sixty days after the application is received as to whether the variance should be granted or denied. The director shall promptly notify the petitioner of his or her action and at the same time shall send notice to those persons registered with the director pursuant to section [644.036](#) who reside in the county where the water contaminant or point source is located.

5. If the recommendation of the director is to deny the variance, a hearing as provided in section [644.066](#) shall be held by the commission if requested by the petitioner within thirty days of the date of notice of the recommendation of the director. If the recommendation of the director is for the granting of the variance, the commission may grant the variance without a hearing, or, if not, shall set the matter for a hearing. If the commission grants the variance without a hearing the matter shall be passed upon at a public meeting no sooner than thirty days from the date of notice of the recommendation of the director, except that upon petition, filed within thirty days from the date of notice, of any person aggrieved by the granting of the variance, a hearing shall be held and such petitioner shall become a party to the proceeding. In any hearing pursuant to this section the burden of proof shall be on the person petitioning for a variance.

6. The commission may require the filing of a bond as a condition for the issuance of a variance in an amount determined by the commission to be sufficient to ensure compliance with the terms and conditions of the variance. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the variance are met and the provisions of sections [644.006](#) to [644.141](#) and rules and regulations promulgated pursuant thereto are complied with.

7. Upon failure to comply with the terms and conditions of any variance as specified by the commission, the variance may be revoked or modified or the bond may be revoked, or both, by the commission after a hearing held upon not less than thirty days' written notice. Notice shall be served upon all persons who will be subjected to greater restrictions if the variance is revoked or modified, or who have filed with the director a written request for notification.

8. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section [644.071](#).

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1974 S.B. 577, A.L. 2000 S.B. 741)

Provisional variances granted, when--procedure.

[644.062](#). 1. The director may grant provisional variances whenever it is determined, upon application of adequate proof, that compliance on a short-term basis with the limitations prescribed in sections [644.006](#) to [644.141](#), or rule, standard, requirement, limitation, or order of the director

adopted thereto due to conditions beyond reasonable control such as extended elevated temperatures or extreme drought conditions will result in an arbitrary or unreasonable hardship that exists solely because of the regulatory requirement in question and the costs of compliance are substantial and certain. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of sections [644.006](#) to [644.141](#), or rule, standard, requirement, limitation, or order of the director, the director shall condition the grant of such variance upon the posting of sufficient performance bond or other security to assure the completion of the work covered by the variance. In granting such provisional variance, the director shall consider the hardship imposed by requiring compliance on a short-term basis and adverse impacts that may result from granting the provisional variance. The director shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by water contaminants emitted by the applicant.

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

3. Any person seeking a provisional variance shall file a petition for a variance with the director describing the conditions or circumstances giving rise to the request for relief. There shall be a two hundred fifty dollar filing fee payable to the state of Missouri with each petition for provisional variance. The director shall promptly investigate the petition and shall take action within fourteen days of the request. If the director denies the petition, the person may initiate a proceeding under section [644.061](#). The director may condition any provisional variance as sections [644.006](#) to [644.141](#), or rule, standard, requirement, limitation or order of the director may require.

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

(L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

*H.B. 650 effective 10-11-13, see § [21.250](#). H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

Public hearings, how conducted--transcripts available--discoveryproceedings--hearings before single commissioner, when--finalorders, how approved.

[644.066](#). 1. At any public hearing all testimony taken before the commission shall be under oath and recorded stenographically. The transcript so recorded shall be made available to any member of the public or to the respondent or party to a hearing on a complaint, or any party to a hearing on a petition for variance, or appealing any order or determination of the director upon payment of the usual charge therefor.

2. In any such hearing, any member of the commission or the hearing officer shall issue in the name of the commission notice of hearing and subpoenas. Subpoenas shall be issued and enforced as provided in section [536.077](#). The rules of discovery that apply in any civil case apply to hearings held by the commission.

3. (1) All hearings to promulgate standards, rules, limitations, and regulations and to establish areas of the state shall be held before at least four members of the commission;

(2) All other hearings may be held before one commission member designated by the commission chairman or by a hearing officer who shall be a member of the Missouri Bar and shall be appointed by the commission chairman. The hearing officer or commission member shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer or commission member shall make recommended findings of fact and may make recommended conclusions of law to the commission;

(3) All final orders or determinations or other final actions by the commission shall be approved in writing by at least four members of the commission. Any commission member approving in writing any final order or determination or other final action, who did not attend the hearing, shall do so only after reviewing all exhibits and reading the entire transcript.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 2000 S.B. 741)

Judicial review authorized.

[644.071](#). 1. All final orders or determinations of the commission or the director made pursuant to the provisions of sections [644.006](#) to [644.141](#) are subject to judicial review pursuant to the provisions of chapter 536, except that, the provisions of section [536.110](#) notwithstanding, all actions seeking judicial review of any final order or determination of the commission or the director that relates to permits affecting a utility shall be filed in the court of appeals instead of in the circuit court. No judicial review shall be available, however, unless and until all administrative remedies are exhausted.

2. In any suit filed pursuant to section [536.050](#) concerning the validity of the commission's standards, rules and regulations, the court shall review the record made before the commission to determine the validity and reasonableness of such standards, rules, limitations, and regulations and may hear such additional evidence as it deems necessary.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 2000 S.B. 741, A.L. 2011 H.B. 89, A.L. 2012 H.B. 1251)

CROSS REFERENCE:

Nonseverability clause, [640.099](#)

Unlawful acts prohibited--false statements and negligent acts prohibited--penalties--exception.

[644.076](#). 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections [644.006](#) to [644.141](#), or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections [644.006](#) to [644.141](#) or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections [644.006](#) to [644.141](#) or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty pursuant to this section shall not be assessed for a violation where an administrative penalty was assessed pursuant to section [644.079](#). The commission, the chair of a watershed district's board of trustees created under section [249.1150](#), or the director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty pursuant to this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department pursuant to this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections [644.006](#) to [644.141](#) or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections [644.006](#) to [644.141](#) shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

3. Any person who willfully or negligently commits any violation set forth pursuant to subsection 1 of this section shall, upon conviction, be punished by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this section by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

4. The liabilities which shall be imposed pursuant to any provision of sections [644.006](#) to [644.141](#) upon persons violating the provisions of sections [644.006](#) to [644.141](#) or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1993 S.B. 80, et al., A.L. 2000 S.B. 741, A.L. 2004 H.B. 1433, A.L. 2005 H.B. 58 merged with H.B. 617)

Administrative penalties, assessments, restrictions--conference,conciliation and persuasion--rules--payment--appeal--collection,disposition.

[644.079](#). 1. In addition to any other remedy provided by law, upon a determination by the director that a provision of sections [644.006](#) to [644.141](#) or a standard, limitation, order, rule or regulation promulgated pursuant thereto, or a term or condition of any permit has been violated, the director may issue an order assessing an administrative penalty upon the violator under this section. An administrative penalty shall not be imposed until the director has sought to resolve the violations through conference, conciliation and persuasion and shall not be imposed for minor violations of sections [644.006](#) to [644.141](#) or minor violations of any standard, limitation, order, rule or regulation promulgated pursuant to sections [644.006](#) to [644.141](#) or minor violations of any term or condition of a permit issued pursuant to sections [644.006](#) to [644.141](#). If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation has caused, or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. Any order assessing an administrative penalty shall state that an administrative penalty is being assessed under this section and that the person subject to the penalty may appeal as provided by this section. Any such order that fails to state the statute under which the penalty is being sought, the manner of collection or rights of appeal shall result in the state's waiving any right to collection of the penalty.

2. The commission shall promulgate rules and regulations for the assessment of administrative penalties. The amount of the administrative penalty assessed per day of violation for each violation under this section shall not exceed the amount of the civil penalty specified in section [644.076](#). Such rules shall reflect the criteria used for the administrative penalty matrix as provided for in the Resource Conservation and Recovery Act, 42 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm which the violation causes, or may cause, the violator's previous compliance record, and any other factors which the department may reasonably deem relevant. An administrative penalty shall be paid within sixty days from the date of issuance of the order assessing the penalty. Any person subject to an administrative penalty may appeal to the commission. Any appeal will stay the due date of such administrative penalty until the appeal is resolved. Any person who fails to pay an administrative penalty by the final due date shall be liable to the state for a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. Any administrative or civil penalty paid pursuant to sections [644.006](#) to [644.141](#) shall be handled in accordance with Section 7 of Article IX of the State Constitution. An action may be brought in the appropriate circuit court to collect any unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection thereof.

3. An administrative penalty shall not be increased in those instances where department action, or failure to act, has caused a continuation of the violation that was a basis for the penalty. Any administrative penalty must be assessed within two years following the department's initial discovery

of such alleged violation, or from the date the department in the exercise of ordinary diligence should have discovered such alleged violation.

4. Any final order imposing an administrative penalty is subject to judicial review upon the filing of a petition pursuant to section [536.100](#) by any person subject to the administrative penalty.

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

(L. 1991 S.B. 45, A.L. 1993 S.B. 80, et al.)

Discharging water contaminants, permit required--violation, penalties.

[644.082](#). It shall be unlawful for any person to operate, use or maintain and discharge water contaminants from any water contaminant or point source or wastewater treatment plant unless he holds a permit from the commission. Any person violating this section shall be deemed guilty of a misdemeanor and shall be fined upon conviction at least one hundred dollars and not more than five hundred dollars and shall be required to apply for such a permit within thirty days.

(L. 1982 S.B. 646)

State or its subdivisions not to contract with violator.

[644.091](#). 1. No officer, agency or department of the state government, or of any political subdivision of this state shall enter into a contract with any person required to apply for a permit under the provisions of section [644.051](#) unless such person has applied for or received a permit pursuant to section [644.061](#).

2. No contract shall be entered into by any such governmental authority with any person who is held in contempt of any court order enforcing the provisions of sections [644.006](#) to [644.141](#).

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321)

Effective 7-23-73

State or its subdivisions may recover actual damages from violators.

[644.096](#). In addition to other penalties prescribed in sections [644.006](#) to [644.141](#), the state, or any political subdivision or agency thereof, has a cause of action against any person violating the provisions of sections [644.006](#) to [644.141](#) for actual damages, including all costs and expenses necessary to establish or collect any sums under sections [644.006](#) to [644.141](#), and the costs and expenses of restoring any waters of the state to their condition as they existed before the violation, sustained by it because of the violation. The action shall be brought by the attorney general or a prosecuting attorney in any court where an action for injunctive relief hereunder could be brought.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321)

Effective 7-23-73

Certain drinking water and water pollution projects, state may provide assistance.

[644.101](#). The state may provide assistance, as funds are available, pursuant to this chapter, to any county, municipality, public water district, public sewer district, or any combination of the same, or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended, to assist them in the construction of public drinking water and water pollution control projects as authorized by the clean water commission. The state may provide assistance pursuant to this chapter, including but not limited to the purchase of water and/or wastewater revenue or general obligation bonds, bonds of any county, instrumentality of the state, state entity, municipality, public sewer district, public water district, community water system, nonprofit noncommunity water system or any combination of the same, or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended. Further, the state may provide additional assistance or subsidies to any eligible entity as described in this section in the form of principal forgiveness, negative interest loans, grants, or any combination thereof, to the extent allowed by the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress, and within the process provided by the Missouri Constitution and revised statutes of the state of Missouri.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1982 S.B. 646, A.L. 1987 H.B. 497, A.L. 1991 S.B. 185, A.L. 1993 H.B. 566, A.L. 1998 H.B. 1161, A.L. 2000 S.B. 741, A.L. 2009 H.B. 661)

Effective 7-07-09

Matching grants for state revolving loan recipients.

[644.102](#). In addition to those sums authorized prior to the effective date of this section, the board of fund commissioners of the state of Missouri, as authorized by Sections 37(c) and 37(e) of Article III of the Constitution of the State of Missouri, may borrow, on the credit of this state, the sum of thirty-five million dollars in the manner and for the purposes set out in chapters 640 and 644.

(L. 1991 S.B. 185 § 1, A.L. 2007 S.B. 613 Revision)

State contributions limited--interest, limited--administrative fee allowed.

[644.106](#). The grant contribution, from funds made available pursuant to sections [644.500](#) to [644.561](#), made toward the cost of such water pollution control projects shall not exceed fifty-five percent of the estimated reasonable cost thereof as determined by the clean water commission. The state may charge interest at or below market rates, on loans made pursuant to this chapter, except that the state may charge interest on loan payments, delinquent under the terms of the loan, not exceeding twenty percent per annum. The state may charge an administrative fee on assistance made pursuant to this chapter.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1982 S.B. 646, A.L. 1987 H.B. 497, A.L. 1991 S.B. 185)

Effective 6-18-91

Commission to administer all state funds.

[644.111](#). The commission is the agency for the administration of such funds which are available for assistance from the state for this program.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1982 S.B. 646, A.L. 1987 H.B. 497, A.L. 1991 S.B. 185)

Effective 6-18-91

Rules and regulations to be adopted by commission--clean water commission to implement plan.

[644.116](#). The commission's determination of the relative need, the priority of projects, and the standards of construction shall be based on rules and regulations as adopted by the commission pursuant to this chapter for wastewater projects. The clean water commission shall implement the intended use plan developed by the safe drinking water commission pursuant to section [640.107](#).

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1982 S.B. 646, A.L. 1998 H.B. 1161)

Effective 6-9-98

Small rural communities to have percentage of funds.

[644.117](#). Small rural communities, as defined by the commission by rule, shall receive at least twenty percent of the funds when no federal funds are included in grants or loans made pursuant to section [644.101](#).

(L. 1982 S.B. 646, A.L. 1987 H.B. 497)

Rules and procedures, commission to adopt.

[644.121](#). The commission may adopt such rules, regulations and procedures to be followed in applying for state assistance herein authorized as shall be necessary for the effective administration thereof and as necessary to meet federal requirements.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1987 H.B. 497, A.L. 1991 S.B. 185)

Effective 6-18-91

Water and wastewater loan fund established--use of funds--deposits, disbursements--exempt from transfer to general revenue.

[644.122](#). 1. There is hereby created in the state treasury for use of the department a fund to be known as "The Water and Wastewater Loan Fund". All moneys received by the department for activities authorized in subdivisions (1), (3), (4), (5), and (6) of subsection 2 of this section shall be deposited in the fund for the use of the commission. Moneys received for the drinking water state revolving fund shall be used for the purposes identified in the federal Safe Drinking Water Act as amended and shall be accounted for separately.

2. The commission is hereby authorized to expend or use moneys deposited in the water and wastewater loan fund, upon appropriation by the general assembly to the department, for one or

more of the following purposes as the same relate to the construction of public drinking water and water pollution control projects as authorized by the commission pursuant to this chapter:

(1) To make loans to any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended;

(2) For the costs of administering programs and projects financed, in part, by the water and wastewater loan fund;

(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds or notes issued by the state or any agency or instrumentality thereof;

(4) To buy or refinance the debt obligation of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system, or any combination of the same;

(5) To guarantee, or purchase insurance for, notes or obligations of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, where such action would improve credit market access or reduce interest rates;

(6) To provide loan guarantees for similar revolving funds established by any county, instrumentality of the state, municipality, public water district, public sewer district, or any combination of the same; and

(7) To earn interest on the water and wastewater loan fund accounts.

3. The unexpended balance in the water and wastewater loan fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section [33.080](#) relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

4. For purposes of this section, public drinking water and water pollution control projects shall include, but not be limited to, the planning, design, and construction of water or wastewater facilities, or both, and the planning, design, and construction of nonpoint source control facilities identified in a nonpoint source control plan prepared by the department of natural resources.

(L. 1987 H.B. 497, A.L. 1991 S.B. 185, A.L. 1993 H.B. 566, A.L. 1998 H.B. 1161, A.L. 2000 S.B. 741)

Repayment of loans credited to fund--administrative fees, depositof, uses of.

[644.123](#). Repayment of principal and interest on loans or assistance awarded from the wastewater loan fund shall be credited to the wastewater loan fund. Any administrative fees pursuant to section [644.106](#) shall be paid to the director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund created

in section [640.220](#) and, subject to appropriation by the general assembly, shall be used by the department to carry out the general administration of programs and projects financed, in part, by assistance from the water pollution control fund or the wastewater loan fund.

(L. 1987 H.B. 497, A.L. 1991 S.B. 185)

Effective 6-18-91

State treasurer authorized to invest moneys of fund.

[644.124](#). The state treasurer is authorized to deposit all of the moneys in the wastewater loan fund in the manner now or hereafter provided in section [30.260](#). Any interest received on such deposits shall be credited to the wastewater loan fund.

(L. 1987 H.B. 497, A.L. 1991 S.B. 185)

Effective 6-18-91

Delinquent repayment by county or municipality, repayment out of sales tax revenues, how--agreements required.

[644.125](#). 1. If a county or municipality fails to remit a repayment of assistance provided from the wastewater loan fund within sixty days of the due date of the repayment, the department of natural resources may notify the director of the department of revenue. Upon receipt of such notice, the director of the department of revenue shall deduct such repayment amount from the next and succeeding regular apportionments of local sales tax distributions to that jurisdiction. Such deducted amounts shall immediately be deposited in the wastewater loan fund.

2. The commission shall require that an agreement be established between the department of natural resources and the county or municipality detailing the percentage of the repayment amount to be withheld from each sales tax fund for each county or municipality by the department of revenue under this section. The department of natural resources shall abide by such agreement when notifying the department of revenue to withhold any funds under this section.

(L. 1991 S.B. 185)

Effective 6-18-91

Water pollution board rules and orders to remain in effect until new standards are adopted by the commission.

[644.126](#). All standards, rules, limitations, regulations, and orders of the water pollution board presently existing shall remain in effect as actions of the clean water commission until such time as the clean water commission may adopt new standards, rules, limitations, and regulations, which they are hereby instructed to do.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321)

Effective 7-23-73

Other legal remedies not to be affected or abridged by sections [644.006](#) to [644.141](#).

[644.131](#). Nothing in sections [644.006](#) to [644.141](#) alters or abridges any right of action now or hereafter existing in law or equity, civil or criminal, nor is any provision of sections [644.006](#) to [644.141](#) construed as prohibiting any person, as a riparian owner or otherwise, from exercising his rights to suppress nuisances.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321)

Effective 7-23-73

Commission designated official state agency to deal with federal government relative to water pollution.

[644.136](#). The commission is hereby designated as the water pollution agency of the state for all purposes of any federal water pollution control act and may:

(1) Take all necessary or appropriate action to obtain for the state the benefits of any federal act, or to obtain federal approval of any state water pollution control program;

(2) Apply for and receive federal funds made available under any federal act;

(3) Approve projects for which assistance under any federal act is made to any municipality or agency of the state;

(4) Participate through its authorized representatives in proceedings under any federal act;

(5) Recommend measures for the reduction of water contamination originating within the state; and

(6) Recommend to the governor for his designation any areas of the state which require special action under sections [644.006](#) to [644.141](#) or any federal water pollution control act. The governor shall hereby be authorized, as provided in section [644.141](#), to so designate such areas and establish local agencies or authorities as required by any federal water pollution control act to carry out the planning and operation for such areas as required by any federal water pollution control act.

(L. 1972 S.B. 424, A.L. 1973 S.B. 259, S.B. 321, A.L. 1991 S.B. 185)

Effective 6-18-91

Designation of special areas by governor--appointment of agency to control--qualification of control agency.

[644.141](#). 1. The governor may designate areas which require special attention under sections [644.006](#) to [644.141](#) or any federal water pollution control act because of that area's water quality problems as waste treatment management areas. When an area is so designated by the governor hereunder, he shall appoint a single representative organization, unless he deems it necessary to appoint a separate planning agency and separate management agencies to execute such separate duties respectively, composed as required under any federal water pollution control

act from that area. Such agencies shall be capable of developing and/or implementing areawide waste treatment plans for the area, and the appointed agencies shall have the following appropriate planning and/or management authority as necessary, subject to approval by the Missouri clean water commission:

A. PLANNING AUTHORITY. (1) To conduct a planning process to prepare any waste treatment management plans designated by the governor or as required by any federal water pollution control act to be consistent with applicable basin plans and all plans prepared under a statewide continuing planning process but not limited to authority for:

(a) The development of all plans and planning processes required by this section, which shall be approved by the Missouri clean water commission, and certified initially and thereafter annually by the governor and submitted to federal agencies as required under any federal water pollution control act;

(b) The identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works;

(c) The establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

(d) The establishment of a regulatory program to

(i) Implement the areawide waste treatment management requirements of Section 201(c) of the Federal Water Pollution Control Act Amendments of 1972;

(ii) Regulate the location, modification and construction of any facilities within such area which may result in any discharge in such area; and

(iii) Assure that any industrial or commercial wastes discharged into any treatment works in such area meet applicable pretreatment requirements;

(e) The identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

(f) The identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

(g) A process to

(i) Identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production; and

(ii) Set forth procedures and methods, including land use requirements, to control to the extent feasible such sources;

(h) A process to

(i) Identify, if appropriate, mine related sources of pollution, including new, current, and abandoned surface and underground mine runoff; and

(ii) Set forth procedures and methods, including land use requirements, to control to the extent feasible such sources;

(i) A process to

(i) Identify construction activity related sources of pollution; and

(ii) Set forth procedures and methods, including land use requirements, to control to the extent feasible such sources;

(j) A process to control the disposition of all residual waste generated in such area which could affect water quality; and

(k) A process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

(2) Whenever the governor determines that the state water pollution control program requires statewide consistency, he shall prepare those parts of the plan set forth in subparagraphs (f) through (k) above in lieu of the local agencies.

B. MANAGEMENT AUTHORITY. The waste treatment management agencies, designated by the governor after consultation with the correlative planning agency, shall have the following authority:

(a) To carry out appropriate portions of an areawide waste treatment management plan developed under subsection 1.A above;

(b) To manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by this section;

(c) Directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection 1.A of this section;

(d) To accept and utilize grants, or other funds from any source, for waste treatment management purposes;

(e) To raise revenues, including the assessment of waste treatment charges;

(f) To incur short- and long-term indebtedness;

(g) To assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

(h) To refuse to receive any wastes from any municipality or subdivision thereof which does not comply with any provisions of an approved plan under this section applicable to such area; and

(i) To accept for treatment industrial wastes which meet appropriate pretreatment standards.

C. INTERSTATE AGENCIES. When the areas designated hereunder are located in part in other states, the governor may consult and cooperate with the governors of any other state involved to designate the boundaries of the area, and appoint representative organizations capable of developing and implementing an areawide waste treatment management plan for the interstate area. Any agency formed under this subsection shall have the same authority and composition as that given agencies under subsection 1.A and/or 1.B above as appropriate.

D. TERMINATION OF AUTHORITY. The governor may remove an area from this special designation when he determines its water problems no longer require the special attention provided in this section. The governor may remove any person appointed to such agencies for cause or designate another agency to carry out the duties of this section.

2. The clean water commission shall have all authority set forth in subsections 1.A and 1.B above necessary to accomplish and implement the state's continuing planning process as required by the Federal Water Pollution Control Act.

3. The clean water commission shall be the planning agency for all areas of the state not designated by the governor as special attention waste treatment management areas in subsection 1 above and shall have all authority set forth in subsections 1.A and 1.B above as necessary to perform such duties.

(L. 1973 S.B. 321)

Effective 7-23-73

Commission to establish groundwater remediation procedures, criteria for procedures.

[644.143](#). Notwithstanding any other provision of law to the contrary, the clean water commission shall establish procedures for determining whether remediation of groundwater, based on risk to human health and the environment, is appropriate for any particular site. The procedures for making such determination shall be made by rule and shall consider the following:

(1) Impacts of the groundwater contamination on any public or private water supply for drinking water;

(2) Likelihood that the contaminated groundwater will be a suitable public or private water supply based on its potability, background chemical constituents, or other factors not relating to the contamination;

(3) Impact of the groundwater contamination on any natural spring, or any water which contributes to a natural spring, which is recognized for its recreational or aesthetic value and located in a state park, national park, conservation area, or any area protected by a conservation easement;

(4) The appropriateness of natural attenuation and other methods to remediate the groundwater contamination; and

(5) Any other scientific factors the commission deems relevant.

(L. 1999 S.B. 334)

Affordability finding required, when--definitions--procedures to be adopted--appeal of determination--annual report, contents.

644.145. 1. When issuing permits under this chapter that incorporate a new requirement for discharges from publicly owned combined or separate sanitary or storm sewer systems or water or sewer treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251, et seq., pertaining to any portion of a publicly owned combined or separate sanitary or storm sewer system or water or sewer treatment works, the department of natural resources shall make a finding of affordability on the costs to be incurred and the impact of any rate changes on ratepayers upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

2. (1) The department of natural resources shall not be required under this section to make a finding of affordability when:

(a) Issuing collection system extension permits;

(b) Issuing National Pollution Discharge Elimination System operating permit renewals which include no new environmental requirements; or

(c) The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding; however, at no time shall the department require that any applicant certify, as a condition to approving any permit, administrative or civil action, that a requirement, condition, or penalty is affordable.

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when the community being served has less than three thousand three hundred residents.

3. When used in this chapter and in standards, rules and regulations promulgated pursuant to this chapter, the following words and phrases mean:

(1) "Affordability", with respect to payment of a utility bill, a measure of whether an individual customer or household with an income equal to or lower than the median household income for their community can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, taking into consideration the criteria described in subsection 4 of this section;

(2) "Financial capability", the financial capability of a community to make investments necessary to make water quality-related improvements;

(3) "Finding of affordability", a department statement as to whether an individual or a household receiving as income an amount equal to or lower than the median household income for the

applicant community would be required to make unreasonable sacrifices in the individual's or the household's essential lifestyle or spending patterns or undergo hardships in order to make the projected monthly payments for sewer services. The department shall make a statement that the proposed changes meet the definition of affordable, or fail to meet the definition of affordable, or are implemented as a federal mandate regardless of affordability.

4. The department of natural resources shall adopt procedures by which it will make affordability findings that evaluate the affordability of permit requirements and enforcement actions described in subsection 1 of this section, and may begin implementing such procedures prior to promulgating implementing regulations. The commission shall have the authority to promulgate rules to implement this section pursuant to chapters 536 and 644, and shall promulgate such rules as soon as practicable. Affordability findings shall be based upon reasonably verifiable data and shall include an assessment of affordability with respect to persons or entities affected. The department shall offer the permittee an opportunity to review a draft affordability finding, and the permittee may suggest changes and provide additional supporting information, subject to subsection 6 of this section. The finding shall be based upon the following criteria:

- (1) A community's financial capability and ability to raise or secure necessary funding;
- (2) Affordability of pollution control options for the individuals or households at or below the median household income level of the community;
- (3) An evaluation of the overall costs and environmental benefits of the control technologies;
- (4) Inclusion of ongoing costs of operating and maintaining the existing wastewater collection and treatment system, including payments on outstanding debts for wastewater collection and treatment systems when calculating projected rates;
- (5) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:
 - (a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and
 - (b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;
- (6) An assessment of other community investments and operating costs relating to environmental improvements and public health protection;
- (7) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and

(8) An assessment of any other relevant local community economic condition.

5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.

6. Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section [644.051](#).

7. If the department of natural resources fails to make a finding of affordability where required by this section, then the resulting permit or decision shall be null, void and unenforceable.

8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section [644.051](#).

9. The department shall file an annual report by the beginning of the fiscal year with the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the chairs of the committees in both houses having primary jurisdiction over natural resource issues showing at least the following information on the findings of affordability completed in the previous calendar year:

(1) The total number of findings of affordability issued by the department, those categorized as affordable, those categorized as not meeting the definition of affordable, and those implemented as a federal mandate regardless of affordability;

(2) The average increase in sewer rates both in dollars and percentage for all findings found to be affordable;

(3) The average increase in sewer rates as a percentage of median house income in the communities for those findings determined to be affordable and a separate calculation of average increases in sewer rates for those found not to meet the definition of affordable;

(4) A list of all the permit holders receiving findings, and for each permittee the following data taken from the finding of affordability shall be listed:

(a) Current and projected monthly residential sewer rates in dollars;

(b) Projected monthly residential sewer rates as a percentage of median household income;

(c) Percentage of households at or below the state poverty rate.

(L. 2011 H.B. 89, A.L. 2012 H.B. 1251, A.L. 2014 S.B. 642 merged with S.B. 664, A.L. 2015 H.B. 92 merged with S.B. 497)

CROSS REFERENCE:

Nonseverability clause, [640.099](#)

Subdivision defined.

[644.150](#). For all purposes of regulation pursuant to this chapter, the term "subdivision" shall not refer to any lot of five acres or larger or any land which is divided or proposed to be divided into lots of five acres or larger.

(L. 1998 S.B. 739)

Commissioners authorized to borrow \$20,000,000 for control of waterpollution.

[644.500](#). For the purpose of providing funds for use in this state for the protection of the environment through the control of water pollution, as authorized by Section 37(b) of Article III of the Constitution of the State of Missouri, the board of fund commissioners of the state of Missouri is hereby empowered to borrow, on the credit of the state, the sum of twenty million dollars in the manner provided in sections [644.500](#) to [644.560](#). The bonds shall be issued by the state board of fund commissioners from time to time and in such amounts as may be necessary to carry on a program by the clean water commission of the state as determined by the general assembly for the planning, financing, and constructing of sewage treatment facilities by any county, municipality, sewer district, or any combination of the same.

(L. 1972 S.B. 596 § 1)

Effective 3-29-72

**Commissioners authorized to borrow additional \$20,000,000 for controlof water pollution--
sewage treatment facilities defined.**

[644.502](#). 1. In addition to those sums authorized prior to September 28, 1983, the board of fund commissioners of the state of Missouri, as authorized by Section 37(c) of Article III of the Constitution of the State of Missouri, is authorized to borrow, on the credit of this state, the sum of twenty million dollars in the manner and for the purposes set out in this chapter.

2. For the purposes of sections [644.500](#) to [644.561](#) the term "sewage treatment facilities" shall include any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source, pipeline or conduits, pumping stations, force mains, and other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling.

(L. 1983 S.B. 239 § 2)

**Commissioners authorized to borrow additional \$35,000,000 for controlof water pollution--
sewage treatment facilities defined.**

[644.503](#). 1. In addition to those sums authorized prior to August 13, 1984, the board of fund commissioners of the state of Missouri, as authorized by Section 37(c) of Article III of the Constitution of the State of Missouri, is authorized to borrow, on the credit of this state, the sum of thirty-five million dollars in the manner and for the purposes set out in this chapter.

2. For the purposes of sections [644.500](#) to [644.561](#), the term "sewage treatment facilities" shall include any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source, pipeline or conduits, pumping stations, force mains, and other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling.

(L. 1984 S.B. 560 § 1)

Commissioners authorized to borrow additional \$35,000,000 for control of water pollution.

[644.504](#). In addition to those sums authorized prior to September 28, 1987, the board of fund commissioners of the state of Missouri, as authorized by Section 37(c) of Article III of the Constitution of the State of Missouri, is authorized to borrow, on the credit of this state, the sum of thirty-five million dollars in the manner and for the purposes set out in this chapter.

(L. 1987 S.B. 210 § 204.504)

Bonds, when issued--denominations--interest, how set--form of bonds--treasurer's duties--auditor's duties.

[644.505](#). As evidence of the indebtedness authorized by sections [644.500](#) to [644.561](#), there shall be issued, from time to time as occasion may require, negotiable bonds of the state of Missouri, in bearer form, which may be registrable as to principal or interest or both, or in fully registered form. Such bonds may be issued as serial bonds, term bonds, or a combination of both types. They shall be issued in denominations of one thousand dollars each, or multiples thereof, and shall bear dates to be fixed by the board of fund commissioners. They shall bear such rate or rates of interest and may bear such conversion privileges as may be determined by the board of fund commissioners. The interest thereon may be made payable, as determined by the board of fund commissioners. The bonds shall mature in such annual installment or installments as may be determined by the board of fund commissioners, provided that no bonds shall become due later than twenty-five years from the date such bonds bear. Both principal of and interest on the bonds may be made payable at such place or places, in or out of the state of Missouri, as the board of fund commissioners may designate, and if made payable at any place other than the office of the state treasurer at Jefferson City, Missouri, the state treasurer is authorized and directed to pay all expenses incident thereto. Each separate issue of the bonds shall be given a series designation, either alphabetical or numerical as may be determined by the board of fund commissioners. For the prompt payment of principal of the bonds at maturity and the interest thereon as it falls due, the full faith, credit and resources of the state of Missouri are hereby and herein irrevocably pledged. The board may prescribe the form, details and incidents of the bonds, but they shall not be inconsistent with any of the provisions of sections [644.500](#) to [644.651](#). Such bonds may have the great seal of the state of Missouri impressed thereon or affixed thereto or imprinted or otherwise reproduced thereon. The bonds may, in the discretion of the board of fund commissioners, be executed by the facsimile signature of the governor attested by the great seal of the state of Missouri, and the facsimile signature of the secretary of state and countersigned with the facsimile signature of the state treasurer, but all such bonds shall be executed by the genuine signature of at least one of such

officers; provided that if such bonds are to be authenticated by the bank or trust company acting as registrar for such bonds by the manual signature of a duly authorized officer or employee of such bank or trust company, the governor, secretary of state, and state treasurer executing and attesting such bonds may all do so by facsimile signature, provided that such signatures have been duly filed as provided in sections [105.273](#) to [105.278](#), when duly authorized by resolution of the board. The provisions of section [108.175](#) shall not apply to such bonds. Any coupons attached to the bonds, evidencing the interest payments to be made thereon, shall be executed by affixing thereon the facsimile signature of the state treasurer. When directed so to do by the board of fund commissioners, the state auditor shall provide the bonds to be issued and lodge them with the state treasurer in whose custody and charge they shall remain until delivered to the purchaser thereof. The board shall, by resolution, provide a method for registering any of the bonds as the title thereto may be transferred, and for paying the interest thereon as it falls due, and the board shall exchange registered bonds or bonds payable to bearer whenever requested by the holders thereof. The bonds, signed, countersigned, endorsed and sealed, as provided in sections [644.500](#) to [644.561](#), when sold, shall be and constitute valid and binding obligations of the state of Missouri, although the sale thereof may be made at a date or dates after any officer whose signature is affixed thereto shall have ceased to be the incumbent of his office.

(L. 1972 S.B. 596 § 2, A.L. 1982 2nd Ex. Sess. S.B. 4, A.L. 1991 S.B. 185)

Effective 6-18-91

Exception to limitations on bond interest rates.

[644.507](#). Notwithstanding the provisions of section [644.505](#) or any other provision to the contrary, bonds evidencing the indebtedness heretofore authorized by the general assembly pursuant to Article III, Section 37(b), but not yet issued, may, after December 20, 1982, be issued bearing such rate or rates of interest as may be determined by the board of fund commissioners.

(L. 1982 2nd Ex. Sess. S.B. 4, A.L. 1991 S.B. 185)

Effective 6-18-91

Borrowing additional sums, commissioners authority, state credit.

[644.508](#). In addition to those sums authorized prior to August 28, 1997, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of thirty million dollars in the manner and for the purposes set out in chapters 640 and 644.

(L. 1997 S.B. 176)

Debt authorization.

[644.509](#). In addition to those sums authorized prior to August 28, 1999, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the

Constitution of the State of Missouri, may borrow on the credit of this state the sum of fifteen million dollars in the manner and for the purposes set out in chapter 640 and this chapter.

(L. 1998 H.B. 1161, A.L. 1999 H.B. 450)

Bonds, how registered.

[644.510](#). When the bonds shall have been issued, they shall be registered in the office of the state auditor in a book to be provided by him for that purpose, and he shall endorse on each bond his certificate that in the issuance thereof all of the conditions of the law have been complied with, and shall sign such certificate and authenticate the same with the seal of his office.

(L. 1972 S.B. 596 § 3)

Effective 3-29-72

Additional bonds, how registered.

[644.511](#). When the bonds shall have been issued, they shall be registered in the office of the state auditor in a book to be provided by him for that purpose, and he shall endorse on each bond his certificate that in the issuance thereof all of the conditions of the law have been complied with, and shall sign such certificate and authenticate the same with the seal of his office.

(L. 1973 S.B. 286 § 3)

Effective 7-23-73

Bonds, how sold, deposits--proceeds--expenses of sale, how paid.

[644.515](#). The board of fund commissioners shall offer such bonds at public sale, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of the bonds before the same are sold, and shall require a deposit of such sum with each bid as will in its judgment be sufficient to guarantee the fulfillment thereof and generally shall conduct the sale or sales under such rules and regulations as shall to it seem advisable, provided the same are consistent with sections [644.500](#) to [644.560](#). The board may reserve the right to reject any and all bids. The proceeds thereof shall be paid into the state treasury as herein provided. No bond issue issued under sections [644.500](#) to [644.560](#) shall be sold at less than its face value and accrued interest from date of issue to date of delivery. All expenses incurred by the board of fund commissioners in issuing the bonds, or any part thereof, and attending the placing of the bonds on the market in a marketable condition, shall be paid by the state treasurer out of the proceeds of the sale of the bonds upon warrants drawn by the commissioner of administration to persons entitled thereto.

(L. 1972 S.B. 596 § 4)

Effective 3-29-72

Additional bonds, how sold, deposits--proceeds--expenses of sale, howpaid.

[644.516](#). The board of fund commissioners shall offer such bonds at public sale, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of the bonds before the same are sold, and shall require a deposit of such sum with each bid as will in its judgment be sufficient to guarantee the fulfillment thereof and generally shall conduct the sale or sales under such rules and regulations as shall to it seem advisable, provided the same are consistent with sections [644.501](#), [644.511](#), [644.516](#), [644.521](#), [644.526](#), [644.531](#), [644.541](#), [644.546](#), [644.551](#), [644.556](#) and [644.561](#). The board may reserve the right to reject any and all bids. The proceeds thereof shall be paid into the state treasury as herein provided. No bond issue issued under sections [644.501](#), [644.511](#), [644.516](#), [644.521](#), [644.526](#), [644.531](#), [644.541](#), [644.546](#), [644.551](#), [644.556](#) and [644.561](#) shall be sold at less than its face value and accrued interest from date of issue to date of delivery. All expenses incurred by the board of fund commissioners in issuing the bonds, or any part thereof, and attending the placing of the bonds on the market in a marketable condition shall be paid by the state treasurer out of the proceeds of the sale of the bonds upon warrants drawn by the commissioner of administration to persons entitled thereto.

(L. 1973 S.B. 286 § 4, A.L. 1991 S.B. 185)

Effective 6-18-91

Proceeds of sale, how handled.

[644.520](#). The moneys realized from the sale of bonds under the provisions of sections [644.500](#) to [644.560](#) shall be paid into the state treasury, to the credit of the "Water Pollution Control Fund", and shall be appropriated by the general assembly for the purposes for which the bonds are hereinabove authorized to be issued and for the payment of all necessary expenses incidental thereto.

(L. 1972 S.B. 596 § 5)

Effective 3-29-72

Proceeds of sale of additional bonds, how handled.

[644.521](#). The moneys realized from the sale of bonds under the provisions of sections [644.501](#), [644.511](#), [644.516](#), [644.521](#), [644.526](#), [644.531](#), [644.541](#), [644.546](#), [644.551](#), [644.556](#), and [644.561](#) shall be paid into the state treasury to the credit of the water pollution control fund, and shall be appropriated by the general assembly for the purposes for which the bonds are hereinabove authorized to be issued and for the payment of all necessary expenses incidental thereto.

(L. 1973 S.B. 286 § 5, A.L. 1991 S.B. 185)

Effective 6-18-91

Investment of water pollution control funds--interest to accrue to fund.

[644.526](#). The state treasurer, with the approval of the board of fund commissioners, is authorized to invest all of the moneys credited to the water pollution control fund as he, in the

exercise of his best judgment, determines to be in the best overall interest of the people of the state of Missouri. Any interest received on such deposits shall be credited to the water pollution control fund.

(L. 1973 S.B. 286 § 6, A.L. 1983 S.B. 239)

Water pollution control bond and interest fund created, how used.

[644.530](#). There is hereby created in and for the state treasury for the state of Missouri a fund to be known and designated as "The Water Pollution Control Bond and Interest Fund". Upon the issuance of the bonds or any portion thereof, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required, in the remaining portion of the fiscal year during which the bonds have been issued, for the payment of interest on the bonds, and of the amount of money required for the payment of interest on the bonds in the next succeeding fiscal year, and to pay the bonds as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required for the payment of interest on the bonds in the next succeeding fiscal year and to pay the bonds maturing in such next succeeding fiscal year. It shall be the duty of the commissioner of administration to transfer, at least monthly, from the state revenue fund, after deducting therefrom the proportionate part thereof appropriated for the support of the free public schools, and to the credit of the water pollution control bond and interest fund such sum as may be necessary from time to time until there shall have been transferred to said fund, the amount so certified to him by the state board of fund commissioners, as hereinabove provided.

(L. 1972 S.B. 596 § 7)

Effective 3-29-72

Water pollution control bond and interest fund, how used.

[644.531](#). Upon the issuance of the bonds or any portion thereof authorized by sections 644.501, [644.511](#), [644.516](#), [644.521](#), [644.526](#), [644.531](#), [644.541](#), [644.546](#), [644.551](#), [644.556](#) and [644.561](#), the state board of fund commissioners shall notify the commissioner of administration of the amount of money required, in the remaining portion of the fiscal year during which the bonds have been issued, for the payment of interest on the bonds, and of the amount of money required for the payment of interest on the bonds in the next succeeding fiscal year, and to pay the bonds as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required for the payment of interest on the bonds in the next succeeding fiscal year, and to pay the bonds maturing in such next succeeding fiscal year. It shall be the duty of the commissioner of administration to transfer, at least monthly, from the state revenue fund, after deducting therefrom the proportionate part thereof appropriated for the support of the free public schools, and to the credit of the water pollution control bond and interest fund heretofore created, such sum as may be necessary from time to time until there shall have been transferred to said fund the amount so certified to him by the state board of fund commissioners as hereinabove provided.

(L. 1973 S.B. 286 § 7, A.L. 1991 S.B. 185)

Effective 6-18-91

Water pollution control bond and interest fund, how deposited.

[644.535](#). The state treasurer, with the approval of the board of fund commissioners, is authorized to deposit all of the moneys in the water pollution control bond and interest fund in the manner now or hereafter provided in section [30.260](#). Interest received on such deposits shall be credited to the water pollution control bond and interest fund.

(L. 1972 S.B. 596 § 8, A.L. 1991 S.B. 185)

Effective 6-18-91

Tangible property tax, when levied.

[644.540](#). If at any time after the issuance of any of the bonds it shall become apparent to the commissioner of administration that the funds available in the state revenue fund will not be sufficient for the payment of the sinking fund and interest on outstanding obligations of the state and for the purpose of public education and the principal and interest maturing and accruing on the bonds during the next succeeding fiscal year, a direct tax shall be levied upon all taxable tangible property in the state for the payment of the bonds and the interest that will accrue thereon. In such event, it shall be the duty of the commissioner of administration annually, on or before the first day of July, to determine the rate of taxation necessary to be levied upon all taxable tangible property within the state to raise the amount of money needed to pay the principal of and interest on the bonds maturing and accruing in the next succeeding fiscal year, taking into consideration available funds, delinquencies and costs of collection. The commissioner of administration shall annually certify the rate of taxation so determined to the county clerk of each county and to the comptroller or other officer in the city of St. Louis whose duty it shall be to make up and certify the tax books wherein are extended the ad valorem state taxes. It shall be the duty of the county clerks and of the comptroller or other proper officer in the city of St. Louis to extend upon the tax book the taxes to be collected and to certify the same to the collectors of the revenue of their respective counties and of the city of St. Louis, who shall collect such taxes at the same time and in the same manner and by the same means as are now or may hereafter be provided by law for the collection of state and county taxes, and to pay the same into the state treasury for the credit of the water pollution control bond and interest fund.

(L. 1972 S.B. 596)

Effective 3-29-72

Tangible property tax, when levied.

[644.541](#). If at any time after the issuance of any of the bonds it shall become apparent to the commissioner of administration that the funds available in the state revenue fund will not be sufficient for the payment of the sinking fund and interest on outstanding obligations of the state and

for the purpose of public education and the principal and interest maturing and accruing on the bonds during the next succeeding fiscal year, a direct tax shall be levied upon all taxable tangible property in the state for the payment of the bonds and the interest that will accrue thereon. In such event, it shall be the duty of the commissioner of administration annually, on or before the first day of July, to determine the rate of taxation necessary to be levied upon all taxable tangible property within the state to raise the amount of money needed to pay the principal of and interest on the bonds maturing and accruing in the next succeeding fiscal year, taking into consideration available funds, delinquencies and costs of collection. The commissioner of administration shall annually certify the rate of taxation so determined to the county clerk of each county and to the comptroller or other officer in the city of St. Louis whose duty it shall be to make up and certify the tax books wherein are extended the ad valorem state taxes. It shall be the duty of the county clerks and of the comptroller or other proper officer in the city of St. Louis to extend upon the tax book the taxes to be collected and to certify the same to the collectors of the revenue of their respective counties and of the city of St. Louis, who shall collect such taxes at the same time and in the same manner and by the same means as are now or may hereafter be provided by law for the collection of state and county taxes, and to pay the same into the state treasury for the credit of the water pollution control bond and interest fund.

(L. 1973 S.B. 286 § 9)

Effective 7-23-73

Water pollution control bond and interest fund money to stand appropriated for payment of principal and interest on bonds.

[644.545](#). All funds paid into the water pollution control bond and interest fund shall be and stand appropriated without legislative action to the payment of principal and interest of the bonds, there to remain until paid out in discharge of the principal of the bonds and interest accruing thereon, and no part of such funds shall be used for any other purpose so long as any of the principal of the bonds and the interest thereon shall be unpaid.

(L. 1972 S.B. 596 § 10)

Effective 3-29-72

Water pollution control bond and interest fund money to stand appropriated for payment of principal and interest on bonds.

[644.546](#). All funds paid into the water pollution control bond and interest fund shall be and stand appropriated without legislative action to the payment of principal and interest of the bonds, there to remain until paid out in discharge of the principal of the bonds and the interest accruing thereon, and no part of such funds shall be used for any other purpose so long as any of the principal of the bonds and the interest thereon shall be unpaid.

(L. 1973 S.B. 286 § 10)

Effective 7-23-73

Additional bonds, principal and interest, how and when paid--repurchase when.

[644.551](#). All bonds herein authorized to be issued shall be paid at maturity and all interest accruing thereon shall be paid when it falls due by the state treasurer, at a place designated in the bonds and coupons attached. Thirty days before any of the bonds mature and any of the interest thereon falls due, it shall be the duty of the board of fund commissioners to draw its requisition for the amount necessary to pay such interest on the bonds and the principal of maturing bonds and the necessary expenses to be incurred in transmitting such moneys. Whereupon the commissioner of administration shall certify the amount and transmit the warrant to the state treasurer for payment from the state treasury therefor in favor of the president of the board of fund commissioners, payable out of the water pollution control bond and interest fund; and the warrant so drawn shall be delivered to the state treasurer who shall transmit the amount of money therein specified to the paying agent named in the bonds with instructions to place such money to the credit of the board of fund commissioners for the payment of interest or principal of such bonds. Whenever in the opinion of the board of fund commissioners it is advisable to do so, and there are sufficient funds therefor, the board may redeem any of the bonds before maturity if the holders thereof agree thereto, and may also purchase any of the bonds in the open market whenever funds are available and in the opinion of the board it is to the advantage of the state to do so; but, in the event any of the bonds are redeemed before maturity, the purchase price shall not exceed the face value of said bonds plus accrued interest not previously paid.

(L. 1973 S.B. 286 § 11, A.L. 2010 H.B. 1965)

Treasurer to report on bond transactions to general assembly.

[644.555](#). The state treasurer shall, in his report, furnish to the general assembly, from time to time, a detailed statement of the total amount of bonds and the total amount of the proceeds thereof, the expense of collection and the amounts used to carry out the provisions of sections [644.500](#) to [644.560](#).

(L. 1972 S.B. 596 § 12)

Effective 3-29-72

Treasurer to report on additional bond transactions to general assembly.

[644.556](#). The state treasurer shall, in his report, furnish to the general assembly from time to time a detailed statement of the total amount of bonds and the total amount of the proceeds thereof, the expense of collection and the amounts used to carry out the provisions of sections [644.501](#), [644.511](#), [644.516](#), [644.521](#), [644.526](#), [644.531](#), [644.541](#), [644.546](#), [644.551](#), [644.556](#) and [644.561](#).

(L. 1973 S.B. 286 § 12, A.L. 1991 S.B. 185)

Effective 6-18-91

Bonds to be issued as funds are required--issuance by resolution of board--written consent of governor required.

[644.560](#). Bonds herein provided for shall be issued by the board of fund commissioners from time to time as funds are required to meet expenditures under appropriations made by the general assembly for the purposes for which the bonds are authorized to be issued. Any action taken or proceedings had by the board of fund commissioners with reference to the issuance of the bonds or any part thereof shall be by resolution adopted by a majority of all the members of the board, but no bonds shall be authorized to be sold under the provisions of sections [644.500](#) to [644.560](#) without the written consent of the governor of this state.

(L. 1972 S.B. 596 § 13)

Effective 3-29-72

Additional bonds to be issued as funds are required--issuance by resolution of board--written consent of governor required.

[644.561](#). Bonds herein provided for shall be issued by the board of fund commissioners from time to time as funds are required to meet expenditures under appropriations made by the general assembly for the purposes for which the bonds are authorized to be issued. Any action taken or proceedings had by the board of fund commissioners with reference to the issuance of the bonds or any part thereof shall be by resolution adopted by a majority of all the members of the board, but no bonds shall be authorized to be sold under the provisions of sections [644.501](#), [644.511](#), [644.516](#), [644.521](#), [644.526](#), [644.531](#), [644.541](#), [644.546](#), [644.551](#), [644.556](#) and [644.561](#) without the written consent of the governor of this state.

(L. 1973 S.B. 286 § 13, A.L. 1991 S.B. 185)

Effective 6-18-91

Commissioner authorized to borrow additional \$30,000,000 for water pollution control, storm water control, rural water and sewer grants, urban drinking water and emergency drought relief--money for emergency drought relief, how expended.

[644.564](#). 1. In addition to those sums authorized prior to June 6, 1989, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, is authorized to borrow, on the credit of this state, the sum of thirty million dollars in the manner and for the purposes set out in chapter 640 and this chapter. The department shall allocate these funds for the following purposes: water pollution control projects; storm water control projects; rural water and sewer grants; urban drinking water and emergency drought relief.

2. Pursuant to chapter 640, moneys shall be expended for emergency drought relief as follows:

(1) Connection of the public water system to other public water systems;

(2) Any other purpose directly related to the provision of water to public water systems under drought.

3. Any public water system affected by a water shortage caused by a lack of rainfall may apply to the department of natural resources for assistance under this act*. The application shall be in a form and shall provide such information as required by the department. The department shall review and rank applications and may provide grants or loans to the affected public water system or systems. In evaluating applications, the department shall consider the seriousness of the water shortage, the number of people affected, the ability of the public water system to repay a loan, and such other matters as it deems material to the application.

(L. 1989 S.B. 444 § 1)

Effective 6-6-89

*"This act" (S.B. 444, 1989) contained numerous sections. Consult Disposition of Sections table for a definitive listing.

Commissioners authorized to borrow additional \$2,500,000 for improvements.

[644.566](#). In addition to those sums authorized prior to August 28, 1998, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of two and one-half million dollars in the manner and for the purpose of financing and constructing improvements as set out in chapter 640 and this chapter.

(L. 1999 H.B. 450)

*This section was enacted by both H.B. 450 and S.B. 160 & 82 during the 1st Regular Session of the 90th General Assembly, 1999. Due to possible conflict, both versions are printed here.

Commissioners authorized to borrow additional \$2,500,000 for improvements and an additional \$15,000,000 for other purposes.

[644.566](#). 1. In addition to those sums authorized prior to the August 28, 1999, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of two and one-half million dollars in the manner and for the purpose of financing and constructing improvements as set out in chapter 640 and this chapter.

2. In addition to those sums authorized prior to August 28, 1999, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of fifteen million dollars in the manner and for the purposes set out in chapter 640 and this chapter.

(L. 1999 S.B. 160 & 82)

*This section was enacted by both H.B. 450 and S.B. 160 & 82 during the 1st Regular Session of the 90th General Assembly, 1999. Due to possible conflict, both versions are printed here.

Commissioners may borrow additional \$10,000,000 for rural water and sewer project grants and loans.

[644.568](#). In addition to those sums authorized prior to August 28, 1998, the board of fund commissioners of the state of Missouri, as authorized by Section 37(g) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars for the purposes of financing and constructing improvements as set out in chapter 640 and in this chapter. The department shall allocate these funds to counties, municipalities, sewer districts, water districts, or any combination of the same to provide grants and loans for rural water and sewer projects.

(L. 1999 H.B. 450 and L. 1999 S.B. 160 & 82, A.L. 2011 H.B. 315)

Commissioners may borrow additional \$20,000,000 for grants and loans to storm water control plans, how allocated--grants and loans disbursed directly to certain districts--fund created for repayment of loans.

[644.570](#). 1. The board of fund commissioners of the state of Missouri, as authorized by Section 37(h) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of twenty million dollars for the purposes of financing and constructing storm water control plans, studies and projects as set out in this chapter. The department shall allocate these funds through grants or loans to municipalities, public sewer districts, sewer districts established pursuant to Article VI, Section 30(a) of the Missouri Constitution, public water districts, or any combination of the same located in a county of the first classification or in any city not within a county or by any county of the first classification.

2. Grants awarded under this section shall be no more than fifty percent of the cost of the plan, study or project.

3. Grants or loans allocated under this section shall be initially offered to eligible recipients in counties of the first classification and in a city not within a county in an amount equal to the percentage ratio that the population of the recipient county or city bears to the total population of all counties of the first classification and cities not within a county as determined by the last decennial census.

4. Grants or loans offered to a city or county under subsection 3 of this section shall be further allocated and initially offered to eligible recipients in any city with a population of at least twenty-five thousand inhabitants located in a county of the first classification in an amount equal to the percentage ratio that the recipient's population bears to the total population of the county.

5. After the initial offer of grants or loans has been made to eligible recipients under subsections 3 and 4 of this section, any remaining funds may be reallocated to recipients of the initial offer who have eligible projects for such funds until no such funds remain. The reallocation of funds shall be made to eligible recipients with remaining eligible projects in an amount equal to the percentage ratio that the population of the eligible recipient bears to the total population of all other eligible recipients with remaining eligible projects under this subsection.

6. Other provisions of this section notwithstanding, in those cities or counties served by a sewer district established pursuant to Article VI, Section 30(a) of the Constitution of the State of Missouri, any grants or loans awarded shall be disbursed directly to such district.

7. Repayments of storm water loans and any interest payments on such loans shall be deposited in the "Storm Water Loan Revolving Fund", which is hereby created. The fund shall be used for the purposes of financing and constructing storm water control plans, studies, and projects. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections [30.170](#) and [30.180](#). Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(L. 1999 H.B. 450 and S.B. 160 & 82, A.L. 2008 S.B. 1040)

*Contingent effective date, see § [644.571](#)

Contingent effective date.

[644.571](#). Section [644.570](#) shall become effective only upon approval by the voters of a constitutional amendment submitted to them by the 94th general assembly, amending Article III, Section 37(h), regarding financing and constructing storm water control plans, studies, and projects.

(L. 2008 S.B. 1040 § B)

Commissioners authorized to borrow additional \$10,000,000 for improvements.

[644.572](#). In addition to those sums authorized prior to August 28, 2000, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and this chapter.

(L. 2000 S.B. 741)

Commissioners may borrow additional \$10,000,000 for improvements.

[644.573](#). In addition to those sums authorized prior to August 28, 2002, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and this chapter.

(L. 2001 H.B. 501 § 1 merged with S.B. 256 § 1)

Commissioners may borrow additional \$20,000,000 for rural water and sewer grants and loans.

[644.574](#). In addition to those sums authorized prior to August 28, 2000, the board of fund commissioners of the state of Missouri, as authorized by Section 37(g) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2000 S.B. 741)

Commissioners may borrow additional \$10,000,000 for rural water and sewer grants and loans.

[644.575](#). In addition to those sums authorized prior to August 28, 2002, the board of fund commissioners of the state of Missouri, as authorized by Section 37(g) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2001 H.B. 501 § 2 merged with S.B. 256 § 2)

Commissioners may borrow additional \$40,000,000 for grants and loans to storm water control plans.

[644.576](#). In addition to those sums authorized prior to August 28, 2000, the board of fund commissioners of the state of Missouri, as authorized by Section 37(h) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of forty million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2000 S.B. 741)

Commissioners may borrow additional \$20,000,000 for grants and loans to storm water control plans.

[644.577](#). In addition to those sums authorized prior to August 28, 2002, the board of fund commissioners of the state of Missouri, as authorized by Section 37(h) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2001 H.B. 501 § 3 merged with S.B. 256 § 3)

Board may borrow additional \$10,000,000 for purposes of water pollution control, improvement of drinking water, and storm water control.

[644.578](#). In addition to those sums authorized prior to August 28, 2003, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2002 S.B. 984 & 985)

Board may borrow additional \$10,000,000 for purposes of ruralwater and sewer grants and loans.

[644.579](#). In addition to those sums authorized prior to August 28, 2003, the board of fund commissioners of the state of Missouri, as authorized by Section 37(g) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2002 S.B. 984 & 985)

Board may borrow additional \$20,000,000 for purposes of stormwater control.

[644.580](#). In addition to those sums authorized prior to August 28, 2003, the board of fund commissioners of the state of Missouri, as authorized by Section 37(h) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2002 S.B. 984 & 985)

Board may borrow additional \$10,000,000 for purposes of waterpollution control, improvement of drinking water, and stormwater control.

[644.581](#). In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and this chapter.

(L. 2004 S.B. 987)

Board may borrow additional \$10,000,000 for purposes of ruralwater and sewer grants and loans.

[644.582](#). In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by Section 37(g) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2004 S.B. 987)

Board may borrow additional \$20,000,000 for purposes of storm water control.

[644.583](#). In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by Section 37(h) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2004 S.B. 987)

Board may borrow additional \$10,000,000 for purposes of waterpollution control, improvement of drinking water, and storm watercontrol.

[644.584](#). In addition to those sums authorized prior to August 28, 2006, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2005 S.B. 246)

Board may borrow additional \$10,000,000 for purposes of ruralwater and sewer grants and loans.

[644.585](#). In addition to those sums authorized prior to August 28, 2006, the board of fund commissioners of the state of Missouri, as authorized by Section 37(g) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2005 S.B. 246)

Board may borrow additional \$20,000,000 for purposes of storm water control.

[644.586](#). In addition to those sums authorized prior to August 28, 2006, the board of fund commissioners of the state of Missouri, as authorized by Section 37(h) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2005 S.B. 246)

Board may borrow additional \$10,000,000 for purposes of waterpollution, improvement of drinking water, and storm watercontrol.

[644.587](#). In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for purposes set out, in chapter 640 and this chapter.

(L. 2006 H.B. 1149)

Board may borrow additional \$10,000,000 for purposes of rural waterand sewer grants and loans.

[644.588](#). In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by Section 37(g) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and the purposes set out, in chapter 640 and in this chapter.

(L. 2006 H.B. 1149)

Board may borrow additional \$20,000,000 for purposes of storm watercontrol.

[644.589](#). In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by Section 37(h) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2006 H.B. 1149)

Board may borrow additional \$10,000,000 for purposes of waterpollution, improvement of drinking water, and storm watercontrol.

[644.597](#). In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by Section 37(e) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2007 S.B. 22)

Board may borrow additional \$10,000,000 for purposes of rural waterand sewer grants and loans.

[644.598](#). In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by Section 37(g) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2007 S.B. 22)

Board may borrow additional \$20,000,000 for purposes of storm watercontrol.

[644.599](#). In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by Section 37(h) of Article III of the Constitution of the State of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640 and in this chapter.

(L. 2007 S.B. 22)

