

FIRST REGULAR SESSION

# SENATE BILL NO. 395

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

1642S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 256.700, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 444.768, 444.772, 640.100, 643.079, and 644.057, RSMo, and to enact in lieu thereof twelve new sections relating to the extension of certain department of natural resources fees.

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

Section A. Sections 256.700, 259.080, 260.262, 260.273,  
2 260.380, 260.392, 260.475, 444.768, 444.772, 640.100, 643.079,  
3 and 644.057, RSMo, are repealed and twelve new sections enacted  
4 in lieu thereof, to be known as sections 256.700, 259.080,  
5 260.262, 260.273, 260.380, 260.392, 260.475, 444.768, 444.772,  
6 640.100, 643.079, and 644.057, to read as follows:

256.700. 1. Any operator desiring to engage in  
2 surface mining who applies for a permit under section  
3 444.772 shall, in addition to all other fees authorized  
4 under such section, annually submit a geologic resources  
5 fee. Such fee shall be deposited in the geologic resources  
6 fund established and expended under section 256.705. For  
7 any operator of a gravel mining operation where the annual  
8 tonnage of gravel mined by such operator is less than five  
9 thousand tons, there shall be no fee under this section.

10 2. The director of the department of natural resources  
11 may require a geologic resources fee for each permit not to  
12 exceed one hundred dollars. The director may also require a  
13 geologic resources fee for each site listed on a permit not  
14 to exceed one hundred dollars for each site. The director

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 may also require a geologic resources fee for each acre  
16 permitted by the operator under section 444.772 not to  
17 exceed ten dollars per acre. If such fee is assessed, the  
18 fee per acre on all acres bonded by a single operator that  
19 exceeds a total of three hundred acres shall be reduced by  
20 fifty percent. In no case shall the geologic resources fee  
21 portion for any permit issued under section 444.772 be more  
22 than three thousand five hundred dollars.

23 3. Beginning August 28, 2007, the geologic resources  
24 fee shall be set at a permit fee of fifty dollars, a site  
25 fee of fifty dollars, and an acre fee of six dollars. Fees  
26 may be raised as allowed in this subsection by a regulation  
27 change promulgated by the director of the department of  
28 natural resources. Prior to such a regulation change, the  
29 director shall consult the industrial minerals advisory  
30 council created under section 256.710 in order to determine  
31 the need for such an increase in fees.

32 4. Fees imposed under this section shall become  
33 effective August 28, 2007, and shall expire on December 31,  
34 **[2025] 2034**. No other provisions of sections 256.700 to  
35 256.710 shall expire.

36 5. The department of natural resources may promulgate  
37 rules to implement the provisions of sections 256.700 to  
38 256.710. Any rule or portion of a rule, as that term is  
39 defined in section 536.010, that is created under the  
40 authority delegated in this section shall become effective  
41 only if it complies with and is subject to all of the  
42 provisions of chapter 536 and, if applicable, section  
43 536.028. This section and chapter 536 are nonseverable and  
44 if any of the powers vested with the general assembly under  
45 chapter 536 to review, to delay the effective date, or to  
46 disapprove and annul a rule are subsequently held

47 unconstitutional, then the grant of rulemaking authority and  
48 any rule proposed or adopted after August 28, 2007, shall be  
49 invalid and void.

259.080. 1. It shall be unlawful to commence  
2 operations for the drilling of a well for oil or gas, or to  
3 commence operations to deepen any well to a different  
4 geological formation, or to commence injection activities  
5 for enhanced recovery of oil or gas or for disposal of  
6 fluids, without first giving the state geologist notice of  
7 intention to drill or intention to inject and first  
8 obtaining a permit from the state geologist under such rules  
9 and regulations as may be prescribed by the council.

10 2. The department of natural resources may conduct a  
11 comprehensive review, and propose a new fee structure, or  
12 propose changes to the oil and gas fee structure, which may  
13 include but need not be limited to permit application fees,  
14 operating fees, closure fees, and late fees, and an  
15 extraction or severance fee. The comprehensive review shall  
16 include stakeholder meetings in order to solicit stakeholder  
17 input from each of the following groups: oil and gas  
18 industry representatives, the advisory committee, and any  
19 other interested parties. Upon completion of the  
20 comprehensive review, the department shall submit a proposed  
21 fee structure or changes to the oil and gas fee structure  
22 with stakeholder agreement to the oil and gas council. The  
23 council shall review such recommendations at the forthcoming  
24 regular or special meeting, but shall not vote on the fee  
25 structure until a subsequent meeting. If the council  
26 approves, by vote of two-thirds majority, the fee structure  
27 recommendations, the council shall authorize the department  
28 to file a notice of proposed rulemaking containing the  
29 recommended fee structure, and after considering public

30 comments may authorize the department to file the final  
31 order of rulemaking for such rule with the joint committee  
32 on administrative rules under sections 536.021 and 536.024  
33 no later than December first of the same year. If such  
34 rules are not disapproved by the general assembly in the  
35 manner set out in this section, they shall take effect on  
36 January first of the following year, at which point the  
37 existing fee structure shall expire. Any regulation  
38 promulgated under this subsection shall be deemed beyond the  
39 scope and authority provided in this subsection, or  
40 detrimental to permit applicants, if the general assembly,  
41 within the first sixty calendar days of the regular session  
42 immediately following the filing of such regulation,  
43 disapproves the regulation by concurrent resolution. If the  
44 general assembly so disapproved any regulation filed under  
45 this subsection, the department and the council shall not  
46 implement the proposed fee structure and shall continue to  
47 use the previous fee structure. The authority of the  
48 council to further revise the fee structure as provided in  
49 this subsection shall expire on August 28, [2025] 2034.  
50 **Should the council's authority to revise the fee structure**  
51 **as provided by this subsection expire, then the fee**  
52 **structure in place at the time of expiration shall remain in**  
53 **place.**

54 3. Failure to pay the fees, or any portion thereof,  
55 established under this section or to submit required  
56 reports, forms or information by the due date shall result  
57 in the imposition of a late fee established by the council.  
58 The department may issue an administrative order requiring  
59 payment of unpaid fees or may request that the attorney  
60 general bring an action in the appropriate circuit court to  
61 collect any unpaid fee, late fee, interest, or attorney's

62 fees and costs incurred directly in fee collection. Such  
63 action may be brought in the circuit court of Cole County,  
64 or, in the case of well fees, in the circuit court of the  
65 county in which the well is located.

260.262. A person selling lead-acid batteries at  
2 retail or offering lead-acid batteries for retail sale in  
3 the state shall:

4 (1) Accept, at the point of transfer, in a quantity at  
5 least equal to the number of new lead-acid batteries  
6 purchased, used lead-acid batteries from customers, if  
7 offered by customers;

8 (2) Post written notice which must be at least four  
9 inches by six inches in size and must contain the universal  
10 recycling symbol and the following language:

11 (a) It is illegal to discard a motor vehicle battery  
12 or other lead-acid battery;

13 (b) Recycle your used batteries; and

14 (c) State law requires us to accept used motor vehicle  
15 batteries, or other lead-acid batteries for recycling, in  
16 exchange for new batteries purchased; and

17 (3) Manage used lead-acid batteries in a manner  
18 consistent with the requirements of the state hazardous  
19 waste law;

20 (4) Collect at the time of sale a fee of fifty cents  
21 for each lead-acid battery sold. Such fee shall be added to  
22 the total cost to the purchaser at retail after all  
23 applicable sales taxes on the battery have been computed.  
24 The fee imposed, less six percent of fees collected, which  
25 shall be retained by the seller as collection costs, shall  
26 be paid to the department of revenue in the form and manner  
27 required by the department and shall include the total  
28 number of batteries sold during the preceding month. The

29 department of revenue shall promulgate rules and regulations  
30 necessary to administer the fee collection and enforcement.  
31 The terms "sold at retail" and "retail sales" do not include  
32 the sale of batteries to a person solely for the purpose of  
33 resale, if the subsequent retail sale in this state is to  
34 the ultimate consumer and is subject to the fee. However,  
35 this fee shall not be paid on batteries sold for use in  
36 agricultural operations upon written certification by the  
37 purchaser; and

38 (5) The department of revenue shall administer,  
39 collect, and enforce the fee authorized pursuant to this  
40 section pursuant to the same procedures used in the  
41 administration, collection, and enforcement of the general  
42 state sales and use tax imposed pursuant to chapter 144  
43 except as provided in this section. The proceeds of the  
44 battery fee, less four percent of the proceeds, which shall  
45 be retained by the department of revenue as collection  
46 costs, shall be transferred by the department of revenue  
47 into the hazardous waste fund, created pursuant to section  
48 260.391. The fee created in subdivision (4) and this  
49 subdivision shall be effective October 1, 2005. The  
50 provisions of subdivision (4) and this subdivision shall  
51 terminate December 31, ~~2023~~ 2034.

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

4 2. A fee for each new tire sold at retail shall be  
5 imposed on any person engaging in the business of making  
6 retail sales of new tires within this state. The fee shall  
7 be charged by the retailer to the person who purchases a  
8 tire for use and not for resale. Such fee shall be imposed  
9 at the rate of fifty cents for each new tire sold. Such fee

10 shall be added to the total cost to the purchaser at retail  
11 after all applicable sales taxes on the tires have been  
12 computed. The fee imposed, less six percent of fees  
13 collected, which shall be retained by the tire retailer as  
14 collection costs, shall be paid to the department of revenue  
15 in the form and manner required by the department of revenue  
16 and shall include the total number of new tires sold during  
17 the preceding month. The department of revenue shall  
18 promulgate rules and regulations necessary to administer the  
19 fee collection and enforcement. The terms "sold at retail"  
20 and "retail sales" do not include the sale of new tires to a  
21 person solely for the purpose of resale, if the subsequent  
22 retail sale in this state is to the ultimate consumer and is  
23 subject to the fee.

24 3. The department of revenue shall administer, collect  
25 and enforce the fee authorized pursuant to this section  
26 pursuant to the same procedures used in the administration,  
27 collection and enforcement of the general state sales and  
28 use tax imposed pursuant to chapter 144 except as provided  
29 in this section. The proceeds of the new tire fee, less  
30 four percent of the proceeds, which shall be retained by the  
31 department of revenue as collection costs, shall be  
32 transferred by the department of revenue into an appropriate  
33 subaccount of the solid waste management fund, created  
34 pursuant to section 260.330.

35 4. Up to five percent of the revenue available may be  
36 allocated, upon appropriation, to the department of natural  
37 resources to be used cooperatively with the department of  
38 elementary and secondary education for the purposes of  
39 developing environmental educational materials, programs,  
40 and curriculum that assist in the department's  
41 implementation of sections 260.200 to 260.345.

42           5. Up to fifty percent of the moneys received pursuant  
43 to this section may, upon appropriation, be used to  
44 administer the programs imposed by this section. Up to forty-  
45 five percent of the moneys received under this section may,  
46 upon appropriation, be used for the grants authorized in  
47 subdivision (2) of subsection 6 of this section. All  
48 remaining moneys shall be allocated, upon appropriation, for  
49 the projects authorized in section 260.276, except that any  
50 unencumbered moneys may be used for public health,  
51 environmental, and safety projects in response to  
52 environmental or public health emergencies and threats as  
53 determined by the director.

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

- 57           (1) Removal of scrap tires from illegal tire dumps;  
58           (2) Providing grants to persons that will use products  
59 derived from scrap tires, or use scrap tires as a fuel or  
60 fuel supplement; and  
61           (3) Resource recovery activities conducted by the  
62 department pursuant to section 260.276.

63           7. The fee imposed in subsection 2 of this section  
64 shall begin the first day of the month which falls at least  
65 thirty days but no more than sixty days immediately  
66 following August 28, 2005, and shall terminate December 31,  
67 **[2025] 2034.**

260.380. 1. After six months from the effective date  
2 of the standards, rules and regulations adopted by the  
3 commission pursuant to section 260.370, hazardous waste  
4 generators located in Missouri shall:

- 5           (1) Promptly file and maintain with the department, on  
6 registration forms it provides for this purpose, information



7 on hazardous waste generation and management as specified by  
8 rules and regulations. Hazardous waste generators shall pay  
9 a one hundred dollar registration fee upon initial  
10 registration, and a one hundred dollar registration renewal  
11 fee annually thereafter to maintain an active registration.  
12 Such fees shall be deposited in the hazardous waste fund  
13 created in section 260.391;

14 (2) Containerize and label all hazardous wastes as  
15 specified by standards, rules and regulations;

16 (3) Segregate all hazardous wastes from all  
17 nonhazardous wastes and from noncompatible wastes, materials  
18 and other potential hazards as specified by standards, rules  
19 and regulations;

20 (4) Provide safe storage and handling, including spill  
21 protection, as specified by standards, rules and  
22 regulations, for all hazardous wastes from the time of their  
23 generation to the time of their removal from the site of  
24 generation;

25 (5) Unless provided otherwise in the rules and  
26 regulations, utilize only a hazardous waste transporter  
27 holding a license pursuant to sections 260.350 to 260.430  
28 for the removal of all hazardous wastes from the premises  
29 where they were generated;

30 (6) Unless provided otherwise in the rules and  
31 regulations, provide a separate manifest to the transporter  
32 for each load of hazardous waste transported from the  
33 premises where it was generated. The generator shall  
34 specify the destination of such load on the manifest. The  
35 manner in which the manifest shall be completed, signed and  
36 filed with the department shall be in accordance with rules  
37 and regulations;

38           (7) Utilize for treatment, resource recovery, disposal  
39 or storage of all hazardous wastes, only a hazardous waste  
40 facility authorized to operate pursuant to sections 260.350  
41 to 260.430 or the federal Resource Conservation and Recovery  
42 Act, or a state hazardous waste management program  
43 authorized pursuant to the federal Resource Conservation and  
44 Recovery Act, or any facility exempted from the permit  
45 required pursuant to section 260.395;

46           (8) Collect and maintain such records, perform such  
47 monitoring or analyses, and submit such reports on any  
48 hazardous waste generated, its transportation and final  
49 disposition, as specified in sections 260.350 to 260.430 and  
50 rules and regulations adopted pursuant to sections 260.350  
51 to 260.430;

52           (9) Make available to the department upon request  
53 samples of waste and all records relating to hazardous waste  
54 generation and management for inspection and copying and  
55 allow the department to make unhampered inspections at any  
56 reasonable time of hazardous waste generation and management  
57 facilities located on the generator's property and hazardous  
58 waste generation and management practices carried out on the  
59 generator's property;

60           (10) (a) Pay annually, on or before January first of  
61 each year, effective January 1, 1982, a fee to the state of  
62 Missouri to be placed in the hazardous waste fund. The fee  
63 shall be five dollars per ton or portion thereof of  
64 hazardous waste registered with the department as specified  
65 in subdivision (1) of this subsection for the twelve-month  
66 period ending June thirtieth of the previous year. However,  
67 the fee shall not exceed fifty-two thousand dollars per  
68 generator site per year nor be less than one hundred fifty  
69 dollars per generator site per year.

70           (b) All moneys payable pursuant to the provisions of  
71 this subdivision shall be promptly transmitted to the  
72 department of revenue, which shall deposit the same in the  
73 state treasury to the credit of the hazardous waste fund  
74 created in section 260.391.

75           (c) The hazardous waste management commission shall  
76 establish and submit to the department of revenue procedures  
77 relating to the collection of the fees authorized by this  
78 subdivision. Such procedures shall include, but not be  
79 limited to, necessary records identifying the quantities of  
80 hazardous waste registered, the form and submission of  
81 reports to accompany the payment of fees, the time and  
82 manner of payment of fees, which shall not be more often  
83 than quarterly.

84           (d) Notwithstanding any statutory fee amounts or  
85 maximums to the contrary, the director of the department of  
86 natural resources may conduct a comprehensive review and  
87 propose changes to the fee structure set forth in this  
88 section. The comprehensive review shall include stakeholder  
89 meetings in order to solicit stakeholder input from each of  
90 the following groups: cement kiln representatives, chemical  
91 companies, large and small hazardous waste generators, and  
92 any other interested parties. Upon completion of the  
93 comprehensive review, the department shall submit a proposed  
94 fee structure with stakeholder agreement to the hazardous  
95 waste management commission. The commission shall review  
96 such recommendations at the forthcoming regular or special  
97 meeting, but shall not vote on the fee structure until a  
98 subsequent meeting. If the commission approves, by vote of  
99 two-thirds majority or five of seven commissioners, the fee  
100 structure recommendations, the commission shall authorize  
101 the department to file a notice of proposed rulemaking

102 containing the recommended fee structure, and after  
103 considering public comments may authorize the department to  
104 file the order of rulemaking for such rule with the joint  
105 committee on administrative rules pursuant to sections  
106 536.021 and 536.024 no later than December first of the same  
107 year. If such rules are not disapproved by the general  
108 assembly in the manner set out below, they shall take effect  
109 on January first of the following calendar year and the fee  
110 structure set out in this section shall expire upon the  
111 effective date of the commission-adopted fee structure,  
112 contrary to subsection 4 of this section. Any regulation  
113 promulgated under this subsection shall be deemed to be  
114 beyond the scope and authority provided in this subsection,  
115 or detrimental to permit applicants, if the general  
116 assembly, within the first sixty calendar days of the  
117 regular session immediately following the filing of such  
118 regulation disapproves the regulation by concurrent  
119 resolution. If the general assembly so disapproves any  
120 regulation filed under this subsection, the department and  
121 the commission shall not implement the proposed fee  
122 structure and shall continue to use the previous fee  
123 structure. The authority of the commission to further  
124 revise the fee structure as provided by this subsection  
125 shall expire on August 28, [2024. Any fee, bond, or  
126 assessment structure established pursuant to the process in  
127 this section shall expire on August 28, 2024] **2034. Should**  
128 **the commission's authority to revise the fee structure as**  
129 **provided by this subsection expire, then the fee structure**  
130 **in place at the time of expiration shall remain in place.**

131 2. Missouri treatment, storage, or disposal facilities  
132 shall pay annually, on or before January first of each year,  
133 a fee to the department equal to two dollars per ton or

134 portion thereof for all hazardous waste received from  
135 outside the state. This fee shall be based on the hazardous  
136 waste received for the twelve-month period ending June  
137 thirtieth of the previous year.

138 3. Exempted from the requirements of this section are  
139 individual householders and farmers who generate only small  
140 quantities of hazardous waste and any person the commission  
141 determines generates only small quantities of hazardous  
142 waste on an infrequent basis, except that:

143 (1) Householders, farmers and exempted persons shall  
144 manage all hazardous wastes they may generate in a manner so  
145 as not to adversely affect the health of humans, or pose a  
146 threat to the environment, or create a public nuisance; and

147 (2) The department may determine that a specific  
148 quantity of a specific hazardous waste requires special  
149 management. Upon such determination and after public notice  
150 by press release or advertisement thereof, including  
151 instructions for handling and delivery, generators exempted  
152 pursuant to this subsection shall deliver, but without a  
153 manifest or the requirement to use a licensed hazardous  
154 waste transporter, such waste to:

155 (a) Any storage, treatment or disposal site authorized  
156 to operate pursuant to sections 260.350 to 260.430 or the  
157 federal Resource Conservation and Recovery Act, or a state  
158 hazardous waste management program authorized pursuant to  
159 the federal Resource Conservation and Recovery Act which the  
160 department designates for this purpose; or

161 (b) A collection station or vehicle which the  
162 department may arrange for and designate for this purpose.

163 4. Failure to pay the fee, or any portion thereof,  
164 prescribed in this section by the due date shall result in  
165 the imposition of a penalty equal to fifteen percent of the

166 original fee. The fee prescribed in this section shall  
167 expire December 31, 2018, except that the department shall  
168 levy and collect this fee for any hazardous waste generated  
169 prior to such date and reported to the department.

260.392. 1. As used in sections 260.392 to 260.399,  
2 the following terms mean:

3 (1) "Cask", all the components and systems associated  
4 with the container in which spent fuel, high-level  
5 radioactive waste, highway route controlled quantity, or  
6 transuranic radioactive waste are stored;

7 (2) "High-level radioactive waste", the highly  
8 radioactive material resulting from the reprocessing of  
9 spent nuclear fuel including liquid waste produced directly  
10 in reprocessing and any solid material derived from such  
11 liquid waste that contains fission products in sufficient  
12 concentrations, and other highly radioactive material that  
13 the United States Nuclear Regulatory Commission has  
14 determined to be high-level radioactive waste requiring  
15 permanent isolation;

16 (3) "Highway route controlled quantity", as defined in  
17 49 CFR Part 173.403, as amended, a quantity of radioactive  
18 material within a single package. Highway route controlled  
19 quantity shipments of thirty miles or less within the state  
20 are exempt from the provisions of this section;

21 (4) "Low-level radioactive waste", any radioactive  
22 waste not classified as high-level radioactive waste,  
23 transuranic radioactive waste, or spent nuclear fuel by the  
24 United States Nuclear Regulatory Commission, consistent with  
25 existing law. Shipment of all sealed sources meeting the  
26 definition of low-level radioactive waste, shipments of low-  
27 level radioactive waste that are within a radius of no more  
28 than fifty miles from the point of origin, and all naturally

29 occurring radioactive material given written approval for  
30 landfill disposal by the Missouri department of natural  
31 resources under 10 CSR 80- 3.010 are exempt from the  
32 provisions of this section. Any low-level radioactive waste  
33 that has a radioactive half-life equal to or less than one  
34 hundred twenty days is exempt from the provisions of this  
35 section;

36 (5) "Shipper", the generator, owner, or company  
37 contracting for transportation by truck or rail of the spent  
38 fuel, high-level radioactive waste, highway route controlled  
39 quantity shipments, transuranic radioactive waste, or low-  
40 level radioactive waste;

41 (6) "Spent nuclear fuel", fuel that has been withdrawn  
42 from a nuclear reactor following irradiation, the  
43 constituent elements of which have not been separated by  
44 reprocessing;

45 (7) "State-funded institutions of higher education",  
46 any campus of any university within the state of Missouri  
47 that receives state funding and has a nuclear research  
48 reactor;

49 (8) "Transuranic radioactive waste", defined in 40 CFR  
50 Part 191.02, as amended, as waste containing more than one  
51 hundred nanocuries of alpha-emitting transuranic isotopes  
52 with half-lives greater than twenty years, per gram of  
53 waste. For the purposes of this section, transuranic waste  
54 shall not include:

55 (a) High-level radioactive wastes;

56 (b) Any waste determined by the Environmental  
57 Protection Agency with the concurrence of the Environmental  
58 Protection Agency administrator that does not need the  
59 degree of isolation required by this section; or

60           (c) Any waste that the United States Nuclear  
61 Regulatory Commission has approved for disposal on a case-by-  
62 case basis in accordance with 10 CFR Part 61, as amended.

63           2. Any shipper that ships high-level radioactive  
64 waste, transuranic radioactive waste, highway route  
65 controlled quantity shipments, spent nuclear fuel, or low-  
66 level radioactive waste through or within the state shall be  
67 subject to the fees established in this subsection, provided  
68 that no state-funded institution of higher education that  
69 ships nuclear waste shall pay any such fee. These higher  
70 education institutions shall reimburse the Missouri state  
71 highway patrol directly for all costs related to shipment  
72 escorts. The fees for all other shipments shall be:

73           (1) One thousand eight hundred dollars for each truck  
74 transporting through or within the state high-level  
75 radioactive waste, transuranic radioactive waste, spent  
76 nuclear fuel or highway route controlled quantity  
77 shipments. All truck shipments of high-level radioactive  
78 waste, transuranic radioactive waste, spent nuclear fuel, or  
79 highway route controlled quantity shipments are subject to a  
80 surcharge of twenty-five dollars per mile for every mile  
81 over two hundred miles traveled within the state;

82           (2) One thousand three hundred dollars for the first  
83 cask and one hundred twenty-five dollars for each additional  
84 cask for each rail shipment through or within the state of  
85 high-level radioactive waste, transuranic radioactive waste,  
86 or spent nuclear fuel;

87           (3) One hundred twenty-five dollars for each truck or  
88 train transporting low-level radioactive waste through or  
89 within the state.



90 The department of natural resources may accept an annual  
91 shipment fee as negotiated with a shipper or accept payment  
92 per shipment.

93 3. All revenue generated from the fees established in  
94 subsection 2 of this section shall be deposited into the  
95 environmental radiation monitoring fund established in  
96 section 260.750 and shall be used by the department of  
97 natural resources to achieve the following objectives and  
98 for purposes related to the shipment of high-level  
99 radioactive waste, transuranic radioactive waste, highway  
100 route controlled quantity shipments, spent nuclear fuel, or  
101 low-level radioactive waste, including, but not limited to:

- 102 (1) Inspections, escorts, and security for waste  
103 shipment and planning;
- 104 (2) Coordination of emergency response capability;
- 105 (3) Education and training of state, county, and local  
106 emergency responders;
- 107 (4) Purchase and maintenance of necessary equipment  
108 and supplies for state, county, and local emergency  
109 responders through grants or other funding mechanisms;
- 110 (5) Emergency responses to any transportation incident  
111 involving the high-level radioactive waste, transuranic  
112 radioactive waste, highway route controlled quantity  
113 shipments, spent nuclear fuel, or low-level radioactive  
114 waste;
- 115 (6) Oversight of any environmental remediation  
116 necessary resulting from an incident involving a shipment of  
117 high-level radioactive waste, transuranic radioactive waste,  
118 highway route controlled quantity shipments, spent nuclear  
119 fuel, or low-level radioactive waste. Reimbursement for  
120 oversight of any such incident shall not reduce or eliminate  
121 the liability of any party responsible for the incident;

122 such party may be liable for full reimbursement to the state  
123 or payment of any other costs associated with the cleanup of  
124 contamination related to a transportation incident;

125 (7) Administrative costs attributable to the state  
126 agencies which are incurred through their involvement as it  
127 relates to the shipment of high-level radioactive waste,  
128 transuranic radioactive waste, highway route controlled  
129 quantity shipments, spent nuclear fuel, or low-level  
130 radioactive waste through or within the state.

131 4. Nothing in this section shall preclude any other  
132 state agency from receiving reimbursement from the  
133 department of natural resources and the environmental  
134 radiation monitoring fund for services rendered that achieve  
135 the objectives and comply with the provisions of this  
136 section.

137 5. Any unencumbered balance in the environmental  
138 radiation monitoring fund that exceeds three hundred  
139 thousand dollars in any given fiscal year shall be returned  
140 to shippers on a pro rata basis, based on the shipper's  
141 contribution into the environmental radiation monitoring  
142 fund for that fiscal year.

143 6. The department of natural resources, in  
144 coordination with the department of health and senior  
145 services and the department of public safety, may promulgate  
146 rules necessary to carry out the provisions of this  
147 section. Any rule or portion of a rule, as that term is  
148 defined in section 536.010, that is created under the  
149 authority delegated in this section shall become effective  
150 only if it complies with and is subject to all of the  
151 provisions of chapter 536 and, if applicable, section  
152 536.028. This section and chapter 536 are nonseverable and  
153 if any of the powers vested with the general assembly

154 pursuant to chapter 536 to review, to delay the effective  
155 date, or to disapprove and annul a rule are subsequently  
156 held unconstitutional, then the grant of rulemaking  
157 authority and any rule proposed or adopted after August 28,  
158 2009, shall be invalid and void.

159         7. All funds deposited in the environmental radiation  
160 monitoring fund through fees established in subsection 2 of  
161 this section shall be utilized, subject to appropriation by  
162 the general assembly, for the administration and enforcement  
163 of this section by the department of natural resources. All  
164 interest earned by the moneys in the fund shall accrue to  
165 the fund.

166         8. All fees shall be paid to the department of natural  
167 resources prior to shipment.

168         9. Notice of any shipment of high-level radioactive  
169 waste, transuranic radioactive waste, highway route  
170 controlled quantity shipments, or spent nuclear fuel through  
171 or within the state shall be provided by the shipper to the  
172 governor's designee for advanced notification, as described  
173 in 10 CFR Parts 71 and 73, as amended, prior to such  
174 shipment entering the state. Notice of any shipment of low-  
175 level radioactive waste through or within the state shall be  
176 provided by the shipper to the Missouri department of  
177 natural resources before such shipment enters the state.

178         10. Any shipper who fails to pay a fee assessed under  
179 this section, or fails to provide notice of a shipment,  
180 shall be liable in a civil action for an amount not to  
181 exceed ten times the amount assessed and not paid. The  
182 action shall be brought by the attorney general at the  
183 request of the department of natural resources. If the  
184 action involves a facility domiciled in the state, the  
185 action shall be brought in the circuit court of the county

186 in which the facility is located. If the action does not  
187 involve a facility domiciled in the state, the action shall  
188 be brought in the circuit court of Cole County.

189 11. Beginning on December 31, 2009, and every two  
190 years thereafter, the department of natural resources shall  
191 prepare and submit a report on activities of the  
192 environmental radiation monitoring fund to the general  
193 assembly. This report shall include information on fee  
194 income received and expenditures made by the state to  
195 enforce and administer the provisions of this section.

196 12. The provisions of this section shall not apply to  
197 high-level radioactive waste, transuranic radioactive waste,  
198 highway route controlled quantity shipments, spent nuclear  
199 fuel, or low-level radioactive waste shipped by or for the  
200 federal government for military or national defense purposes.

201 13. The program authorized under this section shall  
202 automatically sunset on August 28, [2024] **2034**.

260.475. 1. Every hazardous waste generator located  
2 in Missouri shall pay, in addition to the fees imposed in  
3 section 260.380, a fee of twenty-five dollars per ton  
4 annually on all hazardous waste which is discharged,  
5 deposited, dumped or placed into or on the soil as a final  
6 action, and two dollars per ton on all other hazardous waste  
7 transported off site. No fee shall be imposed upon any  
8 hazardous waste generator who registers less than ten tons  
9 of hazardous waste annually pursuant to section 260.380, or  
10 upon:

11 (1) Hazardous waste which must be disposed of as  
12 provided by a remedial plan for an abandoned or uncontrolled  
13 hazardous waste site;

14           (2) Fly ash waste, bottom ash waste, slag waste and  
15 flue gas emission control waste generated primarily from the  
16 combustion of coal or other fossil fuels;

17           (3) Solid waste from the extraction, beneficiation and  
18 processing of ores and minerals, including phosphate rock  
19 and overburden from the mining of uranium ore and smelter  
20 slag waste from the processing of materials into reclaimed  
21 metals;

22           (4) Cement kiln dust waste;

23           (5) Waste oil; or

24           (6) Hazardous waste that is:

25           (a) Reclaimed or reused for energy and materials;

26           (b) Transformed into new products which are not wastes;

27           (c) Destroyed or treated to render the hazardous waste  
28 nonhazardous; or

29           (d) Waste discharged to a publicly owned treatment  
30 works.

31           2. The fees imposed in this section shall be reported  
32 and paid to the department on an annual basis not later than  
33 the first of January. The payment shall be accompanied by a  
34 return in such form as the department may prescribe.

35           3. All moneys collected or received by the department  
36 pursuant to this section shall be transmitted to the  
37 department of revenue for deposit in the state treasury to  
38 the credit of the hazardous waste fund created pursuant to  
39 section 260.391. Following each annual reporting date, the  
40 state treasurer shall certify the amount deposited in the  
41 fund to the commission.

42           4. If any generator or transporter fails or refuses to  
43 pay the fees imposed by this section, or fails or refuses to  
44 furnish any information reasonably requested by the  
45 department relating to such fees, there shall be imposed, in

46 addition to the fee determined to be owed, a penalty of  
47 fifteen percent of the fee shall be deposited in the  
48 hazardous waste fund.

49 5. If the fees or any portion of the fees imposed by  
50 this section are not paid by the date prescribed for such  
51 payment, there shall be imposed interest upon the unpaid  
52 amount at the rate of ten percent per annum from the date  
53 prescribed for its payment until payment is actually made,  
54 all of which shall be deposited in the hazardous waste fund.

55 6. The state treasurer is authorized to deposit all of  
56 the moneys in the hazardous waste fund in any of the  
57 qualified depositories of the state. All such deposits  
58 shall be secured in such a manner and shall be made upon  
59 such terms and conditions as are now or may hereafter be  
60 provided for by law relative to state deposits. Interest  
61 received on such deposits shall be credited to the hazardous  
62 waste fund.

63 7. This fee shall expire December 31, 2018, except  
64 that the department shall levy and collect this fee for any  
65 hazardous waste generated prior to such date and reported to  
66 the department.

67 8. Notwithstanding any statutory fee amounts or  
68 maximums to the contrary, the director of the department of  
69 natural resources may conduct a comprehensive review and  
70 propose changes to the fee structure set forth in this  
71 section. The comprehensive review shall include stakeholder  
72 meetings in order to solicit stakeholder input from each of  
73 the following groups: cement kiln representatives, chemical  
74 companies, large and small hazardous waste generators, and  
75 any other interested parties. Upon completion of the  
76 comprehensive review, the department shall submit a proposed  
77 fee structure with stakeholder agreement to the hazardous

78 waste management commission. The commission shall review  
79 such recommendations at the forthcoming regular or special  
80 meeting, but shall not vote on the fee structure until a  
81 subsequent meeting. If the commission approves, by vote of  
82 two-thirds majority or five of seven commissioners, the fee  
83 structure recommendations, the commission shall authorize  
84 the department to file a notice of proposed rulemaking  
85 containing the recommended fee structure, and after  
86 considering public comments may authorize the department to  
87 file the order of rulemaking for such rule with the joint  
88 committee on administrative rules pursuant to sections  
89 536.021 and 536.024 no later than December first of the same  
90 year. If such rules are not disapproved by the general  
91 assembly in the manner set out below, they shall take effect  
92 on January first of the following calendar year and the fee  
93 structure set out in this section shall expire upon the  
94 effective date of the commission-adopted fee structure,  
95 contrary to subsection 7 of this section. Any regulation  
96 promulgated under this subsection shall be deemed to be  
97 beyond the scope and authority provided in this subsection,  
98 or detrimental to permit applicants, if the general  
99 assembly, within the first sixty calendar days of the  
100 regular session immediately following the filing of such  
101 regulation disapproves the regulation by concurrent  
102 resolution. If the general assembly so disapproves any  
103 regulation filed under this subsection, the department and  
104 the commission shall not implement the proposed fee  
105 structure and shall continue to use the previous fee  
106 structure. The authority of the commission to further  
107 revise the fee structure as provided by this subsection  
108 shall expire on August 28, [2024. Any fee, bond, or  
109 assessment structure established pursuant to the process in

110 this section shall expire on August 28, 2024] 2034. Should  
111 the commission's authority to revise the fee structure as  
112 provided by this subsection expire, then the fee structure  
113 in place at the time of expiration shall remain in place.

444.768. 1. Notwithstanding any statutory fee amounts  
2 or maximums to the contrary, the director of the department  
3 of natural resources may conduct a comprehensive review and  
4 propose changes to the fee, bond, or assessment structure as  
5 set forth in this chapter. The comprehensive review shall  
6 include stakeholder meetings in order to solicit stakeholder  
7 input from regulated entities and any other interested  
8 parties. Upon completion of the comprehensive review, the  
9 department shall submit a proposed fee, bond, or assessment  
10 structure with stakeholder agreement to the Missouri mining  
11 commission. The commission shall review such  
12 recommendations at a forthcoming regular or special meeting,  
13 but shall not vote on the proposed structure until a  
14 subsequent meeting. If the commission approves, by vote of  
15 two-thirds majority, the fee, bond, or assessment structure  
16 recommendations, the commission shall authorize the  
17 department to file a notice of proposed rulemaking  
18 containing the recommended structure, and after considering  
19 public comments may authorize the department to file the  
20 final order of rulemaking for such rule with the joint  
21 committee on administrative rules pursuant to sections  
22 536.021 and 536.024 no later than December first of the same  
23 year. If such rules are not disapproved by the general  
24 assembly in the manner set out below, they shall take effect  
25 on January first of the following calendar year, at which  
26 point the existing fee, bond, or assessment structure shall  
27 expire upon the effective date of the commission-adopted fee  
28 structure, contrary to subsection 12 of section 444.772.



29 Any regulation promulgated under this subsection shall be  
30 deemed to be beyond the scope and authority provided in this  
31 subsection, or detrimental to permit applicants, if the  
32 general assembly within the first sixty days of the regular  
33 session immediately following the filing of such regulation  
34 disapproves the regulation by concurrent resolution. If the  
35 general assembly so disapproves any regulation filed under  
36 this subsection, the department and the commission shall not  
37 implement the proposed fee, bond, or assessment structure  
38 and shall continue to use the previous fee, bond, or  
39 assessment structure. The authority for the commission to  
40 further revise the fee, bond, or assessment structure as  
41 provided in this subsection shall expire on August 28,  
42 [2024. Any fee, bond, or assessment structure established  
43 pursuant to the process in this section shall expire on  
44 August 28, 2024] **2034. Should the commission's authority to  
45 revise the fee structure as provided by this subsection  
46 expire, then the fee structure in place at the time of  
47 expiration shall remain in place.**

48 2. Failure to pay any fee, bond, or assessment, or any  
49 portion thereof, referenced in this section by the due date  
50 may result in the imposition of a late fee equal to fifteen  
51 percent of the unpaid amount, plus ten percent interest per  
52 annum. Any order issued by the department under this  
53 chapter may require payment of such amounts. The department  
54 may bring an action in the appropriate circuit court to  
55 collect any unpaid fee, late fee, interest, or attorney's  
56 fees and costs incurred directly in fee collection. Such  
57 action may be brought in the circuit court of the county in  
58 which the facility is located, or in the circuit court of  
59 Cole County.

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

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

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

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

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

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

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

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

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

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

37           4. The application shall be accompanied by a bond,  
38 security or certificate meeting the requirements of section  
39 444.778, a geologic resources fee authorized under section  
40 256.700, and a permit fee approved by the commission not to  
41 exceed one thousand dollars. The commission may also  
42 require a fee for each site listed on a permit not to exceed  
43 four hundred dollars for each site. If mining operations  
44 are not conducted at a site for six months or more during  
45 any year, the fee for such site for that year shall be  
46 reduced by fifty percent. The commission may also require a  
47 fee for each acre bonded by the operator pursuant to section  
48 444.778 not to exceed twenty dollars per acre. If such fee  
49 is assessed, the per-acre fee on all acres bonded by a  
50 single operator that exceed a total of two hundred acres  
51 shall be reduced by fifty percent. In no case shall the  
52 total fee for any permit be more than three thousand  
53 dollars. Permit and renewal fees shall be established by  
54 rule, except for the initial fees as set forth in this  
55 subsection, and shall be set at levels that recover the cost  
56 of administering and enforcing sections 444.760 to 444.790,  
57 making allowances for grants and other sources of funds.  
58 The director shall submit a report to the commission and the  
59 public each year that describes the number of employees and  
60 the activities performed the previous calendar year to  
61 administer sections 444.760 to 444.790. For any operator of  
62 a gravel mining operation where the annual tonnage of gravel  
63 mined by such operator is less than five thousand tons, the

64 total cost of submitting an application shall be three  
65 hundred dollars. The issued permit shall be valid from the  
66 date of its issuance until the date specified in the mine  
67 plan unless sooner revoked or suspended as provided in  
68 sections 444.760 to 444.790. Beginning August 28, 2007, the  
69 fees shall be set at a permit fee of eight hundred dollars,  
70 a site fee of four hundred dollars, and an acre fee of ten  
71 dollars, with a maximum fee of three thousand dollars. Fees  
72 may be raised as allowed in this subsection after a  
73 regulation change that demonstrates the need for increased  
74 fees.

75 5. An operator desiring to have his or her permit  
76 amended to cover additional land may file an amended  
77 application with the commission. Upon receipt of the  
78 amended application, and such additional fee and bond as may  
79 be required pursuant to the provisions of sections 444.760  
80 to 444.790, the director shall, if the applicant complies  
81 with all applicable regulatory requirements, issue an  
82 amendment to the original permit covering the additional  
83 land described in the amended application.

84 6. An operation may withdraw any land covered by a  
85 permit, excepting affected land, by notifying the commission  
86 thereof, in which case the penalty of the bond or security  
87 filed by the operator pursuant to the provisions of sections  
88 444.760 to 444.790 shall be reduced proportionately.

89 7. Where mining or reclamation operations on acreage  
90 for which a permit has been issued have not been completed,  
91 the permit shall be renewed. The operator shall submit a  
92 permit renewal form furnished by the director for an  
93 additional permit year and pay a fee equal to an application  
94 fee calculated pursuant to subsection 4 of this section, but  
95 in no case shall the renewal fee for any operator be more

96 than three thousand dollars. For any operator involved in  
97 any gravel mining operation where the annual tonnage of  
98 gravel mined by such operator is less than five thousand  
99 tons, the permit as to such acreage shall be renewed by  
100 applying on a permit renewal form furnished by the director  
101 for an additional permit year and payment of a fee of three  
102 hundred dollars. Upon receipt of the completed permit  
103 renewal form and fee from the operator, the director shall  
104 approve the renewal. With approval of the director and  
105 operator, the permit renewal may be extended for a portion  
106 of an additional year with a corresponding prorating of the  
107 renewal fee.

108 8. Where one operator succeeds another at any  
109 uncompleted operation, either by sale, assignment, lease or  
110 otherwise, the commission may release the first operator  
111 from all liability pursuant to sections 444.760 to 444.790  
112 as to that particular operation if both operators have been  
113 issued a permit and have otherwise complied with the  
114 requirements of sections 444.760 to 444.790 and the  
115 successor operator assumes as part of his or her obligation  
116 pursuant to sections 444.760 to 444.790 all liability for  
117 the reclamation of the area of land affected by the former  
118 operator.

119 9. The application for a permit shall be accompanied  
120 by a plan of reclamation that meets the requirements of  
121 sections 444.760 to 444.790 and the rules and regulations  
122 promulgated pursuant thereto, and shall contain a verified  
123 statement by the operator setting forth the proposed method  
124 of operation, reclamation, and a conservation plan for the  
125 affected area including approximate dates and time of  
126 completion, and stating that the operation will meet the

127 requirements of sections 444.760 to 444.790, and any rule or  
128 regulation promulgated pursuant to them.

129       10. At the time that a permit application is deemed  
130 complete by the director, the operator shall publish a  
131 notice of intent to operate a surface mine in any newspaper  
132 qualified pursuant to section 493.050 to publish legal  
133 notices in any county where the land is located. If the  
134 director does not respond to a permit application within  
135 forty-five calendar days, the application shall be deemed to  
136 be complete. Notice in the newspaper shall be posted once a  
137 week for four consecutive weeks beginning no more than ten  
138 days after the application is deemed complete. The operator  
139 shall also send notice of intent to operate a surface mine  
140 by certified mail to the governing body of the counties or  
141 cities in which the proposed area is located, and to the  
142 last known addresses of all record landowners whose property  
143 is:

144       (1) Within two thousand six hundred forty feet, or one-  
145 half mile from the border of the proposed mine plan area; and

146       (2) Adjacent to the proposed mine plan area, land upon  
147 which the mine plan area is located, or adjacent land having  
148 a legal relationship with either the applicant or the owner  
149 of the land upon which the mine plan area is located.

150 The notices shall include the name and address of the  
151 operator, a legal description consisting of county, section,  
152 township and range, the number of acres involved, a  
153 statement that the operator plans to mine a specified  
154 mineral during a specified time, and the address of the  
155 commission. The notices shall also contain a statement that  
156 any person with a direct, personal interest in one or more  
157 of the factors the director may consider in issuing a permit

158 may request a public meeting or file written comments to the  
159 director no later than fifteen days following the final  
160 public notice publication date. If any person requests a  
161 public meeting, the applicant shall cooperate with the  
162 director in making all necessary arrangements for the public  
163 meeting to be held in a reasonably convenient location and  
164 at a reasonable time for interested participants, and the  
165 applicant shall bear the expenses.

166 11. The director may approve a permit application or  
167 permit amendment whose operation or reclamation plan  
168 deviates from the requirements of sections 444.760 to  
169 444.790 if it can be demonstrated by the operator that the  
170 conditions present at the surface mining location warrant an  
171 exception. The criteria accepted for consideration when  
172 evaluating the merits of an exception or variance to the  
173 requirements of sections 444.760 to 444.790 shall be  
174 established by regulations.

175 12. Fees imposed pursuant to this section shall become  
176 effective August 28, 2007, and shall expire on December 31,  
177 **[2024] 2034**. No other provisions of this section shall  
178 expire.

640.100. 1. The safe drinking water commission  
2 created in section 640.105 shall promulgate rules necessary  
3 for the implementation, administration and enforcement of  
4 sections 640.100 to 640.140 and the federal Safe Drinking  
5 Water Act as amended.

6 2. No standard, rule or regulation or any amendment or  
7 repeal thereof shall be adopted except after a public  
8 hearing to be held by the commission after at least thirty  
9 days' prior notice in the manner prescribed by the  
10 rulemaking provisions of chapter 536 and an opportunity  
11 given to the public to be heard; the commission may solicit

12 the views, in writing, of persons who may be affected by,  
13 knowledgeable about, or interested in proposed rules and  
14 regulations, or standards. Any person heard or registered  
15 at the hearing, or making written request for notice, shall  
16 be given written notice of the action of the commission with  
17 respect to the subject thereof. Any rule or portion of a  
18 rule, as that term is defined in section 536.010, that is  
19 promulgated to administer and enforce sections 640.100 to  
20 640.140 shall become effective only if the agency has fully  
21 complied with all of the requirements of chapter 536,  
22 including but not limited to section 536.028, if applicable,  
23 after June 9, 1998. All rulemaking authority delegated  
24 prior to June 9, 1998, is of no force and effect and  
25 repealed as of June 9, 1998, however, nothing in this  
26 section shall be interpreted to repeal or affect the  
27 validity of any rule adopted or promulgated prior to June 9,  
28 1998. If the provisions of section 536.028 apply, the  
29 provisions of this section are nonseverable and if any of  
30 the powers vested with the general assembly pursuant to  
31 section 536.028 to review, to delay the effective date, or  
32 to disapprove and annul a rule or portion of a rule are held  
33 unconstitutional or invalid, the purported grant of  
34 rulemaking authority and any rule so proposed and contained  
35 in the order of rulemaking shall be invalid and void, except  
36 that nothing in this chapter or chapter 644 shall affect the  
37 validity of any rule adopted and promulgated prior to June  
38 9, 1998.

39 3. The commission shall promulgate rules and  
40 regulations for the certification of public water system  
41 operators, backflow prevention assembly testers and  
42 laboratories conducting tests pursuant to sections 640.100  
43 to 640.140. Any person seeking to be a certified backflow



44 prevention assembly tester shall satisfactorily complete  
45 standard, nationally recognized written and performance  
46 examinations designed to ensure that the person is competent  
47 to determine if the assembly is functioning within its  
48 design specifications. Any such state certification shall  
49 satisfy any need for local certification as a backflow  
50 prevention assembly tester. However, political subdivisions  
51 may set additional testing standards for individuals who are  
52 seeking to be certified as backflow prevention assembly  
53 testers. Notwithstanding any other provision of law to the  
54 contrary, agencies of the state or its political  
55 subdivisions shall only require carbonated beverage  
56 dispensers to conform to the backflow protection  
57 requirements established in the National Sanitation  
58 Foundation standard eighteen, and the dispensers shall be so  
59 listed by an independent testing laboratory. The commission  
60 shall promulgate rules and regulations for collection of  
61 samples and analysis of water furnished by municipalities,  
62 corporations, companies, state establishments, federal  
63 establishments or individuals to the public. The department  
64 of natural resources or the department of health and senior  
65 services shall, at the request of any supplier, make any  
66 analyses or tests required pursuant to the terms of section  
67 192.320 and sections 640.100 to 640.140. The department  
68 shall collect fees to cover the reasonable cost of  
69 laboratory services, both within the department of natural  
70 resources and the department of health and senior services,  
71 laboratory certification and program administration as  
72 required by sections 640.100 to 640.140. The laboratory  
73 services and program administration fees pursuant to this  
74 subsection shall not exceed two hundred dollars for a  
75 supplier supplying less than four thousand one hundred

76 service connections, three hundred dollars for supplying  
77 less than seven thousand six hundred service connections,  
78 five hundred dollars for supplying seven thousand six  
79 hundred or more service connections, and five hundred  
80 dollars for testing surface water. Such fees shall be  
81 deposited in the safe drinking water fund as specified in  
82 section 640.110. The analysis of all drinking water  
83 required by section 192.320 and sections 640.100 to 640.140  
84 shall be made by the department of natural resources  
85 laboratories, department of health and senior services  
86 laboratories or laboratories certified by the department of  
87 natural resources.

88 4. The department of natural resources shall establish  
89 and maintain an inventory of public water supplies and  
90 conduct sanitary surveys of public water systems. Such  
91 records shall be available for public inspection during  
92 regular business hours.

93 5. (1) For the purpose of complying with federal  
94 requirements for maintaining the primacy of state  
95 enforcement of the federal Safe Drinking Water Act, the  
96 department is hereby directed to request appropriations from  
97 the general revenue fund and all other appropriate sources  
98 to fund the activities of the public drinking water program  
99 and in addition to the fees authorized pursuant to  
100 subsection 3 of this section, an annual fee for each  
101 customer service connection with a public water system is  
102 hereby authorized to be imposed upon all customers of public  
103 water systems in this state. Each customer of a public  
104 water system shall pay an annual fee for each customer  
105 service connection.

106 (2) The annual fee per customer service connection for  
107 unmetered customers and customers with meters not greater

108 than one inch in size shall be based upon the number of  
 109 service connections in the water system serving that  
 110 customer, and shall not exceed:

111	1 to 1,000 connections	\$ 3.24
112	1,001 to 4,000 connections	3.00
113	4,001 to 7,000 connections	2.76
114	7,001 to 10,000 connections	2.40
115	10,001 to 20,000 connections	2.16
116	20,001 to 35,000 connections	1.92
117	35,001 to 50,000 connections	1.56
118	50,001 to 100,000 connections	1.32
119	More than 100,000 connections	1.08

120 (3) The annual user fee for customers having meters  
 121 greater than one inch but less than or equal to two inches  
 122 in size shall not exceed seven dollars and forty-four cents;  
 123 for customers with meters greater than two inches but less  
 124 than or equal to four inches in size shall not exceed forty-  
 125 one dollars and sixteen cents; and for customers with meters  
 126 greater than four inches in size shall not exceed eighty-two  
 127 dollars and forty-four cents.

128 (4) Customers served by multiple connections shall pay  
 129 an annual user fee based on the above rates for each  
 130 connection, except that no single facility served by  
 131 multiple connections shall pay a total of more than five  
 132 hundred dollars per year.

133 6. Fees imposed pursuant to subsection 5 of this  
 134 section shall become effective on August 28, 2006, and shall

135 be collected by the public water system serving the customer  
136 beginning September 1, 2006, and continuing until such time  
137 that the safe drinking water commission, at its discretion,  
138 specifies a different amount under subsection 8 of this  
139 section. The commission shall promulgate rules and  
140 regulations on the procedures for billing, collection and  
141 delinquent payment. Fees collected by a public water system  
142 pursuant to subsection 5 of this section and fees  
143 established by the commission pursuant to subsection 8 of  
144 this section are state fees. The annual fee shall be  
145 enumerated separately from all other charges, and shall be  
146 collected in monthly, quarterly or annual increments. Such  
147 fees shall be transferred to the director of the department  
148 of revenue at frequencies not less than quarterly. Two  
149 percent of the revenue arising from the fees shall be  
150 retained by the public water system for the purpose of  
151 reimbursing its expenses for billing and collection of such  
152 fees.

153 7. Imposition and collection of the fees authorized in  
154 subsection 5 and fees established by the commission pursuant  
155 to subsection 8 of this section shall be suspended on the  
156 first day of a calendar quarter if, during the preceding  
157 calendar quarter, the federally delegated authority granted  
158 to the safe drinking water program within the department of  
159 natural resources to administer the Safe Drinking Water Act,  
160 42 U.S.C. Section 300g-2, is withdrawn. The fee shall not  
161 be reinstated until the first day of the calendar quarter  
162 following the quarter during which such delegated authority  
163 is reinstated.

164 8. Notwithstanding any statutory fee amounts or  
165 maximums to the contrary, the department of natural  
166 resources may conduct a comprehensive review and propose

167 changes to the fee structure set forth in this section. The  
168 comprehensive review shall include stakeholder meetings in  
169 order to solicit stakeholder input from public and private  
170 water suppliers, and any other interested parties. Upon  
171 completion of the comprehensive review, the department shall  
172 submit a proposed fee structure with stakeholder agreement  
173 to the safe drinking water commission. The commission shall  
174 review such recommendations at a forthcoming regular or  
175 special meeting, but shall not vote on the fee structure  
176 until a subsequent meeting. If the commission approves, by  
177 vote of two-thirds majority or six of nine commissioners,  
178 the fee structure recommendations, the commission shall  
179 authorize the department to file a notice of proposed  
180 rulemaking containing the recommended fee structure, and  
181 after considering public comments may authorize the  
182 department to file the final order of rulemaking for such  
183 rule with the joint committee on administrative rules  
184 pursuant to sections 536.021 and 536.024 no later than  
185 December first of the same year. If such rules are not  
186 disapproved by the general assembly in the manner set out  
187 below, they shall take effect on January first of the  
188 following calendar year, at which point the existing fee  
189 structure shall expire. Any regulation promulgated under  
190 this subsection shall be deemed to be beyond the scope and  
191 authority provided in this subsection, or detrimental to  
192 permit applicants, if the general assembly within the first  
193 sixty calendar days of the regular session immediately  
194 following the filing of such regulation disapproves the  
195 regulation by concurrent resolution. If the general  
196 assembly so disapproves any regulation filed under this  
197 subsection, the department and the commission shall not  
198 implement the proposed fee structure and shall continue to

199 use the previous fee structure. The authority of the  
200 commission to further revise the fee structure as provided  
201 by this subsection shall expire on August 28, [2024] 2034.  
202 **Should the commission's authority to revise the fee**  
203 **structure as provided by this subsection expire, then the**  
204 **fee structure in place at the time of expiration shall**  
205 **remain in place.**

643.079. 1. Any air contaminant source required to  
2 obtain a permit issued under sections 643.010 to 643.355  
3 shall pay annually beginning April 1, 1993, a fee as  
4 provided herein. For the first year the fee shall be twenty-  
5 five dollars per ton of each regulated air contaminant  
6 emitted. Thereafter, the fee shall be set every three years  
7 by the commission by rule and shall be at least twenty-five  
8 dollars per ton of regulated air contaminant emitted but not  
9 more than forty dollars per ton of regulated air contaminant  
10 emitted in the previous calendar year. If necessary, the  
11 commission may make annual adjustments to the fee by rule.  
12 The fee shall be set at an amount consistent with the need  
13 to fund the reasonable cost of administering sections  
14 643.010 to 643.355, taking into account other moneys  
15 received pursuant to sections 643.010 to 643.355. For the  
16 purpose of determining the amount of air contaminant  
17 emissions on which the fees authorized under this section  
18 are assessed, a facility shall be considered one source as  
19 described in subsection 2 of section 643.078, except that a  
20 facility with multiple operating permits shall pay the  
21 emission fees authorized under this section separately for  
22 air contaminants emitted under each individual permit.

23 2. A source which produces charcoal from wood shall  
24 pay an annual emission fee under this subsection in lieu of  
25 the fee established in subsection 1 of this section. The

26 fee shall be based upon a maximum fee of twenty-five dollars  
27 per ton and applied upon each ton of regulated air  
28 contaminant emitted for the first four thousand tons of each  
29 contaminant emitted in the amount established by the  
30 commission pursuant to subsection 1 of this section, reduced  
31 according to the following schedule:

32 (1) For fees payable under this subsection in the  
33 years 1993 and 1994, the fee shall be reduced by one hundred  
34 percent;

35 (2) For fees payable under this subsection in the  
36 years 1995, 1996 and 1997, the fee shall be reduced by  
37 eighty percent;

38 (3) For fees payable under this subsection in the  
39 years 1998, 1999 and 2000, the fee shall be reduced by sixty  
40 percent.

41 3. The fees imposed in subsection 2 of this section  
42 shall not be imposed or collected after the year 2000 unless  
43 the general assembly reimposes the fee.

44 4. Each air contaminant source with a permit issued  
45 under sections 643.010 to 643.355 shall pay the fee for the  
46 first four thousand tons of each regulated air contaminant  
47 emitted each year but no air contaminant source shall pay  
48 fees on total emissions of regulated air contaminants in  
49 excess of twelve thousand tons in any calendar year. A  
50 permitted air contaminant source which emitted less than one  
51 ton of all regulated pollutants shall pay a fee equal to the  
52 amount per ton set by the commission. An air contaminant  
53 source which pays emission fees to a holder of a certificate  
54 of authority issued pursuant to section 643.140 may deduct  
55 such fees from any amount due under this section. The fees  
56 imposed in this section shall not be applied to carbon oxide  
57 emissions. The fees imposed in subsection 1 of this section

58 and this subsection shall not be applied to sulfur dioxide  
59 emissions from any Phase I affected unit subject to the  
60 requirements of Title IV, Section 404, of the federal Clean  
61 Air Act, as amended, 42 U.S.C. Section 7651 et seq., any  
62 sooner than January 1, 2000. The fees imposed on emissions  
63 from Phase I affected units shall be consistent with and  
64 shall not exceed the provisions of the federal Clean Air  
65 Act, as amended, and the regulations promulgated  
66 thereunder. Any such fee on emissions from any Phase I  
67 affected unit shall be reduced by the amount of the service  
68 fee paid by that Phase I affected unit pursuant to  
69 subsection 8 of this section in that year. Any fees that  
70 may be imposed on Phase I sources shall follow the  
71 procedures set forth in subsection 1 of this section and  
72 this subsection and shall not be applied retroactively.

73 5. Moneys collected under this section shall be  
74 transmitted to the director of revenue for deposit in  
75 appropriate subaccounts of the natural resources protection  
76 fund created in section 640.220. A subaccount shall be  
77 maintained for fees paid by air contaminant sources which  
78 are required to be permitted under Title V of the federal  
79 Clean Air Act, as amended, 42 U.S.C. Section 7661 et seq.,  
80 and used, upon appropriation, to fund activities by the  
81 department to implement the operating permits program  
82 authorized by Title V of the federal Clean Air Act, as  
83 amended. Another subaccount shall be maintained for fees  
84 paid by air contaminant sources which are not required to be  
85 permitted under Title V of the federal Clean Air Act as  
86 amended, and used, upon appropriation, to fund other air  
87 pollution control program activities. Another subaccount  
88 shall be maintained for service fees paid under subsection 8  
89 of this section by Phase I affected units which are subject



90 to the requirements of Title IV, Section 404, of the federal  
91 Clean Air Act Amendments of 1990 (42 U.S.C. Section 7651c),  
92 as amended, and used, upon appropriation, to fund air  
93 pollution control program activities. The provisions of  
94 section 33.080 to the contrary notwithstanding, moneys in  
95 the fund shall not revert to general revenue at the end of  
96 each biennium. Interest earned by moneys in the subaccounts  
97 shall be retained in the subaccounts. The per-ton fees  
98 established under subsection 1 of this section may be  
99 adjusted annually, consistent with the need to fund the  
100 reasonable costs of the program, but shall not be less than  
101 twenty-five dollars per ton of regulated air contaminant nor  
102 more than forty dollars per ton of regulated air  
103 contaminant. The first adjustment shall apply to moneys  
104 payable on April 1, 1994, and shall be based upon the  
105 general price level for the twelve-month period ending on  
106 August thirty-first of the previous calendar year.

107 6. The department may initiate a civil action in  
108 circuit court against any air contaminant source which has  
109 not remitted the appropriate fees within thirty days. In  
110 any judgment against the source, the department shall be  
111 awarded interest at a rate determined pursuant to section  
112 408.030 and reasonable attorney's fees. In any judgment  
113 against the department, the source shall be awarded  
114 reasonable attorney's fees.

115 7. The department shall not suspend or revoke a permit  
116 for an air contaminant source solely because the source has  
117 not submitted the fees pursuant to this section.

118 8. Any Phase I affected unit which is subject to the  
119 requirements of Title IV, Section 404, of the federal Clean  
120 Air Act Amendments of 1990 (42 U.S.C. Section 7651c), as  
121 amended, shall pay annually beginning April 1, 1993, and

122 terminating December 31, 1999, a service fee for the  
123 previous calendar year as provided herein. For the first  
124 year, the service fee shall be twenty-five thousand dollars  
125 for each Phase I affected generating unit to help fund the  
126 administration of sections 643.010 to 643.355. Thereafter,  
127 the service fee shall be annually set by the commission by  
128 rule, following public hearing, based on an annual  
129 allocation prepared by the department showing the details of  
130 all costs and expenses upon which such fees are based  
131 consistent with the department's reasonable needs to  
132 administer and implement sections 643.010 to 643.355 and to  
133 fulfill its responsibilities with respect to Phase I  
134 affected units, but such service fee shall not exceed twenty-  
135 five thousand dollars per generating unit. Any such Phase I  
136 affected unit which is located on one or more contiguous  
137 tracts of land with any Phase II generating unit that pays  
138 fees under subsection 1 or subsection 2 of this section  
139 shall be exempt from paying service fees under this  
140 subsection. A "contiguous tract of land" shall be defined  
141 to mean adjacent land, excluding public roads, highways and  
142 railroads, which is under the control of or owned by the  
143 permit holder and operated as a single enterprise.

144 9. The department of natural resources shall determine  
145 the fees due pursuant to this section by the state of  
146 Missouri and its departments, agencies and institutions,  
147 including two- and four-year institutions of higher  
148 education. The director of the department of natural  
149 resources shall forward the various totals due to the joint  
150 committee on capital improvements and the directors of the  
151 individual departments, agencies and institutions. The  
152 departments, as part of the budget process, shall annually  
153 request by specific line item appropriation funds to pay

154 said fees and capital funding for projects determined to  
155 significantly improve air quality. If the general assembly  
156 fails to appropriate funds for emissions fees as  
157 specifically requested, the departments, agencies and  
158 institutions shall pay said fees from other sources of  
159 revenue or funds available. The state of Missouri and its  
160 departments, agencies and institutions may receive  
161 assistance from the small business technical assistance  
162 program established pursuant to section 643.173.

163 10. Each retail agricultural facility that uses,  
164 stores, or sells anhydrous ammonia that is an air  
165 contaminant source subject to the risk management plan under  
166 42 U.S.C. Section 7412(r), as amended, shall pay an annual  
167 registration fee of two hundred dollars. In addition, each  
168 retail agricultural facility that uses, stores, or sells  
169 anhydrous ammonia shall pay an annual tonnage fee calculated  
170 on the number of tons of anhydrous ammonia sold. The  
171 initial retail tonnage fee shall be set at one dollar and  
172 twenty-five cents per ton of anhydrous ammonia used or  
173 sold. Each distributor or terminal agricultural facility  
174 that uses, stores, or sells anhydrous ammonia that is an air  
175 contaminant source subject to the risk management plan  
176 program 3 under 40 CFR Part 68 shall pay an annual  
177 registration fee of five thousand dollars and shall not pay  
178 a tonnage fee. The annual registration fees and tonnage fee  
179 may be periodically revised under subsection 11 of this  
180 section. However, the fees collected shall be used  
181 exclusively for the purposes of administering the provisions  
182 of 42 U.S.C. Section 7412(r), as amended, for such  
183 agricultural facilities. Fees paid by agricultural air  
184 contaminant sources that use, store, or sell anhydrous  
185 ammonia for the purposes of implementing the requirements of

186 42 U.S.C. Section 7412(r), as amended, shall be deposited  
187 into the anhydrous ammonia risk management plan subaccount  
188 within the natural resources protection fund created in  
189 section 643.245. If the funding exceeds the reasonable  
190 costs to administer the programs as set forth in this  
191 section, the department of natural resources shall reduce  
192 fees for all registrants if the fees derived exceed the  
193 reasonable cost of administering the risk management plan  
194 under 42 U.S.C. Section 7412(r), as amended.

195 11. Notwithstanding any statutory fee amounts or  
196 maximums to the contrary, the department of natural  
197 resources may conduct a comprehensive review and propose  
198 changes to the fee structure authorized by sections 643.073,  
199 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and  
200 643.242 after holding stakeholder meetings in order to  
201 solicit stakeholder input from each of the following  
202 groups: the asbestos industry, electric utilities, mineral  
203 and metallic mining and processing facilities, cement kiln  
204 representatives, and any other interested industrial or  
205 business entities or interested parties. The department  
206 shall submit a proposed fee structure with stakeholder  
207 agreement to the air conservation commission. The  
208 commission shall review such recommendations at the  
209 forthcoming regular or special meeting, but shall not vote  
210 on the fee structure until a subsequent meeting. If the  
211 commission approves, by vote of two-thirds majority or five  
212 of seven commissioners, the fee structure recommendations,  
213 the commission shall authorize the department to file a  
214 notice of proposed rulemaking containing the recommended fee  
215 structure, and after considering public comments, may  
216 authorize the department to file the order of rulemaking for  
217 such rule with the joint committee on administrative rules

218 pursuant to sections 536.021 and 536.024 no later than  
219 December first of the same year. If such rules are not  
220 disapproved by the general assembly in the manner set out  
221 below, they shall take effect on January first of the  
222 following calendar year and the previous fee structure shall  
223 expire upon the effective date of the commission-adopted fee  
224 structure. Any regulation promulgated under this subsection  
225 shall be deemed to be beyond the scope and authority  
226 provided in this subsection, or detrimental to permit  
227 applicants, if the general assembly, within the first sixty  
228 calendar days of the regular session immediately following  
229 the filing of such regulation, by concurrent resolution  
230 disapproves the regulation by concurrent resolution. If the  
231 general assembly so disapproves any regulation filed under  
232 this subsection, the commission shall continue to use the  
233 previous fee structure. The authority of the commission to  
234 further revise the fee structure as provided by this  
235 subsection shall expire on August 28, [2024] 2034. **Should**  
236 **the commission's authority to revise the fee structure as**  
237 **provided by this subsection expire, then the fee structure**  
238 **in place at the time of expiration shall remain in place.**

644.057. Notwithstanding any statutory fee amounts or  
2 maximums to the contrary, the director of the department of  
3 natural resources may conduct a comprehensive review and  
4 propose changes to the clean water fee structure set forth  
5 in sections 644.052, 644.053, and 644.061. The  
6 comprehensive review shall include stakeholder meetings in  
7 order to solicit stakeholder input from each of the  
8 following groups: agriculture, industry, municipalities,  
9 public and private wastewater facilities, and the  
10 development community. Upon completion of the comprehensive  
11 review, the department shall submit a proposed fee structure

12 with stakeholder agreement to the clean water commission.  
13 The commission shall review such recommendations at the  
14 forthcoming regular or special meeting, but shall not vote  
15 on the fee structure until a subsequent meeting. In no case  
16 shall the clean water commission adopt or recommend any  
17 clean water fee in excess of five thousand dollars. If the  
18 commission approves, by vote of two-thirds majority or five  
19 of seven commissioners, the fee structure recommendations,  
20 the commission shall authorize the department to file a  
21 notice of proposed rulemaking containing the recommended fee  
22 structure, and after considering public comments, may  
23 authorize the department to file the order of rulemaking for  
24 such rule with the joint committee on administrative rules  
25 pursuant to sections 536.021 and 536.024 no later than  
26 December first of the same year. If such rules are not  
27 disapproved by the general assembly in the manner set out  
28 below, they shall take effect on January first of the  
29 following calendar year and the fee structures set forth in  
30 sections 644.052, 644.053, and 644.061 shall expire upon the  
31 effective date of the commission-adopted fee structure,  
32 contrary to section 644.054. Any regulation promulgated  
33 under this subsection shall be deemed to be beyond the scope  
34 and authority provided in this subsection, or detrimental to  
35 permit applicants, if the general assembly, within the first  
36 sixty calendar days of the regular session immediately  
37 following the filing of such regulation disapproves the  
38 regulation by concurrent resolution. If the general  
39 assembly so disapproves any regulation filed under this  
40 subsection, the department and the commission shall not  
41 implement the proposed fee structure and shall continue to  
42 use the previous fee structure. The authority of the  
43 commission to further revise the fee structure provided by

44 this section shall expire on August 28, [2024. Any fee,  
45 bond, or assessment structure established pursuant to the  
46 process in this section shall expire on August 28, 2024]  
47 **2034. Should the commission's authority to revise the fee**  
48 **structure as provided by this subsection expire, then the**  
49 **fee structure in place at the time of expiration shall**  
50 **remain in place.**

✓