

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 109

102ND GENERAL ASSEMBLY
2023

0871S.03T

AN ACT

To repeal sections 12.070, 163.024, 256.700, 256.710, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 293.030, 444.768, 444.772, 640.099, 640.100, 643.079, 644.051, and 644.057, RSMo, and to enact in lieu thereof twenty new sections relating to natural resources.

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

Section A. Sections 12.070, 163.024, 256.700, 256.710,
2 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 293.030,
3 444.768, 444.772, 640.099, 640.100, 643.079, 644.051, and
4 644.057, RSMo, are repealed and twenty new sections enacted in
5 lieu thereof, to be known as sections 12.070, 163.024, 256.700,
6 256.710, 256.800, 259.080, 260.262, 260.273, 260.380, 260.392,
7 260.475, 293.030, 444.768, 444.772, 640.023, 640.099, 640.100,
8 643.079, 644.051, and 644.057, to read as follows:

12.070. **1.** All sums of money received from the United
2 States under an act of Congress, approved May 23, 1908,
3 being an act providing for the payment to the states of
4 twenty-five percent of all money received from the national
5 forest reserves in the states **for forest timber and other**
6 **forest products** to be expended as the legislature may
7 prescribe for the benefit of the public schools and public
8 roads of the county or counties in which the forest reserve

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

9 is situated (16 U.S.C.A. § 500) shall be expended as
10 follows: Seventy-five percent for the public schools and
11 twenty-five percent for roads in the counties in which
12 national forests are situated. The funds shall be used to
13 aid in maintaining the schools and roads of those school
14 districts that lie or are situated partly or wholly within
15 or adjacent to the national forest in the county. The
16 distribution to each county from the proceeds received on
17 account of a national forest within its boundaries shall be
18 in the proportion that the area of the national forest in
19 the county bears to the total area of the forest in the
20 state, as of June thirtieth of the fiscal year for which the
21 money is received.

22 **2. All sums of moneys received from the United States**
23 **under 16 U.S.C. Section 500 and 16 U.S.C. Section 520**
24 **providing for the payment to the states of all moneys**
25 **received from the national forest reserves in the states for**
26 **mineral products to be expended as the legislature may**
27 **prescribe for the benefit of the public schools and public**
28 **roads of the county or counties in which the forest reserve**
29 **is situated shall be expended as follows: fifty percent for**
30 **the public schools and fifty percent for roads in the**
31 **counties in which the national forests are situated. The**
32 **distribution to each county from the proceeds received on**
33 **account of a national forest within its boundaries shall be**
34 **as follows: eighty-five percent of all proceeds shall be**
35 **split in proportional shares based on the amount of minerals**
36 **extracted per year in each county where mining occurs and**
37 **fifteen percent of all proceeds shall be split equally**
38 **between counties where there is no mining.**

163.024. 1. All moneys received in the Iron County
2 school fund, Reynolds County school fund, Jefferson County

3 school fund, and Washington County school fund from the
4 payment of a civil penalty pursuant to a consent decree
5 filed in the United States district court for the eastern
6 district of Missouri in December, 2011, in the case of
7 United States of America and State of Missouri v. the Doe
8 Run Resources Corporation d/b/a "The Doe Run Company," and
9 the Buick Resource Recycling Facility, LLC, because of
10 environmental violations shall not be included in any
11 district's local effort figure, as such term is defined in
12 section 163.011. The provisions of this [section]
13 **subsection** shall terminate on July 1, 2016.

14 **2. (1) No moneys received in the Iron County school**
15 **fund from the payment of any penalty, whether to resolve**
16 **violations or as payment of any stipulated penalty, under**
17 **Administrative Order on Consent No. APCP-2019-001 ("Order")**
18 **issued by the department of natural resources and effective**
19 **on August 30, 2019, shall be included as part of such school**
20 **district's local effort for the calculation of local effort**
21 **under section 163.011.**

22 **(2) The department of elementary and secondary**
23 **education shall reimburse such school district for the**
24 **amount of any moneys described in subdivision (1) of this**
25 **subsection that are or have been included in such school**
26 **district's local effort contrary to subdivision (1) of this**
27 **subsection.**

28 **(3) The department of natural resources shall notify**
29 **the revisor of statutes when the Order is terminated as**
30 **provided in the Order, and this subsection shall expire on**
31 **the last day of the fiscal year in which the revisor**
32 **receives such notification from the department.**

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
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] 2031. 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.

256.710. 1. There is hereby created an advisory
2 council to the state geologist known as the "Industrial
3 Minerals Advisory Council". The council shall be composed
4 of nine members as follows:

5 (1) The director of the department of transportation
6 or his or her designee;

7 (2) Eight representatives of the following industries,
8 **with no more than four appointees from any one industry,**
9 appointed by the director of the department of natural
10 resources:

11 (a) [Three representing the] Limestone quarry
12 operators;

13 (b) [One representing the] Clay mining [industry];

14 (c) [One representing the] Sandstone mining [industry];

15 (d) [One representing the] Sand and gravel mining
16 [industry];

- 17 (e) [One representing the] Barite mining [industry];
18 [and]
19 (f) [One representing the] Granite mining [industry];
20 **and**
21 **(g) Other nonmetallic surface mining.**

22 The director of the department of natural resources or his
23 or her designee shall act as chairperson of the council and
24 convene the council as needed.

25 2. The advisory council shall:

- 26 (1) Meet at least once each year;
27 (2) Annually review with the state geologist the
28 income received and expenditures made under sections 256.700
29 and 256.705;
30 (3) Consider all information and advise the director
31 of the department of natural resources in determining the
32 method and amount of fees to be assessed;
33 (4) In performing its duties under this subsection,
34 represent the best interests of the Missouri mining industry;
35 (5) Serve in an advisory capacity in all matters
36 pertaining to the administration of this section and section
37 256.700;
38 (6) Serve in an advisory capacity in all other matters
39 brought before the council by the director of the department
40 of natural resources.

41 3. All members of the advisory council, with the
42 exception of the director of the department of
43 transportation or his or her designee who shall serve
44 indefinitely, shall serve for terms of three years and until
45 their successors are duly appointed and qualified; except
46 that, of the members first appointed:

47 (1) One member who represents the limestone quarry
48 operators, the representative of the clay mining industry,
49 and the representative of the sandstone mining industry
50 shall serve terms of three years;

51 (2) One member who represents the limestone quarry
52 operators, the representative of the sand and gravel mining
53 industry, and the representative of the barite mining
54 industry shall serve terms of two years; and

55 (3) One member who represents the limestone quarry
56 operators, and the representative of the granite mining
57 industry shall serve a term of one year.

58 4. All members shall be residents of this state. Any
59 member may be reappointed.

60 5. All members shall be reimbursed for reasonable
61 expenses incurred in the performance of their official
62 duties in accordance with the reimbursement policy set by
63 the director. All reimbursements paid under this section
64 shall be paid from fees collected under section 256.700.

65 6. Every vacancy on the advisory council shall be
66 filled by the director of the department of natural
67 resources. The person selected to fill any such vacancy
68 shall possess the same qualifications required by this
69 section as the member he or she replaces and shall serve
70 until the end of the unexpired term of his or her
71 predecessor.

**256.800. 1. This section shall be known and may be
2 cited as the "Flood Resiliency Act".**

**3 2. As used in this section, unless the context
4 otherwise requires, the following terms shall mean:**

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

7 (2) "Flood resiliency measures", structural
8 improvements, studies, and activities employed to improve
9 flood resiliency in local to regional or multi-
10 jurisdictional areas;

11 (3) "Flood resiliency project", a project containing
12 planning, design, construction, or renovation of flood
13 resiliency measures or the conduct of studies or activities
14 in support of flood resiliency measures;

15 (4) "Partner", a political subdivision, entity, or
16 person working in conjunction with a promoter to facilitate
17 the completion of a flood resiliency project;

18 (5) "Plan", a preliminary report describing the need
19 for, and implementation of, flood resiliency measures;

20 (6) "Promoter", any political subdivision of the
21 state, or any levee district or drainage district organized
22 or incorporated in the state.

23 3. (1) There is hereby established in the state
24 treasury a fund to be known as the "Flood Resiliency
25 Improvement Fund", which shall consist of all moneys
26 deposited in such fund from any source, whether public or
27 private. The state treasurer shall be custodian of the
28 fund. In accordance with sections 30.170 and 30.180, the
29 state treasurer may approve disbursements. The fund shall
30 be a dedicated fund and moneys in the fund shall be used
31 solely for the purposes of this section. Notwithstanding
32 the provisions of section 33.080 to the contrary, any moneys
33 remaining in the fund at the end of the biennium shall not
34 revert to the credit of the general revenue fund. The state
35 treasurer shall invest moneys in the fund in the same manner
36 as other funds are invested. Any interest and moneys earned
37 on such investments shall be credited to the fund.

38 (2) Upon appropriation, the department of natural
39 resources shall use moneys in the fund created by this
40 subsection for the purposes of carrying out the provisions
41 of this section including, but not limited to, the provision
42 of grants or other financial assistance and, if limitations
43 or conditions are imposed, only upon such other limitations
44 or conditions specified in the instrument that appropriates,
45 grants, bequeaths, or otherwise authorizes the transmission
46 of moneys to the fund.

47 4. In order to increase flood resiliency along the
48 Missouri and Mississippi Rivers and their tributaries and
49 improve statewide flood forecasting and monitoring ability,
50 there is hereby established a "Flood Resiliency Program".
51 The program shall be administered by the department of
52 natural resources. The state may participate with a
53 promoter in the development, construction, or renovation of
54 a flood resiliency project if the promoter has a plan that
55 has been submitted to and approved by the director, or the
56 state may promote a flood resiliency project and initiate a
57 plan on its own accord.

58 5. The plan shall include a description of the flood
59 resiliency project, the need for the project, the flood
60 resiliency measures to be implemented, the partners to be
61 involved in the project, and other such information as the
62 director may require to adequately evaluate the merit of the
63 project.

64 6. The director shall approve a plan only upon a
65 determination that long-term flood mitigation is needed in
66 that area of the state and that such a plan proposes flood
67 resiliency measures that will provide long-term flood
68 resiliency.

69 7. Promoters with approved flood resiliency plans and
70 their partners shall be eligible to receive any gifts,
71 contributions, grants, or bequests from federal, state,
72 private, or other sources for costs associated with flood
73 resiliency projects that are part of such plans.

74 8. Promoters with approved flood resiliency plans and
75 their partners may be granted moneys from the flood
76 resiliency improvement fund under subsection 3 of this
77 section for eligible costs associated with flood resiliency
78 projects that are part of such plans.

79 9. The department of natural resources is hereby
80 granted authority to promulgate rules to implement this
81 section. Any rule or portion of a rule, as that term is
82 defined in section 536.010, that is created under the
83 authority delegated in this section shall become effective
84 only if it complies with and is subject to all of the
85 provisions of chapter 536 and, if applicable, section
86 536.028. This section and chapter 536 are nonseverable and
87 if any of the powers vested with the general assembly
88 pursuant to chapter 536 to review, to delay the effective
89 date, or to disapprove and annul a rule are subsequently
90 held unconstitutional, then the grant of rulemaking
91 authority and any rule proposed or adopted after August 28,
92 2023, shall be 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] 2031. **If**
50 **the council's authority to revise the fee structure as**
51 **provided by this subsection expires, the fee structure in**
52 **place at the time of expiration shall remain in place.**

53 3. Failure to pay the fees, or any portion thereof,
54 established under this section or to submit required
55 reports, forms or information by the due date shall result
56 in the imposition of a late fee established by the council.
57 The department may issue an administrative order requiring
58 payment of unpaid fees or may request that the attorney
59 general bring an action in the appropriate circuit court to
60 collect any unpaid fee, late fee, interest, or attorney's
61 fees and costs incurred directly in fee collection. Such
62 action may be brought in the circuit court of Cole County,
63 or, in the case of well fees, in the circuit court of the
64 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] 2029**.

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] 2031.**

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] **2030. If the**
128 **commission's authority to revise the fee structure as**
129 **provided by this subdivision expires, the fee structure in**
130 **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] 2030.

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] **2030. If the**
111 **commission's authority to revise the fee structure as**
112 **provided by this subsection expires, the fee structure in**
113 **place at the time of expiration shall remain in place.**

293.030. 1. Every operator engaged in this state in
2 the mining or production of minerals for commercial purposes
3 shall, within thirty days after the end of each quarter-
4 annual period, file with the director and with the division
5 of taxation and collection of the department of revenue a

6 statement, under oath, on forms to be prescribed [and
7 furnished in triplicate] by the director, showing the total
8 amount of minerals sold, shipped or otherwise disposed of
9 during the last preceding quarter-annual period; and shall,
10 at the same time, pay on the primary products of his
11 operations sold, shipped or otherwise disposed of for profit
12 to the division of taxation and collection of the department
13 of revenue mine inspection fees [as follows] **which shall**
14 **include, but not be limited to:**

15 (1) On lead concentrates or galena, [three] **seven and**
16 **three-tenths** cents per ton;

17 (2) On zinc ore or concentrates thereof, [three] **seven**
18 **and three-tenths** cents per ton;

19 (3) On lead carbonate or concentrates thereof, [one
20 and one-half] **three and seven-tenths** cents per ton;

21 (4) On zinc carbonate or concentrates thereof, [one
22 and one-half] **three and seven-tenths** cents per ton;

23 (5) On zinc silicate or calamine or concentrates
24 thereof, [one and one-half] **three and seven-tenths** cents per
25 ton;

26 (6) On all coal, [two] **four and nine-tenths** mills per
27 ton;

28 (7) On all clays, [two] **four and nine-tenths** mills per
29 ton;

30 (8) On shale, [one mill] **two and four-tenths** mills per
31 ton;

32 (9) On copper concentrates, [three] **seven and three-**
33 **tenths** cents per ton;

34 (10) On iron ore or concentrates thereof, [two] **four**
35 **and nine-tenths** mills per ton;

36 (11) On silica, [one mill] **two and four-tenths** mills
37 per ton;

38 (12) On granite, [**one cent**] **two and four-tenths cents**
39 per ton;

40 (13) **On rhyolite, two and four-tenths cents per ton;**

41 (14) On manganese, [**three**] **seven and three-tenths**
42 cents per ton;

43 (15) **On cobalt, seven and three-tenths cents per ton.**

44 2. [**For each of the years beginning January 1, 1985,**
45 **January 1, 1986, January 1, 1987, and January 1, 1988, the**
46 **fees as provided in subsection 1 of this section shall be**
47 **increased yearly by twenty-five percent. The fees for each**
48 **year after 1988 shall be the same as provided for the year**
49 **1988]** **In the event a new mineral is mined that is a chemical**
50 **equivalent of a mineral listed in this section, the director**
51 **shall announce the addition of the mineral and its**
52 **associated fee by publishing a notice. Publication of the**
53 **notice is contingent upon approval of the mineral's addition**
54 **to the section by the labor and industrial relations**
55 **commission. The additional mineral and fee shall take**
56 **effect sixty days after publication of such notice and be**
57 **added to a regulation.**

58 3. The provisions of subsections 1 and 2 of this
59 section to the contrary notwithstanding, every operator
60 engaged in mining or production of minerals for commercial
61 purpose in this state shall pay to the division of taxation
62 and collection within thirty days after the end of each
63 quarter-annual period a minimum mine inspection fee of [**ten**]
64 **twenty-five** dollars.

65 4. These fees shall be deposited in the state treasury
66 and credited to the "State Mine Inspection Fund", which is
67 hereby created.

68 5. The director and the division of taxation and
69 collection of the department of revenue shall, for the

70 purpose of verifying the statement required in this section,
71 have access to the tonnage and footage records of
72 production, shipments and sales records of all persons,
73 firms and corporations subject to the provisions of this
74 chapter, and of their respective vendees and agents of such
75 vendees, and of carriers of the products herein enumerated.

76 **6. Failure to pay a fee listed in this section within**
77 **the thirty days after the end of each quarter-annual period**
78 **may result in the imposition of a late fee equal to ten**
79 **percent of the unpaid amount. The director may bring an**
80 **action in the appropriate circuit court to collect any**
81 **unpaid fee, late fee, interest, or attorney's fees and costs**
82 **incurred directly in fee collection. Such action may be**
83 **brought in the circuit court of the county in which the mine**
84 **is located or in the circuit court of Cole County.**

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] **2030. If the commission's authority to
45 revise the fee structure as provided by this subsection
46 expires, 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] 2030. No other provisions of this section shall
178 expire.

**640.023. Notwithstanding any provision of law to the
2 contrary, the department of natural resources shall not take
3 any permitting or regulatory action based solely on guidance**

4 **that has not been promulgated as a regulation, unless such**
5 **use of guidance is agreed to by the permittee or person**
6 **subject to such regulatory action.**

640.099. Notwithstanding the provisions of section
2 1.140 to the contrary, the provisions of sections 37.070,
3 67.4500, 67.4505, 67.4510, 67.4515, 67.4520, [192.105,]
4 247.060, 253.090, 442.014, 444.771, 444.773, 621.250,
5 640.018, 640.128, [640.850,] 643.020, 643.040, 643.050,
6 643.060, 643.079, 643.080, 643.130, 643.191, 643.225,
7 643.232, 643.237, 643.240, 643.242, 643.245, 643.250,
8 644.036, [644.051,] 644.054, 644.071, 644.145, 701.033,
9 [701.058,] and this section shall be nonseverable, and if
10 any provision is for any reason held to be invalid, such
11 decision shall invalidate all of the remaining provisions of
12 sections 37.070, 67.4500, 67.4505, 67.4510, 67.4515,
13 67.4520, [192.105,] 247.060, 253.090, 442.014, 444.771,
14 444.773, 621.250, 640.018, 640.128, [640.850,] 643.020,
15 643.040, 643.050, 643.060, 643.079, 643.080, 643.130,
16 643.191, 643.225, 643.232, 643.237, 643.240, 643.242,
17 643.245, 643.250, 644.036, [644.051,] 644.054, 644.071,
18 644.145, 701.033, [701.058,] and this section.

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] 2030.
202 **If the commission's authority to revise the fee structure as**
203 **provided by this subsection expires, the fee structure in**
204 **place at the time of expiration shall 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] 2030. **If the**
236 **commission's authority to revise the fee structure as**
237 **provided by this subsection expires, the fee structure in**
238 **place at the time of expiration shall remain in place.**

644.051. 1. It is unlawful for any person:

- 2 (1) To cause pollution of any waters of the state or
3 to place or cause or permit to be placed any water
4 contaminant in a location where it is reasonably certain to
5 cause pollution of any waters of the state;
- 6 (2) To discharge any water contaminants into any
7 waters of the state which reduce the quality of such waters
8 below the water quality standards established by the
9 commission;
- 10 (3) To violate any pretreatment and toxic material
11 control regulations, or to discharge any water contaminants
12 into any waters of the state which exceed effluent

13 regulations or permit provisions as established by the
14 commission or required by any federal water pollution
15 control act;

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

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

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

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

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

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

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

47 **4.** A construction permit may be required by the
48 department in the following circumstances:

49 [(a)] (1) Substantial deviation from the commission's
50 design standards;

51 [(b)] (2) To address noncompliance;

52 [(c)] (3) When an unauthorized discharge has occurred
53 or has the potential to occur; or

54 [(d)] (4) To correct a violation of water quality
55 standards.

56 [In addition,] **5.** Any point source that proposes to
57 construct an earthen storage structure to hold, convey,
58 contain, store or treat domestic, agricultural, or
59 industrial process wastewater also shall be subject to the
60 construction permit provisions of [this subsection]
61 **subsections 3 to 5 of this section. However, any earthen**
62 **basin constructed to retain and settle nontoxic, nonmetallic**
63 **earthen materials such as soil, silt, and rock shall be**
64 **exempt from the construction permit provisions of**
65 **subsections 3 to 5 of this section.** All other construction-
66 related activities at point sources **not subject to**
67 **subsections 3 to 5 of this section** shall be exempt from the
68 construction permit requirements. All activities that are
69 exempted from the construction permit requirement are
70 subject to the following conditions:

71 [a.] (1) Any point source system designed to hold,
72 convey, contain, store or treat domestic, agricultural or
73 industrial process wastewater shall be designed by a
74 professional engineer registered in Missouri in accordance
75 with the commission's design rules;

76 [b.] (2) Such point source system shall be constructed
77 in accordance with the registered professional engineer's
78 design and plans; and

79 [c.] (3) Such point source system may receive a post-
80 construction site inspection by the department prior to
81 receiving operating permit approval. A site inspection may
82 be performed by the department, upon receipt of a complete
83 operating permit application or submission of an engineer's
84 statement of work complete.

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

92 [4.] 7. Before issuing any permit required by this
93 section, the director shall issue such notices, conduct such
94 hearings, and consider such factors, comments and
95 recommendations as required by sections 644.006 to 644.141
96 or any federal water pollution control act. The director
97 shall determine if any state or any provisions of any
98 federal water pollution control act the state is required to
99 enforce, any state or federal effluent limitations or
100 regulations, water quality-related effluent limitations,
101 national standards of performance, toxic and pretreatment
102 standards, or water quality standards which apply to the
103 source, or any such standards in the vicinity of the source,
104 are being exceeded, and shall determine the impact on such
105 water quality standards from the source. The director, in
106 order to effectuate the purposes of sections 644.006 to
107 644.141, shall deny a permit if the source will violate any

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

114 [5.] 8. The director shall grant or deny the permit
115 within sixty days after all requirements of the Federal
116 Water Pollution Control Act concerning issuance of permits
117 have been satisfied unless the application does not require
118 any permit pursuant to any federal water pollution control
119 act. The director or the commission may require the
120 applicant to provide and maintain such facilities or to
121 conduct such tests and monitor effluents as necessary to
122 determine the nature, extent, quantity or degree of water
123 contaminant discharged or released from the source,
124 establish and maintain records and make reports regarding
125 such determination.

126 [6.] 9. The director shall promptly notify the
127 applicant in writing of his or her action and if the permit
128 is denied state the reasons for such denial. As provided by
129 sections 621.250 and 640.013, the applicant may appeal to
130 the administrative hearing commission from the denial of a
131 permit or from any condition in any permit by filing a
132 petition with the administrative hearing commission within
133 thirty days of the notice of denial or issuance of the
134 permit. After a final action is taken on a new or reissued
135 general permit, a potential applicant for the general permit
136 who can demonstrate that he or she is or may be adversely
137 affected by any permit term or condition may appeal the
138 terms and conditions of the general permit within thirty
139 days of the department's issuance of the general permit. In

140 no event shall a permit constitute permission to violate the
141 law or any standard, rule or regulation promulgated pursuant
142 thereto. Once the administrative hearing commission has
143 reviewed the appeal, the administrative hearing commission
144 shall issue a recommended decision to the commission on
145 permit issuance, denial, or any condition of the permit.
146 The commission shall issue its own decision, based on the
147 appeal, for permit issuance, denial, or any condition of the
148 permit. If the commission changes a finding of fact or
149 conclusion of law made by the administrative hearing
150 commission, or modifies or vacates the decision recommended
151 by the administrative hearing commission, it shall issue its
152 own decision, which shall include findings of fact and
153 conclusions of law. The commission shall mail copies of its
154 final decision to the parties to the appeal or their counsel
155 of record. The commission's decision shall be subject to
156 judicial review pursuant to chapter 536, except that the
157 court of appeals district with territorial jurisdiction
158 coextensive with the county where the point source is to be
159 located shall have original jurisdiction. No judicial
160 review shall be available until and unless all
161 administrative remedies are exhausted.

162 [7.] 10. In any hearing held pursuant to this section
163 that involves a permit, license, or registration, the burden
164 of proof is on the party specified in section 640.012. Any
165 decision of the commission made pursuant to a hearing held
166 pursuant to this section is subject to judicial review as
167 provided in section 644.071.

168 [8.] 11. In any event, no permit issued pursuant to
169 this section shall be issued if properly objected to by the
170 federal government or any agency authorized to object
171 pursuant to any federal water pollution control act unless

172 the application does not require any permit pursuant to any
173 federal water pollution control act.

174 [9.] 12. Permits may be modified, reissued, or
175 terminated at the request of the permittee. All requests
176 shall be in writing and shall contain facts or reasons
177 supporting the request.

178 [10.] 13. No manufacturing or processing plant or
179 operating location shall be required to pay more than one
180 operating fee. Operating permits shall be issued for a
181 period not to exceed five years after date of issuance,
182 except that general permits shall be issued for a five-year
183 period, and also except that neither a construction nor an
184 annual permit shall be required for a single residence's
185 waste treatment facilities. Applications for renewal of a
186 site-specific operating permit shall be filed at least one
187 hundred eighty days prior to the expiration of the existing
188 permit. Applications seeking to renew coverage under a
189 general permit shall be submitted at least thirty days prior
190 to the expiration of the general permit, unless the
191 permittee has been notified by the director that an earlier
192 application must be made. General permits may be applied
193 for and issued electronically once made available by the
194 director.

195 [11.] 14. Every permit issued to municipal or any
196 publicly owned treatment works or facility shall require the
197 permittee to provide the clean water commission with
198 adequate notice of any substantial new introductions of
199 water contaminants or pollutants into such works or facility
200 from any source for which such notice is required by
201 sections 644.006 to 644.141 or any federal water pollution
202 control act. Such permit shall also require the permittee
203 to notify the clean water commission of any substantial

204 change in volume or character of water contaminants or
205 pollutants being introduced into its treatment works or
206 facility by a source which was introducing water
207 contaminants or pollutants into its works at the time of
208 issuance of the permit. Notice must describe the quality
209 and quantity of effluent being introduced or to be
210 introduced into such works or facility by a source which was
211 introducing water contaminants or pollutants into its works
212 at the time of issuance of the permit. Notice must describe
213 the quality and quantity of effluent being introduced or to
214 be introduced into such works or facility and the
215 anticipated impact of such introduction on the quality or
216 quantity of effluent to be released from such works or
217 facility into waters of the state.

218 [12.] 15. The director or the commission may require
219 the filing or posting of a bond as a condition for the
220 issuance of permits for construction of temporary or future
221 water treatment facilities or facilities that utilize
222 innovative technology for wastewater treatment in an amount
223 determined by the commission to be sufficient to ensure
224 compliance with all provisions of sections 644.006 to
225 644.141, and any rules or regulations of the commission and
226 any condition as to such construction in the permit. For
227 the purposes of this section, "innovative technology for
228 wastewater treatment" shall mean a completely new and
229 generally unproven technology in the type or method of its
230 application that bench testing or theory suggest has
231 environmental, efficiency, and cost benefits beyond the
232 standard technologies. No bond shall be required for
233 designs approved by any federal agency or environmental
234 regulatory agency of another state. The bond shall be
235 signed by the applicant as principal, and by a corporate

236 surety licensed to do business in the state of Missouri and
237 approved by the commission. The bond shall remain in effect
238 until the terms and conditions of the permit are met and the
239 provisions of sections 644.006 to 644.141 and rules and
240 regulations promulgated pursuant thereto are complied with.

241 [13.] 16. (1) The department shall issue or deny
242 applications for construction and site-specific operating
243 permits received after January 1, 2001, within one hundred
244 eighty days of the department's receipt of an application.
245 For general construction and operating permit applications
246 received after January 1, 2001, that do not require a public
247 participation process, the department shall issue or deny
248 the permits within sixty days of the department's receipt of
249 an application. For an application seeking coverage under a
250 renewed general permit that does not require an individual
251 public participation process, the director shall issue or
252 deny the permit within sixty days of the director's receipt
253 of the application, or upon issuance of the general permit,
254 whichever is later. In regard to an application seeking
255 coverage under an initial general permit that does not
256 require an individual public participation process, the
257 director shall issue or deny the permit within sixty days of
258 the department's receipt of the application. For an
259 application seeking coverage under a renewed general permit
260 that requires an individual public participation process,
261 the director shall issue or deny the permit within ninety
262 days of the director's receipt of the application, or upon
263 issuance of the general permit, whichever is later. In
264 regard to an application for an initial general permit that
265 requires an individual public participation process, the
266 director shall issue or deny the permit within ninety days
267 of the director's receipt of the application.

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

277 (3) Permit fee disputes may be appealed to the
278 commission within thirty days of the date established in
279 subdivision (2) of this subsection. If the applicant
280 prevails in a permit fee dispute appealed to the commission,
281 the commission may order the director to refund the
282 applicant's permit fee plus interest and reasonable
283 attorney's fees as provided in sections 536.085 and
284 536.087. A refund of the initial application or annual fee
285 does not waive the applicant's responsibility to pay any
286 annual fees due each year following issuance of a permit.

287 (4) No later than December 31, 2001, the commission
288 shall promulgate regulations defining shorter review time
289 periods than the time frames established in subdivision (1)
290 of this subsection, when appropriate, for different classes
291 of construction and operating permits. In no case shall
292 commission regulations adopt permit review times that exceed
293 the time frames established in subdivision (1) of this
294 subsection. The department's failure to comply with the
295 commission's permit review time periods shall result in a
296 refund of said permit fees as set forth in subdivision (2)
297 of this subsection. On a semiannual basis, the department
298 shall submit to the commission a report which describes the
299 different classes of permits and reports on the number of

300 days it took the department to issue each permit from the
301 date of receipt of the application and show averages for
302 each different class of permits.

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

310 (6) Nothing in this subsection shall be interpreted to
311 mean that inaction on a permit application shall be grounds
312 to violate any provisions of sections 644.006 to 644.141 or
313 any rules promulgated pursuant to sections 644.006 to
314 644.141.

315 [14.] 17. The department shall respond to all requests
316 for individual certification under Section 401 of the
317 Federal Clean Water Act within the lesser of sixty days or
318 the allowed response period established pursuant to
319 applicable federal regulations without request for an
320 extension period unless such extension is determined by the
321 commission to be necessary to evaluate significant impacts
322 on water quality standards and the commission establishes a
323 timetable for completion of such evaluation in a period of
324 no more than one hundred eighty days.

325 [15.] 18. All permit fees generated pursuant to this
326 chapter shall not be used for the development or expansion
327 of total maximum daily loads studies on either the Missouri
328 or Mississippi rivers.

329 [16.] 19. The department shall implement permit shield
330 provisions equivalent to the permit shield provisions
331 implemented by the U.S. Environmental Protection Agency

332 pursuant to the Clean Water Act, Section 402(k), 33 U.S.C.
333 Section 1342(k), and its implementing regulations, for
334 permits issued pursuant to chapter 644.

335 [17.] 20. Prior to the development of a new general
336 permit or reissuance of a general permit for aquaculture,
337 land disturbance requiring a storm water permit, or
338 reissuance of a general permit under which fifty or more
339 permits were issued under a general permit during the
340 immediately preceding five-year period for a designated
341 category of water contaminant sources, the director shall
342 implement a public participation process complying with the
343 following minimum requirements:

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

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

353 (3) The director shall hold a public informational
354 meeting to provide information on anticipated permit
355 conditions and requirements and to receive informal comments
356 from permittees and other interested persons. The director
357 shall include notice of the public informational meeting
358 with the notice of intent to issue a new general permit or
359 reissue a general permit under subdivision (2) of this
360 subsection. The notice of the public informational meeting,
361 including the date, time and location, shall be posted on
362 the department's website at least thirty days in advance of
363 the public meeting. If the meeting is being held for

364 reissuance of a general permit, notice shall also be made by
365 electronic mail to all permittees holding the current
366 general permit which is expiring. Notice to current
367 permittees shall be made at least twenty days prior to the
368 public meeting;

369 (4) The director shall hold a thirty-day public
370 comment period to receive comments on the general permit
371 template with the thirty-day comment period expiring at
372 least sixty days prior to the effective date of the general
373 permit. Scanned copies of the comments received during the
374 public comment period shall be posted on the department's
375 website within five business days after close of the public
376 comment period;

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

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

388 **[18.] 21.** Notices required to be made by the
389 department pursuant to subsection **[17] 20** of this section
390 may be made by electronic mail. The department shall not be
391 required to make notice to any permittee or other person who
392 has not provided a current electronic mail address to the
393 department. In the event the department chooses to make
394 material modifications to the general permit before its
395 expiration, the department shall follow the public

396 participation process described in subsection [17] 20 of
397 this section.

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

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 **2030. If the commission's authority to revise the fee**
48 **structure as provided by this section expires, the fee**
49 **structure in place at the time of expiration shall remain in**
50 **place.**

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