

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1138-11
Bill No.: Truly Agreed to and Finally Passed HCS for SS #2 for SCS for SB 225
Subject: Environmental Protection; Natural Resources Department; Waste - Hazardous
Type: Original
Date: May 25, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(\$89,088 to \$2,334,760)	(\$34,992 to \$503,500)	(\$35,870) to Unknown
Total Estimated Net Effect on General Revenue Fund	(\$89,088 to \$2,334,760)	(\$34,992 to \$503,500)	(\$35,870) to Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Hazardous Waste	(\$138,168) to Unknown	(\$1,268,968) to Unknown	(\$1,268,968) to Unknown
Hazardous Waste Remedial	(\$1,300,000) to Unknown	\$0	\$0
Environmental Response Trust	(\$87,600)	(\$87,600)	(\$87,600)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$225,768) to Unknown	(\$1,356,568) to Unknown	(\$1,356,568) to Unknown

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 18 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials with the **Office of Administration - Deputy Commissioner's Office and Administrative Hearing Commission, Attorney General's Office and Department of Corrections** assume no fiscal impact to their agency.

Officials with the **Department of Natural Resources** assume for purposes of this legislation, annual revenues deposited into the Solid Waste Management Fund of approximately \$11,363,000. Under the restructuring of the distribution of the fund, \$800,000,000 will be allocated for the Market Development Program (under the Environmental Improvement & Energy Resources Authority) and \$200,000,000 for solid waste management districts who lose funds compared to the allocation percentages used on August 27, 2004 (Senate Bill 530 percentages) leaving approximately \$10,363,000 to be distributed between the department and the solid waste management districts. Approximately \$4,041,570 million (39%) will be allocated to the department and the remaining \$6,321,430 (61%) will be allocated to the districts. This is an increase to district allocations.

This bill will ensure that revenue into the solid waste management fund will provide continued funding for existing solid waste permitting, enforcement, inspection, statewide planning, oversight of financial assistance, and administration activities to the department and the Attorney

ASSUMPTION (continued)

General's office, as well as increased direct financial assistance to the solid waste management districts. Although the bill provides funding for these existing activities, the department will need to reduce the amount of activities it conducts: The department's FY06 requested and governor recommended appropriations for the solid waste activities of permitting, inspections, enforcement, statewide planning, grants management, and administration and related fund transfers is \$4.7 million; under this bill that amount will reduce to approximately \$4,041,570. The department will need to reduce staff and expenses to stay within the estimated \$4 million allocation under this proposed legislation. This reduction will mean the loss of approximately 9 positions in the department.

The proposal also eliminates up to \$150,000,000 and 1 position for the department's household hazardous waste activities. In total, the department expects this legislation to reduce operations by approximately \$850,000,000 and 10 positions.

District allocations under this proposal will increase to 61% (approximately \$6.3 million).

The program assumes the Solid Waste Management Districts will receive a minimum of \$95,000 each for district operations and district grants as well a proportionate share of the \$200,000 for districts that are eligible, for grants and operational expenses.

The program also assumes except for the amount up to one-fourth of the department's previous fiscal year expense, that any remaining unencumbered funds generated under subdivision (1) of subsection 2 of this section in prior fiscal years shall be reallocated under this section.

Waste Tire Fee

The proposed legislation would extend the sunset date on the tire fee established in Section 260.273 until January 1, 2010.

Continuing the waste tire fee will generate about \$2.1M annually into the Scrap Tire Subaccount. The department assumes the revenue will be used to fund continued removal of illegally dumped tires, educational programs, and grants to end users.

Hazardous Waste Fees

Current law directs the department to collect fees deposited into the Hazardous Waste Fund to June 30, 2006. The proposed legislation extends this date to December 31, 2011 resulting in an additional five and one-half years of overseeing Hazardous Waste efforts in Missouri with the associated operating costs.

ASSUMPTION (continued)

The proposed legislation requires that the fund balance of the Hazardous Waste Remedial fund be transferred to the Hazardous Waste Fund. The department assumes this transfer will take place on August 28, 2005. The department projects a balance of \$1.3 million remaining in the Hazardous Waste Remedial Fund to be transferred to the Hazardous Waste Fund

All references to the Hazardous Waste Remedial Fund have been removed in this legislation and the appropriations previously required under the Hazardous Waste Remedial Fund will be authorized under the Hazardous Waste Fund.

This legislation requires retailers to collect a fee of \$0.50 per battery on the sale of lead-acid batteries. Based on information provided from the Battery Council International on nationwide shipments to retailers, the department applied the state population ratio to the nationwide number to arrive at the approximately 1.5 million lead-acid batteries sold in Missouri annually. The funds received less 6% retained by the retailer as collection costs will be transferred to the Department of Revenue. The remaining fee less 4% retained by the Department of Revenue as collection costs will be deposited into the Hazardous Waste Fund. The department estimates a revenue in the amount of \$507,600 for nine months in FY06 and \$676,800 for fiscal years 2007 and 2008.

All fees paid from out of state facilities are removed. Estimated net effect to the Hazardous Waste Fund is a reduction of \$1.9 million based on Fiscal Year 2004 revenues.

Section 260.380 adds a requirement for Missouri TSDFs to submit to the department a fee of \$2 per ton for all hazardous wastes received from outside the state and sets penalty amounts of 15% of the amount due for failure to pay fees under this section. This change will result in estimated revenue of \$458,958. This number is based on an estimated 229,000 tons of out-of-state waste coming to Missouri. The department unable to estimate the number of facilities that may be subject to interest penalties for failure to pay, therefore this portion of the proposed legislation will result in an unknown fiscal impact.

The fee paid per ton for hazardous waste generated is currently \$1 per ton. This proposed legislation increases this fee to \$5 per ton, sets a maximum threshold for this fee at \$52,000 and a minimum threshold at \$150.00 resulting in net increase in revenue to \$776,169.

Section 260.391 RSMo adds language requiring the department to request appropriation from General Revenue in the amount equal to any state Superfund Match obligations with the U.S. Environmental Protection Agency.

ASSUMPTION (continued)

This proposal requires the department to request an annual appropriation of General Revenue equal to any state match obligation to the United States Environmental Protection Agency pursuant to the authority created under the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Currently, the required obligations are paid for out of the Hazardous Waste Remedial Fund. This proposal removes the requirement that the department request a \$1 million appropriation in General Revenue and requires the department to request an amount of General Revenue equal to state Superfund obligations. For FY06 the department has estimated these costs to be \$2,334,760.

The amount requested from General Revenue each year will equal the amount of billings received from the EPA. The invoice year may vary from those we have planned based on the status of each site. The estimated amounts due are based on the Superfund State Contracts approved or pending to date. There are additional sites that will require match in future years, current estimates of state share for all sites range from \$3.6 million to \$9.8 million. There is no scheduled match due in FY 2008, however there is potential for a large payment due in FY 2010 which is past the timeframe of the fiscal note.

See above for impact assumptions to General Revenue. These estimates relate to the cash outlay for the state share of an estimated \$124 million dollars of superfund site cleanups in Missouri.

This proposal removes certain fees paid by hazardous waste generators in Section 260.479. The department estimates a net fiscal impact of (\$1,280,895) will be received in by the department.

Current law directs the department to administer the Drycleaner Program through August 28, 2007. The proposed legislation adds 260.965 RSMo extending the expiration date to August 28, 2012 resulting in an additional five years of overseeing the program with the associated operating costs. The costs associated with the proposed extension would result in a continuation of existing costs and could not result in a request for additional resources beyond the original anticipated need.

This proposed legislation would also extend the date for the Hazardous Waste Management Commission to promulgate and adopt rules from July 1, 2002 to July 1, 2007. This provision would not result in additional fiscal impact for the department.

This proposal would also extend the period from July 1, 2004 to July 1, 2009 in which persons may notify the department of abandoned drycleaner facilities. Persons contacting the department may be eligible for corrective action funds from the Drycleaner Environmental Response Trust Fund. The department is unable to determine how many more persons would notify the

ASSUMPTION (continued)

department and choose to apply for funding, therefore fiscal impact from this change is unknown but cannot exceed corrective action funds available.

This proposal removes the dry-cleaning environmental response registration surcharge on dry-cleaning facilities using non-chlorinated solvents and the solvent surcharge on suppliers of non-chlorinated solvents. The department estimates approximately 12% of current revenues are received from the users and suppliers of non-chlorinated solvents resulting in a decrease in revenues of approximately \$87,600 annually. The department projects expenditures will remain the same.

This proposal to extend the expiration date of the Drycleaner Program will generate about \$642,400 annually into the Drycleaner Environmental Response Trust Fund. The department assumes the revenue will be used to fund continued investigation, assessment and remediation of releases of solvents from dry-cleaning facilities.

Below is a summary of fiscal impact for Fiscal Years 2006 through 2008 related to the Hazardous Waste and Dry Cleaners Portions of the legislation.

Proposal	FY06	FY07	FY08
Lead Acid Batteries*	\$507,600	\$676,800	\$676,800
Out-of-State Generators	(\$1,900,000)	(\$1,900,000)	(\$1,900,000)
Fees on out of state hazardous waste received by in-state TSDFs	\$458,958	\$458,958	\$458,958
Category & registration renewal fees no longer collected	(\$1,280,895)	(\$1,280,895)	(\$1,280,895)
Increase in per ton generator from \$1 to \$5 per ton (maximum cap \$52,000 & minimum cap \$150)	\$776,169	\$776,169	\$776,169
Interest on Late Payments	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Transfer Balance of HWRF to HWF**	\$0	\$0	\$0
Dry Cleaning Environmental Response Trust Fund	(\$87,600)	(\$87,600)	(\$87,600)
Impact to General Revenue	(\$2,334,760)	(\$3,500) to (\$503,500)	\$0 to Unknown
Impact to All State Funds	(\$3,860,528) to Unknown	(\$1,360,068) to Unknown	(\$1,356,568) to Unknown

*FY06 data based on 9 months of revenue beginning 10/01/05

** Net effect on the transfer of estimated \$1.3 million from the Hazardous Waste Remedial Fund to the Hazardous Waste Fund is \$0

Officials from the **Department of Transportation (MoDOT)** assume Section 260.262.4 adds a 50-cent fee for each lead acid battery sold. MoDOT purchases an estimated 1,922 batteries annually. Therefore, the estimated annual fiscal impact for the fifty cent fee for each lead-acid

ASSUMPTION (continued)

battery would be \$961. This effective date for this provision is October 1, 2005, therefore, FY06 will be for 9 months.

Section 260.270-1(4) - This section allows persons that accept scrap tires to charge a “reasonable fee” that reflects the costs of proper management of any scrap. The \$2.50 per waste tire cap has been removed from this section. This section would have a negative fiscal impact on MoDOT if the “reasonable fee” exceeds \$2.50 per waste tire, however MoDOT is unable to provide an estimate.

Section 260.380.1(10) - This section increases the hazardous waste tonnage fees from(not to exceed one dollar” to five dollars. it also changes the generator fee cap from \$10,000 to \$52,000 per site per year, but not less than \$150 per year. Currently, MoDOT has 17 routine hazardous waste generator sites, therefore, the fiscal impact for this section would be \$2,550 (\$150 minimum per generator site per year x 17 sites).

Section 260.273 - This section would reinstate te previous fifty cent waste tire fee that expired on January 1, 2004. Due to the expiration date, MoDOT currently does not pay the waste tire fee. MoDOT purchases an estimated 6,560 tires annually. Therefore the estimated annual fiscal impact for the reinstatement of the waste tire fee would be \$3,280. The effective date for this provision is October 1, 2005, therefore FY 06 will be for 9 months.

Oversight assumes funding for additional costs should be requested through the normal budgetary process. Therefore, Oversight assumes the initial administrative impact of this proposal is \$0.

Officials with the **Department of Revenue - Division of Taxation** assume this proposal makes changes to the hazardous waste laws requiring Taxation to collect a new fee for Lead-Acid batteries and reinstates the tire fee. This proposal, as worded, will create a fiscal impact on the Department of Revenue as follows:

Section 260.262 - This section creates a new fee to be collected for lead-acid batteries. This fee is to be collected by Taxation beginning October 1, 2005 and terminating June 30, 2001. This would require a new system in MITS. Assuming we could create a small system similar to the tire fee system, our requirements would be 1,557 programming hours for a cost of \$51,942. (If a larger system is required our programming cost could be as much as 6,228 hrs./\$206,766.)

Taxation also assumes that the battery fee will be handled in the same manner as the tire fee, therefore, 1 FTE (Tax Processing Technician I) is requested to answer correspondence, issue

ASSUMPTION (continued)

refunds, collect delinquencies, and complete system maintenance.

Officials with the **Department of Health** assume this proposal eliminates the Hazardous Waste Remedial Fund (HWRF). However, DHSS assumes that the proposal would intend DHSS to continue receiving funding from the Hazardous Waste Fund (HWF) to perform the work required by the statute. It is assumed that the new HWF revenue would replace the current HWRF funding for DHSS with no change to the current level of funding requested.

Thus, the same staff that is currently performing the work would continue to do so. Routine costs for expense and equipment, plus laboratory costs for water sample analysis would remain at the current amount.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE			
<u>Income - Department of Natural Resources</u>			
Request on Superfund Obligations	<u>(\$2,334,760)</u>	<u>(\$3,500 to \$503,500)</u>	<u>\$0 to Unknown</u>
<u>Cost - Department of Revenue</u>			
Salaries (1 FTE)	(\$19,639)	(\$24,156)	(\$24,760)
Fringe Benefits	(\$8,378)	(\$10,305)	(\$10,563)
Equipment and Expense	<u>(\$61,071)</u>	<u>(\$531)</u>	<u>(\$547)</u>
Total Cost	<u>(\$89,088)</u>	<u>(\$34,992)</u>	<u>(\$35,870)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$89,088 to \$2,334,760)</u>	<u>(\$34,992 to \$503,500)</u>	<u>(\$35,870) to Unknown</u>
HAZARDOUS WASTE FUND			
<u>Transfer In - Department of Natural Resources</u>			
Hazardous Waste Remedial Fund	\$1,300,000	\$0	\$0
<u>Cost - Department of Natural Resources</u>			
Hazardous Waste Fund	(\$1,438,168) to Unknown	(\$1,268,968) to Unknown	(\$1,268,968) to Unknown
ESTIMATED NET EFFECT ON HAZARDOUS WASTE FUND	<u>(\$138,168) to Unknown</u>	<u>(\$1,268,968) to Unknown</u>	<u>(\$1,268,968) to Unknown</u>

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
HAZARDOUS WASTE REMEDIAL FUND			
<u>Transfer Out - Department of Natural Resources</u>			
Hazardous Waste Remedial Fund	<u>(\$1,300,000) to Unknown</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON HAZARDOUS WASTE REMEDIAL FUND	<u>(\$1,300,000) to Unknown</u>	<u>\$0</u>	<u>\$0</u>
DRY CLEANING ENVIRONMENTAL RESPONSE TRUST FUND			
<u>Cost - Department of Natural Resources</u>			
Elimination of surcharge on non-chlorinated solvents	<u>(\$87,600)</u>	<u>(\$87,600)</u>	<u>(\$87,600)</u>
NET EFFECT ON DRY CLEANING ENVIRONMENTAL RESPONSE TRUST FUND	<u>(\$87,600)</u>	<u>(\$87,600)</u>	<u>(\$87,600)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Yes. It will increase costs for small business that generate or dispose of hazardous wastes or lead batteries. It may result in some increased business and revenues for small businesses that clean up hazardous wastes, or process certain hazardous wastes for cleanup or disposal. Also, small businesses that purchase tires will be required to pay the 50 cents waste tire fee until January 1, 2010.

Solid Waste Provisions

There will be a significant economic impact on small business in the solid waste industry if this proposed legislation does not pass. The resulting loss of the state's EPA Subtitle D authority will cause some of these businesses to shut down their existing landfills in many areas of the state (especially in the St. Louis urban area), as these landfills reach capacity and cannot be expanded or replaced. It will be necessary for those remaining businesses to significantly increase their costs in an effort to recognize profits. Although difficult to determine with any certainty, increases of 30%-50% in current rates are possible. These increased rates will increase the costs for solid waste disposal services to all businesses as well as to private citizens.

Enforcing the solid waste law will provide an even playing field for those who handle solid waste properly by removing any economic benefit from those who illegally dump or handle waste. Increased emphasis on waste reduction and reuse will save many businesses money in disposal costs and could, ultimately, create jobs in another area of the industry.

Continued emphasis (at both the state and local level) on preventing and prosecuting those who illegally dump or handle their waste will increase business for waste haulers, transfer stations and landfills, as those previous violators turn to proper disposal methods for their solid waste. Removing and keeping trash out of Missouri's roadsides, ditches, lakes, and waterways will benefit property values and tourism.

Waste Tire Fee

Tire retailers would have to continue collecting the \$0.50 per tire fee on retail sales and remit the fee to the Department of Revenue. Section 260.270 would require end users to have financial assurance instruments.

Hazardous Waste Fees

Yes, retail facilities of lead-acid batteries will collect the fee as allowed under this legislation and transfer the fees to the Department of Revenue. Retailers shall retain 6% of the fees for collection costs.

FISCAL IMPACT - Small Business (continued)

Currently, Missouri treatment, storage, and disposal facilities (TSDFs) have the option of registering, reporting, and paying applicable fees on behalf of out-of-state generators. The proposed legislation removes the registration and reporting requirements for out-of-state generators and directs Missouri TSDFs to pay a fee of \$2.00 per ton on all hazardous waste received from outside the state.

Currently, Missouri hazardous waste generators pay up to \$1.00 per ton of hazardous waste generated to the department. This proposal increases this fee to \$5.00 per ton or portion thereof, increases the maximum amount generators could pay from \$10,000 to \$52,000 per year with a minimum amount of \$150.00 paid by all generators. This proposal also allows for a penalty of 15% for failure to pay the fees as required in section 260.380 RSMo.

Dry Cleaners

Dry cleaning facilities will continue to operate under current statutes and pay applicable registration fees. Solvent suppliers will continue to pay a surcharge on the amount of solvents supplied to dry-cleaning facilities. However, the fees assessed on non-chlorinated solvents are eliminated in this proposed legislation.

DESCRIPTION

This act pertains to hazardous waste.

SECTION 260.200 - Changes "waste tire" references to "scrap tire".

SECTION 260.262 - Directs a fee of fifty cents to be collected for each lead-acid battery sold. The fee, less six percent to be retained by the seller as collection costs, shall be paid to the Department of Revenue along with the number of batteries sold during the preceding month. Of the monies kept by the Department of Revenue, four percent shall be retained by the department, the rest shall be deposited in the hazardous waste fund.

SECTION 260.270 - Changes "waste tire" references to "scrap tire".

SECTION 260.272 - Changes "waste tire" references to "scrap tire".

SECTION 260.273 - Reinstates the tire fee at fifty cents. The act reinstates the fee beginning the first day of the month no more than sixty days following the effective date of the act; the fee is

DESCRIPTION (continued)

set to terminate January 2010.

The act directs the Department of Natural Resources to report by January 1, 2009, a complete accounting of tire cleanups - this includes those completed or in progress, the costs associated with these cleanups, number of tires remaining at that time, balance of the fund and enforcement actions initiated to address scrap tires.

SECTION 260.274 - Repeals entire section.

SECTION 260.275 - Changes "waste tire" references to "scrap tire".

SECTION 260.276 - Changes "waste tire" references to "scrap tire".

SECTION 260.278 - Changes "waste tire" references to "scrap tire".

SECTION 260.279 - The act provides preference to Missouri vendors bidding on contracts by the department for the removal or clean up of scrap tires. A five percent preference and ten bonus points shall be given to any vendor that meets one or more of the following factors:

- Vendors residing in Missouri for two years preceding the bid;
- Non - resident vendors that employ at least twenty Missouri residents and have maintained their principal place of business in the state for two years preceding the bid;
- Vendors that reside in Missouri that employ at least seventy-five percent of their workers from Missouri for the entire term of the project;
- Non - resident vendors that employ at least twenty Missouri residents and have maintained their principal place of business in the state for two years preceding the bid; for the entire term of the project, these vendors shall employ at least seventy-five percent of their workers from Missouri;
- Vendors that provide written certification that the end use of the tires will be for fuel purposes or for the manufacture of a useable good or product; landfilling of tires, tire chips, or tire shreds shall not permit a vendor a preference.

SECTION 260.325 - Solid waste management district boards shall arrange for independent financial audits of the district's operations. Districts receiving two hundred thousand dollars or more shall undergo annual audits, those districts receiving less than two hundred thousand dollars of financial assistance shall undergo the audits at least once every two years. The contents of these audits shall be open to the State Auditor and the option to audit the districts by the state

DESCRIPTION (continued)

auditor is provided for in the act. The department shall perform audits of district grants, provided the resources are there, at least once every three years.

SECTION 260.330 - The fees for solid waste landfills are modified in the act. No annual adjustment to the current fee is to be made from October 2005 to October 2009, except that which is needed for operating costs and any increase in the total amount of solid waste accepted at landfills and that to be transferred out of the state. No annual increase made during the time frame of October 2005 to October 2009 shall exceed the percentage increase measured by the consumer price index, and shall be made at the discretion of the director of the Department of Natural Resources.

The fees for transfer stations have been modified in the act. No annual adjustment to the current fee is to be made from October 2005 to October 2009, except that which is needed for operating costs and any increase in the total amount of solid waste accepted at landfills and that to be transferred out of the state. No annual increase made during the time frame of October 2005 to October 2009 shall exceed the percentage increase measured by the consumer price index, and shall be made at the discretion of the director of the Department of Natural Resources.

SECTION 260.335 - Each fiscal year, eight hundred thousand dollars from the solid waste management fund shall be made available to the department and the environmental improvement and energy resources authority for the development of markets for recovered materials; this is a change from the current appropriation of one million dollars. Each fiscal year, up to two hundred thousand dollars from the solid waste management fund shall be used by the department for grants to solid waste management districts. District eligibility is laid out in the act as is the calculation for fund disbursement.

Remaining moneys in the fund shall be allocated as follows:

- Thirty-nine percent of the moneys shall go towards the elimination of illegal solid waste disposal;
- Sixty-one percent of the moneys shall go towards grants - the breakdown of these moneys are, forty percent shall be allocated based on the population of each district and sixty percent shall be allocated based on the amount of revenue generated within each district.
- No more than fifty percent of the allocable revenue may be used for the implementation of a solid waste management plan and at least fifty percent of the allocable revenue shall be allocated for waste reduction, recycling and related services.

DESCRIPTION (continued)

Each district shall receive a minimum of ninety-five thousand dollars for district grants and operations.

SECTION 260.345 - The act changes the membership of the solid waste advisory board, two members shall represent the solid waste management industry, and one member may represent the solid waste composting or recycling industry. The authority to terminate any member based on the failure to attend at least fifty percent of the board meetings has been removed in the act.

SECTION 260.375 - Removes requirement for out of state generators to file a registration report with the commission, as well as removing the allowance for in state generators to submit such registration for these out of state generators.

SECTION 260.380 - New language clarifies that requirements set forth by the commission apply only to those generators located in Missouri. Removes references to out of state generators and the requirements set forth by the department. Removes requirement for in state generators that are receiving hazardous waste from out of state generators pay an annual fee.

There has been a change to the fee paid for by generators - new language clarifies that the fee for in state generators shall be five dollars per ton or portion thereof of waste registered with the department; a change from current law that provided the commission the discretion to establish the fee annually. New language states that the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per site per year.

New language has been added that directs Missouri treatment, storage and disposal facilities to pay an annual fee equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. Failure to pay such a fee shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee shall expire December 2011.

SECTION 260.391 - Adds circumstances to the list by which the hazardous waste fund receives funds - new language includes taxes, penalties or interest assessed on those fees or taxes. New language also adds to the list of circumstances to which the hazardous waste fund is responsible - including, prevention of leaks from underground storage tanks and response to petroleum releases from both underground and above ground tanks, and for any other expenditures that are not covered under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980. Included in these "other expenditures" are:

- Administrative services as necessary for the identification, assessment and cleanup of abandoned sites;

DESCRIPTION (continued)

- Payments to other state agencies for services consistent with section 260.435 to 260.550;
- Acquisition of property as provided in section 260.420;
- A development study of a hazardous waste facility in Missouri;
- Financing the non-federal share associated with the cost of clean up and site remediation
- Reimbursement of owners or operators who accept waste pursuant to department orders

Language clarifies that any funds remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund. No monies from the fund shall be available for abandoned site clean up unless the director has made all reasonable efforts to secure voluntary payment from the owners or operators of such site. The director shall make all reasonable efforts to recover expended funds through litigation or cooperative agreements with responsible persons. All recovered monies shall be deposited in the hazardous waste fund. In addition to the revenue specified in the section, the department shall request an annual appropriation from general revenue equal to any state match obligation to the EPA for cleanup performed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

SECTION 260.420 - All references to the hazardous waste remedial fund have been removed.

SECTION 260.475 - All references to the hazardous waste remedial fund have been removed, along with the deposit breakdown between said fund and the hazardous waste fund - the act forwards all monies to be deposited in the hazardous waste fund. The fee authorized in this section shall expire December 2011.

SECTION 260.479 - Section repealed.

SECTION 260.480 - Repeals current section - added language that clarifies any funds remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund.

SECTION 260.481 - All references to the hazardous waste remedial fund have been removed.

SECTION 260.546 - All references to the hazardous waste remedial fund have been removed.

SECTION 260.569 - All references to the hazardous waste remedial fund have been removed.

DESCRIPTION (continued)

SECTION 260.900 - Changes the definition "dry cleaning solvent" to include dry-cleaners who use non-chlorinated solvents and exclude those who use petroleum-based solvents.

SECTION 260.905 - Provides an extension to the hazardous waste management commission to promulgate rules for dry cleaning facility environmental remediation until 2007.

SECTION 260.925 - Modifies circumstances where moneys from the Dry Cleaning Emergency Response Trust Fund (DERT) cannot be used; for corrective action at sites that have been taken out of operation prior to July 1, 2009 and not documented to the department prior to that date.

SECTION 260.935 - Removes facilities that use petroleum, nonchlorinated solvents from the requirement to pay an annual dry-cleaning facility registration surcharge.

SECTION 260.940 - Removes the solvent factor for any nonchlorinated dry-cleaning solvent.

SECTION 260.960 - Clarifies that any rule promulgated after the effective date of this section shall be invalid.

SECTION 260.965 - Sets an expiration date of August 28, 2012 for the operation of the DERT Fund.

SECTION 304.184 - Any truck or tractor-trailer engaged in transporting solid waste may operate with a weight not to exceed twenty-two thousand four hundred pounds on one axle or not to exceed forty-four thousand eight hundred pounds on any tandem axle. The act does not permit the operation of any motor vehicle on the highways in excess of the weight limits imposed by federal statutes.

The sections pertaining to dry cleaning facilities have an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

L.R. No. 1138-11

Bill No. Truly Agreed to and Finally Passed HCS for SS #2 for SCS for SB 225

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SOURCES OF INFORMATION

Attorney General's Office

Department of Natural Resources

Department of Revenue

Department of Corrections

Department of Transportation

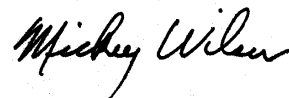
Office of Administration

Deputy Commissioner's Office

Administrative Hearing Commission

Department of Health

Attorney General's Office



Mickey Wilson, CPA

Director

May 25, 2005