

SS#2 HCS HB 980 -- ENVIRONMENTAL RULES

This bill requires that after the bill's effective date all rules promulgated or amended by the Department of Natural Resources and certain related boards and commissions that prescribe environmental conditions or standards cite the specific section of law or legal authority for the rule. The rule must also be based on a regulatory impact report. The criteria for the report which must be published in a qualified newspaper and posted on the agency, board, or commission's web site is outlined. Sixty days must be allowed for public comment before promulgating the rule. The report must be filed with the Joint Committee on Administrative Rules. Rules may be adopted within certain limitations without a regulatory impact report if immediate action is necessary to protect human health, public welfare, or the environment. Rules may also be adopted that are equivalent to federal rules.

The department may not include in a permit any requirement not codified by regulation or statute and is required to submit all permits to the applicants in ample time for their final review before public comment. If the department denies a permit, the basis for the denial is required to be clearly stated; and once a permit is issued, it may not be modified or revoked without the permission of the applicant for one year, unless the department determines that action is necessary to protect human health, public welfare, or the environment.

The bill prohibits the use of moneys in the Water and Wastewater Loan Fund, Water Pollution Permit Fee Subaccount of the Natural Resources Protection Fund, Water and Wastewater Loan Revolving Fund, or any state revolving fund established for purposes of the federal Clean Water Act or the federal Safe Drinking Water Act to pay any portion of a refund pursuant to Article X, Section 18, of the Missouri Constitution. After August 28, 2004, the portion of any refund required of the department pursuant to that section is to be identified by the department and transferred to the General Revenue Fund.