

FIRST REGULAR SESSION

# HOUSE BILL NO. 828

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES VIEBROCK (Sponsor), WOOD, FUNDERBURK,  
WHORTON AND MCGHEE (Co-sponsors).

Read 1st time February 12, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1825L.01I

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### AN ACT

To amend chapters 324 and 640, RSMo, by adding thereto four new sections relating to residential and commercial septage pumps.

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

Section A. Chapters 324 and 640, RSMo, are amended by adding thereto four new sections, to be known as sections 324.760, 324.763, 324.766, and 640.237, to read as follows:

**324.760. As used in this section, the following terms shall mean:**

- (1) "Commercial septage", materials, such as human excreta and wastewater, including bath and toilet waste, commercial laundry waste, commercial kitchen waste and other similar waste from establishment appurtenances, and wastes removed from a septic tank. Sewage and domestic sewage waste are further categorized as:
- (a) "Blackwater", waste carried off by toilets, urinals, and kitchen drains;
- (b) "Graywater", all domestic waste not covered in paragraph (a) of this subdivision, including bath, lavatory, laundry, and sink waste;
- (2) "Commercial septage pumper", any corporation, limited liability company, partnership, or individual that removes commercial septage from a septic tank for the purpose of further treatment or disposal at another location;
- (3) "Department", the department of natural resources;
- (4) "Residential septage", materials, such as human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 other similar waste from household or establishment appurtenances, and wastes removed  
16 from a septic tank. Sewage and domestic sewage waste are further categorized as:

17 (a) "Blackwater", waste carried off by toilets, urinals, and kitchen drains;

18 (b) "Graywater", all domestic waste not covered in paragraph (a) of this  
19 subdivision, including bath, lavatory, laundry, and sink waste;

20 (5) "Residential septage pumper", any corporation, limited liability company,  
21 partnership, or individual that removes residential septage from a septic tank for the  
22 purpose of further treatment or disposal at another location.

324.763. 1. (1) All residential or commercial septage pumpers operating in this  
2 state shall register with the department. The registration shall be made upon a form  
3 furnished by the department; shall include the residential or commercial septage pumper's  
4 commercial name, postal and physical addresses, and telephone number; shall include a  
5 list of all counties the residential or commercial septage pumper operates or intends to  
6 operate in; shall provide the name of the owner or person upon whom process may be  
7 served; shall contain a signed statement that all representations in the application are made  
8 under oath or affirmation; and shall be accompanied by a fee, set by the department, at an  
9 amount sufficient to recover the cost of processing registrations. The department shall  
10 register any residential or commercial septage pumper upon submission to the department  
11 of a registration form and fee, and shall provide the residential or commercial septage  
12 pumper evidence of registration.

13 (2) The list of counties the residential or commercial septage pumper operates in  
14 or intends to operate in, required under subdivision (1) of this subsection, shall not restrict  
15 the residential or commercial septage pumper from operating in counties not appearing  
16 on the list.

17 (3) It shall be the duty of the residential or commercial septage pumper to notify  
18 the department of any changes in the information provided in the registration form.

19 2. A registration issued under subsection 1 of this section shall expire after four  
20 years, and shall be renewable upon payment of a renewal fee to be set by the department.

21 3. Any residential or commercial septage pumper operating in this state shall  
22 maintain a record of the sites from where the residential or commercial septage has been  
23 removed. Upon request, the record shall be made available to the department, the  
24 department of health and senior services, or any county health department during the  
25 regular business hours at the physical address of the residential or commercial septage  
26 pumper. The record shall include the following:

27 (1) The amount of the residential or commercial septage removed to the best  
28 estimate of the residential or commercial septage pumper;

29           (2) The date or dates the residential or commercial septage pumper removed the  
30 residential or commercial septage;

31           (3) The location where the residential or commercial septage pumper was taken;  
32 and

33           (4) The date the residential or commercial septage was discharged. In the event the  
34 residential or commercial septage was discharged to a municipal or private treatment  
35 plant, the time of discharge shall be recorded.

36           4. In the event that any residential or commercial septage was land-applied, the  
37 location of the land application shall be tied to an existing permit.

38           5. Beginning June 1, 2008, and each year thereafter, the department shall provide  
39 an updated list of registered residential and commercial septage pumpers to each county  
40 health department. The department may comply with this subsection by posting the list  
41 on the Internet and giving notice of the posting to each county health department. Such  
42 notice may be electronic.

324.766. 1. The department shall promulgate rules necessary for the  
2 implementation, administration, and enforcement of sections 324.760 to 324.763. Any rule  
3 or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under  
4 the authority delegated in this section shall become effective only if it complies with and  
5 is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
6 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
7 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
8 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
9 then the grant of rulemaking authority and any rule proposed or adopted after August 28,  
10 2007, shall be invalid and void.

640.237. No claim or assessment of any fine or penalty shall be allowed against a  
2 publicly owned wastewater treatment works for exceeding the limits of an applicable  
3 National Pollution Discharge Elimination System Permit or state law if the excessive  
4 discharge was caused by a sewage treatment malfunction due to the publicly owned  
5 wastewater treatment works' acceptance of residential or commercial septage from a  
6 residential or commercial septage pumper, registered under chapter 324, RSMo, provided  
7 that when the malfunction occurred the publicly owned wastewater treatment works  
8 responded in a reasonable manner to prohibit any additional environmental damage. The  
9 publicly owned wastewater treatment works shall have the burden of proving that it acted  
10 in a reasonable manner. Nothing in this section shall be construed to reduce any reporting  
11 requirement to both the Missouri department of natural resources and the Environmental  
12 Protection Agency for the plant failure.