

SECOND REGULAR SESSION

HOUSE BILL NO. 2125

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), EMERY, DOUGHERTY,
RUESTMAN AND MUNZLINGER (Co-sponsors).

Read 1st time February 13, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4825L.01I

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to environmental permits.

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

Section A. Chapter 640, RSMo, is amended by adding thereto one new section, to be
2 known as section 640.017, to read as follows:

**640.017. 1. For activities that may require multiple environmental state permits,
2 an applicant may request to coordinate a unified permit schedule with the department
3 which covers the timing and order to obtain such permits. In determining the schedule,
4 the department and applicant shall consider which permits are most critical for the
5 regulated activity, the need for unified public participation for all of the regulated aspects
6 of the permitted activity, the applicant's anticipated staging of construction and financing
7 for the permitted activity, and the applicant's use of innovative environmental approaches
8 or strategies to minimize its environmental impacts.**

**9 2. The department may initiate the unified permits process for a class of similar
10 activities by notifying any known applicants interested in those regulated activities of the
11 intent to use the unified process. To the extent practicable and consistent with the
12 purposes of this section, the department shall coordinate with interested applicants on the
13 unified permit schedule.**

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.

14 **3. The department shall determine all of the permits required for a specific**
15 **proposed activity based on information provided by the applicant; additional information**
16 **regarding the proposed activity may result in different permits being required. The**
17 **department shall propose a unified permitting schedule to interested applicants. Any**
18 **multiple-permit applicant may decline at any time to have its permits processed in**
19 **accordance with the schedule and instead proceed in a permit-by-permit approach. The**
20 **department shall publicize the order and tentative schedule on the department's Internet**
21 **web site.**

22 **4. Following the establishment of a unified permit schedule, the director shall notify**
23 **the applicant in writing of the order in which the applicant shall obtain permits. The**
24 **department shall proceed to consider applications accordingly and may only modify the**
25 **schedule with the consent of the applicant through the date of the public hearing. Each**
26 **application shall be reviewed by the department based solely on its own merits and**
27 **compliance with the applicable law.**

28 **5. The department shall coordinate with the applicant, to the extent possible, to**
29 **align the unified permit process so that all public meetings or hearings related to the**
30 **permits are consolidated into one hearing in a location near the facility.**

31 **6. In furtherance of this section, the director may waive otherwise applicable**
32 **procedural requirements related to timing as set forth in state environmental laws or rules**
33 **found in this chapter and chapters 260, 444, and 644, RSMo, so long as:**

34 **(1) The public comment periods related to each permit are not shortened; and**

35 **(2) The unified permitting schedule does not impair the ability of the applicant or**
36 **the department to comply with substantive legal requirements related to the permit**
37 **application.**

38 **7. The director shall promulgate rules to implement the provisions of this section.**
39 **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**
40 **created under the authority delegated in this section shall become effective only if it**
41 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
42 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
43 **and if any of the powers vested with the general assembly under chapter 536, RSMo, to**
44 **review, to delay the effective date, or to disapprove and annul a rule are subsequently held**
45 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
46 **after August 28, 2008, shall be invalid and void.**

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