

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_**Offered By**

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 37,  
Section 643.130, Line 6, by inserting after all of said section and line the following:

“643.151. 1. It is unlawful for any person to cause or permit any air pollution by emission of any  
air contaminant from any air contaminant source located in Missouri, in violation of sections 643.010 to  
643.190, or any rule promulgated by the commission.

2. No person who knows or should know of the existence of such rules may cause or permit any  
air pollution by emission of any air contaminant source located outside Missouri, and which emissions  
enter Missouri in excess of the emission control regulations applicable to the portion of Missouri where  
the air contaminant enters the state.

3. In the event the commission determines that any provision of sections 643.010 to 643.190, or  
the rules promulgated hereunder, permits issued, or any final order or determination made by the  
commission or the director is being violated, the commission may cause to have instituted a civil action in  
any court of competent jurisdiction for injunctive relief to prevent any further violation or for the  
assessment of a penalty not to exceed ten thousand dollars for each violation per day for each day, or part  
thereof, the violation continues to occur, or both, as the court may deem proper. A civil monetary penalty  
under this section shall not be assessed for a violation where an administrative penalty was assessed under  
section 643.085. The commission may request the attorney general or other counsel to bring such action  
in the name of the people of the state of Missouri. Process may be served in any manner provided by  
chapter 506 including but not limited to sections 506.510 and 506.520. Suit may be brought in any county  
where the defendant's principal place of business is located or where the air contaminant source is located  
or where the air contaminants enter the state of Missouri. Any offer of settlement to resolve a civil  
penalty under this section shall be in writing, shall state that an action for imposition of a civil penalty  
may be initiated by the attorney general or a prosecuting attorney representing the department under  
authority of this section, and shall identify any dollar amount as an offer of settlement which shall be  
negotiated in good faith through conference, conciliation and persuasion.

4. Any recycling company that converts animal parts into petroleum that the commission or the  
director determines to be in persistent violation of the provisions of this section or any odor rule  
promulgated by the department shall forfeit any permits issued by the department under this chapter or  
chapter 644 until such time that the recycling company that converts animal parts into petroleum  
successfully obtains a new permit. For the purposes of this subsection, the term "persistent violation"  
shall mean any recycling company that converts animal parts into petroleum that has been found by the

1 commission or the director to have violated the provisions of this section at least six times during any  
2 twelve-month period or at least twelve times during any thirty-six-month period.

3 5. During any thirty-six-month period, any recycling company that converts animal parts into  
4 petroleum that the commission or director has found to have violated the provisions of this section on  
5 more than one occasion shall be subject to a penalty of not less than ten thousand dollars and not more  
6 than thirty thousand dollars for each violation per day for each day, or part thereof, the violation continues  
7 to occur, or both, as the court may deem proper.

8 6. Any member of the commission or employee thereof who is convicted of willful disclosure or  
9 conspiracy to disclose confidential information to any person other than one entitled to the information  
10 under sections 643.010 to 643.190 is guilty of a class A misdemeanor and upon conviction thereof shall be  
11 punished by a fine of not more than one thousand dollars.

12 [5.] 7. No liability shall be imposed upon persons violating the provisions of sections 643.010 to  
13 643.190 or any rule hereunder due to any violation caused by an act of God, war, strike, riot or other  
14 catastrophe.”; and

15  
16 Further amend said bill, Page 51, Section 644.071, Line 340, by inserting after all of said section and line  
17 the following:

18 “644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants  
19 from any water contaminant or point source located in Missouri in violation of sections 644.006 to  
20 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission  
21 or the director determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations  
22 or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other  
23 order, or determination made by the commission or the director, or any filing requirement pursuant to  
24 sections 644.006 to 644.141 or any other provision which this state is required to enforce pursuant to any  
25 federal water pollution control act, is being, was, or is in imminent danger of being violated, the  
26 commission or director may cause to have instituted a civil action in any court of competent jurisdiction  
27 for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty  
28 not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and  
29 continues to occur, or both, as the court deems proper. A civil monetary penalty pursuant to this section  
30 shall not be assessed for a violation where an administrative penalty was assessed pursuant to section  
31 644.079. The commission, the chair of a watershed district's board of trustees created under section  
32 249.1150, or the director may request either the attorney general or a prosecuting attorney to bring any  
33 action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in  
34 any county where the defendant's principal place of business is located or where the water contaminant or  
35 point source is located or was located at the time the violation occurred. Any offer of settlement to  
36 resolve a civil penalty pursuant to this section shall be in writing, shall state that an action for imposition  
37 of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the  
38 department pursuant to this section, and shall identify any dollar amount as an offer of settlement which  
39 shall be negotiated in good faith through conference, conciliation and persuasion.

40 2. Any recycling company that converts animal parts into petroleum that the commission or the

1 director determines to be in persistent violation of the provisions of this section shall forfeit any permits  
2 issued by the department under this chapter or chapter 643 until such time that the recycling company that  
3 converts animal parts into petroleum successfully obtains a new permit. For the purposes of this  
4 subsection, the term "persistent violation" shall mean any recycling company that converts animal parts  
5 into petroleum that the commission or the director has found to have violated the provisions of this section  
6 at least six times during any twelve-month period or at least twelve times during any thirty-six-month  
7 period.

8 3. During any thirty-six-month period, any recycling company that converts animal parts into  
9 petroleum that the commission or director has found to have violated the provisions of this section on  
10 more than one occasion shall be subject to a penalty of not less than ten thousand dollars and not more  
11 than thirty thousand dollars for each violation per day for each day, or part thereof, the violation continues  
12 to occur, or both, as the court may deem proper.

13 4. Any person who knowingly makes any false statement, representation or certification in any  
14 application, record, report, plan, or other document filed or required to be maintained pursuant to sections  
15 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device  
16 or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be  
17 punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six  
18 months, or by both.

19 [3.] 5. Any person who willfully or negligently commits any violation set forth pursuant to  
20 subsection 1 of this section shall, upon conviction, be punished by a fine of not less than two thousand  
21 five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment  
22 for not more than one year, or both. Second and successive convictions for violation of the same provision  
23 of this section by any person shall be punished by a fine of not more than fifty thousand dollars per day of  
24 violation, or by imprisonment for not more than two years, or both.

25 [4.] 6. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to  
26 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule,  
27 limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an  
28 act of God, war, strike, riot, or other catastrophe.”; and

29  
30 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
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