

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 35, Page 2,
2 Section 34.030, Line 31, by inserting the following after all of said section and line:
3

4 "260.244. 1. The department shall have the authority to promulgate rules for the
5 management and risk-based closure of coal combustion residual (CCR) surface impoundments and
6 CCR landfills in accordance with this section. Except as otherwise provided by this section, such
7 rules shall be as protective as but not more restrictive than 40 CFR 257, or successor regulations
8 promulgated under sections 1008(a)(3) and 4004(a) of the Resource Conservation and Recovery
9 Act, 90 Stat. 2795. Such rules shall allow the use of risk-based measures, including all or part of
10 Missouri risk-based corrective action (MRBCA), for closure and corrective action at CCR units,
11 including a process for the use of alternate groundwater effluent limitations based on a
12 demonstration that impacts on groundwater quality will not result in an unreasonable risk to human
13 health or the environment and that existing and potential uses are not impaired.

14 2. No later than June 1, 2018, the department shall promulgate rules applicable to CCR
15 surface impoundments that shall include a provision for the assessment and collection of a one-time
16 fee not to exceed one thousand six hundred dollars per surficial acre. Nothing in this section shall
17 authorize the department to promulgate rules requiring:

18 (1) A construction or operating permit pursuant to sections 260.200 through 260.345 for
19 impoundment closure or corrective action; or

20 (2) Post-closure and groundwater monitoring for impoundments that complete closure by
21 removal of coal combustion residuals.

22 3. No later than June 1, 2019, the department shall amend and promulgate rules applicable
23 to CCR landfills as necessary under 40 CFR 257, or successor rules promulgated under sections
24 1008(a)(3) and 4004(a) of the Resource Conservation and Recovery Act, 90 Stat. 2795. Such rules,
25 including location restrictions and design standards, shall not be more restrictive than those in 40
26 CFR 257, with the following exceptions:

27 (1) Each operator or permittee of a CCR landfill to provide a financial assurance instrument
28 in such amount and form as prescribed by the department under the authority of sections 260.226
29 and 260.227;

30 (2) Construction quality assurance measures for the construction and closure of CCR
31 landfills; and

32 (3) A process for assessing and collecting an annual fee not to exceed five hundred dollars
33 per acre for those acres not officially closed. A requirement to pay such fee shall terminate at such
34 time the owner of the CCR landfill certifies and the department approves closure of all active
35 landfill cells.

36 4. All moneys received pursuant to this section shall be deposited into the Coal Combustion

Action Taken _____ Date _____

1 Residuals Subaccount of the "Solid Waste Management Fund" created pursuant to section 260.330
2 and are solely dedicated to the department for conducting activities required by this section and
3 rules adopted pursuant to this section. Fees established by this section shall not yield revenue
4 greater than the cost of administering this section and the rules adopted pursuant to this section.
5 The department shall prepare an annual report detailing costs incurred in connection with the
6 management and closure of CCR surface impoundments and CCR landfills. Every three years the
7 department shall convene a task force including industry representatives to evaluate the sufficiency
8 and level of fees assessed by the department. The provisions of section 33.080 to the contrary
9 notwithstanding, moneys and interest earned on moneys in the subaccount shall not lapse to general
10 revenue at the end of each biennium.

11 5. Until such time as the department promulgates rules under subsections 2 and 3 of this
12 section, nothing in this section shall restrict the authority of the department to issue guidance or
13 enter enforceable agreements with site owners or operators to use risk-based measures, including all
14 or part of Missouri risk-based corrective action (MRBCA), for closure and corrective action at CCR
15 units prior to the effective date of such rules.

16 6. The department may promulgate rules to implement the provisions of this section. Any
17 rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority
18 delegated in this section shall become effective only if it complies with and is subject to all of the
19 provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are
20 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to
21 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
22 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
23 August 28, 2017, shall be invalid and void.

24
25 ~~[260.242 All fly ash produced by coal combustion generating facilities shall be exempt from~~
26 ~~all solid waste permitting requirements of this chapter, if such ash is constructively reused or~~
27 ~~disposed of by a grout technique in any active or inactive noncoal, non-open-pit mining operation~~
28 ~~located in a city having a population of at least three hundred fifty thousand located in more than~~
29 ~~one county and is also located in a county of the first class without a charter form of government~~
30 ~~with a population of greater than one hundred fifty thousand and less than one hundred sixty~~
31 ~~thousand, provided said ash is not considered hazardous waste under the Missouri hazardous waste~~
32 ~~law.]; and~~
33

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