

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 782, Page 5, Section 260.380, Line 109, by inserting after all of said section and
3 line the following:
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5 "260.391. 1. There is hereby created in the state treasury a fund to be known as the
6 "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees,
7 generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by
8 contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests,
9 donations, or any other moneys so designated shall be paid to the director of revenue and deposited
10 in the state treasury to the credit of the hazardous waste fund. The hazardous waste fund, subject to
11 appropriation by the general assembly, shall be used by the department as provided by
12 appropriations and consistent with rules and regulations established by the hazardous waste
13 management commission for the purpose of carrying out the provisions of sections 260.350 to
14 260.430 and sections 319.100 to 319.127, and 319.137, and 319.139 for the management of
15 hazardous waste, responses to hazardous substance releases as provided in sections 260.500 to
16 260.550, corrective actions at regulated facilities and illegal hazardous waste sites, prevention of
17 leaks from underground storage tanks and response to petroleum releases from underground and
18 aboveground storage tanks and other related activities required to carry out provisions of sections
19 260.350 to 260.575 and sections 319.100 to 319.127, and for payments to other state agencies for
20 such services consistent with sections 260.350 to 260.575 and sections 319.100 to 319.139 upon
21 proper warrant issued by the commissioner of administration, and for any other expenditures which
22 are not covered pursuant to the federal Comprehensive Environmental Response, Compensation and
23 Liability Act of 1980, including but not limited to the following purposes:

24 (1) Administrative services as appropriate and necessary for the identification, assessment
25 and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to 260.550;

26 (2) Payments to other state agencies for such services consistent with sections 260.435 to
27 260.550, upon proper warrant issued by the commissioner of administration, including, but not
28 limited to, the department of health and senior services for the purpose of conducting health studies
29 of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or exposed to
30 the release of any hazardous substance as defined in section 260.500;

31 (3) Acquisition of property as provided in section 260.420;

32 (4) The study of the development of a hazardous waste facility in Missouri as authorized in
33 section 260.037;

34 (5) Financing the nonfederal share of the cost of cleanup and site remediation activities as
35 well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive
36 Environmental Response, Compensation and Liability Act of 1980; ~~and~~

Action Taken _____ Date _____

1 (6) Reimbursement of owners or operators who accept waste pursuant to departmental
2 orders pursuant to subdivision (2) of subsection 1 of section 260.420; and

3 (7) Transfer of funds, upon appropriation, into the radioactive waste investigation fund in
4 section 260.558.

5 2. The unexpended balance in the hazardous waste fund at the end of each fiscal year shall
6 not be transferred to the general revenue fund of the state treasurer, except as directed by the general
7 assembly by appropriation, and shall be invested to generate income to the fund. The provisions of
8 section 33.080 relating to the transfer of funds to the general revenue fund of the state by the state
9 treasurer shall not apply to the hazardous waste fund.

10 3. There is hereby created within the hazardous waste fund a subaccount known as the
11 "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste
12 facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to
13 the credit of the hazardous waste facility inspection subaccount. Moneys from such subaccount
14 shall be used by the department for conducting inspections at facilities that are permitted or are
15 required to be permitted as hazardous waste facilities by the department.

16 4. The fund balance remaining in the hazardous waste remedial fund shall be transferred to
17 the hazardous waste fund created in this section.

18 5. No moneys shall be available from the fund for abandoned site cleanup unless the
19 director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary
20 remedial actions from owners or operators of abandoned or uncontrolled hazardous waste sites or
21 other responsible persons.

22 6. The director shall make all reasonable efforts to recover the full amount of any funds
23 expended from the fund for cleanup through litigation or cooperative agreements with responsible
24 persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements
25 or court orders shall be deposited to the hazardous waste fund created herein.

26 7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified in
27 subsection 1 of this section, the department shall request an annual appropriation of general revenue
28 equal to any state match obligation to the U.S. Environmental Protection Agency for cleanup
29 performed pursuant to the authority of the Comprehensive Environmental Response, Compensation
30 and Liability Act of 1980."; and

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32 Further amend said bill, Page 7, Section 260.475, Line 71, by inserting after all of said section and
33 line the following:

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35 "260.558. 1. There is hereby created in the state treasury the "Radioactive Waste
36 Investigation Fund". The state treasurer shall be custodian of the fund. In accordance with sections
37 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated
38 fund and, upon appropriation, moneys in the fund shall be used solely by the department of natural
39 resources to investigate concerns of exposure to radioactive waste. Upon written request by a local
40 governing body expressing concerns of radioactive waste contamination in a specified area within
41 its jurisdiction, the department of natural resources shall use moneys in the radioactive waste
42 investigation fund to develop and conduct an investigation, using sound scientific methods, for the
43 specified area of concern. The request by a local governing body shall include a specified area of
44 concern and any supporting documentation related to the concern. The department shall prioritize
45 requests in the order in which they are received, except that the department may give priority to
46 requests that are in close proximity to federally designated sites where radioactive contaminants are
47 known or reasonably expected to exist. The investigation shall be performed by applicable federal
48 or state agencies or by a qualified contractor selected by the department through a competitive

1 bidding process. In conducting an investigation under this section, the department shall work with
2 the applicable government agency or approved contractor, as well as local officials, to develop a
3 sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed
4 federal standards for remedial action due to contamination. Within a residential area, this plan may
5 include dust samples collected inside residential homes only after obtaining permission from the
6 homeowners. The samples shall be analyzed for the isotopes necessary to correlate the samples with
7 the suspected contamination, as described in the sampling and analysis plan. Within forty-five days
8 of receiving the final sampling results, the department shall report the results to the attorney general
9 and the local governing body that requested the investigation and make the finalized report and
10 testing results publicly available on the department's website.

11 2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per fiscal
12 year. Investigation costs expended from this fund shall not exceed one hundred fifty thousand
13 dollars per fiscal year. Any moneys remaining in the fund at the end of the biennium shall revert to
14 the credit of the hazardous waste fund.

15 3. The state treasurer shall invest moneys in the fund in the same manner as other funds are
16 invested. Any interest and moneys earned on such investments shall be credited to the fund."; and
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18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.