

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 782, Page 2, Section 253.175, Line 13, by inserting after all of said section and line
3 the following:
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5 "260.242. ~~[All fly ash produced by coal combustion generating facilities shall be exempt~~
6 ~~from all solid waste permitting requirements of this chapter, if such ash is constructively reused or~~
7 ~~disposed of by a grout technique in any active or inactive noncoal, non-open-pit mining operation~~
8 ~~located in a city having a population of at least three hundred fifty thousand located in more than~~
9 ~~one county and is also located in a county of the first class without a charter form of government~~
10 ~~with a population of greater than one hundred fifty thousand and less than one hundred sixty~~
11 ~~thousand, provided said ash is not considered hazardous waste under the Missouri hazardous waste~~
12 ~~law.]~~ 1. The department shall have the authority to promulgate rules for the management, closure,
13 and post-closure of coal combustion residual (CCR) units in accordance with Sections 1008(a)(3)
14 and 4004(a) of the Resource Conservation and Recovery Act (RCRA) and to approve site-specific
15 groundwater criteria. At the discretion of the department, the Missouri risk-based corrective action
16 (MRBCA) rules, 10 CSR 25-18.010, and accompanying guidance may be used to establish site-
17 specific targets for soil and groundwater impacted by coal combustion residual (CCR) constituents.
18 As used in this section, a "CCR unit" means a surface impoundment, utility waste landfill, or a CCR
19 landfill. To the extent there is a conflict between this section and section 644.026 or 644.143, this
20 section shall prevail.

21 2. Prior to federal approval of a state CCR program pursuant to 4004(a) of the RCRA,
22 nothing in this section shall prohibit the department from issuing guidance or entering into
23 enforceable agreements with CCR unit owners or operators to establish risk-based target levels,
24 using all or part of the MRBCA rules and guidance, for closure and corrective action at CCR units.
25 Nothing in this section shall prohibit the department, owners, or operators of CCR units not
26 otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and guidance.

27 3. No later than December 31, 2018, the department shall propose for promulgation a state
28 CCR program, including procedures regarding payment, submission of fees, reimbursement of
29 excess fee collection, inspection, and record keeping.

30 4. The department shall not apply standards to any existing landfill or new landfills
31 constructed contiguous to existing power station facilities located on municipally owned land that
32 was purchased by the municipality prior to December 31, 2018, that are in conflict with 40 CFR
33 257, unless sound and reasonably proven scientific data confirm an imminent threat to human health
34 and the environment.

35 5. Effective January 1, 2019, and in order to implement the state CCR program, the
36 department shall have the authority to assess one-time enrollment and annual fees on each owner,

Action Taken _____ Date _____

operator, or permittee of a CCR unit subject to 40 CFR 257, only as follows:

(1) For units that have not closed, an enrollment fee in the amount of sixty-two thousand dollars per CCR unit, except no fee shall apply to CCR units permitted as a utility waste landfill;

(2) For CCR units that have completed closure in place under 40 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight thousand dollars per CCR unit;

(3) An annual fee of fifteen thousand dollars per CCR unit, except an annual fee shall not be assessed on CCR units that have closed prior to December 31, 2018. The obligation to pay an annual fee under this section shall terminate at the end of the CCR unit's post-closure period, so long as the CCR unit is not under a requirement to complete a corrective action, or sooner, if authorized by the department.

6. All fees received under this section shall be deposited into the "Coal Combustion Residuals Subaccount" of the solid waste management fund created under section 260.330. Fees collected under this section are dedicated, upon appropriation, to the department for conducting activities required by this section and rules adopted under this section. Fees established by this section shall not yield revenue greater than the cost of administering this section and the rules adopted under this section, but shall be adequate to ensure sustained operation of the state CCR program. The department shall prepare an annual report detailing costs incurred in connection with the management and closure of CCR units. The provisions of section 33.080 to the contrary notwithstanding, moneys and interest earned on moneys in the subaccount shall not revert to the general revenue fund at the end of each biennium.

7. Interest shall be imposed on the moneys due to the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the subaccount created under this section.

8. All fees under this section shall be paid by check or money order made payable to the department and, unless otherwise required by this section, shall be due on January first of each calendar year and be accompanied by a form provided by the department.

9. The department may pursue penalties under section 260.240 for failure to timely submit the fees imposed in this section.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.782