

HCS SS SCS SB 782 -- DEPARTMENT OF NATURAL RESOURCES

SPONSOR: Cunningham (Wiemann)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Conservation and Natural Resources by a vote of 8 to 2. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 6 to 2.

This bill modifies provisions relating to the Department of Natural Resources.

FENCE MAINTENANCE ALONG THE MISSOURI ROCK ISLAND RAILROAD CORRIDOR

The bill requires the Division of State Parks within the Department of Natural Resources to maintain the fence coinciding with the boundary between individual landowner property and the historic Missouri Rock Island railroad corridor, with costs being paid by the State Park Earnings Fund. Nothing should be construed to require an individual landowner to locate a fence on his or her own property (Section 253.175, RSMo).

LEAD-ACID BATTERY FEE

This bill extends from December 31, 2018, to December 31, 2023, the \$.50 fee that is collected on the retail sale of a lead-acid battery as well as the fees for any hazardous waste generated (Section 260.262).

DEPARTMENT FEES

Currently, several Department of Natural Resources fees expire December 31, 2018. This bill extends, until December 31, 2024, the expiration of the hazardous waste generator permits, land reclamation permits, and water pollution control permits. The bill also repeals the expired provisions requiring a comprehensive review, with stakeholders, of the water pollution control permits structure (Sections 260.380, 260.475, 444.768, 444.772, 644.054, and 644.057).

PETROLEUM STORAGE TANK INSURANCE FUND

Currently, the fund expires on December 31, 2020. The bill extends the expiration date to December 31, 2025 and establishes the "Task Force on the Petroleum Storage Tank Insurance Fund." The Task Force shall be composed of eight members, with three being from the House of Representatives and appointed by the Speaker, three from the Senate, and two industry stakeholders. The Task Force shall conduct research and compile a report, by December 31, 2018, on

certain topics relating to the Petroleum Storage Tank Insurance Fund (Sections 319.129 and 319.140).

WATER SUPPLY AND SEWER SYSTEM GRANTS

The bill increases the potential grant amount administered by the Department of Natural Resources for the benefit of public water supply districts, sewer districts, rural community water or sewer systems, or municipal sewer systems. The current grant limitation of \$1,400 per water connection is increased to \$3,000 per connection (Section 640.620).

MISSOURI CLEAN WATER LAW

This bill species that agricultural stormwater discharges and return flows from irrigated agriculture are exempt from permitting requirements under the Missouri Clean Water Law and should not be considered unlawful unless the discharges have entered the waters of the state and rendered the waters harmful, detrimental, or injurious to public health, safety, or welfare, to industrial or agricultural uses, or to wild animals, birds, fish, or other aquatic life.

Nothing in this bill should be construed to effect, limit, or supersede any law or regulation of concentrated animal feeding operations (Section 644.059).

PROPONENTS: Supporters say that the agriculture community and the department worked together to craft the Clean Water Law provisions of the bill. The provisions would clarify that agricultural stormwater discharges do not need to obtain a permit and provide certainty to farmers across the state.

Testifying for the bill were Senator Cunningham; Missouri Farm Bureau; Missouri Corn Growers Association; Missouri Soybean Association; and the Missouri Cattlemen's Association.

OPPONENTS: Those who oppose the bill say that they are opposed to the Petroleum Storage Tank Insurance Fund study and the Clean Water Law provisions of the bill. The petroleum storage tank insurance market is studied regularly and if storage tanks could get insurance in the private market at reasonable cost, they would already be doing so. The Clean Water Laws would severely hamper the state's ability to address nonpoint source pollution in a proactive manner.

Testifying against the bill were Missouri Petroleum Marketers & Convenience Store Association; John Madras, Sierra Club; and the Missouri Coalition for the Environment.

OTHERS: Others testifying on the bill discussed the future of the fund if the fees expired.

Testifying on the bill was Carol Eighmey, Missouri Petroleum Storage Tank Insurance Fund.