

FIRST REGULAR SESSION

# HOUSE BILL NO. 1338

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CLEMENS.

2616H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 66, RSMo, by adding thereto one new section relating to landfill properties in certain counties.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 66, RSMo, is amended by adding thereto one new section, to be known as section 66.671, to read as follows:

**66.671. 1. As used in this section, the following terms mean:**

(1) "County", any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and with historic landfills located in such county;

(2) "Historic landfill", any real property for which a county issued an approval before January 1, 1973, for use as a landfill;

(3) "Land use permit", any permit required by a county before any action relating to any use of a plot of property containing a historic landfill shall occur.

2. Each county shall compile and keep a list of all historic landfills in the county and shall make such list available to the public.

3. (1) Before July 1, 2022, each county shall establish a procedure to determine whether any reclamation or remediation of a historic landfill has been accomplished safely before issuing any land use permit for such property.

(2) The procedure shall ensure that protecting the health of any resident who lives and person who works near the historic landfill is a primary concern during all phases of a reclamation or remediation of the historic landfill.

(3) The procedure shall be developed in consultation with residents of the county and any stakeholder representing any entity with an interest in the historic landfill. The

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 development of the procedure shall include public hearings and public meetings that allow  
19 for public comments by such residents and stakeholders. At such public hearings and  
20 public meetings, residents shall be provided ample opportunity to present in person any  
21 statement, testimony, or evidence regarding the resident's concerns about the steps that the  
22 county shall include as part of the procedure for reviewing any reclamation or remediation  
23 of a historic landfill before the county issues any land use permit. All information  
24 presented at such public hearings and public meetings shall be deemed an official record  
25 to be preserved by the appropriate custodian of such records in the county.

26 (4) The county shall use all information presented under this subsection in creating  
27 the procedure for reviewing a reclamation or remediation of a historic landfill.

28 4. (1) Before issuing any land use permit, the county shall hold public hearings and  
29 public meetings that allow for public comments by such residents and stakeholders. At  
30 such public hearings and public meetings, residents shall be provided ample opportunity  
31 to present in person any statement, testimony, or evidence regarding the resident's  
32 concerns about the following:

33 (a) Any reclamation or remediation that was performed on the historic landfill;

34 (b) Any items, substances, or contaminants the resident believes to be in the historic  
35 landfill;

36 (c) Whether any testing was performed on the historic landfill;

37 (d) Whether further testing should be required before the county issues a land use  
38 permit;

39 (e) Whether the resident believes the county followed all procedures required under  
40 this section for issuing a land use permit; and

41 (f) Any other concern or comment the resident wishes to make about the historic  
42 landfill and any related land use permit.

43 (2) All information presented at such public hearings and public meetings shall be  
44 deemed an official record to be preserved by the appropriate custodian of such records in  
45 the county.

46 (3) The county shall use all information presented under this subsection in  
47 determining whether to conduct additional site testing for contaminants beyond any other  
48 required site testing before issuing a land use permit.

49 (4) If the county determines that additional testing is necessary based on the  
50 records gathered at the public hearings and public meetings, the county shall require the  
51 additional necessary testing. If the additional testing determines that any reclamation or  
52 remediation was inadequate or that additional reclamation or remediation is necessary, the

53 county shall require any reclamation or remediation of the historic landfill be completed  
54 before the county issues any land use permit.

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