

HCS SB 984 -- ENVIRONMENTAL PROTECTION

SPONSOR: Hegeman (Pietzman)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Conservation and Natural Resources by a vote of 14 to 1. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 10 to 0.

The following is a summary of the House Committee Substitute for SB 984.

This bill modifies the provisions related to environmental protection.

FLOOD RESILIENCY (Sections 99.847 and 256.800, RSMo.)

Currently, no new Tax Increment Financing (TIF) projects may be authorized in certain areas designated as a flood plain. The bill specifies that a new TIF project may be authorized if the area has met or exceeded the requirements of the National Flood Insurance Program and any local ordinances related to the Insurance Program. The bill also prohibits new TIF Projects in certain areas that were designated as flood plain by the Federal Emergency Management Agency but due to flood resiliency measures and flood resiliency projects are no longer designated as flood plain.

This bill establishes the "Flood Resiliency Act", which creates a flood resiliency program administered by the Department of Natural Resources to increase flood resiliency along the Missouri and Mississippi Rivers and their tributaries and to improve statewide flood forecasting and monitoring ability. The state may participate in flood resiliency projects as set forth in the bill. A plan, which is defined as a preliminary report describing the need for, and implementation of, flood resiliency measures, must include certain information. The Director of the Department of Natural Resources can only approve plans if it is determined that long-term flood mitigation is needed in that area of the state, and that such a plan proposes flood resiliency measures that will provide long-term flood resiliency.

Flood resiliency projects may be funded by moneys in the "Flood Resiliency Fund" created in the bill and such projects can be eligible to receive other contributions and grants.

LEAD IN SCHOOL DRINKING WATER (160.077)

The bill establishes the "Get the Lead Out of School Drinking Water Act". Beginning in the 2023-2024 school year and for each subsequent school year, each school must provide drinking water

with a lead concentration below five parts per billion (ppb). Before January 1, 2024, each school must complete requirements outlined in the bill including: conducting an inventory of all drinking water outlets and certain other water fixtures in each school building, develop and plan for testing each water fixture inventoried, and providing general information on the health effects of lead contamination to employees and parents of children at each school. Schools shall prioritize early childhood, kindergarten, and elementary school buildings. Before August 1, 2024, or the first day students are present in the building, whichever is later, schools must conduct testing for lead and remediate drinking water outlets as specified in the bill. The bill outlines procedures to be undertaken if a sample draw shows a lead concentration of five ppb or greater. Affected schools with test results greater than five ppb shall contact parents and staff within seven business days of receiving such result. If, in the 10 years prior to the 2023-24 school year, a fixture tested above five ppb for lead, such fixture does not need repeat testing but instead shall be remediated. Subject to appropriation, the Department of Natural Resources, with support from the Department of Elementary and Secondary Education and the Department of Health and Senior Services, is authorized to give schools additional funding for filtration, testing, and other remediation of drinking water systems. A school district may seek reimbursement from several federal sources for costs associated with expenses districts may incur for compliance with the act. The Department of Health and Senior Services and the Department of Elementary and Secondary Education shall publish a report biennially based on the findings of the water testing conducted under the act. No school building constructed after January 4, 2014, shall be required to install, maintain, or replace filters. Finally, any school that tests and does not find a drinking water source with a lead concentration above five ppb shall be required to test such sources only every five years.

#### MINING (256.700 and 256.710)

The bill extends the sunset date on certain geologic resources fees from December 31, 2025, to December 31, 2030. Currently, the Industrial Minerals Advisory Council has three members representing limestone quarry operators and one member each representing the clay mining, sandstone mining, sand and gravel mining, barite mining, and granite mining industries. This bill modifies the representation on the council to include eight members representing the following industries, with no more than four appointees from any one industry: limestone quarry operators, granite mining, clay mining, sandstone mining, barite mining, other nonmetallic surface mining, or sand and gravel mining.

## RECYCLED ASPHALT SHINGLES (Sections 260.221 and 644.060)

This bill specifies that processed recycled asphalt shingles may be used for fill, reclamation, and other beneficial purposes without any permits relating to solid waste management or any permits relating to the Missouri Clean Water Law if such shingles are inspected for toxic and hazardous substances and, provided they may not be used for fill, reclamation, or other beneficial purposes within 500 feet of any lake, river, sink hole, perennial stream, or ephemeral stream or within 50 feet of the water table, except as specified in the bill.

The bill specifies that all processors or accumulators must convert all processed materials into a beneficial use within three years of preparing or accumulating the shingles. Processors or accumulators must also post a \$1 million bond for the purpose of funding cleanup of any abandoned shingles if the processor or accumulator suspends operations or dissolves the company prior to processing the shingles.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the Perfected Senate bill.

**PROPONENTS:** Supporters say that lead exposure can be detrimental to a child's growth and development. In Missouri, the average age of a public school building is 50 years of age. This bill would protect students from exposure to lead in the drinking water at a public school by requiring testing and if lead is found, remediation to remove the lead.

The flood resiliency progress in the bill increases planning and projects to mitigate flooding on the Missouri and Mississippi rivers by bringing all stakeholders together to find solutions. The projects would not shift the flooding burden to other communities, but reduce the overall level of flooding. The bill would also create a funding mechanism to fund projects that have regional benefits since flood mitigation is more effective on a watershed basis.

The recycled shingles provisions of the bill benefit consumers, businesses and the environment by allowing shingles to be recycled into a product that can be used in many ways, especially in construction projects.

Testifying for the bill were Senator Hegeman; Terry Knies; Monarch-Chesterfield Levee District; Richard W. Pogue; The Nature

Conservancy; Missouri Coalition for the Environment; Natural Resource Defense Council; Dru Buntin, Department of Natural Resources. Written testimony was submitted in support of the bill.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill presented information on flooding history in the state and the effects of lead on children. There were 18 flooding events in the 2010's that caused over \$1 billion in damages. Flooding is the most dangerous of the severe weather events and flood resiliency efforts can mitigate flooding. Lead toxicity can lead to decreased cognitive ability in children. There is no treatment to reverse the effects of lead on children.

Testifying on the bill were Ramon Martinez, Most Policy Initiative; and Tomotaroh Granzier-Nakajima, Most Policy Initiative.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.