

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 109, Page 3, Section 256.710, Line 51, by
2 inserting after all of said section and line the following:
3

4 "259.080. 1. It shall be unlawful to commence operations for the drilling of a well for oil or
5 gas, or to commence operations to deepen any well to a different geological formation, or to
6 commence injection activities for enhanced recovery of oil or gas or for disposal of fluids, without
7 first giving the state geologist notice of intention to drill or intention to inject and first obtaining a
8 permit from the state geologist under such rules and regulations as may be prescribed by the council.

9 2. The department of natural resources may conduct a comprehensive review, and propose a
10 new fee structure, or propose changes to the oil and gas fee structure, which may include but need
11 not be limited to permit application fees, operating fees, closure fees, and late fees, and an extraction
12 or severance fee. The comprehensive review shall include stakeholder meetings in order to solicit
13 stakeholder input from each of the following groups: oil and gas industry representatives, the
14 advisory committee, and any other interested parties. Upon completion of the comprehensive
15 review, the department shall submit a proposed fee structure or changes to the oil and gas fee
16 structure with stakeholder agreement to the oil and gas council. The council shall review such
17 recommendations at the forthcoming regular or special meeting, but shall not vote on the fee
18 structure until a subsequent meeting. If the council approves, by vote of two-thirds majority, the fee
19 structure recommendations, the council shall authorize the department to file a notice of proposed
20 rulemaking containing the recommended fee structure, and after considering public comments may
21 authorize the department to file the final order of rulemaking for such rule with the joint committee
22 on administrative rules under sections 536.021 and 536.024 no later than December first of the same
23 year. If such rules are not disapproved by the general assembly in the manner set out in this section,
24 they shall take effect on January first of the following year, at which point the existing fee structure
25 shall expire. Any regulation promulgated under this subsection shall be deemed beyond the scope
26 and authority provided in this subsection, or detrimental to permit applicants, if the general
27 assembly, within the first sixty calendar days of the regular session immediately following the filing
28 of such regulation, disapproves the regulation by concurrent resolution. If the general assembly so
29 disapproved any regulation filed under this subsection, the department and the council shall not
30 implement the proposed fee structure and shall continue to use the previous fee structure. The

Action Taken _____ Date _____

1 authority of the council to further revise the fee structure as provided in this subsection shall expire
 2 on August 28, ~~[2025]~~ 2031. If the council's authority to revise the fee structure as provided by this
 3 subsection expires, the fee structure in place at the time of expiration shall remain in place.

4 3. Failure to pay the fees, or any portion thereof, established under this section or to submit
 5 required reports, forms or information by the due date shall result in the imposition of a late fee
 6 established by the council. The department may issue an administrative order requiring payment of
 7 unpaid fees or may request that the attorney general bring an action in the appropriate circuit court
 8 to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee
 9 collection. Such action may be brought in the circuit court of Cole County, or, in the case of well
 10 fees, in the circuit court of the county in which the well is located.

11 260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for retail
 12 sale in the state shall:

13 (1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-
 14 acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

15 (2) Post written notice which must be at least four inches by six inches in size and must
 16 contain the universal recycling symbol and the following language:

17 (a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

18 (b) Recycle your used batteries; and

19 (c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries
 20 for recycling, in exchange for new batteries purchased; and

21 (3) Manage used lead-acid batteries in a manner consistent with the requirements of the
 22 state hazardous waste law;

23 (4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee
 24 shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery
 25 have been computed. The fee imposed, less six percent of fees collected, which shall be retained by
 26 the seller as collection costs, shall be paid to the department of revenue in the form and manner
 27 required by the department and shall include the total number of batteries sold during the preceding
 28 month. The department of revenue shall promulgate rules and regulations necessary to administer
 29 the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the
 30 sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state
 31 is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries
 32 sold for use in agricultural operations upon written certification by the purchaser; and

33 (5) The department of revenue shall administer, collect, and enforce the fee authorized
 34 pursuant to this section pursuant to the same procedures used in the administration, collection, and
 35 enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as
 36 provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which
 37 shall be retained by the department of revenue as collection costs, shall be transferred by the
 38 department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee

1 created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of
2 subdivision (4) and this subdivision shall terminate December 31, ~~2023~~ 2029.

3 260.273. 1. Any person purchasing a new tire may present to the seller the used tire or
4 remains of such used tire for which the new tire purchased is to replace.

5 2. A fee for each new tire sold at retail shall be imposed on any person engaging in the
6 business of making retail sales of new tires within this state. The fee shall be charged by the retailer
7 to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of
8 fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail
9 after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of
10 fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the
11 department of revenue in the form and manner required by the department of revenue and shall
12 include the total number of new tires sold during the preceding month. The department of revenue
13 shall promulgate rules and regulations necessary to administer the fee collection and enforcement.
14 The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for
15 the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is
16 subject to the fee.

17 3. The department of revenue shall administer, collect and enforce the fee authorized
18 pursuant to this section pursuant to the same procedures used in the administration, collection and
19 enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as
20 provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which
21 shall be retained by the department of revenue as collection costs, shall be transferred by the
22 department of revenue into an appropriate subaccount of the solid waste management fund, created
23 pursuant to section 260.330.

24 4. Up to five percent of the revenue available may be allocated, upon appropriation, to the
25 department of natural resources to be used cooperatively with the department of elementary and
26 secondary education for the purposes of developing environmental educational materials, programs,
27 and curriculum that assist in the department's implementation of sections 260.200 to 260.345.

28 5. Up to fifty percent of the moneys received pursuant to this section may, upon
29 appropriation, be used to administer the programs imposed by this section. Up to forty-five percent
30 of the moneys received under this section may, upon appropriation, be used for the grants authorized
31 in subdivision (2) of subsection 6 of this section. All remaining moneys shall be allocated, upon
32 appropriation, for the projects authorized in section 260.276, except that any unencumbered moneys
33 may be used for public health, environmental, and safety projects in response to environmental or
34 public health emergencies and threats as determined by the director.

35 6. The department shall promulgate, by rule, a statewide plan for the use of moneys received
36 pursuant to this section to accomplish the following:

37 (1) Removal of scrap tires from illegal tire dumps;

38 (2) Providing grants to persons that will use products derived from scrap tires, or use scrap
39 tires as a fuel or fuel supplement; and

1 (3) Resource recovery activities conducted by the department pursuant to section 260.276.

2 7. The fee imposed in subsection 2 of this section shall begin the first day of the month
3 which falls at least thirty days but no more than sixty days immediately following August 28, 2005,
4 and shall terminate December 31, ~~2025~~ 2031.

5 260.380. 1. After six months from the effective date of the standards, rules and regulations
6 adopted by the commission pursuant to section 260.370, hazardous waste generators located in
7 Missouri shall:

8 (1) Promptly file and maintain with the department, on registration forms it provides for this
9 purpose, information on hazardous waste generation and management as specified by rules and
10 regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial
11 registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an
12 active registration. Such fees shall be deposited in the hazardous waste fund created in section
13 260.391;

14 (2) Containerize and label all hazardous wastes as specified by standards, rules and
15 regulations;

16 (3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible
17 wastes, materials and other potential hazards as specified by standards, rules and regulations;

18 (4) Provide safe storage and handling, including spill protection, as specified by standards,
19 rules and regulations, for all hazardous wastes from the time of their generation to the time of their
20 removal from the site of generation;

21 (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste
22 transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all
23 hazardous wastes from the premises where they were generated;

24 (6) Unless provided otherwise in the rules and regulations, provide a separate manifest to
25 the transporter for each load of hazardous waste transported from the premises where it was
26 generated. The generator shall specify the destination of such load on the manifest. The manner in
27 which the manifest shall be completed, signed and filed with the department shall be in accordance
28 with rules and regulations;

29 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only
30 a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the
31 federal Resource Conservation and Recovery Act, or a state hazardous waste management program
32 authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility
33 exempted from the permit required pursuant to section 260.395;

34 (8) Collect and maintain such records, perform such monitoring or analyses, and submit
35 such reports on any hazardous waste generated, its transportation and final disposition, as specified
36 in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to
37 260.430;

38 (9) Make available to the department upon request samples of waste and all records relating
39 to hazardous waste generation and management for inspection and copying and allow the

1 department to make unhampered inspections at any reasonable time of hazardous waste generation
2 and management facilities located on the generator's property and hazardous waste generation and
3 management practices carried out on the generator's property;

4 (10) (a) Pay annually, on or before January first of each year, effective January 1, 1982, a
5 fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars
6 per ton or portion thereof of hazardous waste registered with the department as specified in
7 subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous
8 year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be
9 less than one hundred fifty dollars per generator site per year.

10 (b) All moneys payable pursuant to the provisions of this subdivision shall be promptly
11 transmitted to the department of revenue, which shall deposit the same in the state treasury to the
12 credit of the hazardous waste fund created in section 260.391.

13 (c) The hazardous waste management commission shall establish and submit to the
14 department of revenue procedures relating to the collection of the fees authorized by this
15 subdivision. Such procedures shall include, but not be limited to, necessary records identifying the
16 quantities of hazardous waste registered, the form and submission of reports to accompany the
17 payment of fees, the time and manner of payment of fees, which shall not be more often than
18 quarterly.

19 (d) Notwithstanding any statutory fee amounts or maximums to the contrary, the director of
20 the department of natural resources may conduct a comprehensive review and propose changes to
21 the fee structure set forth in this section. The comprehensive review shall include stakeholder
22 meetings in order to solicit stakeholder input from each of the following groups: cement kiln
23 representatives, chemical companies, large and small hazardous waste generators, and any other
24 interested parties. Upon completion of the comprehensive review, the department shall submit a
25 proposed fee structure with stakeholder agreement to the hazardous waste management commission.
26 The commission shall review such recommendations at the forthcoming regular or special meeting,
27 but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by
28 vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the
29 commission shall authorize the department to file a notice of proposed rulemaking containing the
30 recommended fee structure, and after considering public comments may authorize the department to
31 file the order of rulemaking for such rule with the joint committee on administrative rules pursuant
32 to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not
33 disapproved by the general assembly in the manner set out below, they shall take effect on January
34 first of the following calendar year and the fee structure set out in this section shall expire upon the
35 effective date of the commission-adopted fee structure, contrary to subsection 4 of this section. Any
36 regulation promulgated under this subsection shall be deemed to be beyond the scope and authority
37 provided in this subsection, or detrimental to permit applicants, if the general assembly, within the
38 first sixty calendar days of the regular session immediately following the filing of such regulation
39 disapproves the regulation by concurrent resolution. If the general assembly so disapproves any

1 regulation filed under this subsection, the department and the commission shall not implement the
 2 proposed fee structure and shall continue to use the previous fee structure. The authority of the
 3 commission to further revise the fee structure as provided by this subsection shall expire on August
 4 28, ~~[2024. Any fee, bond, or assessment structure established pursuant to the process in this section~~
 5 ~~shall expire on August 28, 2024]~~ 2030. If the commission's authority to revise the fee structure as
 6 provided by this subsection expires, the fee structure in place at the time of expiration shall remain
 7 in place.

8 2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January
 9 first of each year, a fee to the department equal to two dollars per ton or portion thereof for all
 10 hazardous waste received from outside the state. This fee shall be based on the hazardous waste
 11 received for the twelve-month period ending June thirtieth of the previous year.

12 3. Exempted from the requirements of this section are individual householders and farmers
 13 who generate only small quantities of hazardous waste and any person the commission determines
 14 generates only small quantities of hazardous waste on an infrequent basis, except that:

15 (1) Householders, farmers and exempted persons shall manage all hazardous wastes they
 16 may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the
 17 environment, or create a public nuisance; and

18 (2) The department may determine that a specific quantity of a specific hazardous waste
 19 requires special management. Upon such determination and after public notice by press release or
 20 advertisement thereof, including instructions for handling and delivery, generators exempted
 21 pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed
 22 hazardous waste transporter, such waste to:

23 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections
 24 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous
 25 waste management program authorized pursuant to the federal Resource Conservation and Recovery
 26 Act which the department designates for this purpose; or

27 (b) A collection station or vehicle which the department may arrange for and designate for
 28 this purpose.

29 4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date
 30 shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee
 31 prescribed in this section shall expire December 31, 2018, except that the department shall levy and
 32 collect this fee for any hazardous waste generated prior to such date and reported to the department.

33 260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:

34 (1) "Cask", all the components and systems associated with the container in which spent
 35 fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive
 36 waste are stored;

37 (2) "High-level radioactive waste", the highly radioactive material resulting from the
 38 reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any
 39 solid material derived from such liquid waste that contains fission products in sufficient

1 concentrations, and other highly radioactive material that the United States Nuclear Regulatory
2 Commission has determined to be high-level radioactive waste requiring permanent isolation;

3 (3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a
4 quantity of radioactive material within a single package. Highway route controlled quantity
5 shipments of thirty miles or less within the state are exempt from the provisions of this section;

6 (4) "Low-level radioactive waste", any radioactive waste not classified as high-level
7 radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear
8 Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the
9 definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a
10 radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive
11 material given written approval for landfill disposal by the Missouri department of natural resources
12 under 10 CSR 80- 3.010 are exempt from the provisions of this section. Any low-level radioactive
13 waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from
14 the provisions of this section;

15 (5) "Shipper", the generator, owner, or company contracting for transportation by truck or
16 rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments,
17 transuranic radioactive waste, or low-level radioactive waste;

18 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following
19 irradiation, the constituent elements of which have not been separated by reprocessing;

20 (7) "State-funded institutions of higher education", any campus of any university within the
21 state of Missouri that receives state funding and has a nuclear research reactor;

22 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste
23 containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives
24 greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste
25 shall not include:

26 (a) High-level radioactive wastes;

27 (b) Any waste determined by the Environmental Protection Agency with the concurrence of
28 the Environmental Protection Agency administrator that does not need the degree of isolation
29 required by this section; or

30 (c) Any waste that the United States Nuclear Regulatory Commission has approved for
31 disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

32 2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste,
33 highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste
34 through or within the state shall be subject to the fees established in this subsection, provided that no
35 state-funded institution of higher education that ships nuclear waste shall pay any such fee. These
36 higher education institutions shall reimburse the Missouri state highway patrol directly for all costs
37 related to shipment escorts. The fees for all other shipments shall be:

38 (1) One thousand eight hundred dollars for each truck transporting through or within the
39 state high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route

1 controlled quantity shipments. All truck shipments of high-level radioactive waste, transuranic
2 radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments are subject to
3 a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within
4 the state;

5 (2) One thousand three hundred dollars for the first cask and one hundred twenty-five
6 dollars for each additional cask for each rail shipment through or within the state of high-level
7 radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

8 (3) One hundred twenty-five dollars for each truck or train transporting low-level
9 radioactive waste through or within the state.

10
11 The department of natural resources may accept an annual shipment fee as negotiated with a shipper
12 or accept payment per shipment.

13 3. All revenue generated from the fees established in subsection 2 of this section shall be
14 deposited into the environmental radiation monitoring fund established in section 260.750 and shall
15 be used by the department of natural resources to achieve the following objectives and for purposes
16 related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route
17 controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not
18 limited to:

19 (1) Inspections, escorts, and security for waste shipment and planning;

20 (2) Coordination of emergency response capability;

21 (3) Education and training of state, county, and local emergency responders;

22 (4) Purchase and maintenance of necessary equipment and supplies for state, county, and
23 local emergency responders through grants or other funding mechanisms;

24 (5) Emergency responses to any transportation incident involving the high-level radioactive
25 waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear
26 fuel, or low-level radioactive waste;

27 (6) Oversight of any environmental remediation necessary resulting from an incident
28 involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route
29 controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement
30 for oversight of any such incident shall not reduce or eliminate the liability of any party responsible
31 for the incident; such party may be liable for full reimbursement to the state or payment of any other
32 costs associated with the cleanup of contamination related to a transportation incident;

33 (7) Administrative costs attributable to the state agencies which are incurred through their
34 involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive
35 waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive
36 waste through or within the state.

37 4. Nothing in this section shall preclude any other state agency from receiving
38 reimbursement from the department of natural resources and the environmental radiation monitoring
39 fund for services rendered that achieve the objectives and comply with the provisions of this section.

1 5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds
2 three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata
3 basis, based on the shipper's contribution into the environmental radiation monitoring fund for that
4 fiscal year.

5 6. The department of natural resources, in coordination with the department of health and
6 senior services and the department of public safety, may promulgate rules necessary to carry out the
7 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
8 that is created under the authority delegated in this section shall become effective only if it complies
9 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
10 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
11 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
12 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
13 adopted after August 28, 2009, shall be invalid and void.

14 7. All funds deposited in the environmental radiation monitoring fund through fees
15 established in subsection 2 of this section shall be utilized, subject to appropriation by the general
16 assembly, for the administration and enforcement of this section by the department of natural
17 resources. All interest earned by the moneys in the fund shall accrue to the fund.

18 8. All fees shall be paid to the department of natural resources prior to shipment.

19 9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste,
20 highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall
21 be provided by the shipper to the governor's designee for advanced notification, as described in 10
22 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment
23 of low-level radioactive waste through or within the state shall be provided by the shipper to the
24 Missouri department of natural resources before such shipment enters the state.

25 10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice
26 of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount
27 assessed and not paid. The action shall be brought by the attorney general at the request of the
28 department of natural resources. If the action involves a facility domiciled in the state, the action
29 shall be brought in the circuit court of the county in which the facility is located. If the action does
30 not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole
31 County.

32 11. Beginning on December 31, 2009, and every two years thereafter, the department of
33 natural resources shall prepare and submit a report on activities of the environmental radiation
34 monitoring fund to the general assembly. This report shall include information on fee income
35 received and expenditures made by the state to enforce and administer the provisions of this section.

36 12. The provisions of this section shall not apply to high-level radioactive waste, transuranic
37 radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level
38 radioactive waste shipped by or for the federal government for military or national defense
39 purposes.

1 13. The program authorized under this section shall automatically sunset on August 28,
2 [2024] 2030.

3 260.475. 1. Every hazardous waste generator located in Missouri shall pay, in addition to
4 the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous
5 waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two
6 dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any
7 hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to
8 section 260.380, or upon:

9 (1) Hazardous waste which must be disposed of as provided by a remedial plan for an
10 abandoned or uncontrolled hazardous waste site;

11 (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste
12 generated primarily from the combustion of coal or other fossil fuels;

13 (3) Solid waste from the extraction, beneficiation and processing of ores and minerals,
14 including phosphate rock and overburden from the mining of uranium ore and smelter slag waste
15 from the processing of materials into reclaimed metals;

16 (4) Cement kiln dust waste;

17 (5) Waste oil; or

18 (6) Hazardous waste that is:

19 (a) Reclaimed or reused for energy and materials;

20 (b) Transformed into new products which are not wastes;

21 (c) Destroyed or treated to render the hazardous waste nonhazardous; or

22 (d) Waste discharged to a publicly owned treatment works.

23 2. The fees imposed in this section shall be reported and paid to the department on an annual
24 basis not later than the first of January. The payment shall be accompanied by a return in such form
25 as the department may prescribe.

26 3. All moneys collected or received by the department pursuant to this section shall be
27 transmitted to the department of revenue for deposit in the state treasury to the credit of the
28 hazardous waste fund created pursuant to section 260.391. Following each annual reporting date,
29 the state treasurer shall certify the amount deposited in the fund to the commission.

30 4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or
31 fails or refuses to furnish any information reasonably requested by the department relating to such
32 fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen
33 percent of the fee shall be deposited in the hazardous waste fund.

34 5. If the fees or any portion of the fees imposed by this section are not paid by the date
35 prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of
36 ten percent per annum from the date prescribed for its payment until payment is actually made, all
37 of which shall be deposited in the hazardous waste fund.

38 6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund
39 in any of the qualified depositories of the state. All such deposits shall be secured in such a manner

1 and shall be made upon such terms and conditions as are now or may hereafter be provided for by
 2 law relative to state deposits. Interest received on such deposits shall be credited to the hazardous
 3 waste fund.

4 7. This fee shall expire December 31, 2018, except that the department shall levy and collect
 5 this fee for any hazardous waste generated prior to such date and reported to the department.

6 8. Notwithstanding any statutory fee amounts or maximums to the contrary, the director of
 7 the department of natural resources may conduct a comprehensive review and propose changes to
 8 the fee structure set forth in this section. The comprehensive review shall include stakeholder
 9 meetings in order to solicit stakeholder input from each of the following groups: cement kiln
 10 representatives, chemical companies, large and small hazardous waste generators, and any other
 11 interested parties. Upon completion of the comprehensive review, the department shall submit a
 12 proposed fee structure with stakeholder agreement to the hazardous waste management commission.
 13 The commission shall review such recommendations at the forthcoming regular or special meeting,
 14 but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by
 15 vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the
 16 commission shall authorize the department to file a notice of proposed rulemaking containing the
 17 recommended fee structure, and after considering public comments may authorize the department to
 18 file the order of rulemaking for such rule with the joint committee on administrative rules pursuant
 19 to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not
 20 disapproved by the general assembly in the manner set out below, they shall take effect on January
 21 first of the following calendar year and the fee structure set out in this section shall expire upon the
 22 effective date of the commission-adopted fee structure, contrary to subsection 7 of this section. Any
 23 regulation promulgated under this subsection shall be deemed to be beyond the scope and authority
 24 provided in this subsection, or detrimental to permit applicants, if the general assembly, within the
 25 first sixty calendar days of the regular session immediately following the filing of such regulation
 26 disapproves the regulation by concurrent resolution. If the general assembly so disapproves any
 27 regulation filed under this subsection, the department and the commission shall not implement the
 28 proposed fee structure and shall continue to use the previous fee structure. The authority of the
 29 commission to further revise the fee structure as provided by this subsection shall expire on August
 30 28, ~~[2024. Any fee, bond, or assessment structure established pursuant to the process in this section~~
 31 ~~shall expire on August 28, 2024]~~ 2030. If the commission's authority to revise the fee structure as
 32 provided by this subsection expires, the fee structure in place at the time of expiration shall remain
 33 in place.

34 444.768. 1. Notwithstanding any statutory fee amounts or maximums to the contrary, the
 35 director of the department of natural resources may conduct a comprehensive review and propose
 36 changes to the fee, bond, or assessment structure as set forth in this chapter. The comprehensive
 37 review shall include stakeholder meetings in order to solicit stakeholder input from regulated
 38 entities and any other interested parties. Upon completion of the comprehensive review, the
 39 department shall submit a proposed fee, bond, or assessment structure with stakeholder agreement to

the Missouri mining commission. The commission shall review such recommendations at a forthcoming regular or special meeting, but shall not vote on the proposed structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority, the fee, bond, or assessment structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year, at which point the existing fee, bond, or assessment structure shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 12 of section 444.772. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly within the first sixty days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee, bond, or assessment structure and shall continue to use the previous fee, bond, or assessment structure. The authority for the commission to further revise the fee, bond, or assessment structure as provided in this subsection shall expire on August 28, ~~2024. Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024~~ 2030. If the commission's authority to revise the fee structure as provided by this subsection expires, the fee structure in place at the time of expiration shall remain in place.

2. Failure to pay any fee, bond, or assessment, or any portion thereof, referenced in this section by the due date may result in the imposition of a late fee equal to fifteen percent of the unpaid amount, plus ten percent interest per annum. Any order issued by the department under this chapter may require payment of such amounts. The department may bring an action in the appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee collection. Such action may be brought in the circuit court of the county in which the facility is located, or in the circuit court of Cole County.

444.772. 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

- (1) The name of all persons with any interest in the land to be mined;
- (2) The source of the applicant's legal right to mine the land affected by the permit;
- (3) The permanent and temporary post office address of the applicant;
- (4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

1 (5) The written consent of the applicant and any other persons necessary to grant access to
2 the commission or the director to the area of land affected under application from the date of
3 application until the expiration of any permit granted under the application and thereafter for such
4 time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any
5 rule or regulation promulgated pursuant to them. Permit applications submitted by operators who
6 mine an annual tonnage of less than ten thousand tons shall be required to include written consent
7 from the operator to grant access to the commission or the director to the area of land affected;

8 (6) A description of the tract or tracts of land and the estimated number of acres thereof to
9 be affected by the surface mining of the applicant for the next succeeding twelve months; and

10 (7) Such other information that the commission may require as such information applies to
11 land reclamation.

12 3. The application for a permit shall be accompanied by a map in a scale and form specified
13 by the commission by regulation.

14 4. The application shall be accompanied by a bond, security or certificate meeting the
15 requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a
16 permit fee approved by the commission not to exceed one thousand dollars. The commission may
17 also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If
18 mining operations are not conducted at a site for six months or more during any year, the fee for
19 such site for that year shall be reduced by fifty percent. The commission may also require a fee for
20 each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre.
21 If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of
22 two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be
23 more than three thousand dollars. Permit and renewal fees shall be established by rule, except for
24 the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of
25 administering and enforcing sections 444.760 to 444.790, making allowances for grants and other
26 sources of funds. The director shall submit a report to the commission and the public each year that
27 describes the number of employees and the activities performed the previous calendar year to
28 administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the
29 annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of
30 submitting an application shall be three hundred dollars. The issued permit shall be valid from the
31 date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as
32 provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a
33 permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars,
34 with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection
35 after a regulation change that demonstrates the need for increased fees.

36 5. An operator desiring to have his or her permit amended to cover additional land may file
37 an amended application with the commission. Upon receipt of the amended application, and such
38 additional fee and bond as may be required pursuant to the provisions of sections 444.760 to
39 444.790, the director shall, if the applicant complies with all applicable regulatory requirements,

1 issue an amendment to the original permit covering the additional land described in the amended
2 application.

3 6. An operation may withdraw any land covered by a permit, excepting affected land, by
4 notifying the commission thereof, in which case the penalty of the bond or security filed by the
5 operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

6 7. Where mining or reclamation operations on acreage for which a permit has been issued
7 have not been completed, the permit shall be renewed. The operator shall submit a permit renewal
8 form furnished by the director for an additional permit year and pay a fee equal to an application fee
9 calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any
10 operator be more than three thousand dollars. For any operator involved in any gravel mining
11 operation where the annual tonnage of gravel mined by such operator is less than five thousand tons,
12 the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by
13 the director for an additional permit year and payment of a fee of three hundred dollars. Upon
14 receipt of the completed permit renewal form and fee from the operator, the director shall approve
15 the renewal. With approval of the director and operator, the permit renewal may be extended for a
16 portion of an additional year with a corresponding prorating of the renewal fee.

17 8. Where one operator succeeds another at any uncompleted operation, either by sale,
18 assignment, lease or otherwise, the commission may release the first operator from all liability
19 pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been
20 issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790
21 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to
22 444.790 all liability for the reclamation of the area of land affected by the former operator.

23 9. The application for a permit shall be accompanied by a plan of reclamation that meets the
24 requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant
25 thereto, and shall contain a verified statement by the operator setting forth the proposed method of
26 operation, reclamation, and a conservation plan for the affected area including approximate dates
27 and time of completion, and stating that the operation will meet the requirements of sections
28 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

29 10. At the time that a permit application is deemed complete by the director, the operator
30 shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to
31 section 493.050 to publish legal notices in any county where the land is located. If the director does
32 not respond to a permit application within forty-five calendar days, the application shall be deemed
33 to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks
34 beginning no more than ten days after the application is deemed complete. The operator shall also
35 send notice of intent to operate a surface mine by certified mail to the governing body of the
36 counties or cities in which the proposed area is located, and to the last known addresses of all record
37 landowners whose property is:

38 (1) Within two thousand six hundred forty feet, or one-half mile from the border of the
39 proposed mine plan area; and

(2) Adjacent to the proposed mine plan area, land upon which the mine plan area is located, or adjacent land having a legal relationship with either the applicant or the owner of the land upon which the mine plan area is located.

The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the director may consider in issuing a permit may request a public meeting or file written comments to the director no later than fifteen days following the final public notice publication date. If any person requests a public meeting, the applicant shall cooperate with the director in making all necessary arrangements for the public meeting to be held in a reasonably convenient location and at a reasonable time for interested participants, and the applicant shall bear the expenses.

11. The director may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, ~~2024~~ 2030. No other provisions of this section shall expire.

640.023. Notwithstanding any provision of law to the contrary, the department of natural resources shall not take any permitting or regulatory action based solely on guidance that has not been promulgated as a regulation, unless such use of guidance is agreed to by the permittee or person subject to such regulatory action.

640.100. 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536 and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, including but not limited to section 536.028, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and

1 repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect
2 the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section
3 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with
4 the general assembly pursuant to section 536.028 to review, to delay the effective date, or to
5 disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported
6 grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking
7 shall be invalid and void, except that nothing in this chapter or chapter 644 shall affect the validity
8 of any rule adopted and promulgated prior to June 9, 1998.

9 3. The commission shall promulgate rules and regulations for the certification of public
10 water system operators, backflow prevention assembly testers and laboratories conducting tests
11 pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention
12 assembly tester shall satisfactorily complete standard, nationally recognized written and
13 performance examinations designed to ensure that the person is competent to determine if the
14 assembly is functioning within its design specifications. Any such state certification shall satisfy
15 any need for local certification as a backflow prevention assembly tester. However, political
16 subdivisions may set additional testing standards for individuals who are seeking to be certified as
17 backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary,
18 agencies of the state or its political subdivisions shall only require carbonated beverage dispensers
19 to conform to the backflow protection requirements established in the National Sanitation
20 Foundation standard eighteen, and the dispensers shall be so listed by an independent testing
21 laboratory. The commission shall promulgate rules and regulations for collection of samples and
22 analysis of water furnished by municipalities, corporations, companies, state establishments, federal
23 establishments or individuals to the public. The department of natural resources or the department
24 of health and senior services shall, at the request of any supplier, make any analyses or tests required
25 pursuant to the terms of section 192.320 and sections 640.100 to 640.140. The department shall
26 collect fees to cover the reasonable cost of laboratory services, both within the department of natural
27 resources and the department of health and senior services, laboratory certification and program
28 administration as required by sections 640.100 to 640.140. The laboratory services and program
29 administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier
30 supplying less than four thousand one hundred service connections, three hundred dollars for
31 supplying less than seven thousand six hundred service connections, five hundred dollars for
32 supplying seven thousand six hundred or more service connections, and five hundred dollars for
33 testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in
34 section 640.110. The analysis of all drinking water required by section 192.320 and sections
35 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of
36 health and senior services laboratories or laboratories certified by the department of natural
37 resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

5. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections	\$ 3.24
1,001 to 4,000 connections	3.00
4,001 to 7,000 connections	2.76
7,001 to 10,000 connections	2.40
10,001 to 20,000 connections	2.16
20,001 to 35,000 connections	1.92
35,001 to 50,000 connections	1.56
50,001 to 100,000 connections	1.32
More than 100,000 connections	1.08

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed seven dollars and forty-four cents; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed forty-one dollars and sixteen cents; and for customers with meters greater than four inches in size shall not exceed eighty-two dollars and forty-four cents.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

6. Fees imposed pursuant to subsection 5 of this section shall become effective on August 28, 2006, and shall be collected by the public water system serving the customer beginning September 1, 2006, and continuing until such time that the safe drinking water commission, at its discretion, specifies a different amount under subsection 8 of this section. The commission shall

1 promulgate rules and regulations on the procedures for billing, collection and delinquent payment.
2 Fees collected by a public water system pursuant to subsection 5 of this section and fees established
3 by the commission pursuant to subsection 8 of this section are state fees. The annual fee shall be
4 enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual
5 increments. Such fees shall be transferred to the director of the department of revenue at
6 frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be
7 retained by the public water system for the purpose of reimbursing its expenses for billing and
8 collection of such fees.

9 7. Imposition and collection of the fees authorized in subsection 5 and fees established by
10 the commission pursuant to subsection 8 of this section shall be suspended on the first day of a
11 calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted
12 to the safe drinking water program within the department of natural resources to administer the Safe
13 Drinking Water Act, 42 U.S.C. Section 300g-2, is withdrawn. The fee shall not be reinstated until
14 the first day of the calendar quarter following the quarter during which such delegated authority is
15 reinstated.

16 8. Notwithstanding any statutory fee amounts or maximums to the contrary, the department
17 of natural resources may conduct a comprehensive review and propose changes to the fee structure
18 set forth in this section. The comprehensive review shall include stakeholder meetings in order to
19 solicit stakeholder input from public and private water suppliers, and any other interested parties.
20 Upon completion of the comprehensive review, the department shall submit a proposed fee structure
21 with stakeholder agreement to the safe drinking water commission. The commission shall review
22 such recommendations at a forthcoming regular or special meeting, but shall not vote on the fee
23 structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or
24 six of nine commissioners, the fee structure recommendations, the commission shall authorize the
25 department to file a notice of proposed rulemaking containing the recommended fee structure, and
26 after considering public comments may authorize the department to file the final order of
27 rulemaking for such rule with the joint committee on administrative rules pursuant to sections
28 536.021 and 536.024 no later than December first of the same year. If such rules are not
29 disapproved by the general assembly in the manner set out below, they shall take effect on January
30 first of the following calendar year, at which point the existing fee structure shall expire. Any
31 regulation promulgated under this subsection shall be deemed to be beyond the scope and authority
32 provided in this subsection, or detrimental to permit applicants, if the general assembly within the
33 first sixty calendar days of the regular session immediately following the filing of such regulation
34 disapproves the regulation by concurrent resolution. If the general assembly so disapproves any
35 regulation filed under this subsection, the department and the commission shall not implement the
36 proposed fee structure and shall continue to use the previous fee structure. The authority of the
37 commission to further revise the fee structure as provided by this subsection shall expire on August
38 28, [2024] 2030. If the commission's authority to revise the fee structure as provided by this
39 subsection expires, the fee structure in place at the time of expiration shall remain in place.

643.079. 1. Any air contaminant source required to obtain a permit issued under sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted. Thereafter, the fee shall be set every three years by the commission by rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the commission may make annual adjustments to the fee by rule. The fee shall be set at an amount consistent with the need to fund the reasonable cost of administering sections 643.010 to 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility shall be considered one source as described in subsection 2 of section 643.078, except that a facility with multiple operating permits shall pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit.

2. A source which produces charcoal from wood shall pay an annual emission fee under this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated air contaminant emitted for the first four thousand tons of each contaminant emitted in the amount established by the commission pursuant to subsection 1 of this section, reduced according to the following schedule:

(1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be reduced by one hundred percent;

(2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

(3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

3. The fees imposed in subsection 2 of this section shall not be imposed or collected after the year 2000 unless the general assembly reimposes the fee.

4. Each air contaminant source with a permit issued under sections 643.010 to 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each year but no air contaminant source shall pay fees on total emissions of regulated air contaminants in excess of twelve thousand tons in any calendar year. A permitted air contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per ton set by the commission. An air contaminant source which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may deduct such fees from any amount due under this section. The fees imposed in this section shall not be applied to carbon oxide emissions. The fees imposed in subsection 1 of this section and this subsection shall not be applied to sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. Section 7651 et seq., any sooner than January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent with and shall not

1 exceed the provisions of the federal Clean Air Act, as amended, and the regulations promulgated
2 thereunder. Any such fee on emissions from any Phase I affected unit shall be reduced by the
3 amount of the service fee paid by that Phase I affected unit pursuant to subsection 8 of this section
4 in that year. Any fees that may be imposed on Phase I sources shall follow the procedures set forth
5 in subsection 1 of this section and this subsection and shall not be applied retroactively.

6 5. Moneys collected under this section shall be transmitted to the director of revenue for
7 deposit in appropriate subaccounts of the natural resources protection fund created in section
8 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are
9 required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section
10 7661 et seq., and used, upon appropriation, to fund activities by the department to implement the
11 operating permits program authorized by Title V of the federal Clean Air Act, as amended. Another
12 subaccount shall be maintained for fees paid by air contaminant sources which are not required to be
13 permitted under Title V of the federal Clean Air Act as amended, and used, upon appropriation, to
14 fund other air pollution control program activities. Another subaccount shall be maintained for
15 service fees paid under subsection 8 of this section by Phase I affected units which are subject to the
16 requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990 (42 U.S.C.
17 Section 7651c), as amended, and used, upon appropriation, to fund air pollution control program
18 activities. The provisions of section 33.080 to the contrary notwithstanding, moneys in the fund
19 shall not revert to general revenue at the end of each biennium. Interest earned by moneys in the
20 subaccounts shall be retained in the subaccounts. The per-ton fees established under subsection 1 of
21 this section may be adjusted annually, consistent with the need to fund the reasonable costs of the
22 program, but shall not be less than twenty-five dollars per ton of regulated air contaminant nor more
23 than forty dollars per ton of regulated air contaminant. The first adjustment shall apply to moneys
24 payable on April 1, 1994, and shall be based upon the general price level for the twelve-month
25 period ending on August thirty-first of the previous calendar year.

26 6. The department may initiate a civil action in circuit court against any air contaminant
27 source which has not remitted the appropriate fees within thirty days. In any judgment against the
28 source, the department shall be awarded interest at a rate determined pursuant to section 408.030
29 and reasonable attorney's fees. In any judgment against the department, the source shall be awarded
30 reasonable attorney's fees.

31 7. The department shall not suspend or revoke a permit for an air contaminant source solely
32 because the source has not submitted the fees pursuant to this section.

33 8. Any Phase I affected unit which is subject to the requirements of Title IV, Section 404, of
34 the federal Clean Air Act Amendments of 1990 (42 U.S.C. Section 7651c), as amended, shall pay
35 annually beginning April 1, 1993, and terminating December 31, 1999, a service fee for the previous
36 calendar year as provided herein. For the first year, the service fee shall be twenty-five thousand
37 dollars for each Phase I affected generating unit to help fund the administration of sections 643.010
38 to 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following
39 public hearing, based on an annual allocation prepared by the department showing the details of all

1 costs and expenses upon which such fees are based consistent with the department's reasonable
2 needs to administer and implement sections 643.010 to 643.355 and to fulfill its responsibilities with
3 respect to Phase I affected units, but such service fee shall not exceed twenty-five thousand dollars
4 per generating unit. Any such Phase I affected unit which is located on one or more contiguous
5 tracts of land with any Phase II generating unit that pays fees under subsection 1 or subsection 2 of
6 this section shall be exempt from paying service fees under this subsection. A "contiguous tract of
7 land" shall be defined to mean adjacent land, excluding public roads, highways and railroads, which
8 is under the control of or owned by the permit holder and operated as a single enterprise.

9 9. The department of natural resources shall determine the fees due pursuant to this section
10 by the state of Missouri and its departments, agencies and institutions, including two- and four-year
11 institutions of higher education. The director of the department of natural resources shall forward
12 the various totals due to the joint committee on capital improvements and the directors of the
13 individual departments, agencies and institutions. The departments, as part of the budget process,
14 shall annually request by specific line item appropriation funds to pay said fees and capital funding
15 for projects determined to significantly improve air quality. If the general assembly fails to
16 appropriate funds for emissions fees as specifically requested, the departments, agencies and
17 institutions shall pay said fees from other sources of revenue or funds available. The state of
18 Missouri and its departments, agencies and institutions may receive assistance from the small
19 business technical assistance program established pursuant to section 643.173.

20 10. Each retail agricultural facility that uses, stores, or sells anhydrous ammonia that is an
21 air contaminant source subject to the risk management plan under 42 U.S.C. Section 7412(r), as
22 amended, shall pay an annual registration fee of two hundred dollars. In addition, each retail
23 agricultural facility that uses, stores, or sells anhydrous ammonia shall pay an annual tonnage fee
24 calculated on the number of tons of anhydrous ammonia sold. The initial retail tonnage fee shall be
25 set at one dollar and twenty-five cents per ton of anhydrous ammonia used or sold. Each distributor
26 or terminal agricultural facility that uses, stores, or sells anhydrous ammonia that is an air
27 contaminant source subject to the risk management plan program 3 under 40 CFR Part 68 shall pay
28 an annual registration fee of five thousand dollars and shall not pay a tonnage fee. The annual
29 registration fees and tonnage fee may be periodically revised under subsection 11 of this section.
30 However, the fees collected shall be used exclusively for the purposes of administering the
31 provisions of 42 U.S.C. Section 7412(r), as amended, for such agricultural facilities. Fees paid by
32 agricultural air contaminant sources that use, store, or sell anhydrous ammonia for the purposes of
33 implementing the requirements of 42 U.S.C. Section 7412(r), as amended, shall be deposited into
34 the anhydrous ammonia risk management plan subaccount within the natural resources protection
35 fund created in section 643.245. If the funding exceeds the reasonable costs to administer the
36 programs as set forth in this section, the department of natural resources shall reduce fees for all
37 registrants if the fees derived exceed the reasonable cost of administering the risk management plan
38 under 42 U.S.C. Section 7412(r), as amended.

11. Notwithstanding any statutory fee amounts or maximums to the contrary, the department of natural resources may conduct a comprehensive review and propose changes to the fee structure authorized by sections 643.073, 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and 643.242 after holding stakeholder meetings in order to solicit stakeholder input from each of the following groups: the asbestos industry, electric utilities, mineral and metallic mining and processing facilities, cement kiln representatives, and any other interested industrial or business entities or interested parties. The department shall submit a proposed fee structure with stakeholder agreement to the air conservation commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the previous fee structure shall expire upon the effective date of the commission-adopted fee structure. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation, by concurrent resolution disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the commission shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, [2024] 2030. If the commission's authority to revise the fee structure as provided by this subsection expires, the fee structure in place at the time of expiration shall remain in place.

644.057. Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the clean water fee structure set forth in sections 644.052, 644.053, and 644.061. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the clean water commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. In no case shall the clean water commission adopt or recommend any clean water fee in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public

1 comments, may authorize the department to file the order of rulemaking for such rule with the joint
2 committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December
3 first of the same year. If such rules are not disapproved by the general assembly in the manner set
4 out below, they shall take effect on January first of the following calendar year and the fee structures
5 set forth in sections 644.052, 644.053, and 644.061 shall expire upon the effective date of the
6 commission-adopted fee structure, contrary to section 644.054. Any regulation promulgated under
7 this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or
8 detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the
9 regular session immediately following the filing of such regulation disapproves the regulation by
10 concurrent resolution. If the general assembly so disapproves any regulation filed under this
11 subsection, the department and the commission shall not implement the proposed fee structure and
12 shall continue to use the previous fee structure. The authority of the commission to further revise
13 the fee structure provided by this section shall expire on August 28, ~~[2024. Any fee, bond, or~~
14 ~~assessment structure established pursuant to the process in this section shall expire on August 28,~~
15 ~~2024]~~ 2030. If the commission's authority to revise the fee structure as provided by this subsection
16 expires, the fee structure in place at the time of expiration shall remain in place."; and
17

18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.
20