



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 622		DATE: 3/6/2023	
COMMITTEE: Rural Community Development			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: DANIEL KLEINSORGE		PHONE NUMBER: 573-635-0208	
REPRESENTING: MISSOURI LIMESTONE PRODUCERS ASSOCIATION		TITLE: EXECUTIVE DIRECTOR	
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CITY: HOLTS SUMMIT		STATE: MO	ZIP: 65043
EMAIL: dan@molimestone.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/6/2023 8:49 AM	

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Mr. Chairman and members of the committee, I am Dan Kleinsorge, Executive Director of Missouri Limestone Producers Association. MLPA represents over 40 limestone producing companies and over 130 associate members with thousands of employees across the state. I want to thank the sponsors for bringing the bills forward. This bill seeks to correct an unintended consequence of a 2015 law dealing with the clay-lined earthen basins surrounding CAFOs. That bill required professional engineers to design catch basins for overflow events to contain animal waste. Because the term used is "earthen basin," quarry settling ponds may be considering for similar regulations. The Clean Water Commission may grant certain exemptions, but MLPA is seeking a long-term statutory solution to ensure the same regulatory certainty that has existed before now. I also want to thank DNR for providing clarifying language as the bill moves forward. One important note is that all quarries must apply for and maintain clean water permits that require regular testing. Nothing in these bills changes that requirement so regular testing will still occur at regular intervals at all quarries. I will be glad to answer any questions.



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: JACOB KNAEBEL		PHONE NUMBER: 573-893-4181
BUSINESS/ORGANIZATION NAME: MISSOURI CORN GROWERS ASSOCIATION		TITLE: STATE AFFAIRS MANAGER
ADDRESS: 3118 EMERALD LANE		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/6/2023 12:00 AM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: RAY MCCARTY		PHONE NUMBER: 573-634-2246	
BUSINESS/ORGANIZATION NAME: ASSOCIATED INDUSTRIES OF MISSOURI		TITLE: PRESIDENT/CEO	
ADDRESS: 3234 W TRUMAN BLVD.			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL: rmccarty@aimo.com	ATTENDANCE: In-Person	SUBMIT DATE: 3/6/2023 10:34 AM	

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AIM supports this bill. The "earthen basin" language is meant to prevent misinterpretation and another provision allows the commissions to exempt entities from construction permits.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: Written	SUBMIT DATE: 3/6/2023 11:01 PM	
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I Oppose this Bill. By abolishing the Permit Process, this can have negative consequences and impacts on many communities if the Basins are NOT Constructed Property. This is a Bad Move and a Bad Bill! Defeat this Legislation!



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: CHARLES MILLER		PHONE NUMBER: 314-399-8454
REPRESENTING: MISSOURI CONFLUENCE WATERKEEPER		TITLE:
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CITY: ST. LOUIS	STATE: MO	ZIP: 63103
EMAIL: charles@mowaterkeeper.org	ATTENDANCE: Written	SUBMIT DATE: 3/6/2023 8:56 AM

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Chair Reedy and Members of the Committee, Missouri Confluence Waterkeeper is a grassroots, citizen-led conservation organization focused on clean water and dedicated to protecting fishable, swimmable water for all Missourians. Waterkeeper is a member of Waterkeeper Alliance, a global network of more than 340 independent clean water organizations across six continents, dedicated to protecting local waterways and defending right to fishable, swimmable, drinkable water. We respectfully request that the committee reject HB 622 as written. The blanket exemption of earthen basins used to settle earthen materials from construction permitting requirements and the discretionary exemption of other earthen basins from the same requirements create loopholes in Missouri's Clean Water Law. Based on discussion of similar Senate bills, it appears the categorical exemption of earthen basins used to settle earthen materials is intended to ensure that quarries do not have to apply for separate construction permits in addition to the operational permits they already must acquire. If this is the case, more tailored language, specifically identifying quarries as exempt from these earthen basin construction permitting requirements could address this issue. Discretionary exemption of all other earthen basins is even more problematic. Discretionary exemptions introduce the potential for politically connected or wealthier businesses or individuals to gain an unfair advantage over their competitors by lobbying the Clean Water Commission for exemptions. To keep a level playing field and protect our water from pollution, the ability to exempt earthen basins from construction permitting requirements at the discretion of the Commission must be removed from this bill. For an example of how this discretionary exemption can go wrong, we do not even need to look beyond our state's borders. A company called Denali Waste Solutions constructed a large earthen basin for storing industrial waste in Newton County. Missouri DNR is of the opinion that because these industrial wastes are to be used as fertilizer, no construction permit for this basin was required. The stench from the pond has been described by neighbors as "far worse than anything we have ever had to deal with" according to one neighbor and can be smelled miles away in downtown Fairview, Missouri. If this bill passes, and discretionary exemptions for earthen basin construction permitting are allowed, we can expect facilities like this to become more common. To protect Missourians from the proliferation of these kinds of polluting facilities, MCW respectfully requests the elimination of discretionary exemptions for earthen basins in any bill this committee votes do pass.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MELISSA VATTEROTT		PHONE NUMBER: 314-581-0561	
BUSINESS/ORGANIZATION NAME: MISSOURI COALITION FOR THE ENVIRONMENT		TITLE: POLICY DIRECTOR	
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CITY: ST. LOUIS		STATE: MO	ZIP: 63130
EMAIL: mvatterott@moenvironment.org	ATTENDANCE: Written	SUBMIT DATE: 3/6/2023 9:47 AM	

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March 6, 2023 Chairman Rodger Reedy Rural Community Development Committee Missouri House 201 W Capitol Ave., Rm. 411-2 Jefferson City, MO 65101 Dear Chairman and Members of the Committee, Missouri Coalition for the Environment is a statewide, advocacy nonprofit organization that works to empower Missourians to protect their environment and health. HB 622 seeks to exempt “[a]ny earthen basin constructed to retain and settle earthen materials such as soil, silt, and rock,” from requiring construction permits and give the Clean Water Commission the authority to exempt facilities that “convey, contain, store or treat domestic, agricultural or industrial process wastewater” from several environmental health protections on a case-by-case basis. This threatens the health and safety of Missouri’s waters, both surface and ground waters. For these reasons, we urge this committee to oppose HB 622. On its face, “soil, silt, and rock,” sounds harmless. However, the intent of this bill is to make it easier for mining facilities to operate, which handle materials extracted from Earth’s subsurface that are more than “soil, silt, and rock.” For example, cobalt is a carcinogen and rare earth elements (REEs) are often found in Earth’s subsurface alongside radioactive materials and heavy metals. First, with cobalt, once it enters an environment, cobalt becomes almost impossible to destroy the residue. The mining of cobalt, which is of major interest to many in Missouri for super alloys in military applications and batteries for electric vehicles, generates cobalt dust which produces an asthma-like allergy leading to an increased risk for asthma attacks, chest tightness, lung scarring (fibrosis), and skin rashing. Moreover, cobalt itself is carcinogenic and highly flammable. If cobalt materials get into water from leaching through poorly constructed earthen basins, that can have significant impacts on surrounding and downstream communities. Yttrium, the most prevalent Rare Earth Element (REE) believed to be in Missouri, will gradually accumulate in soil and be taken up by plant roots leading to bioaccumulation in multiple plants and animals through the food chain. Yttrium is of particular concern for lung disease, lung cancer, and damage to the liver. Moreover, the greatest environmental threat from Yttrium mining is the waste-water discharge from REE mining sites, which usually contains acids, radioactive elements, and heavy metals from processing and mineral residues. Radioactive materials are known to move through air, soil, and water, risking the health of individuals downstream and downwind, tourists who float on adjacent waterways and who hike in our state parks, and consumers of food grown in these soils. Heavy metals, such as lead, have no safe level of exposure. Waste that causes health concerns plague the surrounding communities for decades. We see this today with the impacts of the 1940s Manhattan Project in St. Louis, where adults who lived and played near Coldwater Creek decades ago as well as residents living near there today have endured disproportionate rates of rare cancers, autoimmune diseases, birth defects, and other serious health ailments. St. Louis is still dealing with the cleanup of this radioactive material and Missouri decision makers must ensure we do not make similar mistakes by exposing residents to these harmful

substances. Missouri's children near mine sites could be at increased risk for health concerns. Research indicates that there is a strong association between the dust found in homes near mining-impacted Superfund sites and increased health concerns for children's neurodevelopment. Children are more likely to spend time outdoors and be exposed to toxic contaminants within the air, water, and ground. Adults who lived near Coldwater Creek as children can attest to this and the impacts they've endured as a result of the improper management of radioactive waste from the Manhattan Project. Studies also show populations farther away from mining operations and mining waste sites can still be exposed to toxic contaminants if they are exposed to other uses of mining waste such as in driveways. The point is, mining waste can contain far more than "soil, silt, and rock," and it poses numerous risks of human health and the environment. It is important to ensure mining operations go through the proper channels with the Department of Natural Resources so that they do not threaten the lives of current and future generations of Missourians who live, work, and play near and downstream from mining facilities. Therefore, MCE urges you to oppose SB 266 and ensure earthen basins that hold mining waste, including "soil, silt, and rock" require construction permits. The second concern we have with HB 622 is that it gives the Clean Water Commission the authority to exempt facilities that "convey, contain, store or treat domestic, agricultural or industrial process wastewater" from several environmental health protections on a case-by-case basis. I've addressed some of the concerns with mining wastewater above. Domestic and agricultural wastewater also provide several environmental and public health threats to the safety of our communities, namely our drinking water sources. We must ensure that facilities that hold such wastewaters have construction permits and abide by professional design standards. Please do not risk the human health and safety of Missourians, living now and in the future, for the sake of making it easier for certain industries to operate in our state. The short term gain of more economic activity will not outweigh the potential decades of harm from underregulated waste management. The harms of Doe Run are just one example. In conclusion, HB 622 threatens the health, safety, and environment of current and future Missourians. Do not take away these important protections for wastewater management. We respectfully urge you to vote "no" on HB 622. Thank you for your time. Sincerely, Melissa Vatterott
Melissa Vatterott, JDPolicy Director
Missouri Coalition for the Environment
mvatterott@moenvironment.org(314) 727-0600, ext. 111



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: STEVEN R. CARROLL		PHONE NUMBER: 573-751-5952
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Missouri Rural Crisis Center, a statewide farm and rural membership organization, fears that an unintended consequence of House Bill 622 could result in corporate, absentee and sometimes foreign controlled Concentrated Animal Feeding Operations and their lagoons being exempted from DNR Construction Permits. According to DNR's website, Wastewater Construction Permits and Engineering, DNR "reviews wastewater construction permit applications to determine that plans and specifications for wastewater sewer systems and treatment facilities are complete with regard to the minimum requirements. The department also reviews the application to determine if the proposed construction is acceptable with regard to accepted design standards for wastewater systems to protect the public health and the environment." This is a reasonable permit requirement. As a state, we should be creating protections for the personal property and water rights of neighboring farmers and landowners from the potential negative impacts of CAFO waste. HB 622 should not have the potential to allow exemption of large CAFOs from lagoon construction permits.



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: T. J. GRAVEN		PHONE NUMBER: 573-690-4525
BUSINESS/ORGANIZATION NAME: MISSOURI DEPARTMENT OF NATURAL RESOURCES		TITLE: LIASION
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CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/6/2023 12:00 AM
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