

HCS HBs 2134 & 1956 -- CLEAN WATER LAW

SPONSOR: Lewis (6)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Conservation and Natural Resources by a vote of 13 to 0, with 1 voting present. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 2134.

This bill specifies that land application of industrial wastewater, industrial wastewater sludge, and related process wastes must be subject to a nutrient management technical standard established by rule by the Department of Natural Resources.

The bill authorizes the Missouri Clean Water Commission to exempt any entity from the requirement to obtain any water pollution permit based on licensure under the Missouri Fertilizer law, only if the entity is producing products that are commercially sold to an end user and has accurate labeling for each container that includes certain information.

In order to receive an operating permit, a point source or operating location for commingled offsite industrial wastewater and wastewater residuals open storage basin or vessel must meet current design requirements for wastewater treatment facilities and demonstrate the capacity to manage its flow. The bill also establishes buffer distances, based on a facilities capacity, between the basin or vessel and any public building or occupied residence.

The bill specifies that the Department must:

- (1) Require groundwater monitoring wells when the basin or vessel is located in a hydrologically sensitive area where the groundwater may be compromised;
- (2) Establish by rules sampling requirements for basins or vessels based on its design flow and permitted materials; and
- (3) Within 120 days, promulgate rules that establish criteria to require monthly sampling and testing for specified metal concentrations and pathogens.

The bill contains an emergency clause.

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

PROPONENTS: Supporters say that the Fertilizer Control Board is tasked with ensuring that fertilizers sold in the state contain the advertised nutrients. It is the Department of Natural Resources that is tasked with protecting the environment. The materials being stored and spread from these facilities should be regulated by the Department. It is important to sample the product and set standards for land application.

Testifying in person for the bill were Representative Lewis; Missouri Public Utility Alliance; Mo Rural Crisis Center; Darrick Steen, Missouri Corn Growers Association; Steve Jeffery, Jeffery Law Group, LLC, for Citizens of Randolph County, and Stop Land Use Damaging Our Land and Environment.

OPPONENTS: Those who oppose the bill say that the facilities targeted by the legislation repurpose food processing waste into fertilizer and then apply the fertilizer to farm fields. The fertilizer does not contain harmful chemicals and is used as free fertilizer for farmers. However, at certain times, the fertilizer needs to be stored in the basins until it can be applied to fields appropriately.

Testifying in person against the bill was Denali Water Solutions.

OTHERS: Others testifying on the bill say that there are currently four basins in the state that this legislation would apply to. Two of the basins are located in McDonald County. Residents living near the basins have concerns about the contents of the sludge in the basins, as well as the health impacts of the air quality around the basins and runoff of the land application of the sludge.

Testifying in person on the bill were John Madras, Missouri Chapter Sierra Club; Vallerie Steele; Sharon Turner; Jaelithe Virgin-Downey, Missouri Coalition For The Environment; Missouri Department Of Natural Resources; and Sidney Conklin, Randolph County Commission.

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