

HCS SS SCS SB 1351 -- WATER RESOURCES

SPONSOR: Luetkemeyer (Reedy)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Rural Community Development by a vote of 6 to 3. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 5 to 4.

The following is a summary of the House Committee Substitute for SB 1351.

This bill specifies that all information obtained by the Missouri Geological Survey must remain confidential and can not be released to the public in response to any request, including a records requests, except certain information relating to water usage. The Geological Survey may disclose information obtained from the document in response to a subpoena or a court order, but it may not disclose more information than is necessary to comply with the subpoena or order. Any Geological Survey employee who discloses confidential information will be subject to a disciplinary action by the Geological Survey and is guilty of a class A misdemeanor. Only information obtained from major water users relating to water used on agricultural land must remain confidential.

The bill also 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 nutrient management technical standard must allow for the use of a phosphorus index as specified in the bill. Land application conducted in compliance with a land application management plan approved by the Department is exempted from these requirements.

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.

The bill specifies that entities storing combined bulk fertilizers in storage basins may not be exempt from design requirements for agrichemical facilities, as defined in the bill, when constructing new facilities.

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 a wastewater treatment facility's design capacity. 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 when the basin or vessel is located in proximity to a geological feature that increases the likelihood for groundwater contamination;
- (2) Establish by rules sampling requirements for basins or vessels based on its permitted materials; and
- (3) Within 60 days, promulgate rules, including a chain of custody form to be used during the handling of testing samples, and establish criteria to require monthly sampling and testing for specified metal concentrations and pathogens. This testing must be done by a third-party certified laboratory.

The bill contains an emergency clause for certain sections.

This is similar to SS SCS HCS HBs 2134 & 1956 (2024).

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

**PROPONENTS:** Supporters say that since there is no penalty, some farmers who meet the criteria to be classified as a major water user are not reporting their water usage. Individual farmers do not want to provide personally identifiable information that could be disclosed to anyone who requests it. This bill would protect the personal information of these farmers, therefore, leading to more accurate water usage for the Department.

Testifying in person for the bill were Senator Luetkemeyer; Missouri Farm Bureau; Missouri Corn Growers Association; and Missouri Soybean Association.

**OPPONENTS:** Those who oppose the bill say that entities in the State are preparing to export water out of the State and by protecting the identity of major water users, this bill would hide companies that are exporting water.

Testifying in person against the bill were Sierra Club Missouri Chapter; and Armorvine.

OTHERS: Others testifying on the bill say the right of the public to know information about public resources outweighs most exemptions to the Sunshine Law.

Testifying in person on the bill was Jean Maneke, Missouri Press Association.

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.