

SECOND REGULAR SESSION

# HOUSE BILL NO. 1969

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CLEMENS.

4524H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To amend chapter 319, RSMo, by adding thereto one new section relating to excavations in hazardous waste sites.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 319, RSMo, is amended by adding thereto one new section, to be  
2 known as section 319.032, to read as follows:

**319.032. 1. Upon receiving a notice of intent to excavate from an excavator, the  
2 notification center shall promptly transmit all details of such notice submitted under  
3 section 319.026 to the department of natural resources. The department shall  
4 immediately make the following determinations and notify the excavator of such  
5 determinations:**

6       **(1) Whether the excavation location is within a site:**

7       **(a) On which the department is overseeing any environmental remediation at the  
8 time of the proposed excavation;**

9       **(b) That requires a remedial response, as such site is described by the  
10 department or in a United States Environmental Protection Agency record of decision;  
11 or**

12       **(c) For which environmental remediation has been completed; or**

13       **(2) Whether the excavation location is within a site that is:**

14       **(a) Under environmental investigation by the department; or**

15       **(b) Listed on the department's registry of abandoned or uncontrolled hazardous  
16 waste sites.**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **2. (1) If the excavation location is within a site described in subdivision (1) of**  
18 **subsection 1 of this section at the time of the proposed excavation, the department shall**  
19 **notify all persons having control over a hazardous substance, as defined in section**  
20 **260.500, who are responsible for contaminating the site, require such persons to test the**  
21 **soil at the excavation location to ensure the safety of the excavators working at such site,**  
22 **and notify the excavators of the test results.**

23           **(2) If the excavation location is within a site described in subdivision (2) of**  
24 **subsection 1 of this section at the time of the proposed excavation, the department shall**  
25 **test the soil at the excavation location to ensure the safety of the excavators working at**  
26 **such site and notify the excavators of the test results.**

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