

FIRST REGULAR SESSION

# HOUSE BILL NO. 1140

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CLEMENS.

1872H.011

DANA RADEMAN MILLER, 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 known as section 319.032, to read as follows:

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

**(1) Determine whether the excavation location is within a site:**

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

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

**or**

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

**(2) Determine whether the excavation location is within a site that is:**

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

**(b) Listed on the department's registry of abandoned or uncontrolled hazardous 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, responsible for contaminating the site, require a test by such persons of the soil**  
21 **at the excavation location to ensure the safety of the excavators working at such site, and**  
22 **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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