

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1804
99TH GENERAL ASSEMBLY

5454H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 260.391, RSMo, and to enact in lieu thereof two new sections relating to the radioactive waste investigation fund.

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

Section A. Section 260.391, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 260.391 and 260.558, to read as follows:

260.391. 1. There is hereby created in the state treasury a fund to be known as the "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees, generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430 and sections 319.100 to 319.127, and 319.137, and 319.139 for the management of hazardous waste, responses to hazardous substance releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities and illegal hazardous waste sites, prevention of leaks from underground storage tanks and response to petroleum releases from underground and aboveground storage tanks and other related activities required to carry out provisions of sections 260.350 to 260.575 and sections 319.100 to 319.127, and for payments to other state agencies for such services consistent with sections 260.350 to 260.575 and sections 319.100 to 319.139 upon proper warrant issued by the commissioner of administration, and for any other expenditures which are not covered pursuant to the federal Comprehensive

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.

19 Environmental Response, Compensation and Liability Act of 1980, including but not limited to
20 the following purposes:

21 (1) Administrative services as appropriate and necessary for the identification,
22 assessment and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to
23 260.550;

24 (2) Payments to other state agencies for such services consistent with sections 260.435
25 to 260.550, upon proper warrant issued by the commissioner of administration, including, but
26 not limited to, the department of health and senior services for the purpose of conducting health
27 studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or
28 exposed to the release of any hazardous substance as defined in section 260.500;

29 (3) Acquisition of property as provided in section 260.420;

30 (4) The study of the development of a hazardous waste facility in Missouri as authorized
31 in section 260.037;

32 (5) Financing the nonfederal share of the cost of cleanup and site remediation activities
33 as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive
34 Environmental Response, Compensation and Liability Act of 1980; ~~and~~

35 (6) Reimbursement of owners or operators who accept waste pursuant to departmental
36 orders pursuant to subdivision (2) of subsection 1 of section 260.420; **and**

37 **(7) Transfer of funds, upon appropriation, into the radioactive waste investigation**
38 **fund in section 260.558.**

39 2. The unexpended balance in the hazardous waste fund at the end of each fiscal year
40 shall not be transferred to the general revenue fund of the state treasurer, except as directed by
41 the general assembly by appropriation, and shall be invested to generate income to the fund. The
42 provisions of section 33.080 relating to the transfer of funds to the general revenue fund of the
43 state by the state treasurer shall not apply to the hazardous waste fund.

44 3. There is hereby created within the hazardous waste fund a subaccount known as the
45 "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste
46 facility inspection fees shall be paid to the director of revenue and deposited in the state treasury
47 to the credit of the hazardous waste facility inspection subaccount. Moneys from such
48 subaccount shall be used by the department for conducting inspections at facilities that are
49 permitted or are required to be permitted as hazardous waste facilities by the department.

50 4. The fund balance remaining in the hazardous waste remedial fund shall be transferred
51 to the hazardous waste fund created in this section.

52 5. No moneys shall be available from the fund for abandoned site cleanup unless the
53 director has made all reasonable efforts to secure voluntary agreement to pay the costs of

54 necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous
55 waste sites or other responsible persons.

56 6. The director shall make all reasonable efforts to recover the full amount of any funds
57 expended from the fund for cleanup through litigation or cooperative agreements with
58 responsible persons. All moneys recovered or reimbursed pursuant to this section through
59 voluntary agreements or court orders shall be deposited to the hazardous waste fund created
60 herein.

61 7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified
62 in subsection 1 of this section, the department shall request an annual appropriation of general
63 revenue equal to any state match obligation to the U.S. Environmental Protection Agency for
64 cleanup performed pursuant to the authority of the Comprehensive Environmental Response,
65 Compensation and Liability Act of 1980.

**260.558. 1. There is hereby created in the state treasury the “Radioactive Waste
2 Investigation Fund”. The state treasurer shall be custodian of the fund. In accordance
3 with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund
4 shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely
5 by the department of natural resources to investigate concerns of exposure to radioactive
6 waste. Upon written request by a local governing body expressing concerns of radioactive
7 waste contamination, the department of natural resources shall use moneys in the
8 radioactive waste investigation fund to investigate and collect soil and dust samples using
9 sound scientific methods. This work shall be performed by applicable federal or state
10 agencies or by a department-approved engineering firm. In conducting an investigation
11 under this section, the department shall work with the applicable government agency or
12 approved engineering firm, as well as local officials, in the development of a testing plan
13 to determine if conditions in the testing location exceed federal standards for remedial
14 action due to contamination. The department shall collect at least five hundred soil
15 samples within a one-mile radius of the potentially contaminated area. Within a residential
16 area, this plan may include dust samples collected inside residential homes after obtaining
17 permission from the homeowners. The department shall, through a competitive bidding
18 process, enter into a contract with an entity to conduct the testing of such samples. The
19 testing of such samples shall be limited to an analysis of the top three isotopes most likely
20 to be present in the samples. The department shall report the results to the attorney
21 general and the local governing body that requested the investigation, and make the testing
22 results publicly available on the department’s website within thirty days.**

23 **2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per**
24 **fiscal year. Any moneys remaining in the fund at the end of the biennium shall revert to**
25 **the credit of the hazardous waste fund.**

26 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
27 **funds are invested. Any interest and moneys earned on such investments shall be credited**
28 **to the fund.**

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