

SECOND REGULAR SESSION

# HOUSE BILL NO. 2734

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WOODS.

5479H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 444.070, 444.090, 444.100, 444.110, 444.352, 444.765, 444.770, 444.771, 444.772, 444.773, and 444.786, RSMo, and to enact in lieu thereof seventeen new sections relating to mining, with penalty provisions.

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

Section A. Sections 444.070, 444.090, 444.100, 444.110, 444.352, 444.765, 444.770, 2 444.771, 444.772, 444.773, and 444.786, RSMo, are repealed and seventeen new sections 3 enacted in lieu thereof, to be known as sections 444.070, 444.090, 444.100, 444.110, 444.352, 4 444.765, 444.770, 444.771, 444.772, 444.773, 444.786, 444.791, 444.991, 444.992, 444.993, 5 444.994, and 444.995, to read as follows:

444.070. When any owner, tenant or subtenant of a lot or lots or tracts of land, shall 2 file with any associate circuit judge within the county in which said lot or lots or tract of land 3 may be situated, his or her affidavit, or the affidavit of any other credible person for them, 4 stating that from knowledge, information or belief, the party or parties owning, controlling or 5 working the adjoining lot or lots or tract of land, and upon which said party or parties are 6 sinking shafts, mining, excavating and running drifts, and that said drifts in which said parties 7 are digging, mining and excavating mineral ore or veins of coal **or any other mineral as** 8 **defined by section 444.765** extend beyond the lines and boundaries of said lot or lots or tract 9 of land, owned, controlled or worked by them, and have entered in and upon the premises of 10 the party or parties making said affidavit, or for whom said affidavit is made, the associate 11 circuit judge, after first being tendered his lawful fees, shall issue his written order and deliver 12 or cause the same to be delivered to the county surveyor or his deputy, commanding him, after 13 his reasonable fees have been tendered, to proceed without delay to survey said drift by

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.

14 entering any and all shafts upon said lot or lots or tract of land that he (the surveyor) may see  
15 fit, for the purpose of ascertaining the course and distance of said drift or drifts, and to locate  
16 the same upon the surface.

444.090. If said party or parties owning, controlling or working said shaft or shafts on  
2 said lot or lots or tract of land shall refuse, hinder or prevent said county surveyor or his  
3 deputy and his assistant from entering said shaft or shafts or drifts, to make the survey so  
4 ordered by the associate circuit judge, and every person so offending shall, on conviction, be  
5 adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail for a term  
6 of not exceeding one year, or by fine not exceeding [~~three hundred~~] **one thousand** dollars, or  
7 by both said fine and imprisonment.

444.100. No person, company or corporation shall hereafter sink a shaft, mine,  
2 tunnel, excavate or drift for coal, **cobalt, rare earth elements, or silica sand** or take out any  
3 coal, **cobalt, rare earth elements, or silica sand** of any kind within the corporate limits or  
4 designated boundaries of any city, town or village in this state containing one thousand  
5 inhabitants or more, without having first applied and filed, and have approved, an indemnity  
6 bond as provided for in this chapter; and any person or persons violating the provisions of this  
7 section, and any member or stockholder or officer of any company or corporation who shall  
8 violate the provisions of this section, shall be deemed guilty of a misdemeanor, and on  
9 conviction thereof shall be punished by fine of not less than [~~five hundred~~] **one thousand**  
10 dollars, or imprisonment in the county jail for not less than [~~six months~~] **one year**, or by both  
11 such fine and imprisonment.

444.110. 1. **In addition to requirements in subsections 2 and 3 of this section, the  
2 department of natural resources shall provide notice, as required under section 444.773,  
3 for all permits to mine minerals, as such term is defined under section 444.765.**

4 2. Every person, company or corporation desiring to carry on any of the mining  
5 operations provided for in section 444.100 shall give at least thirty days' notice of such  
6 intention by notice printed and published in some newspaper printed in such town, city or  
7 village wherein such mining operations are proposed to be carried on, or if no newspaper be  
8 printed in such city, town or village, then in some newspaper printed in said county, or if no  
9 newspaper be printed in such county, then by written or printed handbills posted up in six  
10 public places in the city, town or village wherein such mining operations are proposed to be  
11 carried on.

12 [~~2-~~] 3. Such notice shall contain an accurate description of the locality where such  
13 mining operations are to be carried on, giving the number of lot and block, and shall also state  
14 the nature of such mining operations, and name some day the circuit court in said county is in  
15 session when such person, company or corporation will offer for filing and approval the  
16 indemnity bond provided for in this chapter.

444.352. As used in sections 444.352 to 444.380, the following words and terms shall

2 mean:

- 3 (1) "Beneficiation", the process of concentrating minerals from ore;
- 4 (2) "Closure", those actions taken pursuant to a comprehensive plan to contain  
5 metallic mineral wastes on site, ensure the integrity of waste management structures and  
6 achieve the designated final uses of the metallic minerals waste management area;
- 7 (3) "Conference, conciliation and persuasion", a process of verbal or written  
8 communications consisting of meetings, reports, correspondence or telephone conferences  
9 between authorized representatives of the department and the alleged violator. The process  
10 shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the  
11 department. During any such meeting, the department and the alleged violator shall negotiate  
12 in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to  
13 achieve compliance;
- 14 (4) "Director", the director of the department of natural resources;
- 15 (5) "Disposal", the placing of metallic mineral wastes on or under the ground;
- 16 (6) "Facility", an integrated metallic mineral mine or mill complex or primary metal  
17 smelter or refinery complex;
- 18 (7) "Inspection-maintenance", those actions taken after closure to maintain the waste  
19 management area in accordance with a closure plan;
- 20 (8) "Metallic mineral waste", mine waste rock, mine water, tailings, chat, blast  
21 furnace slag from primary lead smelters and pot liners from primary aluminum smelters,  
22 which is disposed of and not put to beneficial use;
- 23 (9) "Metallic minerals", minerals or mineral ores containing lead, iron, zinc,  
24 **aluminum**, copper, gold and silver;
- 25 (10) "Metallic minerals waste management areas" or "waste management areas",  
26 those areas designated and used for the disposal of metallic mineral wastes from metallic  
27 minerals mining, beneficiation and processing;
- 28 (11) "Mining", any activity conducted on or under the surface of the earth for the  
29 extraction of metallic minerals or mineral ores from the earth;
- 30 (12) "Minor violation", a violation which possesses a small potential to harm the  
31 environment or human health or cause pollution, was not knowingly committed, and is not  
32 defined by the United States Environmental Protection Agency as other than minor;
- 33 (13) "Operator", any person, firm, or corporation engaged in and controlling a  
34 facility;
- 35 (14) "Person", any individual, partnership, copartnership, firm, company, public or  
36 private corporation, association, joint stock company, trust, estate, political subdivision, or

37 any agency, board, department or bureau of the state or federal government, or any other legal  
38 entity whatever, which is recognized by law as the subject of rights and duties.

444.765. Wherever used or referred to in sections 444.760 to ~~[444.790]~~ **444.791**,

2 unless a different meaning clearly appears from the context, the following terms mean:

3       (1) "Affected land", the pit area or area from which overburden shall have been  
4 removed, or upon which overburden has been deposited after September 28, 1971. When  
5 mining is conducted underground, affected land means any excavation or removal of  
6 overburden required to create access to mine openings, except that areas of disturbance  
7 encompassed by the actual underground openings for air shafts, portals, adits and haul roads  
8 in addition to disturbances within fifty feet of any openings for haul roads, portals or adits  
9 shall not be considered affected land. Sites which exceed the excluded areas by more than  
10 one acre for underground mining operations shall obtain a permit for the total extent of  
11 affected lands with no exclusions as required under sections 444.760 to 444.790;

12       (2) "Beneficiation", the dressing or processing of minerals for the purpose of  
13 regulating the size of the desired product, removing unwanted constituents, and improving the  
14 quality or purity of a desired product;

15       (3) "Commercial purpose", the purpose of extracting minerals for their value in sales  
16 to other persons or for incorporation into a product;

17       (4) "Commission", the Missouri mining commission in the department of natural  
18 resources created by section 444.520;

19       (5) "Construction", construction, erection, alteration, maintenance, or repair of any  
20 facility including but not limited to any building, structure, highway, road, bridge, viaduct,  
21 water or sewer line, pipeline or utility line, and demolition, excavation, land clearance, and  
22 moving of minerals or fill dirt in connection therewith;

23       (6) "Department", the department of natural resources;

24       (7) "Director", the staff director of the Missouri mining commission or his or her  
25 designee;

26       (8) "Excavation", any operation in which earth, minerals, or other material in or on  
27 the ground is moved, removed, or otherwise displaced for purposes of construction at the site  
28 of excavation, by means of any tools, equipment, or explosives and includes, but is not  
29 limited to, backfilling, grading, trenching, digging, ditching, drilling, well-drilling, auguring,  
30 boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving,  
31 demolition of structures, and the use of high-velocity air to disintegrate and suction to remove  
32 earth and other materials. For purposes of this section, excavation or removal of overburden  
33 for purposes of mining for a commercial purpose or for purposes of reclamation of land  
34 subjected to surface mining is not included in this definition. Neither shall excavations of

35 sand and gravel by political subdivisions using their own personnel and equipment or private  
36 individuals for personal use be included in this definition;

37 (9) "Fill dirt", material removed from its natural location through mining or  
38 construction activity, which is a mixture of unconsolidated earthy material, which may  
39 include some minerals, and which is used to fill, raise, or level the surface of the ground at the  
40 site of disposition, which may be at the site it was removed or on other property, and which is  
41 not processed to extract mineral components of the mixture. Backfill material for use in  
42 completing reclamation is not included in this definition;

43 (10) "Land improvement", work performed by or for a public or private owner or  
44 lessor of real property for purposes of improving the suitability of the property for  
45 construction at an undetermined future date, where specific plans for construction do not  
46 currently exist;

47 (11) "Mineral", a constituent of the earth in a solid state which, when extracted from  
48 the earth, is usable in its natural form or is capable of conversion into a usable form as a  
49 chemical, an energy source, or raw material for manufacturing or construction material. For  
50 the purposes of this section, this definition includes **metallic minerals as defined under**  
51 **section 444.352**, barite, tar sands, oil shales, cadmium, barium, nickel, cobalt, molybdenum,  
52 germanium, gallium, tellurium, selenium, vanadium, indium, mercury, uranium, rare earth  
53 elements, platinum group elements, manganese, phosphorus, sodium, titanium, zirconium,  
54 lithium, thorium, [ø] tungsten, **silica sand as defined under section 444.991**, **stone, sand,**  
55 **gravel, clay, peat, talc, or topsoil**; but does not include [~~iron, lead, zinc, gold, silver,~~] coal,  
56 surface or subsurface water, fill dirt, natural oil, or gas together with other chemicals  
57 recovered therewith;

58 (12) "Mining", the removal of overburden and extraction of underlying minerals or  
59 the extraction of minerals from exposed natural deposits for a commercial purpose, as defined  
60 by this section;

61 (13) "Operator", any person, firm or corporation engaged in and controlling a surface  
62 mining operation;

63 (14) "Overburden", all of the earth and other materials which lie above natural  
64 deposits of minerals; and also means such earth and other materials disturbed from their  
65 natural state in the process of surface mining other than what is defined in subdivision (10) of  
66 this section;

67 (15) "Peak", a projecting point of overburden created in the surface mining process;

68 (16) "Pit", the place where minerals are being or have been mined by surface mining;

69 (17) **"Political subdivision", any city, town, village, county, or other political**  
70 **entity created by law;**

71           **(18)** "Public entity", the state or any officer, official, authority, board, or commission  
72 of the state and any county, city, or other political subdivision of the state, or any institution  
73 supported in whole or in part by public funds;

74           ~~[(18)]~~ **(19)** "Refuse", all waste material directly connected with the cleaning and  
75 preparation of substance mined by surface mining;

76           ~~[(19)]~~ **(20)** "Ridge", a lengthened elevation of overburden created in the surface  
77 mining process;

78           ~~[(20)]~~ **(21)** "Site" or "mining site", any location or group of associated locations  
79 separated by a natural barrier where minerals are being surface mined by the same operator;

80           ~~[(21)]~~ **(22)** "Surface mining", the mining of minerals for commercial purposes by  
81 removing the overburden lying above natural deposits thereof, and mining directly from the  
82 natural deposits thereby exposed, and shall include mining of exposed natural deposits of  
83 such minerals over which no overburden lies and, after August 28, 1990, the surface effects of  
84 underground mining operations for such minerals. For purposes of the provisions of sections  
85 444.760 to 444.790, surface mining shall not include excavations to move minerals or fill dirt  
86 within the confines of the real property where excavation occurs or to remove minerals or fill  
87 dirt from the real property in preparation for construction at the site of excavation. No  
88 excavation of fill dirt shall be deemed surface mining regardless of the site of disposition or  
89 whether construction occurs at the site of excavation;

90           **(23)** "Wildlife refuges", **specific areas within the state that contain physical or**  
91 **biological features that are essential to the conservation of endangered and threatened**  
92 **species and that may need specific management or protection.**

444.770. 1. It shall be unlawful for any operator to engage in surface mining without  
2 first obtaining from the commission a permit to do so, in such form as is hereinafter provided,  
3 including any operator involved in any gravel mining operation where the annual tonnage of  
4 gravel mined by such operator is less than five thousand tons, except as provided in  
5 subsection 2 of this section.

6           2. (1) A property owner or operator conducting gravel removal at the request of a  
7 property owner for the primary purpose of managing seasonal gravel accretion on property  
8 not used primarily for gravel mining, or a political subdivision who contracts with an operator  
9 for excavation to obtain sand and gravel material solely for the use of such political  
10 subdivision shall be exempt from obtaining a permit as required in subsection 1 of this  
11 section. Such gravel removal shall be conducted solely on the property owner's or political  
12 subdivision's property and shall be in accordance with department guidelines, rules, and  
13 regulations. The property owner shall notify the department before any person or operator  
14 conducts gravel removal from the property owner's property if the gravel is sold. Notification  
15 shall include the nature of the activity, name of the county and stream in which the site is

16 located and the property owner's name. The property owner shall not be required to notify the  
17 department regarding any gravel removal at each site location for up to one year from the  
18 original notification regarding that site. The property owner shall renotify the department  
19 before any person or operator conducts gravel removal at any site after the expiration of one  
20 year from the previous notification regarding that site. At the time of each notification to the  
21 department, the department shall provide the property owner with a copy of the department's  
22 guidelines, rules, and regulations relevant to the activity reported. Said guidelines, rules and  
23 regulations may be transmitted either by mail or via the internet.

24       (2) The annual tonnage of gravel mined by such property owner or operator  
25 conducting gravel removal at the request of a property owner shall be less than two thousand  
26 tons, with a site limitation of one thousand tons annually. Any operator conducting gravel  
27 removal at the request of a property owner that has removed two thousand tons of sand and  
28 gravel material within one calendar year shall have a watershed management practice plan  
29 approved by the commission in order to remove any future sand or gravel material the  
30 remainder of the calendar year. The application for approval shall be accompanied by an  
31 application fee equivalent to the fee paid under section 444.772 and shall contain the name of  
32 the watershed from which the operator will be conducting sand and gravel removal, the  
33 location within the watershed district that the sand and gravel will be removed, and the  
34 description of the vehicles and equipment used for removal. Upon approval of the watershed  
35 management practice plan, the department shall provide a copy of the relevant commission  
36 regulations to the operator.

37       (3) No property owner or operator conducting gravel removal at the request of a  
38 property owner for the primary purpose of managing seasonal gravel accretion on property  
39 not used primarily for gravel mining shall conduct gravel removal from any site located  
40 within a distance, to be determined by the commission and included in the guidelines, rules,  
41 and regulations given to the property owner at the time of notification, of any building,  
42 structure, highway, road, bridge, viaduct, water or sewer line, and pipeline or utility line.

43       3. Sections 444.760 to 444.790 shall apply only to those areas which are opened on or  
44 after January 1, 1972, or to the extended portion of affected areas extended after that date.  
45 The effective date of this section for minerals not previously covered under the provisions of  
46 sections 444.760 to 444.790 shall be August 28, 1990.

47       4. All surface mining operations where land is affected after September 28, 1971,  
48 which are under the control of any government agency whose regulations are equal to or  
49 greater than those imposed by section 444.774, are not subject to the further provisions of  
50 sections 444.760 to 444.790, except that such operations shall be registered with the Missouri  
51 mining commission.

52           5. Any portion of a surface mining operation which is subject to the provisions of  
53 sections 260.200 to 260.245 and the regulations promulgated thereunder, shall not be subject  
54 to the provisions of sections 444.760 to 444.790, and any bonds or portions thereof applicable  
55 to such operations shall be promptly released by the commission, and the associated permits  
56 cancelled by the commission upon presentation to it of satisfactory evidence that the operator  
57 has received a permit pursuant to section 260.205 and the regulations promulgated  
58 thereunder. Any land reclamation bond associated with such released permits shall be  
59 retained by the commission until presentation to the commission of satisfactory evidence that:

60           (1) The operator has complied with sections 260.226 and 260.227, and the regulations  
61 promulgated thereunder, pertaining to closure and postclosure plans and financial assurance  
62 instruments; and

63           (2) The operator has commenced operation of the solid waste disposal area or sanitary  
64 landfill as those terms are defined in chapter 260.

65           6. Notwithstanding the provisions of subsection 1 of this section, any political  
66 subdivision which uses its own personnel and equipment or any private individual for  
67 personal use may conduct in-stream gravel operations without obtaining from the commission  
68 a permit to conduct such an activity.

69           7. Any person filing a complaint of an alleged violation of this section with the  
70 department shall identify themselves by name and telephone number, provide the date and  
71 location of the violation, and provide adequate information, as determined by the department,  
72 that there has been a violation. ~~[Any]~~ Records, statements, or communications submitted by  
73 any person to the department relevant to the complaint shall ~~[remain confidential and used~~  
74 ~~solely by the department to investigate such alleged violation]~~ **be available by request under**  
75 **Missouri sunshine law contained in chapter 610 with personally identifiable information**  
76 **of the complainant redacted.**

77           8. **Beginning August 28, 2024, no person shall engage in or carry out a mining**  
78 **operation for minerals within the state unless the person has first obtained a permit**  
79 **from the director. Any person who is engaged in or carrying out a mining operation**  
80 **before August 28, 2024, and who will continue such operation after such date shall be**  
81 **required to apply for a permit before March 1, 2025. Any such mining operation may**  
82 **continue to mine metallic minerals while such application is pending. The person**  
83 **applying for a permit shall apply on forms prescribed by the director and shall submit**  
84 **such information as the director may require including, but not limited to, a proposed**  
85 **plan for the reclamation or restoration, or both, of any mining area affected by the**  
86 **mining operations to be conducted.**

87           9. **Before October 1, 2024, the director, in consultation with the department of**  
88 **conservation and political subdivisions, shall develop model standards and criteria for**

89 mining, processing, and transporting minerals as defined in section 444.765. The  
90 standards and criteria may be used by political subdivisions in developing local  
91 ordinances that reflect the needs of different geographic areas of the state. The  
92 standards and criteria developed shall reflect those differences in varying regions of the  
93 state. The standards and criteria shall include:

94       (1) Recommendations for setback or buffer distances, in addition to any setback  
95 or buffer distances required under section 444.771, that shall apply with respect to the  
96 following:

97       (a) Any residence or residential zoning district boundary;

98       (b) Any property line or right-of-way line of any existing or proposed street or  
99 highway;

100       (c) Ordinary high water levels of public waters;

101       (d) Bluffs;

102       (e) Surface waters;

103       (f) Private wells;

104       (g) Wildlife refuges; and

105       (h) A natural resource easement paid wholly or in part by public funds;

106       (2) Standards for hours of operation;

107       (3) Air monitoring and data submission requirements;

108       (4) Dust control requirements;

109       (5) Noise testing and mitigation plan requirements;

110       (6) Blast monitoring plan requirements;

111       (7) Lighting requirements;

112       (8) Inspection requirements;

113       (9) Containment requirements for silica sand in temporary storage to protect air  
114 and water quality;

115       (10) Containment requirements for chemicals used in processing;

116       (11) Financial assurance requirements;

117       (12) Road and bridge impacts and requirements; and

118       (13) Reclamation plan requirements as required under the rules adopted by the  
119 director of natural resources.

120       10. Notwithstanding any provision of law to the contrary, a political subdivision  
121 may enact or extend a local ordinance that prohibits new or expanded mining  
122 operations without challenge from the state as it is in the best interest of local public  
123 welfare to allow local governments to make such determinations.

124       11. Permit holders shall submit a report annually to the department that  
125 includes, but is not limited to:

- 126           **(1) The name and business address of the permit holder;**  
 127           **(2) The addresses of each tract of land from which the permit holder conducted**  
 128 **mining activities;**  
 129           **(3) The volume of each type of mineral mined from each tract of land governed**  
 130 **by the permit;**  
 131           **(4) The practices used to minimize light and noise pollution, and minimize**  
 132 **degradation to the surrounding community's air quality, water quality, public roads,**  
 133 **scenic bluffs, and other landscapes;**  
 134           **(5) Data collected from groundwater, surface water, and air monitoring plans as**  
 135 **required by section 444.771;**  
 136           **(6) The total annual volume of emissions released of each greenhouse gas from**  
 137 **the mining facilities; and**  
 138           **(7) The total annual volume of discharge into adjacent bodies of water by**  
 139 **pollutant type.**

444.771. [~~Notwithstanding any other provision of law to the contrary, the commission and the department shall not issue any permits under this chapter or under chapters 643 or 644 to any person whose mine plan boundary is within one thousand feet of any real property where an accredited school has been located for at least five years prior to such application for permits made under these provisions, except that the provisions of this section shall not apply to any request for an expansion to an existing mine or to any underground mining operation]~~

**No excavation or mining of any mineral including, but not limited to, digging, excavating, mining, drilling, blasting, tunneling, dredging, stripping, or shafting shall occur within one mile of any wildlife refuge designated by the Missouri conservation commission under 3 CSR 10-12.105, surface water as defined under section 640.403, state conservation area, state park, federal park, residence, or school. This subsection shall not apply to mines in operation prior to August 28, 2024.**

444.772. 1. Any operator desiring to engage in ~~[surface]~~ mining shall make written application to the director for a permit.

**2. The director shall require proof of notice as required under section 444.110 upon accepting an application for a new or expanding mining permit. The department shall accept written comments from the public for sixty days after receipt of an application for any such permit.**

~~[2-] 3. Application for permit shall be made on a form prescribed by the commission and shall include:~~

- 9           (1) The name of all persons with any interest in the land to be mined;  
 10           (2) The source of the applicant's legal right to mine the land affected by the permit;  
 11           (3) The permanent and temporary post office address of the applicant;

12 (4) Whether the applicant or any person associated with the applicant holds or has  
13 held any other permits pursuant to sections 444.500 to 444.790, and an identification of such  
14 permits;

15 (5) The written consent of the applicant and any other persons necessary to grant  
16 access to the commission or the director to the area of land affected under application from  
17 the date of application until the expiration of any permit granted under the application and  
18 thereafter for such time as is necessary to assure compliance with all provisions of sections  
19 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit  
20 applications submitted by operators who mine an annual tonnage of less than ten thousand  
21 tons shall be required to include written consent from the operator to grant access to the  
22 commission or the director to the area of land affected;

23 (6) A description of the tract or tracts of land and the estimated number of acres  
24 thereof to be affected by the ~~surface~~ mining of the applicant for the next succeeding twelve  
25 months; ~~and~~

26 **(7) The nature and extent of the proposed work, including the type of minerals**  
27 **sought to be mined and the mining practices sought to be used for each type of mineral;**  
28 **and**

29 **(8) Such other information that the commission may require as such information**  
30 **applies to land reclamation.**

31 ~~[3-]~~ **4. The application for a permit shall be accompanied by a map in a scale and form**  
32 **specified by the commission by regulation.**

33 **5. Any mining permit applicant shall submit a mine plan with its permit**  
34 **application with the following information:**

35 **(1) A hydrogeological evaluation and any other information necessary for the**  
36 **director to assess potential impacts to hydrogeological features, including private and**  
37 **public drinking water supply wells;**

38 **(2) The results of an assessment of the water resources needed for the operation,**  
39 **how much of that water need is available on-site, and the impacts those water needs will**  
40 **have on the surrounding surface and groundwater resources;**

41 **(3) Any adverse short-term and long-term environmental consequences that**  
42 **cannot be avoided should the work be performed;**

43 **(4) Potential hazards of the proposed mine, including dust, mine gases, or toxic**  
44 **vapors escaping from the mine, and the potential for mine fires and water**  
45 **contamination that may result from operation of the mine;**

46 **(5) A conservation plan as required by section 444.772 detailing the methods**  
47 **using best available technology the proposed operation will use to:**

48           **(a) Minimize light and noise pollution, and minimize degradation to the**  
49 **surrounding community's air quality, water quality, water quantity, public roads, scenic**  
50 **bluffs, and other landscapes;**

51           **(b) Minimize the impact on the HUC-8 watershed in which the proposed mining**  
52 **operation is located;**

53           **(c) Reduce and mitigate impacts on biodiversity and greenhouse gas emissions**  
54 **from mining activities; and**

55           **(d) Reduce and mitigate other public health and worker harms that can result**  
56 **from mining the specific minerals intended by the mining permit applicant; and**

57           **(e) Plans for monitoring air quality and groundwater and surface water quality**  
58 **and quantity.**

59           [4-] 6. The application shall be accompanied by a bond, security or certificate meeting  
60 the requirements of section 444.778, a geologic resources fee authorized under section  
61 256.700, and a permit fee approved by the commission not to exceed one thousand dollars.  
62 The commission may also require a fee for each site listed on a permit not to exceed four  
63 hundred dollars for each site. If mining operations are not conducted at a site for six months  
64 or more during any year, the fee for such site for that year shall be reduced by fifty percent.  
65 The commission may also require a fee for each acre bonded by the operator pursuant to  
66 section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee  
67 on all acres bonded by a single operator that exceed a total of two hundred acres shall be  
68 reduced by fifty percent. In no case shall the total fee for any permit be more than three  
69 thousand dollars. Permit and renewal fees shall be established by rule, except for the initial  
70 fees as set forth in this subsection, and shall be set at levels that recover the cost of  
71 administering and enforcing sections 444.760 to 444.790, making allowances for grants and  
72 other sources of funds. The director shall submit a report to the commission and the public  
73 each year that describes the number of employees and the activities performed the previous  
74 calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining  
75 operation where the annual tonnage of gravel mined by such operator is less than five  
76 thousand tons, the total cost of submitting an application shall be three hundred dollars. The  
77 issued permit shall be valid from the date of its issuance until the date specified in the mine  
78 plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.  
79 Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site  
80 fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three  
81 thousand dollars. Fees may be raised as allowed in this subsection after a regulation change  
82 that demonstrates the need for increased fees.

83           [5-] 7. An operator desiring to have his or her permit amended to cover additional  
84 land may file an amended application with the commission. Upon receipt of the amended

85 application, and such additional fee and bond as may be required pursuant to the provisions of  
 86 sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable  
 87 regulatory requirements, issue an amendment to the original permit covering the additional  
 88 land described in the amended application.

89 ~~[6-]~~ **8.** An operation may withdraw any land covered by a permit, excepting affected  
 90 land, by notifying the commission thereof, in which case the penalty of the bond or security  
 91 filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be  
 92 reduced proportionately.

93 ~~[7-]~~ **9.** Where mining or reclamation operations on acreage for which a permit has  
 94 been issued have not been completed, the permit shall be renewed. The operator shall submit  
 95 a permit renewal form furnished by the director for an additional permit year and pay a fee  
 96 equal to an application fee calculated pursuant to subsection 4 of this section, but in no case  
 97 shall the renewal fee for any operator be more than three thousand dollars. For any operator  
 98 involved in any gravel mining operation where the annual tonnage of gravel mined by such  
 99 operator is less than five thousand tons, the permit as to such acreage shall be renewed by  
 100 applying on a permit renewal form furnished by the director for an additional permit year and  
 101 payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal  
 102 form and fee from the operator, the director shall approve the renewal. With approval of the  
 103 director and operator, the permit renewal may be extended for a portion of an additional year  
 104 with a corresponding prorating of the renewal fee.

105 ~~[8-]~~ **10.** Where one operator succeeds another at any uncompleted operation, either by  
 106 sale, assignment, lease or otherwise, the commission may release the first operator from all  
 107 liability pursuant to sections 444.760 to 444.790 as to that particular operation if both  
 108 operators have been issued a permit and have otherwise complied with the requirements of  
 109 sections 444.760 to 444.790 and the successor operator assumes as part of his or her  
 110 obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area  
 111 of land affected by the former operator.

112 ~~[9-]~~ **11.** The application for a permit shall be accompanied by a plan of reclamation  
 113 that meets the requirements of sections 444.760 to 444.790 and the rules and regulations  
 114 promulgated pursuant thereto, and shall contain a verified statement by the operator setting  
 115 forth the proposed method of operation, reclamation, and a conservation plan for the affected  
 116 area including approximate dates and time of completion, and stating that the operation will  
 117 meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated  
 118 pursuant to them.

119 ~~[10- At the time that a permit application is deemed complete by the director, the~~  
 120 ~~operator shall publish a notice of intent to operate a surface mine-]~~ **12. Within one week of**  
 121 **submission of the permit application to the director, the proposed operator shall submit**

122 **notice of the permit application** in any newspaper qualified pursuant to section 493.050 to  
 123 publish legal notices in any county where the land is located. ~~[If the director does not respond~~  
 124 ~~to a permit application within forty five calendar days, the application shall be deemed to be~~  
 125 ~~complete.]~~ Notice in the newspaper shall be posted ~~[once a week]~~ **daily** for four consecutive  
 126 weeks beginning no more than ten days after the application is ~~[deemed complete]~~ **submitted**  
 127 **to the director**. The operator shall also send notice of ~~[intent to operate a surface mine]~~ **the**  
 128 **permit application** by certified mail to the governing body of the counties or cities in which  
 129 the proposed area is located, and to the last known addresses of all record landowners whose  
 130 property is:

131 (1) Within ~~[two thousand six hundred forty feet, or one-half]~~ **one** mile from the  
 132 border of the proposed mine plan area; and

133 (2) Adjacent to the proposed mine plan area, land upon which the mine plan area is  
 134 located, or adjacent land having a legal relationship with either the applicant or the owner of  
 135 the land upon which the mine plan area is located.

136

137 The notices shall include the name and address of the operator, a legal description consisting  
 138 of county, section, township and range, the number of acres involved, a statement that the  
 139 operator plans to mine a specified mineral during a specified time, and the address of the  
 140 commission. The notices shall also contain a statement that any person with a direct, personal  
 141 interest in one or more of the factors the director may consider in issuing a permit may  
 142 request a public meeting ~~[or file written comments]~~ to the director no later than ~~[fifteen]~~  
 143 **thirty** days following the final public notice publication date. If any person requests a public  
 144 meeting, the applicant shall cooperate with the director in making all necessary arrangements  
 145 for the public meeting to be held in a reasonably convenient location and at a reasonable time  
 146 for interested participants, and the applicant shall bear the expenses.

147 ~~[11.]~~ **13.** The director may approve a permit application or permit amendment whose  
 148 operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790  
 149 if it can be demonstrated by the operator that the conditions present at the ~~[surface]~~ mining  
 150 location warrant an exception. The criteria accepted for consideration when evaluating the  
 151 merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be  
 152 established by regulations.

153 ~~[12.]~~ **14.** Fees imposed pursuant to this section shall become effective August 28,  
 154 2007, and shall expire on December 31, 2030. No other provisions of this section shall  
 155 expire.

444.773. 1. All applications for a permit shall be filed with the director ~~[, who shall~~  
 2 ~~promptly investigate the application and make a decision within six weeks after completion of~~  
 3 ~~the process provided in subsection 10 of section 444.772 to issue or deny the permit]~~ **with all**

4 **materials required under section 444.772.** If the director determines that the application  
5 has not fully complied with the provisions of section 444.772 or any rule or regulation  
6 promulgated pursuant to that section, the director may seek additional information from the  
7 applicant before making a decision to issue or deny the permit. **The director shall publish**  
8 **the permit application and allow for public comment under section 444.110.** The director  
9 shall consider ~~any~~ all public comments when making the decision to issue or deny the  
10 permit. In issuing a permit, the director may impose reasonable conditions consistent with the  
11 provisions of sections 444.760 to 444.790. The director's decision shall be deemed to be the  
12 decision of the director of the department of natural resources and shall be subject to appeal to  
13 the administrative hearing commission as provided by sections 640.013 and 621.250.

14 2. Whenever a ~~surface~~ mining operation permit provided under section 444.772 is  
15 issued, denied, suspended, or revoked by the department of natural resources, any aggrieved  
16 person, by petition filed with the administrative hearing commission within thirty days of the  
17 decision, may appeal such decision as provided by sections 621.250 and 640.013. For  
18 purposes of an appeal, the administrative hearing commission may consider, based on  
19 competent and substantial scientific evidence on the record, whether an interested party's  
20 health, safety or livelihood will be unduly impaired by the issuance, denial, suspension, or  
21 revocation of the permit. The administrative hearing commission may also consider, based on  
22 competent and substantial scientific evidence on the record, whether the operator has  
23 demonstrated, during the five-year period immediately preceding the date of the permit  
24 application, a pattern of noncompliance at other locations in Missouri that suggests a  
25 reasonable likelihood of future acts of noncompliance. In determining whether a reasonable  
26 likelihood of noncompliance will exist in the future, the administrative hearing commission  
27 may look to past acts of noncompliance in Missouri, but only to the extent they suggest a  
28 reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in  
29 Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of  
30 future acts of noncompliance. In addition, such past acts shall not be used as a basis to  
31 suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has  
32 caused or has the potential to cause, a risk to human health or to the environment, or has  
33 caused or has potential to cause pollution, or was knowingly committed, or is defined by the  
34 United States Environmental Protection Agency as other than minor. If a hearing petitioner  
35 demonstrates or the administrative hearing commission finds either present acts of  
36 noncompliance or a reasonable likelihood that the permit seeker or the operations of  
37 associated persons or corporations in Missouri will be in noncompliance in the future, such a  
38 showing will satisfy the noncompliance requirement in this subsection. In addition, such  
39 basis must be developed by multiple noncompliances of any environmental law administered  
40 by the Missouri department of natural resources at any single facility in Missouri that resulted

41 in harm to the environment or impaired the health, safety or livelihood of persons outside the  
42 facility. For any permit seeker that has not been in business in Missouri for the past five  
43 years, the administrative hearing commission may review the record of noncompliance in any  
44 state where the applicant has conducted business during the past five years. The  
45 administrative hearing commission shall issue a recommended decision to the commission on  
46 permit issuance, denial, suspension, or revocation. The commission shall issue its own  
47 decision, based on the appeal, for permit issuance, denial, suspension, or revocation. If the  
48 commission changes a finding of fact or conclusion of law made by the administrative  
49 hearing commission, or modifies or vacates the decision recommended by the administrative  
50 hearing commission, it shall issue its own decision, which shall include findings of fact and  
51 conclusions of law. The commission shall mail copies of its final decision to the parties to the  
52 appeal or their counsel of record. The commission's decision shall be subject to judicial  
53 review pursuant to chapter 536, except that the court of appeals district with territorial  
54 jurisdiction coextensive with the county where the mine is located or is to be located shall  
55 have original jurisdiction. No judicial review shall be available until and unless all  
56 administrative remedies are exhausted.

444.786. Any person required by sections 444.760 to 444.790 to have a permit who  
2 engages in the mining of minerals without previously securing a permit to do so as prescribed  
3 by sections 444.760 to 444.790, is guilty of a misdemeanor, and upon conviction thereof shall  
4 be fined not less than ~~[fifty]~~ **five thousand** dollars nor more than ~~[one]~~ **ten** thousand dollars.  
5 Each day of operation without the permit required by sections 444.760 to 444.790 will be  
6 deemed a separate violation.

**444.791. Before October 1, 2025, the director, in consultation with political**  
2 **subdivisions, shall establish and maintain a database on political subdivision ordinances**  
3 **and political subdivision permits that have been approved for regulation of mining**  
4 **projects for reference by other political subdivisions and the public.**

**444.991. As used in sections 444.991 to 444.995, the following terms mean:**

- 2 (1) "Department", the department of natural resources;
- 3 (2) "Director", the staff director of the Missouri mining commission or his or  
4 her designee;
- 5 (3) "Processing", washing, cleaning, screening, crushing, filtering, sorting,  
6 processing, stockpiling, and storing silica sand, either at the mining site or at any other  
7 site;
- 8 (4) "Silica sand", well-rounded, sand-sized grains of quartz (silicon dioxide)  
9 with few impurities in terms of other minerals. The "silica sand" for the purposes of  
10 sections 444.070 to 444.995 is commercially valuable for use in the hydraulic fracturing  
11 of shale to obtain oil and natural gas. Silica sand does not include common rock, stone,

12 aggregate, gravel, sand with a low quartz level, or silica compounds recovered as a by-  
13 product of metallic mining;

14 (5) "Silica sand project", the mining, processing, and transportation by rail,  
15 barge, truck, or other means of silica sand;

16 (6) "Temporary storage", the storage of stockpiles of silica sand that have been  
17 transported and await further transport;

18 (7) "Transporting", hauling and transporting silica sand by any carrier:

19 (a) From the mining site to a processing or transfer site; or

20 (b) From a processing or storage site to a rail, barge, or transfer site for  
21 transporting to destinations.

444.992. 1. Beginning August 28, 2025, any mining permit applicant for a  
2 project involving silica sand shall prepare and submit to the director an environmental  
3 assessment worksheet if the project:

4 (1) Excavates twenty or more acres of land to a mean depth of ten feet or more  
5 during its existence; or

6 (2) Is designed to store or is capable of storing more than seven thousand five  
7 hundred tons of silica sand or has an annual throughput of more than two hundred  
8 thousand tons of silica sand.

9 2. The director shall develop an environmental assessment worksheet that the  
10 applicant shall complete and the applicant shall provide the following information in the  
11 worksheet:

12 (1) A hydrogeologic investigation assessing potential groundwater and surface  
13 water effects and geologic conditions that could create an increased risk of potentially  
14 significant effects on groundwater and surface water;

15 (2) An air quality impact assessment that includes an assessment of the potential  
16 effects from airborne particulates and dust;

17 (3) A traffic impact analysis, including documentation of existing transportation  
18 systems, analysis of the potential effects of the project on transportation, and mitigation  
19 measures to eliminate or minimize adverse impacts;

20 (4) An assessment of compatibility of the project with other existing uses; and

21 (5) Mitigation measures that could eliminate or minimize adverse environmental  
22 effects for the project.

23

24 The provisions of this subsection shall apply to new applications and any application for  
25 a permit renewal submitted on or after August 28, 2024.

444.993. 1. Beginning August 28, 2025, any applicant for a mining permit for a  
2 project that involves the mining of cobalt shall prepare and submit to the director an

3 **environmental assessment worksheet under this section due to the significant health and**  
4 **environmental impacts of cobalt extraction, including cancerous and noncancerous**  
5 **human toxicity, eutrophication, freshwater ecotoxicity, land degradation, ozone**  
6 **depletion, and increased occurrence of extreme weather events.**

7       **2. The director shall develop an environmental assessment worksheet that all**  
8 **applicants for cobalt mining projects shall complete and the applicants shall provide**  
9 **information in the worksheet including, but not limited to:**

10       **(1) A hydrogeologic investigation assessing potential groundwater and surface**  
11 **water effects and geologic conditions that could create an increased risk of potentially**  
12 **significant effects on groundwater and surface water;**

13       **(2) An assessment outlining toxicity exposure risks to all mine employees and to**  
14 **all residents within three miles of the proposed mining site, considering the transport of**  
15 **toxins in the air, surface water, and groundwater;**

16       **(3) An air quality impact assessment that includes an assessment of the potential**  
17 **effects from airborne particulates and dust;**

18       **(4) A traffic impact analysis, including documentation of existing transportation**  
19 **systems, analysis of the potential effects of the project on transportation, and mitigation**  
20 **measures to eliminate or minimize adverse impacts;**

21       **(5) An assessment of compatibility of the project with other existing uses; and**

22       **(6) Mitigation measures that could eliminate or minimize any adverse**  
23 **environmental effects of the project.**

**444.994. 1. Beginning August 28, 2025, any applicant for a mining permit for a**  
2 **project that involves the mining of a rare earth element shall prepare and submit to the**  
3 **director an environmental assessment worksheet under this section due to the**  
4 **significant health and environmental impacts of rare earth element extraction,**  
5 **including human toxicity due to exposure to carcinogens in air emissions and heavy**  
6 **metals and radioactive compounds in wastewater discharge.**

7       **2. The director shall develop an environmental assessment worksheet that all**  
8 **applicants for rare earth element mining projects shall complete and the applicants shall**  
9 **provide information in the worksheet including, but not limited to:**

10       **(1) A hydrogeologic investigation assessing potential groundwater and surface**  
11 **water effects and geologic conditions that could create an increased risk of potentially**  
12 **significant effects on groundwater and surface water;**

13       **(2) An assessment outlining toxicity exposure risks to all mine employees and to**  
14 **all residents within three miles of the proposed mining site, considering the transport of**  
15 **toxins in the air, surface water, and groundwater;**

16 (3) An air quality impact assessment that includes an assessment of the potential  
 17 effects from airborne particulates and dust;

18 (4) A traffic impact analysis, including documentation of existing transportation  
 19 systems, analysis of the potential effects of the project on transportation, and mitigation  
 20 measures to eliminate or minimize adverse impacts;

21 (5) An assessment of compatibility of the project with other existing uses; and

22 (6) Mitigation measures that could eliminate or minimize any adverse  
 23 environmental effects of the project.

444.995. 1. The director shall adopt rules pertaining to the control of particulate  
 2 emissions from mining operations involving silica sand, cobalt, rare earth elements,  
 3 iron, and lead.

4 2. The director shall adopt rules pertaining to the reclamation of mines involving  
 5 silica sand, cobalt, rare earth elements, iron, and lead.

6 3. Before January 1, 2025, the department of health and senior services shall  
 7 adopt an air quality health-based value for silica sand, cobalt, rare earth elements, iron,  
 8 and lead.

9 4. Before January 1, 2025, the director shall adopt rules pertaining to the  
 10 liability of mine operators and mine landowners for radioactive waste transport into  
 11 soils, air, and water sources that can harm human health.

12 5. The director shall promulgate all necessary rules and regulations for the  
 13 administration of this section. Any rule or portion of a rule, as that term is defined in  
 14 section 536.010, that is created under the authority delegated in this section shall  
 15 become effective only if it complies with and is subject to all of the provisions of chapter  
 16 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
 17 and if any of the powers vested with the general assembly pursuant to chapter 536 to  
 18 review, to delay the effective date, or to disapprove and annul a rule are subsequently  
 19 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
 20 adopted after August 28, 2024, shall be invalid and void.

✓