

SECOND REGULAR SESSION

HOUSE BILL NO. 1691

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

4296H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 644.016, RSMo, and to enact in lieu thereof one new section relating to water of the state definition.

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

Section A. Section 644.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 644.016, to read as follows:

644.016. When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated pursuant to sections 644.006 to 644.141, the following words and phrases mean:

(1) "Aquaculture facility", a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq.;

(2) "Commission", the clean water commission of the state of Missouri created in section 644.021;

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the department of natural resources;

(5) "Director", the director of the department of natural resources;

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.

18 (6) "Discharge", the causing or permitting of one or more water contaminants to enter
19 the waters of the state;

20 (7) "Effluent control regulations", limitations on the discharge of water contaminants;

21 (8) "General permit", a permit written with a standard group of conditions and with
22 applicability intended for a designated category of water contaminant sources that have the
23 same or similar operations, discharges and geographical locations, and that require the same
24 or similar monitoring, and that would be more appropriately controlled pursuant to a general
25 permit rather than pursuant to a site-specific permit;

26 (9) "General permit template", a draft general permit that is being developed through
27 a public participation process;

28 (10) "Human sewage", human excreta and wastewater, including bath and toilet
29 waste, residential laundry waste, residential kitchen waste, and other similar waste from
30 household or establishment appurtenances;

31 (11) "Income" includes retirement benefits, consultant fees, and stock dividends;

32 (12) "Minor violation", a violation which possesses a small potential to harm the
33 environment or human health or cause pollution, was not knowingly committed, and is not
34 defined by the United States Environmental Protection Agency as other than minor;

35 (13) "Permit by rule", a permit granted by rule, not by a paper certificate, and
36 conditioned by the permit holder's compliance with commission rules;

37 (14) "Permit holders or applicants for a permit" shall not include officials or
38 employees who work full time for any department or agency of the state of Missouri;

39 (15) "Person", any individual, partnership, copartnership, firm, company, public or
40 private corporation, association, joint stock company, trust, estate, political subdivision, or
41 any agency, board, department, or bureau of the state or federal government, or any other
42 legal entity whatever which is recognized by law as the subject of rights and duties;

43 (16) "Point source", any discernible, confined and discrete conveyance, including but
44 not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container,
45 rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from
46 which pollutants are or may be discharged. Point source does not include agricultural storm
47 water discharges and return flows from irrigated agriculture;

48 (17) "Pollution", such contamination or other alteration of the physical, chemical or
49 biological properties of any waters of the state, including change in temperature, taste, color,
50 turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or
51 other substance into any waters of the state as will or is reasonably certain to create a nuisance
52 or render such waters harmful, detrimental or injurious to public health, safety or welfare, or
53 to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild
54 animals, birds, fish or other aquatic life;

55 (18) "Pretreatment regulations", limitations on the introduction of pollutants or water
56 contaminants into publicly owned treatment works or facilities which the commission
57 determines are not susceptible to treatment by such works or facilities or which would
58 interfere with their operation, except that wastes as determined compatible for treatment
59 pursuant to any federal water pollution control act or guidelines shall be limited or treated
60 pursuant to this chapter only as required by such act or guidelines;

61 (19) "Residential housing development", any land which is divided or proposed to be
62 divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as
63 part of a common promotional plan for residential housing;

64 (20) "Sewer system", pipelines or conduits, pumping stations, and force mains, and
65 all other structures, devices, appurtenances and facilities used for collecting or conducting
66 wastes to an ultimate point for treatment or handling;

67 (21) "Significant portion of his or her income" shall mean ten percent of gross
68 personal income for a calendar year, except that it shall mean fifty percent of gross personal
69 income for a calendar year if the recipient is over sixty years of age, and is receiving such
70 portion pursuant to retirement, pension, or similar arrangement;

71 (22) "Site-specific permit", a permit written for discharges emitted from a single
72 water contaminant source and containing specific conditions, monitoring requirements and
73 effluent limits to control such discharges;

74 (23) "Treatment facilities", any method, process, or equipment which removes,
75 reduces, or renders less obnoxious water contaminants released from any source;

76 (24) "Water contaminant", any particulate matter or solid matter or liquid or any gas
77 or vapor or any combination thereof, or any temperature change which is in or enters any
78 waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface
79 seepage or otherwise, which causes or would cause pollution upon entering waters of the
80 state, or which violates or exceeds any of the standards, regulations or limitations set forth in
81 sections 644.006 to 644.141 or any federal water pollution control act, or is included in the
82 definition of pollutant in such federal act;

83 (25) "Water contaminant source", the point or points of discharge from a single tract
84 of property on which is located any installation, operation or condition which includes any
85 point source defined in sections 644.006 to 644.141 and nonpoint source pursuant to any
86 federal water pollution control act, which causes or permits a water contaminant therefrom to
87 enter waters of the state either directly or indirectly;

88 (26) "Water quality standards", specified concentrations and durations of water
89 contaminants which reflect the relationship of the intensity and composition of water
90 contaminants to potential undesirable effects;

91 (27) "Waters of the state", [~~all waters within the jurisdiction of this state, including all~~
92 ~~rivers, streams, lakes and other bodies of surface and subsurface water lying within or~~
93 ~~forming a part of the boundaries of the state which are not entirely confined and located~~
94 ~~completely upon lands owned, leased or otherwise controlled by a single person or by two or~~
95 ~~more persons jointly or as tenants in common]~~ **all relatively permanent, standing, or**
96 **continuously flowing rivers, streams, lakes, and ponds lying within or forming a part of**
97 **the boundaries of the state that are not entirely confined and located completely upon**
98 **lands owned, leased, or otherwise controlled by a single person or by two or more**
99 **persons jointly or as tenants in common. Lakes and ponds shall have a continuous**
100 **surface connection to a relatively permanent, standing, or continuously flowing body of**
101 **water. Waters of the state includes:**

- 102 (a) **Wetlands adjacent to relatively permanent, standing, or continuously flowing**
103 **bodies of water identified with a continuous surface connection to those waters; and**
104 (b) **Subsurface aquifers that have a surface connection with relatively**
105 **permanent, standing, or continuously flowing rivers and streams.**

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