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## Legislative Update

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## LEGISLATIVE UPDATE

### *HB 58 – Petroleum Storage Tanks*

Sponsored by Representative Joseph L. Treadway

Missouri statute, section 319.131, provides reimbursement of clean up costs to owners of petroleum storage tanks that have applied for participation in the Petroleum Storage Tank Insurance Fund (“PSTIF”) by December 31, 1997. House Bill No. 58 allows current owners, who before December 31, 1985, purchased property that had petroleum tanks located on them to apply to the PSTIF by June 30, 2000, for reimbursement of the cleanup costs at sites that were contaminated prior to August 28, 1999. The reimbursement applies to cleanup of petroleum releases from tanks that were taken out of service before December 31, 1997.

House Bill No. 58 also provides that school districts in third class counties with an assessed valuation of less than \$140 million are eligible for reimbursement of cleanup costs for contamination from petroleum storage tanks. There currently exists only one school district that qualifies under the bill. The estimated cleanup cost in this school district is \$100,000.

The additional costs incurred by the PSTIF are currently estimated at \$325,000 annually. The Department of Natural Resources estimate that approximately five new sites per year for five years would submit claims for reimbursement of cleanup costs. The estimated average cleanup cost per site is \$45,000. The bill passed through the Missouri House, and reached as far as the Third Read Consent Calendar before being returned to the Commerce and Environment Committee in the Senate.

CLIFFORD MCKISSON

### *HB 126 – School Finance Deductions for Environmental Fines*

Sponsored by Representative Sam Gaskill

Under section 163.031, schools districts receive state funding based upon a formula that provides for all fines to be deducted from the districts minimum guaranteed amount because the fines are considered as a source of local income. Missouri House Bill No. 126 amends section 163.031 by adding one new section, which exempts any fines resulting from environmental laws and regulations from being deducted from a school districts funding. The bill was passed as an emergency act because of the need to properly finance schools, which is viewed as preservation of the public health, welfare, peace and safety.

The result of House Bill No. 126 would be a \$500,000 to \$1,000,000 increase in the cost to the state to fund schools because the school districts would not have to deduct any local income from environmentally related fines that the county receives during the year. Fines resulting from violation of environmental laws and regulations are estimated to be between \$500,000 and \$1,000,000 annually. The impact on each school district would be substantial if the county continues to give the school the money collected from the environmental fines, otherwise the bill’s purpose would not be accomplished. The bill is in the Education – Elementary and Secondary Committee, and a public hearing was held on April 4, 1999. Currently, the bill has not been scheduled for a hearing, nor is it on the calendar.

CLIFFORD MCKISSON

### *HB 145 – Sewer Corporations*

Sponsored by Representative Gary Wiggins

Missouri House Bill No. 145 repealed Missouri statute, section 393.285, requiring the Public Service Commission and its general counsel to submit an annual report regarding the condition of regulated sewer corporations in the state to the State Water Pollution Control Board and any other interested agencies. Section 393.285 also required the commission to meet annually with the board. House Bill No. 145 passed with zero no votes by both the Missouri House of Representative and Senate, and the bill while in committee and on the floor faced no opposition by any person or party. The Governor approved the bill on June 29, 1999, and the new law took effect September 29, 1999.

The requirement for an annual report and meeting from the Public Service Commission to the State Water Pollution Control Board became unnecessary once the Public Service Commission and the Department of Natural Resources developed a memorandum of understanding to share routine information. The ill affects this bill likely will have no impact on the environment, but those filing suit against one of these sewer corporations will have one less report to rely on. The Oversight Division reported that it expects this bill to have no effect on state or federal funds.

CLIFFORD MCKISSON

***SB 334 – Contaminated Property and Groundwater Clean-up***  
Sponsored by Sen. James L. Mathewson

Owners of residential property are now eligible to participate in the voluntary remediation of hazardous waste contamination under legislation passed by the Missouri General Assembly and signed by the governor in July. In addition to expanding the definition of real property to include residential property in "brownfield" clean-ups, Senate Bill 334 amended Section 260.565 of the Missouri Revised Statutes to include petroleum and petroleum products in the definition of hazardous waste, with certain exceptions.

Additionally, the bill created Missouri Revised Statute, Section 644.143, which lists the factors that the Missouri Clean Water Commission should consider in a case-by-case analysis of potential ground-water contamination. The factors are (1) the impact of the ground water contamination on any public or private drinking water supply; (2) the likelihood that contaminated ground water will be a suitable public or private water supply based on its potability, background chemical constituents, or other factors not relating to the contamination; (3) the impact of the ground water contamination on any natural spring, or any water which contributes to a natural spring, which is recognized for its recreational or aesthetic value and located in a state park, national park, conservation area, or any area protected by a conservation easement; (4) the appropriateness of natural attenuation and other methods to remediate the contamination; and (5) any other scientific factors the commission deems relevant.

DAVID M. KURTZ

