

Clean Streams Fact Sheet

HB 246 – Sand and Gravel Mining (Rep. Loehner) – OPPOSE as introduced but work to improve bill.

This bill is similar to bills introduced but not passed in recent years. Working with the environmental community and other interested parties Rep. Loehner has made changes to the bill, improving it substantially since first introducing the bill several years ago. The main issues are how large a mining operation should be allowed in and along rivers and streams and what environmental guidelines should miners be required to follow. It is recognized that each river and stream in the state in unique and needs management and protection measures tailored to its eco-system.

Currently HB246 has a 5,000 ton per year limit on sand and gravel mining activity before a watershed management plan is required. There are concerns this is too high, and more mining operators should be following the Missouri DNR guidelines.

HB 67 – Dam and Reservoir Safety (Rep. Bivins) – SUPPORT

This bill is similar to several bills introduced but not passed in recent years. Rep. Bivins has made some changes to HB67 that improve it since first introducing the bill several years ago. The bill's main focus is on regulating "high hazard dams" to insure their safety. "High hazard dams" are those which pose a threat to human life if the dam fails.

All high hazard dams must be inspected at least once every three years. Such dams also require an operating permit. Dams licensed and operated under the Federal Power Act shall be inspected yearly. The bill includes a system of inspection and permit fees to fund the registration and inspection system.

SB 2 – (Sen. Scott) – SUPPORT

This act prohibits certain activities from being committed on the rivers of this state, including possessing devices intended for rapid consumption of alcohol; possessing or consuming any alcoholic substance that is produced in gelatin form (Jell-o shots); possessing or using any large volume alcohol containers that hold more than one gallon; distributing Mardi Gras bead necklaces or similar paraphernalia; and possessing Styrofoam coolers on or within fifty feet of any such river, unless in a campground, picnic area, landing, road, or parking lot.

SB 172 – MSD Charges (Sen. Green) – OPPOSE

This bill prohibits the Metropolitan Sewer District (MSD) from charging any landowner for storm water management services if MSD does not provide sanitary sewer service to the landowner's property.

In 2007 MSD developed a program to solve stormwater problems by changing their system for funding improvements. Until then MSD had attempted to finance its meager stormwater program by charging every parcel owner 24 cents a month, no matter if the parcel contained a modest house or a large shopping center. Instead, MSD proposed to charge landowners based on the extent of their *impervious* surfaces (e.g. roofs, driveways, patios, parking lots, etc.), since this factor was the primary cause for fast storm run-off and thus downstream flooding. MSD began charging this fee in early 2008.

Thousands of parcels within MSD's territory were using septic tanks or did not contain features requiring sanitary sewers, and therefore had not been billed for either sanitary sewer service or the 24-cent/month stormwater fee. However, many such parcels do have impervious surfaces like parking lots, driveways or asphalt playgrounds. These latter parcel owners object to being included in MSD's new stormwater program. However, their property is just as likely to cause downstream flooding as those who pay for sanitary sewer service. So we believe they should NOT be exempt from MSD charges.

HB 109 Environmental Audit Privilege (Rep. Bivins) – OPPOSE

This bill – introduced for a number of years purportedly to encourage companies to voluntarily seek out and correct their own environmental violations – has earned the nickname "Dirty Secrets Bill" for good reason. It would allow companies to self-report pollution spills and other environmental "incidents." In return, information about the incident would be kept secret, and the company would receive limited immunity from prosecution for the spill.

There seems to be no compelling rationale for rolling back environmental protections. Current law requires companies to report violations to government authorities, and makes those reports available to the public. For 20 years, the Department of Natural Resources has not prosecuted a company that has self-reported an incident, and has a history of working with good corporate actors to find solutions. If prosecution has not occurred in the past, what problem is this bill trying to fix? We encourage companies to monitor themselves, but we oppose the immunity this bill gives them for self-reporting problems.

Other problems with HB 109:

- Another purpose of the bill is to "promote...prompt disclosure," but it gives companies up to 21 days to disclose -- after the company's officers become aware of the noncompliance, not 21 days from when the noncompliance began. Waiting 21 days is not "prompt."
- The bill forbids disclosure of information from any audit report "relating to scientific and technological innovations in which the owner has a proprietary interest...." It may require citizens to go to court to obtain basic information about a spill or emission that may impact employees' or neighbors' health.
- The bill forbids DNR from using a company's voluntary audit report as the basis of a subsequent routine inspection. This would hobble state inspectors' efficiency and effectiveness.
- The bill allows DNR to recover from some polluters only the "economic benefits they gained through noncompliance", and to reduce penalties for others by up to 75%. This gives DNR no leverage over these companies for their illegal pollution.
- The bill requires DNR to prove intent to flout the law, prior to recommending legal action against the polluter. Penalties for this type of violation should be based on outcomes, not intent.
- The bill makes a company eligible for "audit privilege" if it has not previously been penalized, convicted or entered a plea agreement for a similar non-compliance within a certain number of years. The bill thus protects companies from such judicial-type action in the future *unless* they've already been subject to such action for a similar non-compliance. This is analogous to saying "you can't have this job, because you've never held a job before," or "you can't be sent to prison because you've never been in prison before." This is a Catch-22 for citizens trying to protect themselves from illegal pollution.



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