

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5591-01  
Bill No.: SB 823  
Subject: Agriculture; Environmental Protection; Department of Natural Resources; Water Resources and Water Districts  
Type: Original  
Date: February 9, 2018

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Bill Summary: This proposal modifies provisions of the Missouri Clean Water Law.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Natural Resources** assume the following regarding this proposal:

#### §44.016(6) and (25)

The emphasis on point source as part of the definition for discharge and water contaminant source may make it more difficult to enforce the Missouri Clean Water Law in cases where the source of the pollution may be a spill or release from a non-point source.

The definition of "water contaminant" in section 644.016(24) includes pollutants as defined by "any federal water pollution control act," but the definition of "Water contaminant source" in 644.016(25) is modified to exclude pollutant contributions from non-point sources, and explicitly excludes agricultural contributions. Pollutants defined in federal water pollution control act can in fact originate from agricultural activities and such a change may impact the Department's ability to offer cost-share practices or other financial assistance through Clean Water Act Section 319 sub-grants to agricultural producers. Such cost-share and financial assistance provided by the Department reduces soil erosion from agricultural areas thereby improving overall productivity as well as improving water quality. Such a change in definition may also negatively affect any potential point to non-point source pollutant trading programs that could be utilized to assist communities in complying with permit limits. This could result in costly upgrades for some municipalities and their ratepayers.

#### §644.051

The Department may have to prove pollution in order to enforce this provision of the statute. The Department may only be able to enforce the statute after the pollution has occurred. Thus, the Department may not be able to prevent cases where pollution to waters of the state is eminent. The Department may not have the ability to collect fines/fees for environmental damages due to spills or releases.

The Department would not anticipate a direct impact from this proposal.

Officials from the **Department of Agriculture** and **Department of Health and Senior Services** each assume the proposal will have no fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

For purposes of the Missouri Clean Water Law, this act modifies the definitions of "discharge", "water contaminant", "water contaminant source", and "waters of the state".

Currently, it is unlawful for any person to place, cause, or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state. Under this act, it is unlawful for any person to place, cause, or permit to be placed any water contaminant in a location where it causes such pollution.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Natural Resources  
Department of Agriculture  
Department of Health and Senior Services

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe", with a stylized flourish at the end.

Acting Director  
February 9, 2018