

Missouri Department of Natural Resources  
**Rulemaking Report**  
Updated: June 22 2015

Affected Rule: Amendment to, 10 CSR 40-10.020, Permit Application Requirements:

1. What is the purpose of this rulemaking?

*The Missouri Department of Natural Resources, Land Reclamation Program, Non-Coal Unit proposes a fee increase. Currently the Non-Coal Unit budget is solvent; however, with increased costs of hearings and other legal decisions, the budget is dropping by about thirty-thousand dollars a year. This proposed fee increase will keep the Non-Coal Unit budget solvent.*

*Additionally, this rulemaking contains several changes needed to maintain consistency with prior statutory changes.*

2. Why is the rulemaking being proposed now?

*Land Reclamation Program has identified a slight decrease in the budget over the last few years. Last calendar year there was a more significant decrease in the budget as a result of full staffing and increased costs associated with hearings. The proposed fee increases will ensure the long-term solvency of the Non-Coal Unit.*

3. Will the rulemaking incorporate any document by reference, rather than state the language within the rulemaking?

*No.*

4. Does this rulemaking prescribe environmental standards, limits or conditions and is a Regulatory Impact Report required for this rulemaking?

*This rule is an administrative rule and does not establish environmental standards or conditions requiring a Regulatory Impact Report.*

5. What authority does DNR have to carry out this rulemaking?

*Sections 444.530 and 444.767, RSMo, allow the commission to adopt rules for implementing §§ 444.760 to 444.790, RSMo.*

*Specific to this rulemaking, § 444.768, RSMo gives the commission the authority to revise fees.*

*Additionally, statutory changes enacted by House Bill 1201 (2014) (merged with Senate Bill 642) amended certain public notification requirements (§ 444.772.10, RSMo) and the process whereby the Department reviews and approves/denies a permit application (§*

444.773.1, RSMo). This rulemaking incorporates changes necessary to maintain regulatory consistency with the statutory changes.

6. What does the rulemaking require and how does it produce benefits?

*The requirements are minimal involving meetings, letters and a change on an application form. The fee increase will help fund the increased costs of operation, hearings and other legal actions.*

7. Who is most likely affected by the rulemaking?

*Approximately 316 operators hold a Land Reclamation Program permit to engage in surface mining. This proposed fee increase would affect 215 mine operators of both large and small business across the state of Missouri. The remaining operators hold a small operator permit for mining less than 5,000 tons of sand and gravel with a permit fee of \$300 that will not be affected by this proposal.*

8. What impact will the rulemaking have on small businesses? (A small business is defined by statute as a for-profit enterprise with fewer than 50 full or part-time employees.)

*The fee increase will affect small businesses by increasing their cost to obtain a permit. The fee increase will cost some small businesses \$500.00 or more in some cases. The small businesses affected will be open pit mining operations. A Small Business Impact Statement will be prepared.*

9. What are the probable costs for the department or any other public agency in the implementation and enforcement of the rulemaking?

*The probable costs for the department to implement and enforce this rulemaking are anticipated to be minimal. There is no additional cost to other public agencies concerning either implementation or enforcement of this proposed rulemaking.*

10. What is the anticipated effect of the rulemaking on state revenue?

*No anticipated effect on state revenue.*

11. Who was/will be involved in developing the rulemaking?

*Stakeholders include Missouri Mining Industry Council, Missouri Limestone Producers Association along with other members representing mining businesses, which will be affected by the proposed fee increase. A number of stakeholder meetings have been held.*

12. How has/will the development of the rulemaking been/be shared with interested parties and the public at large?

*A letter explaining the proposed fee increase will be sent to all permit holders affected by the fee increase. Additionally, a number of stakeholder meetings have been held.*

13. Who may I contact to either ask questions or provide input on this rulemaking?

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*or*

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14. What is the expected calendar for this rulemaking, particularly the dates for the comment period and public hearing?

May 13, 14, 15 and 18, 2015 - Stakeholders Meeting.

June 22, 2015 – Distribute draft for interagency review.

July 22, 2015 – Interagency review ends.

July 23~~3~~, 2015 – Present recommendation to Missouri Mining Commission.

July 30~~27~~, 2015 – Missouri Mining Commission vote on proposed rule.

August 14, 2015 – File proposed rule with Joint Committee on Administrative Rules and Secretary of State.

September 15, 2015 – Published in Missouri Register

October 15, 2015 – Public hearing to be held.

October 23, 2015 - Missouri Mining Commission response to comments and adopts Order of Rulemaking.

November 20, 2015 – File with Joint Committee on Administrative Rules.

December 18, 2015 – File Order with Secretary of State.

January 1, 2017 – Rule becomes effective, unless disapproved by General Assembly.