

Title 10—DEPARTMENT -OF NATURAL RESOURCES Division 130—State
Environmental Improvement and Energy Resources Authority
Chapter 1—Applications

10 CSR 130-1.010 Definitions

PURPOSE: This rule sets out definitions used in the rules of the State Environmental Improvement and Energy Resources Authority.

(1) Except where the context indicates otherwise, the following terms as used in these rules ~~shall~~ have the meaning ascribed to them in this rule or the Act.

(2) Act ~~shall mean~~ s sections 260.005 to 260.125, inclusive, Revised Statutes of Missouri and Appendix B(1) thereto.

(3) Air pollution ~~shall mean~~ s the presence in the ambient air of one (1) or more air contaminants in quantities, of characteristics and a duration which directly and proximately cause or contribute to injury to human, plant or animal life or health or to property or which unreasonably interferes with the enjoyment of life or use of property.

(4) Application fee ~~shall mean~~ s the fee payable upon filing of an application.

~~(5) Authority shall mean the State Environmental Improvement and Energy Resources Authority created by the Act.~~

~~(6)~~(5) Authorized representative ~~shall mean~~ s with respect to a corporation that person designated to act on its behalf by written certificate of authority furnished to the authority containing the specimen signature of the person and signed on behalf of the corporation by its president or any vice president and attested to by its secretary or an assistant secretary.

~~(7) Bonds shall mean bonds issued by the authority pursuant to the provisions of the Act.~~

~~(8) Cost shall mean the expense of the acquisition of land, rights of way, easements and other interests in real property and the expense of acquiring or construction of buildings, improvements, machinery and equipment relating to any project, including the cost of demolishing or removing any existing structures, interest during the construction of any project and engineering research, legal, accounting, underwriting, consulting and other expenses necessary or incident to determining the feasibility or practicability of any project and in carrying out the same, all of which are to be paid out of the proceeds of the loans, bonds or notes authorized by the Act.~~

~~(9) Disposal of solid waste or sewage shall mean the entire process of storage, collection, transportation, processing and disposal of solid waste or sewage.~~

~~(10)~~(6) Loans ~~shall mean~~ s loans made by the authority pursuant to the provisions of the Act.

~~(11) Notes shall mean notes issued by the authority pursuant to the provisions of the Act.~~

~~(12) Pollution shall mean the placing of any noxious substance in the air or waters or on the~~

~~lands of the state in sufficient quantity and of amounts, characteristics and duration so as to injure or harm the public health or welfare or animal life or property.~~

~~(13)~~(7) Pollution control facility ~~shall~~ means any facility, including land, disposal areas, incinerators, buildings, fixtures, machinery and equipment financed, acquired or constructed or to be financed, acquired or constructed by the authority for the purpose of preventing or reducing pollution or providing for the disposal of solid waste or sewage.

~~(14) Project shall mean any facility, including land, disposal areas, incinerators, buildings, fixtures, machinery and equipment financed, acquired or constructed or to be financed, acquired or constructed by the authority for the purpose of developing energy resources or preventing or reducing pollution or the disposal of solid waste or sewage or providing water facilities or resource recovery facilities.~~

~~(15) Resource recovery shall mean the recovery of material or energy from solid waste.~~

~~(16) Resource recovery facility shall mean any facility at which solid waste is processed for the purpose of extracting, converting to energy or otherwise separating and preparing solid waste for reuse.~~

~~(17) Resource recovery system shall mean a solid waste management system which provides for collection, separation, recycling and recovery of solid wastes, including disposal of nonrecoverable waste residues.~~

~~(18) Sewage shall mean any liquid or gaseous waste resulting from industrial, commercial, agricultural or community activities in amounts, characteristics and duration so as to injure or harm the public health or welfare or animal life or property.~~

~~(19) Solid waste shall mean garbage, refuse, discarded materials and undesirable solid and semi-solid residual matter resulting from industrial, commercial, agricultural or community activities in amounts, characteristics and duration so as to injure or harm the public health or welfare or animal life or property.~~

~~(20)~~(9) Solid waste or sewage disposal area ~~shall~~ means any area used for the disposal of solid waste or sewage from more than one (1) residential premises or one (1) or more commercial, industrial, manufacturing, recreational or governmental operations.

~~(21)~~(10) Solid waste or sewage processing facility means incinerator, compost plant, transfer station or any facility where solid wastes or sewage are salvaged.

~~(22) Synthetic fuels shall mean any solid, liquid or gas or combination thereof, which can be used as a substitute for petroleum or natural gas (or any derivatives thereof, including chemical feedstocks) and which is produced by chemical or physical transformation (other than washing, coking or desulfurizing) of domestic sources of coal, including lignite and peat, shale, tar, sands, including heavy oils, water as a source of hydrogen only through electrolysis and mixtures of coal and combustible liquids including petroleum.~~

~~(23) Water facilities shall mean any facilities for the furnishing of water for industrial, commercial, agricultural or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, related equipment and machinery.~~

~~(24)~~(11) Water pollution shall means contamination or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity or odor of the waters or the discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render the waters harmful, detrimental or injurious to public health, safety or welfare or to domestic, industrial, agricultural, recreational or other legitimate beneficial uses or to wild animals, birds, fish or other aquatic life.

AUTHORITY: section 260.035.1(23), RSMo 1986.* Original rule filed Sept. 3, 1986, effective Nov. 28, 1986.

*Original authority: 260.035, RSMo 1972, amended 1980, 1982, 1983, 1985, 1995.

10 CSR 130-1.020 Application Forms and Fees

PURPOSE: The State Environmental Improvement and Energy Resources Authority is authorized to provide for the conservation of the air, land and water resources of the state by the prevention or reduction of the pollution thereof and proper methods of disposal of solid waste or sewage and providing water facilities and resource recovery facilities and to provide for the development of the energy resources of the state and to further the programs the authority is authorized to contract to provide services relating thereto, to finance, acquire or construct projects and to make loans or to issue its revenue bonds and/or notes to pay the cost thereof and to fund the costs of studies and research proposals in connection therewith. The pollution control projects must be in furtherance of applicable federal and state standards and regulations. These rules set forth the information and documents which constitute an application to the authority and the procedure which should be followed in making ~~the applications~~ for financing through the issuance of the authority's bonds or loans.

(1) Any private person, firm, corporation, public body, political subdivision or municipal corporation who intends to acquire, construct or finance a project is eligible to submit an application with the authority for a resolution of official action toward issuance of the authority's bonds and/or notes or the granting of a loan.

~~(2) An application to acquire, construct or finance a project shall consist of the following: the application statement; proposed resolution of official action toward issuance of the authority's bonds and/or notes or the granting of a loan; and the application fee.~~

~~(3) Any private person, firm, corporation, public body, political subdivision or municipal~~

~~corporation is eligible to submit an application with the authority requesting funding for a study or research proposal or a contract for services~~

~~(4) An application to fund a study or research proposal or to enter into a contract to provide services shall consist of the following: the application statement and the application fee.~~

~~(5) The application shall be submitted is due to the authority at least five (5) days prior to any meeting of the authority at which the applicant has requested an appearance.~~

~~(6) The completed original application together with five (5) copies shall be filed with the State Environmental Improvement and Energy Resources Authority at its office in Jefferson City and an additional copy of the application shall be delivered, either in person or by mail to the authority's general counsel, or to another person and/or address as the authority may from time-to-time designate by resolution.~~

(2) The completed application shall be delivered to the State Environmental Improvement and Energy Resources Authority at its office in Jefferson City and an additional copy delivered to the authority's general counsel, or to another person or address as the authority may from time to time designate by resolution.

(3) Applications may be delivered in paper or a computer readable format which may be accessed, read, electronically stored and printed by the authority.

~~(7)~~(4) The application statement should present a detailed outline of the project ~~or the study or research proposal or the services to be rendered~~ for which the authority financing is requested and should be in a form as the authority may from time-to-time require. A copy of the application form may be obtained from the authority at its office in Jefferson City.

~~(8)~~(5) The authority may request additional information from the applicant and additional information so requested must be satisfactory to the authority before it passes its resolution of official action.

~~(9)~~(6) If the project for which the authority is requested to finance is a pollution control project, the applicant, prior to the issuance of the authority's bonds and/or notes or the granting of the loan, shall file with the authority—

(A) A control agency certificate issued by the state or federal agency which is charged with regulating the pollution which the project is designed to control, reduce or ~~prevent in a form so as shall be determined by the authority from time to time~~ stating that the pollution control project, as designed, is in furtherance of applicable state or federal standards and regulations; or

(B) An engineering certificate from an engineering firm acceptable to the ~~authority in a form so as shall be determined by the authority from time to time~~ stating that the pollution control project, as designed, is in furtherance of applicable state or federal standards and regulations.

The applicant shall be responsible for applying to the appropriate state or federal agency or engineering firm for the control agency certificate and for submitting to the state or federal agency or engineering firm information as the state or federal agency or engineering firm may require.

~~(10) As a part of the application, the applicant shall prepare and submit a proposed resolution of official action.~~

~~(11)~~(7) The following fees are payable by applicant to the authority:

(A) Application Fee. An application fee in an amount as hereinafter provided is due and payable upon filing of the request for financing or refinancing. The application fee is an amount equal to one-tenth (1/10) of one per- cent (1%) of the amount for which financing is requested ~~or of the total cost of the study or research proposal or contract to provide services~~. Notwithstanding the foregoing, the applicant fee shall not be less that one hundred dollars (\$100) nor more ~~that than~~ two thousand five hundred dollars (\$2,500). The application fee is nonrefundable and is in addition to the issuance fee or refinancing fee provided for that follows. ~~Payment of the application fee shall be by bank draft, money order or check made payable to the State Environmental Improvement and Energy Resources Authority;~~

(B) Issuance Fee. For all loans, bonds or notes issued by the authority, other than loans, bonds or notes which are being issued to refund or refinance loans, bonds or notes previously issued by the authority, an issuance fee shall be payable to the authority at the time of the closing of the issuance of the bonds or notes or the granting of the loan ~~which shall be and~~ computed in the following manner:

Rate	Amount of Financing
.00625 (5/8 of 1%) on the 1st	\$ 2,500,000;
.005 (1/2 of 1%) on the next	\$ 2,500,000;
.00375 (3/8 of 1%) on the next	\$ 5,000,000;
.0025 (1/4 of 1%) on the next	\$15,000,000;
.00125 (1/8 of 1%) on all over	\$25,000,000;

(C) Refinancing Fee. On all loans, bonds or notes issued for refinancing or refunding previously issued loans, bonds or notes, a refinancing fee shall be payable to the authority at the time of the closing of the issuance of the bonds or notes or the granting of the loan ~~which shall be~~ is calculated as follows: i) within two (2) years after the issuance of the loan, bonds or notes being refinanced, one- tenth (1/10) of the issuance fee provided in subsection (11)(B); ii) after two (2) years and within five (5) years after the issuance of the loan, bonds or notes being refinanced, one- fifth (1/5) of the issuance fee provided in sub- section (11)(B); iii) after five (5) years and

within ten (10) years after the issuance of the loan, bonds or notes being refinanced, one-third (1/3) of the issuance fee provided in subsection (11)(B); iv) after ten (10) years and within fifteen (15) years after the issuance of the loan, bonds or notes being refinanced, one-half (1/2) of the issuance fee provided in subsection (11)(B); or v) after fifteen (15) years, same as issuance fee provided in subsection (11)(B); but in no event shall the refinancing fee be less than the lesser of a) ten thousand dollars (\$10,000) or b) the issuance fee provided in subsection (11)(B);

(D) Nature of Fees. The application fee, issuance fee and refinancing fee are for the support of the authority and its activities. The application fee, issuance fee and refinancing fee do not provide for bond registration and/or any other issuance or project costs, including, though not by way of limitation, attorneys' fees, printing costs, financial advisor fees, underwriting fees or trustee fees;

~~(E) Partial Prepayment of Issuance Fee or Refinancing Fee. Upon adoption of the resolution of official action toward issuance of the authority's bonds and/or notes or approval of the loan by the authority, the authority may require an applicant to make partial prepayment of the issuance fee or refinancing fee. The partial prepayment shall not exceed twenty-five percent (25%) of the total issuance fee or refinancing fee, as provided for in subsections (11)(B) or (C).~~

~~(12)(8)~~ Each applicant ~~shall~~may be required to personally appear at the meeting at which the authority considers the proposed resolution of official action.

~~(13)(9)~~ Prior to the issuance of the bonds and/or notes of the authority, the applicant shall either provide the authority with an unqualified opinion of counsel experienced in matters relating to tax exemption of interest on bonds and/or notes of states and their political subdivisions to the effect that the interest payments on the bonds and/or notes to be issued by the authority will be exempt from federal income taxes or ~~shall~~ apply for, and obtain in the name of the authority, a determination by the Internal Revenue Service that the interest payments on the bonds and/or notes to be issued by the authority will be exempt from federal income taxes.

~~(14)(10)~~ Upon written request submitted to the authority and upon good cause shown, the authority may waive or modify the strict application of any rule provided for in this rule including the payment of the application fee, issuance fee and refinancing fee, or the amount thereof, if the authority determines that the substance and purpose of any rule provided for in these regulations has been complied with and fulfilled.

~~(15) After the issuance of the resolution of official action toward issuance of the authority's bonds and/or notes, and no later than one (1) month prior to the issuance of the bonds or notes, a timetable for all future proceedings, following adoption of the resolution of official action toward issuance of the authority's bonds and/or notes shall be agreed upon between the authority and the applicant. All proceedings thereafter shall be governed by an agreed upon time schedule.~~

AUTHORITY: section 260.035.1(23), RSMo

1986.* Original rule filed Sept. 3, 1986, effective Nov. 28, 1986.

*Original authority: 260.035, RSMo 1972, amended 1980, 1982, 1983, 1985, 1995.

