



Rules of
Department of Natural Resources
Division 130—State Environmental Improvement
and Energy Resources Authority
Chapter 1—Applications

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**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, terms as used in these rules have the meaning ascribed to them in this rule or the Act.

(2) Act means sections 260.005 to 260.125, inclusive, RSMo and Appendix B(1) thereto.

(3) Air pollution means 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 means the fee payable upon filing of an application.

(5) Authorized representative means, 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.

(6) Loans means loans made by the authority pursuant to the provisions of the Act.

(7) Pollution control facility 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.

(8) Solid waste or sewage disposal area 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.

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

(10) Water pollution 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 2016. Original rule filed Sept. 3, 1986, effective Nov. 28, 1986. Amended: Filed Oct. 5, 2018, effective April 30, 2019.*

**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.

(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) 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.

(4) The application statement should present a detailed outline of the project 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.

(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.

(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 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 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 the state or federal agency or engineering firm information as the state or federal agency or engineering firm may require.

(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 percent (1%) of the amount for which financing is requested. Notwithstanding the foregoing, the applicant fee shall not be less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500). The application fee is nonrefundable and is in addition to the issuance fee or refinancing fee;

(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 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 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 subsection (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.

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

(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 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.

(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.

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