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 Environ-
mental Improvement and Energy
Resources Authority.

(1) Except where the context indicates oth-
erwise, the following terms as used in these rules
shall have the meaning ascribed to them in
this rule.

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

(3) Air pollution shall mean the presence in
the ambient air of one (1) or more air contami-
nants 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 the fee payable
upon filing of an application.

(5) Authority shall mean the State Environ-
mental Improvement and Energy Resources
Authority created by the Act.

(6) Authorized representative shall mean with
respect to a corporation that person designated
to act on its behalf by written certificate of
authority furnished to the authority contain-
ing 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 acqui-
sition 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 struc-
tures, interest during the construction of any
project and engineering research, legal,
counting, underwriting, consulting and
other expenses necessary or incidental 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) Loans shall mean 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) Pollution control facility shall mean any
facility, including land, disposal areas, incin-
erators, 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 dispo-
sal 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 dispos-
al of solid waste or sewage.

(15) Resource recovery shall mean the recov-
er 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 pro-
vides 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,
disposed materials and undesirable solid and
semi-solid residual matter resulting from
industrial, commercial, agricultural or commu-
nity activities in amounts, characteristics and
duration so as to injure or harm the public
health or welfare or animal life or property.

(20) Solid waste or sewage disposal area shall
mean 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, recrea-
tional or governmental operations.

(21) Solid waste or sewage processing facility
shall mean incinerator, compost plant, transfer
station or any facility where solid waste or
sewage are salvaged.

(22) Synthetic fuels shall mean any solid,
liquid or gas or combination thereof, which
is produced by chemical or physical transforma-
tion (other than washing, coking or desulfuri-
zation) of domestic sources of coal, including
the 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 pur-
poses including, but not limited to, wells,
reservoirs, dams, pumping stations, water
lines, sewer lines, treatment plants, stabiliza-
tion ponds, storm sewers, related equipment
and machinery.

(24) Water pollution shall mean contamina-
tion 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, recrea-
tional or other legitimate beneficial uses or to
wild animals, birds, fish or other aquatic life.

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

(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.

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

(9) 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) 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 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 than one hundred dollars ($100) nor more that two thousand five hundred dollars ($2500). 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 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 computed in the following manner:

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<tr>
<th>Rate</th>
<th>Amount of Financing</th>
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<tr>
<td>.00625 (5/8 of 1%) on the 1st $ 2,500,000</td>
<td>$ 2,500,000</td>
</tr>
<tr>
<td>.00875 (3/8 of 1%) on the next $ 5,000,000</td>
<td>$ 5,000,000</td>
</tr>
<tr>
<td>.0025 (1/4 of 1%) on the next $15,000,000</td>
<td>$15,000,000</td>
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<tr>
<td>.00125 (1/8 of 1%) on all over $20,000,000</td>
<td>$20,000,000</td>
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(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 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-third (1/3) 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-half (1/2) of the issuance fee provided in subsection (11)(B); iv) after 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); 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).

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

(13) 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) 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.