

FIRST REGULAR SESSION

# HOUSE BILL NO. 604

97TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE PHILLIPS.

1472H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 43.543, 260.200, 260.205, 260.262, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 444.772, 644.054, RSMo, and to enact in lieu thereof ten new sections relating to natural resources, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 43.543, 260.200, 260.205, 260.262, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 444.772, 644.054, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 43.543, 260.200, 260.205, 260.262, 260.380, 260.390, 260.395, 260.475, 444.772, and 644.054, to read as follows:

43.543. Any state agency listed in section 621.045, the division of professional registration of the department of insurance, financial institutions and professional registration, the department of social services, the supreme court of Missouri, the state courts administrator, the department of elementary and secondary education, **the department of natural resources**, the Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency which screens persons seeking employment with such agencies or issuance or renewal of a license, permit, certificate, or registration of authority from such agencies; or any state, municipal, or county agency or committee, or state school of higher education which is authorized by state statute or executive order, or local or county ordinance to screen applicants or candidates seeking or considered for employment, assignment, contracting, or appointment to a position within state, municipal, or county government; or the Missouri peace officers standards and training, POST, commission which screens persons, not employed by a criminal justice agency, who seek enrollment or access into a certified POST training academy police school, or persons seeking a permit to purchase or possess a firearm for employment as a

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 watchman, security personnel, or private investigator; or law enforcement agencies which screen  
16 persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase  
17 or possess a firearm shall submit two sets of fingerprints to the Missouri state highway patrol,  
18 Missouri criminal records repository, for the purpose of checking the person's criminal history.  
19 The first set of fingerprints shall be used to search the Missouri criminal records repository and  
20 the second set shall be submitted to the Federal Bureau of Investigation to be used for searching  
21 the federal criminal history files if necessary. The fingerprints shall be submitted on forms and  
22 in the manner prescribed by the Missouri state highway patrol. Fees assessed for the searches  
23 shall be paid by the applicant or in the manner prescribed by the Missouri state highway patrol.  
24 Notwithstanding the provisions of section 610.120, all records related to any criminal history  
25 information discovered shall be accessible and available to the state, municipal, or county agency  
26 making the record request.

260.200. 1. The following words and phrases when used in sections 260.200 to 260.345  
2 shall mean:

3 (1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese  
4 dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including  
5 alkaline-manganese button cell batteries intended for use in watches, calculators, and other  
6 electronic products, and larger-sized alkaline-manganese batteries in general household use;

7 (2) **"Applicant", a person or persons seeking or holding a facility permit;**

8 (3) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid  
9 waste disposal area where the controlled addition of liquid waste or water accelerates both the  
10 decomposition of waste and landfill gas generation;

11 [(3)] (4) "Button cell battery" or "button cell", any small alkaline-manganese or  
12 mercuric-oxide battery having the size and shape of a button;

13 [(4)] (5) "City", any incorporated city, town, or village;

14 [(5)] (6) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic  
15 concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved  
16 by rule or policy of the department for fill, reclamation or other beneficial use;

17 [(6)] (7) "Closure", the permanent cessation of active disposal operations, abandonment  
18 of the disposal area, revocation of the permit or filling with waste of all areas and volumes  
19 specified in the permit and preparing the area for long-term care;

20 [(7)] (8) "Closure plan", plans, designs and relevant data which specify the methods and  
21 schedule by which the operator will complete or cease disposal operations, prepare the area for  
22 long-term care, and make the area suitable for other uses, to achieve the purposes of sections  
23 260.200 to 260.345 and the regulations promulgated thereunder;

24            [(8)] (9) "Conference, conciliation and persuasion", a process of verbal or written  
25 communications consisting of meetings, reports, correspondence or telephone conferences  
26 between authorized representatives of the department and the alleged violator. The process shall,  
27 at a minimum, consist of one offer to meet with the alleged violator tendered by the department.  
28 During any such meeting, the department and the alleged violator shall negotiate in good faith  
29 to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

30            [(9)] (10) "Construction and demolition waste", waste materials from the construction  
31 and demolition of residential, industrial, or commercial structures, but shall not include materials  
32 defined as clean fill under this section;

33            [(10)] (11) "Demolition landfill", a solid waste disposal area used for the controlled  
34 disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete  
35 and inert solids insoluble in water;

36            [(11)] (12) "Department", the department of natural resources;

37            [(12)] (13) "Director", the director of the department of natural resources;

38            [(13)] (14) **"Disclosure statement", a sworn statement or affirmation, in such form**  
39 **as may be required by the director of the department of natural resources which includes:**

40            **(a) The full name and business address of all key personnel;**

41            **(b) The full name and business address of any entity, other than a natural person,**  
42 **that collects, transports, treats, stores, or disposes of solid waste in which any key**  
43 **personnel holds an equity interest of seven percent or more;**

44            **(c) A description of the business experience of all key personnel listed in the**  
45 **disclosure statement;**

46            **(d) A listing of all permits or licenses from any jurisdiction required for the**  
47 **collection, transportation, transfer, treatment, processing, storage or disposal of solid waste**  
48 **issued to or held by any key personnel for the ten-year period ending on the date the sworn**  
49 **disclosure statement or affirmation is signed;**

50            **(e) A listing and explanation of any notices of violation, prosecutions, administrative**  
51 **orders whether by consent or otherwise, license or permit suspensions, revocations or**  
52 **denials, or enforcement actions of any sort by any state, federal or local authority, for the**  
53 **ten-year period ending on the date the sworn disclosure statement or affirmation is signed,**  
54 **which are pending or have concluded with a finding of violation or entry of a consent**  
55 **agreement, regarding an allegation of civil or criminal violation of any law, regulation or**  
56 **requirement relating to the collection, transportation, treatment, storage or disposal of**  
57 **solid waste or violation of Missouri environmental statutes, violation of the environmental**  
58 **statutes of other states or federal statutes by any key personnel; an itemized list of all**  
59 **convictions for the ten-year period ending on the date the sworn disclosure statement or**

60 **affirmation is signed of key personnel of any of the following crimes punishable as felonies**  
61 **under the laws of the state of Missouri or the equivalent thereof under the laws of any**  
62 **other jurisdiction: murder; kidnapping; gambling; robbery; bribery; extortion; criminal**  
63 **usury; arson; burglary; theft and related crimes; forgery and fraudulent practices; fraud**  
64 **in the offering, sale, or purchase of securities; alteration of motor vehicle identification**  
65 **numbers; unlawful manufacture, purchase, use or transfer of firearms; unlawful**  
66 **possession or use of destructive devices or explosives; violation of the Controlled**  
67 **Substances Act, Title 21, United States Code; and a listing of any convictions for any**  
68 **crimes or criminal acts for the ten-year period ending on the date the sworn disclosure**  
69 **statement or affirmation is signed, an element of which involves restraint of trade, price-**  
70 **fixing, intimidation of the customers of another person or for engaging in any other acts**  
71 **which may have the effect of restraining or limiting competition concerning activities**  
72 **regulated under this chapter or similar laws of other states or the federal government**  
73 **including but not limited to, racketeering or violation of antitrust laws of any key**  
74 **personnel;**

75 **(f) A listing of all agencies outside the state of Missouri which have regulatory**  
76 **responsibility over the applicant or have issued any environmental permit or license to the**  
77 **applicant for the ten-year period ending on the date the sworn disclosure statement or**  
78 **affirmation is signed, in connection with the applicant's collection, transportation,**  
79 **treatment, storage, or disposal of solid waste;**

80 **(g) Any other information about the applicant and the key personnel that the**  
81 **director of the department of natural resources may require that reasonably relates to the**  
82 **qualifications and ability of the key personnel or the applicant to lawfully and competently**  
83 **operate a solid waste management facility in Missouri;**

84 **(h) The department of natural resources shall, by rule, define those environmental**  
85 **violations which must be reported as part of the disclosure statement; and**

86 **(i) The department of natural resources may, by rule, require additional persons**  
87 **to be named in the disclosure statement and violations or convictions of such persons shall**  
88 **be listed;**

89 **(15) "District", a solid waste management district established under section 260.305;**

90 **[(14)] (16) "Financial assurance instrument", an instrument or instruments, including,**  
91 **but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund,**  
92 **submitted by the applicant to ensure proper closure and postclosure care and corrective action**  
93 **of a solid waste disposal area in the event that the operator fails to correctly perform closure and**  
94 **postclosure care and corrective action requirements, except that the financial test for the**  
95 **corporate guarantee shall not exceed one and one-half times the estimated cost of closure and**

96 postclosure. The form and content of the financial assurance instrument shall meet or exceed  
97 the requirements of the department. The instrument shall be reviewed and approved or  
98 disapproved by the attorney general;

99       [(15)] (17) "Flood area", any area inundated by the one hundred year flood event, or the  
100 flood event with a one percent chance of occurring in any given year;

101       [(16)] (18) "Household consumer", an individual who generates used motor oil through  
102 the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery  
103 powered by an internal combustion engine;

104       [(17)] (19) "Household consumer used motor oil collection center", any site or facility  
105 that accepts or aggregates and stores used motor oil collected only from household consumers  
106 or farmers who generate an average of twenty-five gallons per month or less of used motor oil  
107 in a calendar year. This section shall not preclude a commercial generator from operating a  
108 household consumer used motor oil collection center;

109       [(18)] (20) "Household consumer used motor oil collection system", any used motor oil  
110 collection center at publicly owned facilities or private locations, any curbside collection of  
111 household consumer used motor oil, or any other household consumer used motor oil collection  
112 program determined by the department to further the purposes of sections 260.200 to 260.345;

113       [(19)] (21) "Infectious waste", waste in quantities and characteristics as determined by  
114 the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood  
115 and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated  
116 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be  
117 infectious; provided, however, that infectious waste does not mean waste treated to department  
118 specifications;

119       **(22) "Key personnel", the applicant and any person employed by the applicant in**  
120 **a managerial capacity, or empowered to make discretionary decisions with respect to the**  
121 **solid waste operations of the applicant in Missouri, but shall not include employees**  
122 **exclusively engaged in the physical or mechanical collection, transportation, treatment,**  
123 **storage, or disposal of solid waste and such other employees as the director of the**  
124 **department of natural resources may designate by regulation. If the applicant has not**  
125 **previously conducted solid waste operations in Missouri, the term also includes any officer,**  
126 **director, partner of the applicant, or any holder of seven percent or more of the equity or**  
127 **debt of the applicant. If any holder of seven percent or more of the equity or debt of the**  
128 **applicant or of any key personnel is not a natural person, the term includes all key**  
129 **personnel of that entity, provided that where such entity is a chartered lending institution**  
130 **or a reporting company under the Federal Securities Exchange Act of 1934, the term does**  
131 **not include key personnel of such entity. Provided further that the term means the chief**

132 **executive officer of any agency of the United States or of any agency or political subdivision**  
133 **of the state of Missouri, and all key personnel of any person, other than a natural person,**  
134 **that operates a landfill or other facility for the disposal, treatment or storage of**  
135 **nonhazardous solid waste under contract with or for one of those governmental entities;**

136 [(20)] (23) "Lead-acid battery", a battery designed to contain lead and sulfuric acid with  
137 a nominal voltage of at least six volts and of the type intended for use in motor vehicles and  
138 watercraft;

139 [(21)] (24) "Major appliance", clothes washers and dryers, water heaters, trash  
140 compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners,  
141 refrigerators and freezers;

142 [(22)] (25) "Mercuric-oxide battery" or "mercury battery", a battery having a  
143 mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte,  
144 including mercuric-oxide button cell batteries generally intended for use in hearing aids and  
145 larger size mercuric-oxide batteries used primarily in medical equipment;

146 [(23)] (26) "Minor violation", a violation which possesses a small potential to harm the  
147 environment or human health or cause pollution, was not knowingly committed, and is not  
148 defined by the United States Environmental Protection Agency as other than minor;

149 [(24)] (27) "Motor oil", any oil intended for use in a motor vehicle, as defined in section  
150 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal  
151 combustion engine;

152 [(25)] (28) "Motor vehicle", as defined in section 301.010;

153 [(26)] (29) "Operator" and "permittee", anyone so designated, and shall include cities,  
154 counties, other political subdivisions, authority, state agency or institution, or federal agency or  
155 institution;

156 [(27)] (30) "Permit modification", any permit issued by the department which alters or  
157 modifies the provisions of an existing permit previously issued by the department;

158 [(28)] (31) "Person", any individual, partnership, **limited liability company,**  
159 corporation, association, **trust,** institution, city, county, other political subdivision, authority,  
160 state agency or institution, or federal agency or institution, **or any other legal entity;**

161 [(29)] (32) "Plasma arc technology", a process that converts electrical energy into  
162 thermal energy. This electric arc is created when an ionized gas transfers electric power between  
163 two or more electrodes;

164 [(30)] (33) "Postclosure plan", plans, designs and relevant data which specify the  
165 methods and schedule by which the operator shall perform necessary monitoring and care for the  
166 area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations  
167 promulgated thereunder;

168            [(31)] (34) "Recovered materials", those materials which have been diverted or removed  
169 from the solid waste stream for sale, use, reuse or recycling, whether or not they require  
170 subsequent separation and processing;

171            [(32)] (35) "Recycled content", the proportion of fiber in a newspaper which is derived  
172 from postconsumer waste;

173            [(33)] (36) "Recycling", the separation and reuse of materials which might otherwise be  
174 disposed of as solid waste;

175            [(34)] (37) "Resource recovery", a process by which recyclable and recoverable material  
176 is removed from the waste stream to the greatest extent possible, as determined by the  
177 department and pursuant to department standards, for reuse or remanufacture;

178            [(35)] (38) "Resource recovery facility", a facility in which recyclable and recoverable  
179 material is removed from the waste stream to the greatest extent possible, as determined by the  
180 department and pursuant to department standards, for reuse or remanufacture;

181            [(36)] (39) "Sanitary landfill", a solid waste disposal area which accepts commercial and  
182 residential solid waste;

183            [(37)] (40) "Scrap tire", a tire that is no longer suitable for its original intended purpose  
184 because of wear, damage, or defect;

185            [(38)] (41) "Scrap tire collection center", a site where scrap tires are collected prior to  
186 being offered for recycling or processing and where fewer than five hundred tires are kept on site  
187 on any given day;

188            [(39)] (42) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel  
189 supplement or converted into a useable product. Baled or compressed tires used in structures,  
190 or used at recreational facilities, or used for flood or erosion control shall be considered an end  
191 use;

192            [(40)] (43) "Scrap tire generator", a person who sells tires at retail or any other person,  
193 firm, corporation, or government entity that generates scrap tires;

194            [(41)] (44) "Scrap tire processing facility", a site where tires are reduced in volume by  
195 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or  
196 disposal;

197            [(42)] (45) "Scrap tire site", a site at which five hundred or more scrap tires are  
198 accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap  
199 tires for the generation of energy or converts scrap tires to a useful product;

200            [(43)] (46) "Solid waste", garbage, refuse and other discarded materials including, but  
201 not limited to, solid and semisolid waste materials resulting from industrial, commercial,  
202 agricultural, governmental and domestic activities, but does not include hazardous waste as

203 defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte,  
204 slag or other waste material resulting from mining, milling or smelting;

205 [(44)] (47) "Solid waste disposal area", any area used for the disposal of solid waste from  
206 more than one residential premises, or one or more commercial, industrial, manufacturing,  
207 recreational, or governmental operations;

208 [(45)] (48) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and  
209 may be:

210 (a) A solid waste collection fee imposed at the point of waste collection; or

211 (b) A solid waste disposal fee imposed at the disposal site;

212 [(46)] (49) "Solid waste management area", a solid waste disposal area which also  
213 includes one or more of the functions contained in the definitions of recycling, resource recovery  
214 facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste  
215 processing facility, excluding incineration;

216 [(47)] (50) "Solid waste management system", the entire process of managing solid waste  
217 in a manner which minimizes the generation and subsequent disposal of solid waste, including  
218 waste reduction, source separation, collection, storage, transportation, recycling, resource  
219 recovery, volume minimization, processing, market development, and disposal of solid wastes;

220 [(48)] (51) "Solid waste processing facility", any facility where solid wastes are salvaged  
221 and processed, including:

222 (a) A transfer station; or

223 (b) An incinerator which operates with or without energy recovery but excluding waste  
224 tire end-user facilities; or

225 (c) A material recovery facility which operates with or without composting;

226 (d) A plasma arc technology facility;

227 [(49)] (52) "Solid waste technician", an individual who has successfully completed  
228 training in the practical aspects of the design, operation and maintenance of a permitted solid  
229 waste processing facility or solid waste disposal area in accordance with sections 260.200 to  
230 260.345;

231 [(50)] (53) "Tire", a continuous solid or pneumatic rubber covering encircling the wheel  
232 of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in  
233 chapter 301, except farm tractors and farm implements owned and operated by a family farm or  
234 family farm corporation as defined in section 350.010;

235 [(51)] (54) "Used motor oil", any motor oil which, as a result of use, becomes unsuitable  
236 for its original purpose due to loss of original properties or the presence of impurities, but used  
237 motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have  
238 been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations,

239 oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,  
240 quenching oils, and transformer oils;

241 [(52)] (55) "Utility waste landfill", a solid waste disposal area used for fly ash waste,  
242 bottom ash waste, slag waste and flue gas emission control waste generated primarily from the  
243 combustion of coal or other fossil fuels;

244 [(53)] (56) "Yard waste", leaves, grass clippings, yard and garden vegetation and  
245 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

246 2. For the purposes of this section and sections 260.270 to 260.279 and any rules in place  
247 as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be used  
248 synonymously with and in place of waste, as it applies only to scrap tires.

260.205. 1. It shall be unlawful for any person to operate a solid waste processing  
2 facility or solid waste disposal area of a solid waste management system without first obtaining  
3 an operating permit from the department. It shall be unlawful for any person to construct a solid  
4 waste processing facility or solid waste disposal area without first obtaining a construction  
5 permit from the department pursuant to this section. A current authorization to operate issued  
6 by the department pursuant to sections 260.200 to 260.345 shall be considered to be a permit to  
7 operate for purposes of this section for all solid waste disposal areas and processing facilities  
8 existing on August 28, 1995. A permit shall not be issued for a sanitary landfill to be located in  
9 a flood area, as determined by the department, where flood waters are likely to significantly  
10 erode final cover. A permit shall not be required to operate a waste stabilization lagoon, settling  
11 pond or other water treatment facility which has a valid permit from the Missouri clean water  
12 commission even though the facility may receive solid or semisolid waste materials.

13 2. No person or operator may apply for or obtain a permit to construct a solid waste  
14 disposal area unless the person has requested the department to conduct a preliminary site  
15 investigation and obtained preliminary approval from the department. The department shall,  
16 within sixty days of such request, conduct a preliminary investigation and approve or disapprove  
17 the site.

18 3. All proposed solid waste disposal areas for which a preliminary site investigation  
19 request pursuant to subsection 2 of this section is received by the department on or after August  
20 28, 1999, shall be subject to a public involvement activity as part of the permit application  
21 process. The activity shall consist of the following:

22 (1) The applicant shall notify the public of the preliminary site investigation approval  
23 within thirty days after the receipt of such approval. Such public notification shall be by certified  
24 mail to the governing body of the county or city in which the proposed disposal area is to be  
25 located and by certified mail to the solid waste management district in which the proposed  
26 disposal area is to be located;

27           (2) Within ninety days after the preliminary site investigation approval, the department  
28 shall conduct a public awareness session in the county in which the proposed disposal area is to  
29 be located. The department shall provide public notice of such session by both printed and  
30 broadcast media at least thirty days prior to such session. Printed notification shall include  
31 publication in at least one newspaper having general circulation within the county in which the  
32 proposed disposal area is to be located. Broadcast notification shall include public service  
33 announcements on radio stations that have broadcast coverage within the county in which the  
34 proposed disposal area is to be located. The intent of such public awareness session shall be to  
35 provide general information to interested citizens on the design and operation of solid waste  
36 disposal areas;

37           (3) At least sixty days prior to the submission to the department of a report on the results  
38 of a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct  
39 a community involvement session in the county in which the proposed disposal area is to be  
40 located. Department staff shall attend any such session. The applicant shall provide public  
41 notice of such session by both printed and broadcast media at least thirty days prior to such  
42 session. Printed notification shall include publication in at least one newspaper having general  
43 circulation within the county in which the proposed disposal area is to be located. Broadcast  
44 notification shall include public service announcements on radio stations that have broadcast  
45 coverage within the county in which the proposed disposal area is to be located. Such public  
46 notices shall include the addresses of the applicant and the department and information on a  
47 public comment period. Such public comment period shall begin on the day of the community  
48 involvement session and continue for at least thirty days after such session. The applicant shall  
49 respond to all persons submitting comments during the public comment period no more than  
50 thirty days after the receipt of such comments;

51           (4) If a proposed solid waste disposal area is to be located in a county or city that has  
52 local planning and zoning requirements, the applicant shall not be required to conduct a  
53 community involvement session if the following conditions are met:

54           (a) The local planning and zoning requirements include a public meeting;

55           (b) The applicant notifies the department of intent to utilize such meeting in lieu of the  
56 community involvement session at least thirty days prior to such meeting;

57           (c) The requirements of such meeting include providing public notice by printed or  
58 broadcast media at least thirty days prior to such meeting;

59           (d) Such meeting is held at least thirty days prior to the submission to the department of  
60 a report on the results of a detailed site investigation pursuant to subsection 4 of this section;

61           (e) The applicant submits to the department a record of such meeting;

62 (f) A public comment period begins on the day of such meeting and continues for at least  
63 fourteen days after such meeting, and the applicant responds to all persons submitting comments  
64 during such public comment period no more than fourteen days after the receipt of such  
65 comments.

66 4. No person may apply for or obtain a permit to construct a solid waste disposal area  
67 unless the person has submitted to the department a plan for conducting a detailed surface and  
68 subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic site  
69 approval from the department. The department shall approve or disapprove the plan within thirty  
70 days of receipt. The applicant shall conduct the investigation pursuant to the plan and submit  
71 the results to the department. The department shall provide approval or disapproval within sixty  
72 days of receipt of the investigation results.

73 5. (1) Every person desiring to construct a solid waste processing facility or solid waste  
74 disposal area shall make application for a permit on forms provided for this purpose by the  
75 department. Every applicant shall submit evidence of financial responsibility with the  
76 application. Any applicant who relies in part upon a parent corporation for this demonstration  
77 shall also submit evidence of financial responsibility for that corporation and any other  
78 subsidiary thereof.

79 (2) Every applicant shall provide a financial assurance instrument or instruments to the  
80 department prior to the granting of a construction permit for a solid waste disposal area. The  
81 financial assurance instrument or instruments shall be irrevocable, meet all requirements  
82 established by the department and shall not be cancelled, revoked, disbursed, released or allowed  
83 to terminate without the approval of the department. After the cessation of active operation of  
84 a sanitary landfill, or other solid waste disposal area as designed by the department, neither the  
85 guarantor nor the operator shall cancel, revoke or disburse the financial assurance instrument or  
86 allow the instrument to terminate until the operator is released from postclosure monitoring and  
87 care responsibilities pursuant to section 260.227.

88 (3) The applicant for a permit to construct a solid waste disposal area shall provide the  
89 department with plans, specifications, and such other data as may be necessary to comply with  
90 the purpose of sections 260.200 to 260.345.

91 The application shall demonstrate compliance with all applicable local planning and zoning  
92 requirements. The department shall make an investigation of the solid waste disposal area and  
93 determine whether it complies with the provisions of sections 260.200 to 260.345 and the rules  
94 and regulations adopted pursuant to sections 260.200 to 260.345. Within twelve consecutive  
95 months of the receipt of an application for a construction permit the department shall approve  
96 or deny the application. The department shall issue rules and regulations establishing time limits

97 for permit modifications and renewal of a permit for a solid waste disposal area. The time limit  
98 shall be consistent with this chapter.

99 (4) The applicant for a permit to construct a solid waste processing facility shall provide  
100 the department with plans, specifications and such other data as may be necessary to comply with  
101 the purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the  
102 application, the department shall determine whether it complies with the provisions of sections  
103 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a  
104 permit to construct an incinerator as defined in section 260.200 or a material recovery facility  
105 as defined in section 260.200, and within six months for permit modifications, the department  
106 shall approve or deny the application. Permits issued for solid waste facilities shall be for the  
107 anticipated life of the facility.

108 (5) If the department fails to approve or deny an application for a permit or a permit  
109 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the  
110 applicant may maintain an action in the circuit court of Cole County or that of the county in  
111 which the facility is located or is to be sited. The court shall order the department to show cause  
112 why it has not acted on the permit and the court may, upon the presentation of evidence  
113 satisfactory to the court, order the department to issue or deny such permit or permit  
114 modification. Permits for solid waste disposal areas, whether issued by the department or  
115 ordered to be issued by a court, shall be for the anticipated life of the facility.

116 (6) The applicant for a permit to construct a solid waste processing facility shall pay an  
117 application fee of one thousand dollars. Upon completion of the department's evaluation of the  
118 application, but before receiving a permit, the applicant shall reimburse the department for all  
119 reasonable costs incurred by the department up to a maximum of four thousand dollars. The  
120 applicant for a permit to construct a solid waste disposal area shall pay an application fee of two  
121 thousand dollars. Upon completion of the department's evaluations of the application, but before  
122 receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred  
123 by the department up to a maximum of eight thousand dollars. Applicants who withdraw their  
124 application before the department completes its evaluation shall be required to reimburse the  
125 department for costs incurred in the evaluation. The department shall not collect the fees  
126 authorized in this subdivision unless it complies with the time limits established in this section.

127 (7) When the review reveals that the facility or area does conform with the provisions  
128 of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections  
129 260.200 to 260.345, the department shall approve the application and shall issue a permit for the  
130 construction of each solid waste processing facility or solid waste disposal area as set forth in  
131 the application and with any permit terms and conditions which the department deems  
132 appropriate. In the event that the facility or area fails to meet the rules and regulations adopted

133 pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant  
134 stating the reason for denial of a permit.

135           6. Plans, designs, and relevant data for the construction of solid waste processing  
136 facilities and solid waste disposal areas shall be submitted to the department by a registered  
137 professional engineer licensed by the state of Missouri for approval prior to the construction,  
138 alteration or operation of such a facility or area.

139           7. Any person or operator as defined in section 260.200 who intends to obtain a  
140 construction permit in a solid waste management district with an approved solid waste  
141 management plan shall request a recommendation in support of the application from the  
142 executive board created in section 260.315. The executive board shall consider the impact of  
143 the proposal on, and the extent to which the proposal conforms to, the approved district solid  
144 waste management plan prepared pursuant to section 260.325. The executive board shall act  
145 upon the request for a recommendation within sixty days of receipt and shall submit a resolution  
146 to the department specifying its position and its recommendation regarding conformity of the  
147 application to the solid waste plan. The board's failure to submit a resolution constitutes  
148 recommendation of the application. The department may consider the application, regardless of  
149 the board's action thereon and may deny the construction permit if the application fails to meet  
150 the requirements of sections 260.200 to 260.345, or if the application is inconsistent with the  
151 district's solid waste management plan.

152           8. If the site proposed for a solid waste disposal area is not owned by the applicant, the  
153 owner or owners of the site shall acknowledge that an application pursuant to sections 260.200  
154 to 260.345 is to be submitted by signature or signatures thereon. The department shall provide  
155 the owner with copies of all communication with the operator, including inspection reports and  
156 orders issued pursuant to section 260.230.

157           9. The department shall not issue a permit for the operation of a solid waste disposal area  
158 designed to serve a city with a population of greater than four hundred thousand located in more  
159 than one county, if the site is located within one-half mile of an adjoining municipality, without  
160 the approval of the governing body of such municipality. The governing body shall conduct a  
161 public hearing within fifteen days of notice, shall publicize the hearing in at least one newspaper  
162 having general circulation in the municipality, and shall vote to approve or disapprove the land  
163 disposal facility within thirty days after the close of the hearing.

164           10. Upon receipt of an application for a permit to construct a solid waste processing  
165 facility or disposal area, the department shall notify the public of such receipt:

166           (1) By legal notice published in a newspaper of general circulation in the area of the  
167 proposed disposal area or processing facility;

168 (2) By certified mail to the governing body of the county or city in which the proposed  
169 disposal area or processing facility is to be located; and

170 (3) By mail to the last known address of all record owners of contiguous real property  
171 or real property located within one thousand feet of the proposed disposal area and, for a  
172 proposed processing facility, notice as provided in section 64.875 or section 89.060, whichever  
173 is applicable.

174 (4) If an application for a construction permit meets all statutory and regulatory  
175 requirements for issuance, a public hearing on the draft permit shall be held by the department  
176 in the county in which the proposed solid waste disposal area is to be located prior to the  
177 issuance of the permit. The department shall provide public notice of such hearing by both  
178 printed and broadcast media at least thirty days prior to such hearing. Printed notification shall  
179 include publication in at least one newspaper having general circulation within the county in  
180 which the proposed disposal area is to be located. Broadcast notification shall include public  
181 service announcements on radio stations that have broadcast coverage within the county in which  
182 the proposed disposal area is to be located.

183 11. After the issuance of a construction permit for a solid waste disposal area, but prior  
184 to the beginning of disposal operations, the owner and the department shall execute an easement  
185 to allow the department, its agents or its contractors to enter the premises to complete work  
186 specified in the closure plan, or to monitor or maintain the site or to take remedial action during  
187 the postclosure period. After issuance of a construction permit for a solid waste disposal area,  
188 but prior to the beginning of disposal operations, the owner shall submit evidence that he or she  
189 has recorded, in the office of the recorder of deeds in the county where the disposal area is  
190 located, a notice and covenant running with the land that the property has been permitted as a  
191 solid waste disposal area and prohibits use of the land in any manner which interferes with the  
192 closure and, where appropriate, postclosure plans filed with the department.

193 12. Every person desiring to obtain a permit to operate a solid waste disposal area or  
194 processing facility shall submit applicable information and apply for an operating permit from  
195 the department. The department shall review the information and determine, within sixty days  
196 of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules  
197 and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that  
198 the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules  
199 and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a  
200 permit for the operation of each solid waste processing facility or solid waste disposal area and  
201 with any permit terms and conditions which the department deems appropriate. In the event that  
202 the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200

203 to 260.345, the department shall issue a report to the applicant stating the reason for denial of  
204 a permit.

205           13. Each solid waste disposal area, except utility waste landfills unless otherwise and to  
206 the extent required by the department, and those solid waste processing facilities designated by  
207 rule, shall be operated under the direction of a certified solid waste technician in accordance with  
208 sections 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections  
209 260.200 to 260.345.

210           14. Base data for the quality and quantity of groundwater in the solid waste disposal area  
211 shall be collected and submitted to the department prior to the operation of a new or expansion  
212 of an existing solid waste disposal area. Base data shall include a chemical analysis of  
213 groundwater drawn from the proposed solid waste disposal area.

214           15. Leachate collection and removal systems shall be incorporated into new or expanded  
215 sanitary landfills which are permitted after August 13, 1986.

216 The department shall assess the need for a leachate collection system for all types of solid waste  
217 disposal areas, other than sanitary landfills, and the need for monitoring wells when it evaluates  
218 the application for all new or expanded solid waste disposal areas. The department may require  
219 an operator of a solid waste disposal area to install a leachate collection system before the  
220 beginning of disposal operations, at any time during disposal operations for unfilled portions of  
221 the area, or for any portion of the disposal area as a part of a remedial plan. The department may  
222 require the operator to install monitoring wells before the beginning of disposal operations or at  
223 any time during the operational life or postclosure care period if it concludes that conditions at  
224 the area warrant such monitoring. The operator of a demolition landfill or utility waste landfill  
225 shall not be required to install a leachate collection and removal system or monitoring wells  
226 unless otherwise and to the extent the department so requires based on hazardous waste  
227 characteristic criteria or site specific geohydrological characteristics or conditions.

228           16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall  
229 be subject to suspension for a designated period of time, civil penalty or revocation whenever  
230 the department determines that the solid waste processing facility or solid waste disposal area  
231 is, or has been, operated in violation of sections 260.200 to 260.345 or the rules or regulations  
232 adopted pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit  
233 terms and conditions, or is creating a public nuisance, health hazard, or environmental pollution.  
234 In the event a permit is suspended or revoked, the person named in the permit shall be fully  
235 informed as to the reasons for such action.

236           17. Each permit for operation of a facility or area shall be issued only to the person  
237 named in the application. Permits are transferable as a modification to the permit. An  
238 application to transfer ownership shall identify the proposed permittee. A disclosure statement

239 for the proposed permittee listing violations contained in subsection [19] **20** of this section shall  
240 be submitted to the department. The operation and design plans for the facility or area shall be  
241 updated to provide compliance with the currently applicable law and rules. A financial assurance  
242 instrument in such an amount and form as prescribed by the department shall be provided for  
243 solid waste disposal areas by the proposed permittee prior to transfer of the permit. The financial  
244 assurance instrument of the original permittee shall not be released until the new permittee's  
245 financial assurance instrument has been approved by the department and the transfer of  
246 ownership is complete.

247 18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon  
248 submission of a request for permit modification, be granted a solid waste management area  
249 operating permit if the request meets reasonable requirements set out by the department.

250 19. In case a permit required pursuant to this section is denied or revoked, the person  
251 may request a hearing in accordance with section 260.235.

252 20. [Any person seeking a permit or renewal of a permit to operate a commercial solid  
253 waste processing facility, or a solid waste disposal area shall, concurrently with the filing of  
254 application for a permit, file a disclosure statement with the department of natural resources. The  
255 disclosure statement shall include, but not be limited to, a listing of any felony convictions by  
256 state or federal agencies, and a listing of other enforcement actions, sanctions, permit revocations  
257 or denials by any state or federal authority of every person seeking a permit, including officers,  
258 directors, partners and facility or location managers of each person seeking a permit, any  
259 violations of Missouri environmental statutes, violations of the environmental statutes of other  
260 states or federal statutes and a listing of convictions for any crimes or criminal acts, an element  
261 of which involves restraint of trade, price-fixing, intimidation of the customers of another person  
262 or for engaging in any other acts which may have the effect of restraining or limiting competition  
263 concerning activities regulated pursuant to this chapter or similar laws of other states or the  
264 federal government; except that convictions for violations by entities purchased or acquired by  
265 an applicant or permittee which occurred prior to the purchase or acquisition shall not be  
266 included. The department shall by rule, define those environmental violations which must be  
267 reported pursuant to this section. For purposes of this section, additional persons as required by  
268 rule shall be named in the statement and violations or convictions of such persons shall be listed.  
269 The department or its representative shall verify the information provided on the disclosure  
270 statement prior to permit issuance. The disclosure statement shall be used by the department in  
271 determining whether a permit should be granted or denied on the basis of the applicant's status  
272 as a habitual violator; however, the department has the authority to make a habitual violator  
273 determination independent of the information contained in the disclosure statement. After permit  
274 issuance, each facility shall annually file an updated disclosure statement with the department

275 of natural resources on or before March thirty-first of each year. Any county, district,  
276 municipality, authority or other political subdivision of this state which owns and operates a  
277 sanitary landfill shall be exempt from the provisions of this subsection] **Every applicant for a**  
278 **permit shall file a disclosure statement with the information required by and on a form**  
279 **developed by the department of natural resources at the same time the application for a**  
280 **permit is filed with the department.**

281 21. [Any person seeking a permit to operate a solid waste disposal area, a solid waste  
282 processing facility or a resource recovery facility shall, concurrently with the filing of the  
283 application for a permit, disclose any convictions in this state of municipal or county public  
284 health or land use ordinances related to the management of solid waste. If the department finds  
285 that there has been a continuing pattern of serious adjudicated violations by the applicant, the  
286 department may deny the application] **Upon request of the director of the department of**  
287 **natural resources the applicant for a permit, or any person that could reasonably be**  
288 **expected to be involved in management activities of the solid waste disposal area or solid**  
289 **waste processing facility or any person who has a controlling interest in any permittee,**  
290 **shall be required to submit to a criminal background check under section 43.543.**

291 22. **All persons required to file a disclosure statement shall provide any assistance**  
292 **or information requested by the director or by the Missouri state highway patrol and shall**  
293 **cooperate in any inquiry or investigation conducted by the department and any inquiry,**  
294 **investigation or hearing conducted by the director. If, upon issuance of a formal request**  
295 **to answer any inquiry or produce information, evidence or testimony, any person required**  
296 **to file a disclosure statement refuses to comply, the application of an applicant or the**  
297 **permit of a permittee may be denied or revoke by the director.**

298 23. **If any of the information required to be included in the disclosure statement**  
299 **changes, or if any additional information should be added after the filing of the statement,**  
300 **the person required to file it shall provide that information to the director in writing,**  
301 **within thirty days after the change or addition. The failure to provide such information**  
302 **within thirty days may constitute the basis for the revocation of or denial of an application**  
303 **for any permit issued or applied for in accordance with this section, but only if, prior to**  
304 **any such denial or revocation, the director notifies the applicant or permittee of the**  
305 **director's intention to do so and gives the applicant or permittee fourteen days from the**  
306 **date of the notice to explain why the information was not provided within the required**  
307 **thirty-day period. The director shall consider this information when determining whether**  
308 **to revoke or deny the permit.**

309           **24. No person shall be required to submit the disclosure statement required by this**  
310 **section if the person is a corporation or an officer, director or shareholder of that**  
311 **corporation and that corporation:**

312           **(1) Has on file and in effect with the Federal Securities and Exchange Commission**  
313 **a registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act**  
314 **of 1933, as amended, 15 U.S.C. Section 77e(c);**

315           **(2) Submits to the director with the application for a permit evidence of the**  
316 **registration described in subdivision (1) of this subsection and a copy of the corporation's**  
317 **most recent annual form 10-K or an equivalent report; and**

318           **(3) Submits to the director on the anniversary date of the issuance of any permit it**  
319 **holds under the Missouri solid waste management law evidence of registration described**  
320 **in subdivision (1) of this subsection and a copy of the corporation's most recent annual**  
321 **form 10-K or an equivalent report.**

322           **25. After permit issuance, each facility shall annually file an update to the**  
323 **disclosure statement with the department of natural resources on or before March thirty-**  
324 **first of each year. Failure to provide such update may result in penalties as provided for**  
325 **under section 260.240.**

326           **26. Any county, district, municipality, authority or other political subdivision of**  
327 **this state which owns and operates a sanitary landfill shall be exempt from the requirement**  
328 **for the filing of the disclosure statement and annual update to the disclosure statement.**

329           **27. Any person seeking a permit to operate a solid waste disposal area, a solid waste**  
330 **processing facility or a resource recovery facility shall, concurrently with the filing of the**  
331 **application for a permit, disclose any violations in this state of municipal or county public**  
332 **health or land use ordinances related to the management of solid waste. If the department**  
333 **finds that there has been a continuing pattern of serious adjudicated violations by the**  
334 **applicant, the department may deny the application.**

335           **28. No permit to construct or permit to operate shall be required pursuant to this section**  
336 **for any utility waste landfill located in a county of the third classification with a township form**  
337 **of government which has a population of at least eleven thousand inhabitants and no more than**  
338 **twelve thousand five hundred inhabitants according to the most recent decennial census, if such**  
339 **utility waste landfill complies with all design and operating standards and closure requirements**  
340 **applicable to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that**  
341 **no waste disposed of at such utility waste landfill is considered hazardous waste pursuant to the**  
342 **Missouri hazardous waste law.**

          260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for  
2 retail sale in the state shall:

3 (1) Accept, at the point of transfer, in a quantity at least equal to the number of new  
4 lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

5 (2) Post written notice which must be at least four inches by six inches in size and must  
6 contain the universal recycling symbol and the following language:

7 (a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

8 (b) Recycle your used batteries; and

9 (c) State law requires us to accept used motor vehicle batteries, or other lead-acid  
10 batteries for recycling, in exchange for new batteries purchased; and

11 (3) Manage used lead-acid batteries in a manner consistent with the requirements of the  
12 state hazardous waste law;

13 (4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such  
14 fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the  
15 battery have been computed. The fee imposed, less six percent of fees collected, which shall be  
16 retained by the seller as collection costs, shall be paid to the department of revenue in the form  
17 and manner required by the department and shall include the total number of batteries sold  
18 during the preceding month. The department of revenue shall promulgate rules and regulations  
19 necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail  
20 sales" do not include the sale of batteries to a person solely for the purpose of resale, if the  
21 subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However,  
22 this fee shall not be paid on batteries sold for use in agricultural operations upon written  
23 certification by the purchaser; and

24 (5) The department of revenue shall administer, collect, and enforce the fee authorized  
25 pursuant to this section pursuant to the same procedures used in the administration, collection,  
26 and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except  
27 as provided in this section. The proceeds of the battery fee, less four percent of the proceeds,  
28 which shall be retained by the department of revenue as collection costs, shall be transferred by  
29 the department of revenue into the hazardous waste fund, created pursuant to section 260.391.  
30 The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The  
31 provisions of subdivision (4) and this subdivision shall terminate December 31, [2013] **2018**.

260.380. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370, hazardous waste generators  
3 located in Missouri shall:

4 (1) Promptly file and maintain with the department, on registration forms it provides for  
5 this purpose, information on hazardous waste generation and management as specified by rules  
6 and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon  
7 initial registration, and a one hundred dollar registration renewal fee annually thereafter to

8 maintain an active registration. Such fees shall be deposited in the hazardous waste fund created  
9 in section 260.391;

10 (2) Containerize and label all hazardous wastes as specified by standards, rules and  
11 regulations;

12 (3) Segregate all hazardous wastes from all nonhazardous wastes and from  
13 noncompatible wastes, materials and other potential hazards as specified by standards, rules and  
14 regulations;

15 (4) Provide safe storage and handling, including spill protection, as specified by  
16 standards, rules and regulations, for all hazardous wastes from the time of their generation to the  
17 time of their removal from the site of generation;

18 (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste  
19 transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all  
20 hazardous wastes from the premises where they were generated;

21 (6) Unless provided otherwise in the rules and regulations, provide a separate manifest  
22 to the transporter for each load of hazardous waste transported from the premises where it was  
23 generated. The generator shall specify the destination of such load on the manifest. The manner  
24 in which the manifest shall be completed, signed and filed with the department shall be in  
25 accordance with rules and regulations;

26 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes,  
27 only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or  
28 the federal Resource Conservation and Recovery Act, or a state hazardous waste management  
29 program authorized pursuant to the federal Resource Conservation and Recovery Act, or any  
30 facility exempted from the permit required pursuant to section 260.395;

31 (8) Collect and maintain such records, perform such monitoring or analyses, and submit  
32 such reports on any hazardous waste generated, its transportation and final disposition, as  
33 specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections  
34 260.350 to 260.430;

35 (9) Make available to the department upon request samples of waste and all records  
36 relating to hazardous waste generation and management for inspection and copying and allow  
37 the department to make unhampered inspections at any reasonable time of hazardous waste  
38 generation and management facilities located on the generator's property and hazardous waste  
39 generation and management practices carried out on the generator's property;

40 (10) Pay annually, on or before January first of each year, effective January 1, 1982, a  
41 fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five  
42 dollars per ton or portion thereof of hazardous waste registered with the department as specified  
43 in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the

44 previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site  
45 per year nor be less than one hundred fifty dollars per generator site per year;

46 (a) All moneys payable pursuant to the provisions of this subdivision shall be promptly  
47 transmitted to the department of revenue, which shall deposit the same in the state treasury to the  
48 credit of the hazardous waste fund created in section 260.391;

49 (b) The hazardous waste management commission shall establish and submit to the  
50 department of revenue procedures relating to the collection of the fees authorized by this  
51 subdivision. Such procedures shall include, but not be limited to, necessary records identifying  
52 the quantities of hazardous waste registered, the form and submission of reports to accompany  
53 the payment of fees, the time and manner of payment of fees, which shall not be more often than  
54 quarterly.

55 2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before  
56 January first of each year, a fee to the department equal to two dollars per ton or portion thereof  
57 for all hazardous waste received from outside the state. This fee shall be based on the hazardous  
58 waste received for the twelve-month period ending June thirtieth of the previous year.

59 3. Exempted from the requirements of this section are individual householders and  
60 farmers who generate only small quantities of hazardous waste and any person the commission  
61 determines generates only small quantities of hazardous waste on an infrequent basis, except  
62 that:

63 (1) Householders, farmers and exempted persons shall manage all hazardous wastes they  
64 may generate in a manner so as not to adversely affect the health of humans, or pose a threat to  
65 the environment, or create a public nuisance; and

66 (2) The department may determine that a specific quantity of a specific hazardous waste  
67 requires special management. Upon such determination and after public notice by press release  
68 or advertisement thereof, including instructions for handling and delivery, generators exempted  
69 pursuant to this subsection shall deliver, but without a manifest or the requirement to use a  
70 licensed hazardous waste transporter, such waste to:

71 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections  
72 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous  
73 waste management program authorized pursuant to the federal Resource Conservation and  
74 Recovery Act which the department designates for this purpose; or

75 (b) A collection station or vehicle which the department may arrange for and designate  
76 for this purpose.

77 4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date  
78 shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee  
79 prescribed in this section shall expire December 31, [2013] **2018**, except that the department

80 shall levy and collect this fee for any hazardous waste generated prior to such date and reported  
81 to the department.

260.390. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370, hazardous waste facility  
3 owners or operators shall:

4 (1) Not construct, substantially alter or operate[, including all postclosure activities and  
5 operations specified in the rules and regulations,] a hazardous waste facility without first  
6 obtaining a hazardous waste facility permit from the department as specified in section 260.395;

7 (2) Operate the facility according to the standards, rules and regulations adopted under  
8 sections 260.350 to 260.430 and all terms and conditions of the permit;

9 (3) Unless otherwise provided in sections 260.350 to 260.430 or the rules and regulations  
10 adopted hereunder, accept delivery of hazardous waste only if delivery is by a hazardous waste  
11 transporter holding a license under sections 260.350 to 260.430, the shipment is accompanied  
12 by a manifest properly completed by both the generator and transporter and their facility is the  
13 destination indicated by the generator on the manifest. Exempted from the requirements of this  
14 subsection are deliveries, when directed by the department, from householders, farmers and other  
15 persons exempted from generator responsibilities under provisions of section 260.380 and  
16 deliveries made in emergency situations as specified in sections 260.350 to 260.550 or the rules  
17 and regulations adopted hereunder. For such exempted deliveries they shall make a record of  
18 any waste accepted, its type, quantity, origin and the identity of the person making the delivery  
19 and promptly report this information to the department;

20 (4) Complete, sign and file the facility operator portion of the manifest as specified in  
21 rules and regulations adopted under sections 260.350 to 260.430;

22 (5) Whenever final disposition is to be achieved at another hazardous waste or exempted  
23 facility, initiate a new manifest and comply with the other responsibilities of generators specified  
24 in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their  
25 permit adopted or issued hereunder;

26 (6) Collect and maintain such records, submit such reports and perform such monitoring  
27 as specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions  
28 of their permit adopted or issued hereunder;

29 (7) Make available to the department, upon request, samples of wastes received and all  
30 records, for inspection and copying, relating to hazardous waste management and allow the  
31 department to make unhampered inspections at any reasonable time of all facilities and  
32 equipment.

33 2. All hazardous waste landfills shall collect, on behalf of the state from each hazardous  
34 waste generator or transporter, a tax equal to two percent of the gross charges and fees charged

35 such generator for disposal at the landfill site to be placed in the hazardous waste fund to be used  
36 solely for the administration of sections 260.350 to 260.430. The tax shall be accounted for  
37 separately on the statement of charges and fees made to the hazardous waste generator and shall  
38 be collected at the time of the collection of such charges and fees. All moneys payable under the  
39 provisions of this subsection shall be promptly transmitted to the department of revenue, which  
40 shall daily deposit the same in the state treasury to the credit of the hazardous waste fund. The  
41 hazardous waste management commission shall establish and submit to the department of  
42 revenue procedures relating to the collection of the taxes authorized by this subsection. Such  
43 procedures shall include, but not be limited to, necessary records identifying the quantities of  
44 hazardous waste received, the form and submission of reports to accompany the payment of  
45 taxes, the time and manner of payment of taxes, which shall not be more often than quarterly.

46 3. The owner or operator of a hazardous waste disposal facility must close that facility  
47 upon termination of its operation, and shall after closure of the facility provide for protection  
48 during a postclosure care period, in accordance with the requirements of the commission,  
49 including the funds necessary for same. Protection shall include, but not be limited to,  
50 monitoring and maintenance subject to the rules and regulations of the hazardous waste  
51 management commission. The owner or operator shall maintain a hazardous waste facility  
52 permit for the postclosure care period. The operator and the state may enter into an agreement  
53 consistent with the rules and regulations of the hazardous waste management commission where  
54 the state may accept deed to, and monitor and maintain the site.

55 4. All owners or operators of hazardous waste facilities who have obtained, or are  
56 required to obtain, a hazardous waste facility permit from the department and who accept, on a  
57 commercial basis for remuneration, hazardous waste from off-site sources, but not including  
58 wastes generated by the same person at other sites located in Missouri or within a metropolitan  
59 statistical area located partially in Missouri and owned or operated by the same person and  
60 transferred to the hazardous waste facility, for treatment, storage or disposal, shall pay fees for  
61 inspections conducted by the department to determine compliance with sections 260.350 to  
62 260.430 and the rules promulgated thereunder. Hazardous waste facility inspection fees shall  
63 be specified by the hazardous waste management commission by rule. The inspection fees shall  
64 be used by the department as specified in subsection 3 of section 260.391.

260.395. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any  
3 person to transport any hazardous waste in this state without first obtaining a hazardous waste  
4 transporter license. Any person transporting hazardous waste in this state shall file an  
5 application for a license pursuant to this subsection which shall:

6 (1) Be submitted on a form provided for this purpose by the department and shall furnish  
7 the department with such equipment identification and data as may be necessary to demonstrate  
8 to the satisfaction of the department that equipment engaged in such transportation of hazardous  
9 waste, and other equipment as designated in rules and regulations pursuant to sections 260.350  
10 to 260.430, is adequate to provide protection of the health of humans and the environment and  
11 to comply with the provisions of any federal hazardous waste management act and sections  
12 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350  
13 to 260.430. If approved by the department, this demonstration of protection may be satisfied by  
14 providing certification that the equipment so identified meets and will be operated in accordance  
15 with the rules and regulations of the Missouri public service commission and the federal  
16 Department of Transportation for the transportation of the types of hazardous materials for which  
17 it will be used;

18 (2) Include, as specified by rules and regulations, demonstration of financial  
19 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
20 any combination thereof which shall be related to the number of units, types and sizes of  
21 equipment to be used in the transport of hazardous waste by the applicant;

22 (3) Include, as specified in rules and regulations, a fee payable to the state of Missouri  
23 which shall consist of an annual application fee, plus an annual use fee based upon tonnage,  
24 mileage or a combination of tonnage and mileage. The fees established pursuant to this  
25 subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars  
26 annually.

27 No fee shall be collected pursuant to this subdivision from railroads that pay a fee pursuant to  
28 subsection 19 of this section. Fees collected pursuant to this subdivision shall be deposited in  
29 the hazardous waste fund created pursuant to section 260.391.

30 2. If the department determines the application conforms to the provisions of any federal  
31 hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and  
32 regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste  
33 transporter license with such terms and conditions as it deems necessary to protect the health of  
34 humans and the environment. The department shall act within ninety days after receipt of the  
35 application. If the department denies the license, it shall issue a report to the applicant stating  
36 the reason for denial of the license.

37 3. A license may be suspended or revoked whenever the department determines that the  
38 equipment is or has been operated in violation of any provision of sections 260.350 to 260.430  
39 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant  
40 to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is  
41 creating a public nuisance.

42           4. Whenever a license is issued, renewed, denied, suspended or revoked by the  
43 department, any aggrieved person, by petition filed with the department within thirty days of the  
44 decision, may appeal such decision and shall be entitled to a hearing as provided in section  
45 260.400.

46           5. A license shall be issued for a period of one year and shall be renewed upon proper  
47 application by the holder and a determination by the department that the applicant is in  
48 compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and  
49 regulations, orders and license terms and conditions adopted or issued pursuant to sections  
50 260.350 to 260.430.

51           6. A license is not required for the transport of any hazardous waste on the premises  
52 where it is generated or onto contiguous property owned by the generator thereof, or for those  
53 persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude  
54 the department from inspecting unlicensed hazardous waste transporting equipment and to  
55 require that it be adequate to provide protection for the health of humans and the environment.

56           7. After six months from the effective date of the standards, rules and regulations  
57 adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to  
58 construct, substantially alter or operate, including [postclosure activities and] operations  
59 specified in the rules and regulations, a hazardous waste facility without first obtaining a  
60 hazardous waste facility permit for such construction, alteration or operation from the  
61 department. Such person must submit to the department at least ninety days prior to submitting  
62 a permit application a letter of intent to construct, substantially alter or operate any hazardous  
63 waste disposal facility. The person must file an application within one hundred eighty days of  
64 the filing of a letter of intent unless granted an extension by the commission. The department  
65 shall publish such letter of intent as specified in section 493.050 within ten days of receipt of  
66 such letter. The letter shall be published once each week for four weeks in the county where the  
67 hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for  
68 the permit application evaluation purposes in existence as of the date of submission shall be  
69 deemed frozen, in that no subsequent action by any person to change such conditions in an  
70 attempt to thwart a fair and impartial decision on the application for a permit shall be allowed  
71 as grounds for denial of the permit. Any person before constructing, substantially altering or  
72 operating a hazardous waste facility in this state shall file an application for a permit which shall:

73           (1) Be submitted on a form provided for this purpose by the department and shall furnish  
74 the department with plans, specifications and such other data as may be necessary to demonstrate  
75 to the satisfaction of the department that such facility does or will provide adequate protection  
76 of the health of humans and the environment and does or will comply with the provisions of any

77 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
78 rules and regulations adopted pursuant to sections 260.350 to 260.430;

79 (2) Include plans, designs, engineering reports and relevant data for construction,  
80 alteration or operation of a hazardous waste facility, to be submitted to the department by a  
81 registered professional engineer licensed by this state;

82 (3) Include, as specified by rules and regulations, demonstration of financial  
83 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
84 any combination thereof, which shall be related to type and size of facility;

85 (4) Include such environmental and geologic information, assessments and studies as  
86 required by the rules and regulations of the commission;

87 (5) [Submit with the application for a hazardous waste disposal or treatment facility a  
88 profile of the environmental and economic characteristics of the area as required by the  
89 commission, including the extent of air pollution and groundwater contamination; and a profile  
90 of the health characteristics of the area which identifies all serious illness, the rate of which  
91 exceeds the state average for such illness, which might be attributable to environmental  
92 contamination;

93 (6) Include a fee payable to the state of Missouri which shall not exceed one thousand  
94 dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If  
95 the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be  
96 paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in  
97 effect beyond the first year;

98 [(7)] (6) The department shall supervise any field work undertaken to collect geologic  
99 and engineering data for submission with the application. The state geologist and departmental  
100 engineers shall review the geologic and engineering plans, respectively, and attest to their  
101 accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the  
102 commission, incurred by the department pursuant to this subsection.

103 8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department  
104 shall issue public notice by press release or advertisement and shall notify all record owners of  
105 adjoining property by mail directed to the last known address, and the village, town or city, if  
106 any, and the county in which the hazardous waste facility is located; and, upon request, shall hold  
107 a public hearing after public notice as required in this subsection at a location convenient to the  
108 area affected by the issuance of the permit.

109 (2) Prior to issuing[, reviewing every five years as required in subsection 12 of this  
110 section,] or renewing a hazardous waste disposal facility permit the department shall issue public  
111 notice by press release and advertisement and shall notify all record owners of property, within  
112 one mile of the outer boundaries of the site, by mail directed to the last known address; and shall

113 hold a public hearing after public notice as required in this subsection at a location convenient  
114 to the area affected by the issuance of the permit.

115           9. If the department determines that the application conforms to the provisions of any  
116 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
117 rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the  
118 hazardous waste facility permit, with such terms and conditions and require such testing and  
119 construction supervision as it deems necessary to protect the health of humans or the  
120 environment. The department shall act within one hundred and eighty days after receipt of the  
121 application. If the department denies the permit, it shall issue a report to the applicant stating  
122 the reason for denial of a permit.

123           10. A permit may be suspended or revoked whenever the department determines that the  
124 hazardous waste facility is, or has been, operated in violation of any provision of sections  
125 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted  
126 or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the  
127 environment or is creating a public nuisance.

128           11. Whenever a permit is issued, renewed, denied, suspended or revoked by the  
129 department, any aggrieved person, by petition filed with the department within thirty days of the  
130 decision, may appeal such decision and shall be entitled to a hearing as provided in section  
131 260.400.

132           12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case  
133 of any land disposal facility, storage facility, incinerator, or other treatment facility. [Each permit  
134 for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance  
135 and shall be modified as necessary to assure that the facility continues to comply with the  
136 currently applicable requirements of federal and state law.] Nothing in this subsection shall  
137 preclude the department from reviewing and modifying a permit at any time during its term.  
138 Review of any application for a permit renewal shall consider improvements in the state of  
139 control and measurement technology as well as changes in applicable regulations. Each permit  
140 issued pursuant to this section shall contain such terms and conditions as the department  
141 determines necessary to protect human health and the environment, and upon proper application  
142 by the holder and a determination by the department that the applicant is in compliance with all  
143 provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and  
144 permit terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

145           13. A hazardous waste facility permit is not required for:

146           (1) On-site storage of hazardous wastes where such storage is exempted by the  
147 commission by rule or regulation; however, such storage must conform to the provisions of any  
148 federal hazardous waste management act and sections 260.350 to 260.430 and the applicable

149 standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other  
150 applicable hazardous materials storage and spill-prevention requirements provided by law;

151 (2) A publicly owned treatment works which has an operating permit pursuant to section  
152 644.051 and is in compliance with that permit;

153 (3) A resource recovery facility which the department certifies uses hazardous waste as  
154 a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is  
155 manufacture of a product rather than treatment or disposal of hazardous wastes;

156 (4) That portion of a facility engaged in hazardous waste resource recovery, when the  
157 facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided  
158 the owner or operator can demonstrate to the department's satisfaction and the department finds  
159 that such portion is not intended and is not used for hazardous waste treatment or disposal.

160 14. Facilities exempted pursuant to subsection 13 of this section must comply with the  
161 provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be  
162 specified by rules and regulations, as are necessary to comply with any federal hazardous waste  
163 management act or regulations hereunder. Generators who use such an exempted facility shall  
164 keep records of hazardous wastes transported, except by legal flow through sewer lines, to the  
165 facility and submit such records to the department in accordance with the provisions of section  
166 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to  
167 260.430. Any person, before constructing, altering or operating a resource recovery facility in  
168 this state shall file an application for a certification. Such application shall include:

169 (1) Plans, designs, engineering reports and other relevant information as specified by rule  
170 that demonstrate that the facility is designed and will operate in a manner protective of human  
171 health and the environment; and

172 (2) An application fee of not more than five hundred dollars for a facility that recovers  
173 waste generated at the same facility or an application fee of not more than one thousand dollars  
174 for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in  
175 the hazardous waste fund created in section 260.391. The department shall review such  
176 application for conformance with applicable laws, rules and standard engineering principles and  
177 practices. The applicant shall pay to the department all reasonable costs, as determined by the  
178 commission, incurred by the department pursuant to this subsection. All such funds shall be  
179 deposited in the hazardous waste fund created in section 260.391.

180 15. The owner or operator of any hazardous waste facility in existence on September 28,  
181 1977, who has achieved federal interim status pursuant to 42 U.S.C. 6925(e), and who has  
182 submitted to the department Part A of the federal facility permit application, may continue to  
183 receive and manage hazardous wastes in the manner as specified in the Part A application, and  
184 in accordance with federal interim status requirements, until completion of the administrative

185 disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The  
186 department may at any time require submission of, or the owner or operator may at any time  
187 voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430  
188 and commission regulations. The authority to operate pursuant to this subsection shall cease one  
189 hundred eighty days after the department has notified an owner or operator that an application  
190 for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time  
191 the owner or operator submits a completed application therefor. Upon submission of a complete  
192 application, the authority to operate pursuant to this subsection shall continue for such reasonable  
193 time as is required to complete the administrative disposition of the permit application. If a  
194 facility loses its federal interim status, or the Environmental Protection Agency requires the  
195 owner or operator to submit Part B of the federal application, the department shall notify the  
196 owner or operator that an application for a permit must be submitted pursuant to this subsection.  
197 In addition to compliance with the federal interim status requirements, the commission shall have  
198 the authority to adopt regulations requiring persons operating pursuant to this subsection to meet  
199 additional state interim status requirements.

200         16. [A license or permit shall not be issued to any person who is determined by the  
201 department to habitually engage in or to have habitually engaged in hazardous waste  
202 management practices which pose a threat to the health of humans or the environment or who  
203 is determined by the department to habitually violate or to have habitually violated the  
204 requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws  
205 of other states or federal laws pertaining to hazardous waste. Nor shall a license or permit be  
206 issued to any person who has been adjudged in contempt of any court order enforcing the  
207 provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of  
208 other states or federal laws pertaining to hazardous waste or who has offered, in person or  
209 through an agent, any inducement, including any discussion of potential employment  
210 opportunities, to any employee of the department when such person has an application for a  
211 permit pending or a permit under review. For the purposes of this subsection, the term "person"  
212 shall include any officer or management employee of the applicant, or any officer or management  
213 employee of any corporation or business which owns an interest in the applicant, or any officer  
214 or management employee of any business which is owned either wholly or in part by any person,  
215 corporation, or business which owns an interest in the applicant.

216         17.] No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license  
217 to transport hazardous wastes or for a permit to construct, substantially alter or operate a  
218 hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for  
219 such transport service or such facility because of the existence of other services or facilities  
220 capable of meeting that need; except that permits for hazardous waste facilities may be denied

221 on determination made by the department that the financial resources of the persons applying are  
222 such that the continued operation of the sites in accordance with sections 260.350 to 260.430  
223 cannot be reasonably assured or on determination made by the department that the probable  
224 volume of business is insufficient to ensure and maintain the solvency of then existing permitted  
225 hazardous waste facilities.

226 [18.] 17. All hazardous waste landfills constructed after October 31, 1980, shall have a  
227 leachate collection system. The rules and regulations of the commission shall treat and protect  
228 all aquifers to the same level of protection. The provisions of this subsection shall not apply to  
229 the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

230 [19.] 18. Any railroad corporation as defined in section 388.010 that transports any  
231 hazardous waste as defined in section 260.360 or any hazardous substance as defined in section  
232 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this  
233 subsection shall be deposited in the hazardous waste fund created in section 260.391.

260.475. 1. Every hazardous waste generator located in Missouri shall pay, in addition  
2 to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all  
3 hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final  
4 action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be  
5 imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste  
6 annually pursuant to section 260.380, or upon:

7 (1) Hazardous waste which must be disposed of as provided by a remedial plan for an  
8 abandoned or uncontrolled hazardous waste site;

9 (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste  
10 generated primarily from the combustion of coal or other fossil fuels;

11 (3) Solid waste from the extraction, beneficiation and processing of ores and minerals,  
12 including phosphate rock and overburden from the mining of uranium ore and smelter slag waste  
13 from the processing of materials into reclaimed metals;

14 (4) Cement kiln dust waste;

15 (5) Waste oil; or

16 (6) Hazardous waste that is:

17 (a) Reclaimed or reused for energy and materials;

18 (b) Transformed into new products which are not wastes;

19 (c) Destroyed or treated to render the hazardous waste nonhazardous; or

20 (d) Waste discharged to a publicly owned treatment works.

21 2. The fees imposed in this section shall be reported and paid to the department on an  
22 annual basis not later than the first of January. The payment shall be accompanied by a return  
23 in such form as the department may prescribe.

24           3. All moneys collected or received by the department pursuant to this section shall be  
25 transmitted to the department of revenue for deposit in the state treasury to the credit of the  
26 hazardous waste fund created pursuant to section 260.391. Following each annual reporting date,  
27 the state treasurer shall certify the amount deposited in the fund to the commission.

28           4. If any generator or transporter fails or refuses to pay the fees imposed by this section,  
29 or fails or refuses to furnish any information reasonably requested by the department relating to  
30 such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of  
31 fifteen percent of the fee shall be deposited in the hazardous waste fund.

32           5. If the fees or any portion of the fees imposed by this section are not paid by the date  
33 prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate  
34 of ten percent per annum from the date prescribed for its payment until payment is actually made,  
35 all of which shall be deposited in the hazardous waste fund.

36           6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste  
37 fund in any of the qualified depositories of the state. All such deposits shall be secured in such  
38 a manner and shall be made upon such terms and conditions as are now or may hereafter be  
39 provided for by law relative to state deposits. Interest received on such deposits shall be credited  
40 to the hazardous waste fund.

41           7. This fee shall expire December 31, [2013] **2018**, except that the department shall levy  
42 and collect this fee for any hazardous waste generated prior to such date and reported to the  
43 department.

          444.772. 1. Any operator desiring to engage in surface mining shall make written  
2 application to the director for a permit.

3           2. Application for permit shall be made on a form prescribed by the commission and  
4 shall include:

5           (1) The name of all persons with any interest in the land to be mined;

6           (2) The source of the applicant's legal right to mine the land affected by the permit;

7           (3) The permanent and temporary post office address of the applicant;

8           (4) Whether the applicant or any person associated with the applicant holds or has held  
9 any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

10          (5) The written consent of the applicant and any other persons necessary to grant access  
11 to the commission or the director to the area of land affected under application from the date of  
12 application until the expiration of any permit granted under the application and thereafter for  
13 such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790  
14 or any rule or regulation promulgated pursuant to them. Permit applications submitted by  
15 operators who mine an annual tonnage of less than ten thousand tons shall be required to include

16 written consent from the operator to grant access to the commission or the director to the area  
17 of land affected;

18 (6) A description of the tract or tracts of land and the estimated number of acres thereof  
19 to be affected by the surface mining of the applicant for the next succeeding twelve months; and

20 (7) Such other information that the commission may require as such information applies  
21 to land reclamation.

22 3. The application for a permit shall be accompanied by a map in a scale and form  
23 specified by the commission by regulation.

24 4. The application shall be accompanied by a bond, security or certificate meeting the  
25 requirements of section 444.778, a geologic resources fee authorized under section 256.700, and  
26 a permit fee approved by the commission not to exceed one thousand dollars. The commission  
27 may also require a fee for each site listed on a permit not to exceed four hundred dollars for each  
28 site. If mining operations are not conducted at a site for six months or more during any year, the  
29 fee for such site for that year shall be reduced by fifty percent. The commission may also require  
30 a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty  
31 dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator  
32 that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the  
33 total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be  
34 established by rule, except for the initial fees as set forth in this subsection, and shall be set at  
35 levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making  
36 allowances for grants and other sources of funds. The director shall submit a report to the  
37 commission and the public each year that describes the number of employees and the activities  
38 performed the previous calendar year to administer sections 444.760 to 444.790. For any  
39 operator of a gravel mining operation where the annual tonnage of gravel mined by such operator  
40 is less than five thousand tons, the total cost of submitting an application shall be three hundred  
41 dollars. The issued permit shall be valid from the date of its issuance until the date specified in  
42 the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.  
43 Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site  
44 fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand  
45 dollars. Fees may be raised as allowed in this subsection after a regulation change that  
46 demonstrates the need for increased fees.

47 5. An operator desiring to have his or her permit amended to cover additional land may  
48 file an amended application with the commission. Upon receipt of the amended application, and  
49 such additional fee and bond as may be required pursuant to the provisions of sections 444.760  
50 to 444.790, the director shall, if the applicant complies with all applicable regulatory

51 requirements, issue an amendment to the original permit covering the additional land described  
52 in the amended application.

53           6. An operation may withdraw any land covered by a permit, excepting affected land,  
54 by notifying the commission thereof, in which case the penalty of the bond or security filed by  
55 the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced  
56 proportionately.

57           7. Where mining or reclamation operations on acreage for which a permit has been  
58 issued have not been completed, the permit shall be renewed. The operator shall submit a permit  
59 renewal form furnished by the director for an additional permit year and pay a fee equal to an  
60 application fee calculated pursuant to subsection 4 of this section, but in no case shall the  
61 renewal fee for any operator be more than three thousand dollars. For any operator involved in  
62 any gravel mining operation where the annual tonnage of gravel mined by such operator is less  
63 than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit  
64 renewal form furnished by the director for an additional permit year and payment of a fee of three  
65 hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator,  
66 the director shall approve the renewal. With approval of the director and operator, the permit  
67 renewal may be extended for a portion of an additional year with a corresponding prorating of  
68 the renewal fee.

69           8. Where one operator succeeds another at any uncompleted operation, either by sale,  
70 assignment, lease or otherwise, the commission may release the first operator from all liability  
71 pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have  
72 been issued a permit and have otherwise complied with the requirements of sections 444.760 to  
73 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections  
74 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former  
75 operator.

76           9. The application for a permit shall be accompanied by a plan of reclamation that meets  
77 the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated  
78 pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed  
79 method of operation, reclamation, and a conservation plan for the affected area including  
80 approximate dates and time of completion, and stating that the operation will meet the  
81 requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant  
82 to them.

83           10. At the time that a permit application is deemed complete by the director, the operator  
84 shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to  
85 section 493.050 to publish legal notices in any county where the land is located. If the director  
86 does not respond to a permit application within forty-five calendar days, the application shall be

87 deemed to be complete. Notice in the newspaper shall be posted once a week for four  
88 consecutive weeks beginning no more than ten days after the application is deemed complete.  
89 The operator shall also send notice of intent to operate a surface mine by certified mail to the  
90 governing body of the counties or cities in which the proposed area is located, and to the last  
91 known addresses of all record landowners of contiguous real property or real property located  
92 adjacent to the proposed mine plan area. The notices shall include the name and address of the  
93 operator, a legal description consisting of county, section, township and range, the number of  
94 acres involved, a statement that the operator plans to mine a specified mineral during a specified  
95 time, and the address of the commission. The notices shall also contain a statement that any  
96 person with a direct, personal interest in one or more of the factors the commission may consider  
97 in issuing a permit may request a public meeting, a public hearing or file written comments to  
98 the director no later than fifteen days following the final public notice publication date.

99 11. The commission may approve a permit application or permit amendment whose  
100 operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if  
101 it can be demonstrated by the operator that the conditions present at the surface mining location  
102 warrant an exception. The criteria accepted for consideration when evaluating the merits of an  
103 exception or variance to the requirements of sections 444.760 to 444.790 shall be established by  
104 regulations.

105 12. Fees imposed pursuant to this section shall [become effective August 28, 2007, and  
106 shall] expire on December 31, [2013] **2018**. No other provisions of this section shall expire.

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees  
2 imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective  
3 October 1, 1990, and shall expire September 1, [2013] **2018**. Fees imposed pursuant to  
4 subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000,  
5 and shall expire on September 1, [2013] **2018**. The clean water commission shall promulgate  
6 rules and regulations on the procedures for billing and collection. All sums received through the  
7 payment of fees shall be placed in the state treasury and credited to an appropriate subaccount  
8 of the natural resources protection fund created in section 640.220. Moneys in the subaccount  
9 shall be expended, upon appropriation, solely for the administration of sections 644.006 to  
10 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer  
11 district, a public water district or other publicly owned treatment works are state fees. Five  
12 percent of the fee revenue collected shall be retained by the city, public sewer district, public  
13 water district or other publicly owned treatment works as reimbursement of billing and collection  
14 expenses.

15 2. The commission may grant a variance pursuant to section 644.061 to reduce fees  
16 collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce

17 the discharge of water contaminants substantially below the levels required by commission rules.

18         3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of  
19 application and on each anniversary date of permit issuance thereafter until the permit is  
20 terminated.

21         [4. The director of the department of natural resources shall conduct a comprehensive  
22 review of the fee structure in sections 644.052 and 644.053. The review shall include  
23 stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to  
24 the general assembly by December 31, 2012, which shall include its findings and a recommended  
25 plan for the fee structure. The plan shall also include time lines for permit issuance, provisions  
26 for expedited permits, and recommendations for any other improved services provided by the fee  
27 funding.]

28                 [260.379. 1. The department of natural resources shall not issue a permit  
29 to any person for the operation of any facility or issue any license to any person  
30 under the authority of sections 260.350 to 260.434, if such person has had three  
31 or more convictions, which convictions occurred after July 9, 1990, and within  
32 any five-year period within the courts of the United States or of any state except  
33 Missouri or had two or more convictions within a Missouri court after July 9,  
34 1990, and within any five-year period, for any crimes or criminal acts, an element  
35 of which involves restraint of trade, price-fixing, intimidation of the customers  
36 of any person or for engaging in any other acts which may have the effect of  
37 restraining or limiting competition concerning activities regulated under this  
38 chapter or similar laws of other states or the federal government; except that  
39 convictions for violations by entities purchased or acquired by an applicant or  
40 permittee which occurred prior to the purchase or acquisition shall not be  
41 included. For the purpose of this section, the term "person" shall include any  
42 business organization or entity, successor corporation, partnership or subsidiary  
43 of any business organization or entity, and the owners and officers thereof, or the  
44 entity submitting the application.

45                 2. The director shall suspend, revoke or not renew the permit or license  
46 of any person issued pursuant to sections 260.350 to 260.434, if such person has  
47 had two or more convictions in any court of the United States or of any state  
48 other than Missouri or two or more convictions within a Missouri court for  
49 crimes as specified herein if such conviction occurred after July 9, 1990, and  
50 within any five-year period.

51                 3. Any person applying for a permit or license under sections 260.350 to  
52 260.434 shall notify the director of any conviction for any act which would have  
53 the effect of limiting competition. Any person with a permit or license shall  
54 notify the department of any such conviction within thirty days of the conviction  
55 or plea. Failure to notify the director is a class D felony and subject to a fine of  
56 one thousand dollars per day for each day unreported.

57           4. Provided that after a period of five years after a permit has been  
58           revoked under the provisions of this section, the person, firm or corporation  
59           affected may apply for rehabilitation and reinstatement to the director of the  
60           department. The department shall promulgate the necessary rules and regulations  
61           for rehabilitation and reinstatement. The time period for same shall not exceed  
62           five years.]

2           [260.434. 1. The department shall assess the transportation system  
3           serving a proposed site for a new hazardous waste resource recovery, treatment  
4           or disposal facility as a part of its review of the application for a permit. The  
5           department shall examine the transportation route or routes to ensure that the  
6           design and maintenance of such route or routes provides adequate safety for the  
7           public using or living near the route or routes. The department may designate or  
8           prohibit specific routes, limit use of approved routes during certain time periods  
9           or impose other reasonable restrictions upon the transportation of hazardous  
10          waste to or from the facility.

11          2. The department shall review the capability of local governments near  
12          a proposed site to respond to an emergency involving the transportation of  
13          hazardous waste or an emergency at the hazardous waste resource recovery,  
14          treatment or disposal facility when it reviews an application for a permit. The  
15          department shall reassess that capability whenever the operator proposes  
16          recovering, treating or disposing of a hazardous waste which is substantially more  
17          toxic, corrosive, ignitable or reactive than those wastes approved under the  
18          current permit. The department may require the operator to provide supplemental  
19          emergency response capability to ensure public safety.

20          3. The department shall enter into an interagency agreement with the  
21          department of transportation and the department of public safety to permit the  
22          sharing of information and to assign responsibility for performing the assessment  
              required in this section.]

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