

FIRST REGULAR SESSION

HOUSE BILL NO. 185

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (110) (Sponsor), SANDER, KUESSNER, FISHER,
FRAME, MOORE, McGHEE AND ROORDA (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

0842L.01I

AN ACT

To repeal sections 260.200, 260.360, and 260.800, RSMo, and to enact in lieu thereof three new sections relating to environmental control.

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

Section A. Sections 260.200, 260.360, and 260.800, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 260.200, 260.360, and 260.800, to read
3 as follows:

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) "Button cell battery" or "button cell", any small alkaline-manganese or
8 mercuric-oxide battery having the size and shape of a button;

9 (3) "City", any incorporated city, town, or village;

10 (4) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete,
11 cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule
12 or policy of the department for fill, reclamation or other beneficial use;

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.

13 (5) "Closure", the permanent cessation of active disposal operations, abandonment of
14 the disposal area, revocation of the permit or filling with waste of all areas and volumes specified
15 in the permit and preparing the area for long-term care;

16 (6) "Closure plan", plans, designs and relevant data which specify the methods and
17 schedule by which the operator will complete or cease disposal operations, prepare the area for
18 long-term care, and make the area suitable for other uses, to achieve the purposes of sections
19 260.200 to 260.345 and the regulations promulgated thereunder;

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

26 (8) "Demolition landfill", a solid waste disposal area used for the controlled disposal of
27 demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert
28 solids insoluble in water;

29 (9) "Department", the department of natural resources;

30 (10) "Director", the director of the department of natural resources;

31 (11) "District", a solid waste management district established under section 260.305;

32 (12) "Financial assurance instrument", an instrument or instruments, including, but not
33 limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund,
34 submitted by the applicant to ensure proper closure and postclosure care and corrective action
35 of a solid waste disposal area in the event that the operator fails to correctly perform closure and
36 postclosure care and corrective action requirements, except that the financial test for the
37 corporate guarantee shall not exceed one and one-half times the estimated cost of closure and
38 postclosure. The form and content of the financial assurance instrument shall meet or exceed
39 the requirements of the department. The instrument shall be reviewed and approved or
40 disapproved by the attorney general;

41 (13) "Flood area", any area inundated by the one hundred year flood event, or the flood
42 event with a one percent chance of occurring in any given year;

43 (14) "Household consumer", an individual who generates used motor oil through the
44 maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery
45 powered by an internal combustion engine;

46 (15) "Household consumer used motor oil collection center", any site or facility that
47 accepts or aggregates and stores used motor oil collected only from household consumers or
48 farmers who generate an average of twenty-five gallons per month or less of used motor oil in

49 a calendar year. This section shall not preclude a commercial generator from operating a
50 household consumer used motor oil collection center;

51 (16) "Household consumer used motor oil collection system", any used motor oil
52 collection center at publicly owned facilities or private locations, any curbside collection of
53 household consumer used motor oil, or any other household consumer used motor oil collection
54 program determined by the department to further the purposes of sections 260.200 to 260.345;

55 (17) "Infectious waste", waste in quantities and characteristics as determined by the
56 department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood and
57 blood products, pathological wastes, other wastes from surgery and autopsy, contaminated
58 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be
59 infectious; provided, however, that infectious waste does not mean waste treated to department
60 specifications;

61 (18) "Lead-acid battery", a battery designed to contain lead and sulfuric acid with a
62 nominal voltage of at least six volts and of the type intended for use in motor vehicles and
63 watercraft;

64 (19) "Major appliance", clothes washers and dryers, water heaters, trash compactors,
65 dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and
66 freezers;

67 (20) "Mercuric-oxide battery" or "mercury battery", a battery having a mercuric-oxide
68 positive electrode, a zinc negative electrode, and an alkaline electrolyte, including
69 mercuric-oxide button cell batteries generally intended for use in hearing aids and larger size
70 mercuric-oxide batteries used primarily in medical equipment;

71 (21) "Minor violation", a violation which possesses a small potential to harm the
72 environment or human health or cause pollution, was not knowingly committed, and is not
73 defined by the United States Environmental Protection Agency as other than minor;

74 (22) "Motor oil", any oil intended for use in a motor vehicle, as defined in section
75 301.010, RSMo, train, vessel, airplane, heavy equipment, or other machinery powered by an
76 internal combustion engine;

77 (23) "Motor vehicle", as defined in section 301.010, RSMo;

78 (24) "Operator" and "permittee", anyone so designated, and shall include cities, counties,
79 other political subdivisions, authority, state agency or institution, or federal agency or institution;

80 (25) "Permit modification", any permit issued by the department which alters or modifies
81 the provisions of an existing permit previously issued by the department;

82 (26) "Person", any individual, partnership, corporation, association, institution, city,
83 county, other political subdivision, authority, state agency or institution, or federal agency or
84 institution;

85 (27) **"Plasma arc technology", a process that converts electrical energy into thermal**
86 **energy. This electric-arc is created when an ionized gas transfers electric power between**
87 **two or more electrodes;**

88 (28) "Postclosure plan", plans, designs and relevant data which specify the methods and
89 schedule by which the operator shall perform necessary monitoring and care for the area after
90 closure to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated
91 thereunder;

92 [(28)] (29) "Recovered materials", those materials which have been diverted or removed
93 from the solid waste stream for sale, use, reuse or recycling, whether or not they require
94 subsequent separation and processing;

95 [(29)] (30) "Recycled content", the proportion of fiber in a newspaper which is derived
96 from postconsumer waste;

97 [(30)] (31) "Recycling", the separation and reuse of materials which might otherwise be
98 disposed of as solid waste;

99 [(31)] (32) "Resource recovery", a process by which recyclable and recoverable material
100 is removed from the waste stream to the greatest extent possible, as determined by the
101 department and pursuant to department standards, for reuse or remanufacture;

102 [(32)] (33) "Resource recovery facility", a facility in which recyclable and recoverable
103 material is removed from the waste stream to the greatest extent possible, as determined by the
104 department and pursuant to department standards, for reuse or remanufacture;

105 [(33)] (34) "Sanitary landfill", a solid waste disposal area which accepts commercial and
106 residential solid waste;

107 [(34)] (35) "Scrap tire", a tire that is no longer suitable for its original intended purpose
108 because of wear, damage, or defect;

109 [(35)] (36) "Scrap tire collection center", a site where scrap tires are collected prior to
110 being offered for recycling or processing and where fewer than five hundred tires are kept on site
111 on any given day;

112 [(36)] (37) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel
113 supplement or converted into a useable product. Baled or compressed tires used in structures,
114 or used at recreational facilities, or used for flood or erosion control shall be considered an end
115 use;

116 [(37)] (38) "Scrap tire generator", a person who sells tires at retail or any other person,
117 firm, corporation, or government entity that generates scrap tires;

118 [(38)] (39) "Scrap tire processing facility", a site where tires are reduced in volume by
119 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or
120 disposal;

121 [(39)] (40) "Scrap tire site", a site at which five hundred or more scrap tires are
122 accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap
123 tires for the generation of energy or converts scrap tires to a useful product;

124 [(40)] (41) "Solid waste", garbage, refuse and other discarded materials including, but
125 not limited to, solid and semisolid waste materials resulting from industrial, commercial,
126 agricultural, governmental and domestic activities, but does not include hazardous waste as
127 defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte,
128 slag or other waste material resulting from mining, milling or smelting;

129 [(41)] (42) "Solid waste disposal area", any area used for the disposal of solid waste from
130 more than one residential premises, or one or more commercial, industrial, manufacturing,
131 recreational, or governmental operations;

132 [(42)] (43) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and
133 may be:

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

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

136 [(43)] (44) "Solid waste management area", a solid waste disposal area which also
137 includes one or more of the functions contained in the definitions of recycling, resource recovery
138 facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste
139 processing facility, excluding incineration;

140 [(44)] (45) "Solid waste management system", the entire process of managing solid waste
141 in a manner which minimizes the generation and subsequent disposal of solid waste, including
142 waste reduction, source separation, collection, storage, transportation, recycling, resource
143 recovery, volume minimization, processing, market development, and disposal of solid wastes;

144 [(45)] (46) "Solid waste processing facility", any facility where solid wastes are salvaged
145 and processed, including:

146 (a) A transfer station; or

147 (b) An incinerator which operates with or without energy recovery but excluding waste
148 tire end-user facilities; [or]

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

150 **(d) A plasma arc technology facility;**

151 [(46)] (47) "Solid waste technician", an individual who has successfully completed
152 training in the practical aspects of the design, operation and maintenance of a permitted solid
153 waste processing facility or solid waste disposal area in accordance with sections 260.200 to
154 260.345;

155 [(47)] (48) "Tire", a continuous solid or pneumatic rubber covering encircling the wheel
156 of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in

157 chapter 301, RSMo, except farm tractors and farm implements owned and operated by a family
158 farm or family farm corporation as defined in section 350.010, RSMo;

159 [(48)] (49) "Used motor oil", any motor oil which, as a result of use, becomes unsuitable
160 for its original purpose due to loss of original properties or the presence of impurities, but used
161 motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have
162 been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations,
163 oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,
164 quenching oils, and transformer oils;

165 [(49)] (50) "Utility waste landfill", a solid waste disposal area used for fly ash waste,
166 bottom ash waste, slag waste and flue gas emission control waste generated primarily from the
167 combustion of coal or other fossil fuels;

168 [(50)] (51) "Yard waste", leaves, grass clippings, yard and garden vegetation and
169 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

170 2. For the purposes of this section and sections 260.270 to [260.278] **260.279** and any
171 rules in place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall
172 be used synonymously with and in place of "waste", as it applies only to scrap tires.

260.360. When used in sections 260.350 to 260.430 and in standards, rules and
2 regulations adopted pursuant to sections 260.350 to 260.430, the following words and phrases
3 mean:

4 (1) "Cleanup", all actions necessary to contain, collect, control, treat, disburse, remove
5 or dispose of a hazardous waste;

6 (2) "Commission", the hazardous waste management commission of the state of
7 Missouri created by sections 260.350 to 260.430;

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

14 (4) "Department", the Missouri department of natural resources;

15 (5) "Detonation", an explosion in which chemical transformation passes through the
16 material faster than the speed of sound, which is 0.33 kilometers per second at sea level;

17 (6) "Director", the director of the Missouri department of natural resources;

18 (7) "Disposal", the discharge, deposit, injection, dumping, spilling, leaking, or placing
19 of any waste into or on any land or water so that such waste, or any constituent thereof, may enter

20 the environment or be emitted into the air or be discharged into the waters, including
21 groundwaters;

22 (8) "Final disposition", the location, time and method by which hazardous waste loses
23 its identity or enters the environment, including, but not limited to, disposal, resource recovery
24 and treatment;

25 (9) "Generation", the act or process of producing waste;

26 (10) "Generator", any person who produces waste;

27 (11) "Hazardous waste", any waste or combination of wastes, as determined by the
28 commission by rules and regulations, which, because of its quantity, concentration, or physical,
29 chemical or infectious characteristics, may cause or significantly contribute to an increase in
30 mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a
31 present or potential threat to the health of humans or the environment;

32 (12) "Hazardous waste facility", any property that is intended or used for hazardous
33 waste management including, but not limited to, storage, treatment and disposal sites;

34 (13) "Hazardous waste management", the systematic recognition and control of
35 hazardous waste from generation to final disposition including, but not limited to, its
36 identification, containerization, labeling, storage, collection, transfer or transportation, treatment,
37 resource recovery or disposal;

38 (14) "Infectious waste", waste in quantities and characteristics as determined by the
39 department by rule and regulation, including the following wastes known or suspected to be
40 infectious: isolation wastes, cultures and stocks of etiologic agents, contaminated blood and
41 blood products, other contaminated surgical wastes, wastes from autopsy, contaminated
42 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals and antineoplastic
43 chemotherapeutic materials; provided, however, that infectious waste does not mean waste
44 treated to department specifications;

45 (15) "Manifest", a department form accompanying hazardous waste from point of
46 generation, through transport, to final disposition;

47 (16) "Minor violation", a violation which possesses a small potential to harm the
48 environment or human health or cause pollution, was not knowingly committed, and is not
49 defined by the United States Environmental Protection Agency as other than minor;

50 (17) "Person", an individual, partnership, copartnership, firm, company, public or private
51 corporation, association, joint stock company, trust, estate, political subdivision or any agency,
52 board, department or bureau of the state or federal government or any other legal entity whatever
53 which is recognized by law as the subject of rights and duties;

54 (18) "**Plasma arc technology**", a process that converts electrical energy into thermal
55 energy. The plasma arc is created when a voltage is established between two points;

56 (19) "Resource recovery", the reclamation of energy or materials from waste, its reuse
57 or its transformation into new products which are not wastes;

58 [(19)] (20) "Storage", the containment or holding of waste at a designated location in
59 such manner or for such a period of time, as determined in regulations adopted hereunder, so as
60 not to constitute disposal of such waste;

61 [(20)] (21) "Treatment", the processing of waste to remove or reduce its harmful
62 properties or to contribute to more efficient or less costly management or to enhance its potential
63 for resource recovery including, but not limited to, existing or future procedures for
64 biodegradation, concentration, reduction in volume, detoxification, fixation, incineration, **plasma**
65 **arc technology**, or neutralization;

66 [(21)] (22) "Waste", any material for which no use or sale is intended and which will be
67 discarded or any material which has been or is being discarded. "Waste" shall also include
68 certain residual materials, to be specified by the rules and regulations, which may be sold for
69 purposes of energy or materials reclamation, reuse or transformation into new products which
70 are not wastes;

71 [(22)] (23) "Waste explosives", any waste which has the potential to detonate, or any
72 bulk military propellant which cannot be safely disposed of through other modes of treatment.

260.800. As used in sections 260.800 to 260.815, the following terms shall mean:

2 (1) "Governing body", any city, municipality, county or combination thereof, or an
3 authority or agency created by intergovernmental compact;

4 (2) "Solid waste", garbage, refuse and other discarded materials including, but not
5 limited to, solid and semisolid waste materials resulting from industrial, commercial,
6 agricultural, governmental and domestic activities, but does not include overburden, rock,
7 tailings, matte, slag or other waste material resulting from mining, milling or smelting;

8 (3) "Waste to energy facility", any facility, **including plasma arc technology**, with the
9 electric generating capacity of up to eighty megawatts which is fueled by solid waste.

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