

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Substitute for Senate Bill No. 476, Page 1, Section A, Line 8, by inserting after all  
2 of said section and line the following:

3  
4 "29.380. 1. The state auditor shall have the authority to audit solid waste management  
5 districts created under section 260.305 in the same manner as the auditor may audit any agency of  
6 the state.

7 2. Beginning August 28, [2012] 2015, the state auditor [shall conduct an audit of each solid  
8 waste management district created under section 260.305 and thereafter shall] may conduct audits of  
9 [each] solid waste management [district] districts as he or she deems necessary. The state auditor  
10 may request reimbursement from the district for the costs of conducting the audit. If the auditor  
11 requests such reimbursement, the solid waste management district shall reimburse the auditor for the  
12 costs of conducting the audit and the moneys shall be deposited in the petition audit revolving trust  
13 fund created under section 29.230. Such reimbursement shall be limited to two percent of the solid  
14 waste management district's annual monetary allocation."; and

15  
16 Further amend said bill, Page 14, Section 259.210, Line 23, by inserting after all of said section and  
17 line the following:

18  
19 "260.200. 1. The following words and phrases when used in sections 260.200 to 260.345  
20 shall mean:

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

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

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

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

31 (5) "City", any incorporated city, town, or village;

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

35 (7) "Closure", the permanent cessation of active disposal operations, abandonment of the  
36 disposal area, revocation of the permit or filling with waste of all areas and volumes specified in the

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1 permit and preparing the area for long-term care;

2 (8) "Closure plan", plans, designs and relevant data which specify the methods and schedule  
3 by which the operator will complete or cease disposal operations, prepare the area for long-term  
4 care, and make the area suitable for other uses, to achieve the purposes of sections 260.200 to  
5 260.345 and the regulations promulgated thereunder;

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

12 (10) "Construction and demolition waste", waste materials from the construction and  
13 demolition of residential, industrial, or commercial structures, but shall not include materials defined  
14 as clean fill under this section;

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

18 (12) "Department", the department of natural resources;

19 (13) "Director", the director of the department of natural resources;

20 (14) "Disclosure statement", a sworn statement or affirmation, in such form as may be  
21 required by the director of the department of natural resources, which includes:

22 (a) The full names and business address of key personnel;

23 (b) The full name and business address of any entity, other than a natural person, that  
24 collects, transfers, processes, treats, stores, or disposes of solid waste in which all key personnel  
25 holds an equity interest of seven percent or more;

26 (c) A description of the business experience of all key personnel listed in the disclosure  
27 statement;

28 (d) For the five-year period ending on the date the sworn disclosure statement or affirmation  
29 is signed by key personnel:

30 a. A listing organized by issuing federal, state, or county or county-equivalent regulatory  
31 body of all environmental permits or licenses for the collection, transfer, treatment, processing,  
32 storage, or disposal of solid waste issued to or held by any key personnel;

33 b. A listing and explanation of notices of violation which shall by rule be defined,  
34 prosecutions, or other administrative enforcement actions resulting in an adjudication or conviction;

35 c. A listing of license or permit suspensions, revocations, or denials issued by any state, the  
36 federal government or a county or county equivalent, which are pending or have concluded with a  
37 finding of violation or entry of a consent agreement regarding an allegation of civil or criminal  
38 violation of law, regulation or requirement relating to the collection, transfer, treatment, processing,  
39 storage, or disposal of solid waste or violation of the environmental statutes of other states or federal  
40 statutes;

41 d. An itemized list of all felony convictions under the laws of the state of Missouri or the  
42 equivalent thereof under the laws of any other jurisdiction; and a listing of any findings of guilt for  
43 any crimes or criminal acts an element of which involves restraint of trade, price-fixing, intimidation  
44 of the customers of another person or for engaging in any other acts which may have the effect of  
45 restraining or limiting competition concerning activities regulated pursuant to this chapter or similar  
46 laws of other states or the federal government including, but not limited to, racketeering or violation  
47 of antitrust laws of any key personnel;

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

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

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

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

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

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

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

28 (22) "Key personnel", the applicant itself and any person employed by the applicant in a  
29 managerial capacity, or empowered to make discretionary decisions with respect to the solid waste  
30 operations of the applicant in Missouri, but shall not include employees exclusively engaged in the  
31 physical or mechanical collection, transfer, transportation, treatment, processing, storage, or disposal  
32 of solid waste and such other employees as the director of the department of natural resources may  
33 designate by regulation. If the applicant has not previously conducted solid waste operations in  
34 Missouri, the term also includes any officer, director, partner of the applicant, or any holder of seven  
35 percent or more of the equity or debt of the applicant. If any holder of seven percent or more of the  
36 equity or debt of the applicant or of any key personnel is not a natural person, the term includes all  
37 key personnel of that entity, provided that where such entity is a chartered lending institution or a  
38 reporting company under the federal Securities Exchange Act of 1934, the term does not include key  
39 personnel of such entity. Provided further that the term means the chief executive officer of any  
40 agency of the United States or of any agency or political subdivision of the state of Missouri, and all  
41 key personnel of any person, other than a natural person, that operates a landfill or other facility for  
42 the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under  
43 contract with or for one of those governmental entities;

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

46 (24) "Major appliance", clothes washers and dryers, water heaters, trash compactors,  
47 dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and  
48 freezers;

1 (25) "Mercuric-oxide battery" or "mercury battery", a battery having a mercuric-oxide  
2 positive electrode, a zinc negative electrode, and an alkaline electrolyte, including mercuric-oxide  
3 button cell batteries generally intended for use in hearing aids and larger size mercuric-oxide  
4 batteries used primarily in medical equipment;

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

8 (27) "Motor oil", any oil intended for use in a motor vehicle, as defined in section 301.010,  
9 train, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion  
10 engine;

11 (28) "Motor vehicle", as defined in section 301.010;

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

14 (30) "Permit modification", any permit issued by the department which alters or modifies the  
15 provisions of an existing permit previously issued by the department;

16 (31) "Person", any individual, partnership, limited liability company, corporation,  
17 association, trust, institution, city, county, other political subdivision, authority, state agency or  
18 institution, or federal agency or institution, or any other legal entity;

19 (32) "Plasma arc technology", a process that converts electrical energy into thermal energy.  
20 This electric arc is created when an ionized gas transfers electric power between two or more  
21 electrodes;

22 (33) "Postclosure plan", plans, designs and relevant data which specify the methods and  
23 schedule by which the operator shall perform necessary monitoring and care for the area after  
24 closure to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated  
25 thereunder;

26 (34) "Recovered materials", those materials which have been diverted or removed from the  
27 solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation  
28 and processing;

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

31 (36) "Recycling", the separation and reuse of materials which might otherwise be disposed  
32 of as solid waste;

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

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

39 (39) "Sanitary landfill", a solid waste disposal area which accepts commercial and residential  
40 solid waste;

41 (40) "Scrap tire", a tire that is no longer suitable for its original intended purpose because of  
42 wear, damage, or defect;

43 (41) "Scrap tire collection center", a site where scrap tires are collected prior to being offered  
44 for recycling or processing and where fewer than five hundred tires are kept on site on any given  
45 day;

46 (42) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel  
47 supplement or converted into a usable product. Baled or compressed tires used in structures, or used  
48 at recreational facilities, or used for flood or erosion control shall be considered an end use;

1 (43) "Scrap tire generator", a person who sells tires at retail or any other person, firm,  
2 corporation, or government entity that generates scrap tires;

3 (44) "Scrap tire processing facility", a site where tires are reduced in volume by shredding,  
4 cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or disposal;

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

8 (46) "Solid waste", garbage, refuse and other discarded materials including, but not limited  
9 to, solid and semisolid waste materials resulting from industrial, commercial, agricultural,  
10 governmental and domestic activities, but does not include hazardous waste as defined in sections  
11 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte, slag or other waste  
12 material resulting from mining, milling or smelting;

13 (47) "Solid waste disposal area", any area used for the disposal of solid waste from more  
14 than one residential premises, or one or more commercial, industrial, manufacturing, recreational, or  
15 governmental operations;

16 (48) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and may be:

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

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

19 (49) "Solid waste management area", a solid waste disposal area which also includes one or  
20 more of the functions contained in the definitions of recycling, resource recovery facility, waste tire  
21 collection center, waste tire processing facility, waste tire site or solid waste processing facility,  
22 excluding incineration;

23 (50) "Solid waste management project", a targeted project that meets statewide waste  
24 reduction and recycling priorities, and for which no solid waste management district grant applicant  
25 has applied to perform, and for which no qualified applicants have applied to perform such project  
26 by a competitive bid issued by the solid waste management district for the completion of such  
27 project;

28 (51) "Solid waste management system", the entire process of managing solid waste in a  
29 manner which minimizes the generation and subsequent disposal of solid waste, including waste  
30 reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume  
31 minimization, processing, market development, and disposal of solid wastes;

32 [(51)] (52) "Solid waste processing facility", any facility where solid wastes are salvaged  
33 and processed, including:

34 (a) A transfer station; or

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

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

38 (d) A plasma arc technology facility;

39 [(52)] (53) "Solid waste technician", an individual who has successfully completed training  
40 in the practical aspects of the design, operation and maintenance of a permitted solid waste  
41 processing facility or solid waste disposal area in accordance with sections 260.200 to 260.345;

42 [(53)] (54) "Tire", a continuous solid or pneumatic rubber covering encircling the wheel of  
43 any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in chapter 301,  
44 except farm tractors and farm implements owned and operated by a family farm or family farm  
45 corporation as defined in section 350.010;

46 [(54)] (55) "Used motor oil", any motor oil which, as a result of use, becomes unsuitable for  
47 its original purpose due to loss of original properties or the presence of impurities, but used motor oil  
48 shall not include ethylene glycol, oils used for solvent purposes, oil filters that have been drained of

1 free flowing used oil, oily waste, oil recovered from oil tank cleaning operations, oil spilled to land  
2 or water, or industrial nonlube oils such as hydraulic oils, transmission oils, quenching oils, and  
3 transformer oils;

4 [(55)] (56) "Utility waste landfill", a solid waste disposal area used for fly ash waste, bottom  
5 ash waste, slag waste and flue gas emission control waste generated primarily from the combustion  
6 of coal or other fossil fuels;

7 [(56)] (57) "Yard waste", leaves, grass clippings, yard and garden vegetation and Christmas  
8 trees. The term does not include stumps, roots or shrubs with intact root balls.

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

12 260.225. 1. The department shall administer sections 260.200 to 260.345 to maximize the  
13 amount of recovered materials and to minimize disposal of solid waste in sanitary landfills. The  
14 department shall, through its rules and regulations, policies and programs, encourage to the  
15 maximum extent practical, the use of alternatives to disposal. To accomplish these objectives, the  
16 department shall:

17 (1) Administer the state solid waste management program pursuant to the provisions of  
18 sections 260.200 to 260.345;

19 (2) Cooperate with appropriate federal, state, and local units of government of this or any  
20 other state, and with appropriate private organizations in carrying out its authority under sections  
21 260.200 to 260.345;

22 (3) Promulgate and adopt, after public hearing, such rules and regulations relating to solid  
23 waste management systems as shall be necessary to carry out the purposes and provisions of sections  
24 260.200 to 260.345;

25 (4) Develop a statewide solid waste management plan in cooperation with local  
26 governments, regional planning commissions, districts, and appropriate state agencies;

27 (5) Provide technical assistance to cities, counties, districts, and authorities;

28 (6) Develop and conduct a mandatory solid waste technician training course of study;

29 (7) Conduct and contract for research and investigations in the overall area of solid waste  
30 storage, collection, recycling, recovery, processing, transportation and disposal, including, but not  
31 limited to, new and novel procedures;

32 (8) Subject to appropriation by the general assembly, establish criteria for awarding  
33 state-funded solid waste management [planning] grants to cities, counties, and districts, allocate  
34 funds, and monitor the proper expenditure of funds;

35 (9) Issue such permits and orders and conduct such inspections as may be necessary to  
36 implement the provisions of sections 260.200 to 260.345 and the rules and regulations adopted  
37 pursuant to sections 260.200 to 260.345;

38 (10) Initiate, conduct and support research, demonstration projects, and investigations with  
39 applicable federal programs pertaining to solid waste management systems;

40 (11) Contract with cities, counties, districts and other persons to act as its agent in carrying  
41 out the provisions of sections 260.200 to 260.345 under procedures and conditions as the department  
42 shall prescribe.

43 2. The department shall prepare model solid waste management plans suitable for rural and  
44 urban areas which may be used by districts, counties and cities. In preparing the model plans, the  
45 department shall consider the findings and recommendations of the study of resource recovery  
46 conducted pursuant to section 260.038, and other relevant information. The plans shall conform  
47 with the requirements of section 260.220 and section 260.325 and shall:

48 (1) Emphasize waste reduction and recycling;

- 1 (2) Provide for economical waste management through regional and district cooperation;  
 2 (3) Be designed to achieve a reduction of forty percent in solid waste disposed, by weight, by  
 3 January 1, 1998;  
 4 (4) Establish a means to measure the amount of reduction in solid waste disposal;  
 5 (5) Provide for the elimination of small quantities of hazardous waste, including household  
 6 hazardous waste, from the solid waste stream; and  
 7 (6) Be designed to guide planning in districts, cities and counties including cities and  
 8 counties not within a district.

9 3. The model plan shall be distributed to the executive board of each solid waste district and  
 10 to counties and cities not within a district by December 1, 1991.

11 4. No rule or portion of a rule promulgated under the authority of sections 260.200 to  
 12 260.345 shall become effective unless it has been promulgated pursuant to the provisions of section  
 13 536.024.

14 5. In coordination with other appropriate state agencies, including, but not limited to, the  
 15 division of commerce and industrial development, the office of administration, the environmental  
 16 improvement and energy resource authority, and the public service commission, the department shall  
 17 perform the following duties in order to promote resource recovery in the state in ways which are  
 18 economically feasible:

19 (1) Identify markets for recovered materials and for energy which could be produced from  
 20 solid waste and household hazardous waste;

21 (2) Provide technical assistance pertaining to all aspects of resource recovery to cities,  
 22 counties, districts, industries and other persons;

23 (3) Identify opportunities for resource recovery programs in state government and initiate  
 24 actions to implement such programs;

25 (4) Expand state contracts for procurement of items made from recovered materials;

26 (5) Initiate recycling programs within state government;

27 (6) Provide a clearinghouse of consumer information regarding the need to support resource  
 28 recovery, utilize and develop new resource recovery programs around existing enterprises, request  
 29 and purchase recycled products, participate in resource conservation activities and other relevant  
 30 issues;

31 (7) Identify barriers to resource recovery and resource conservation, and propose remedies to  
 32 these barriers; and

33 (8) Initiate activities with appropriate state and local entities to develop markets for  
 34 recovered materials."; and  
 35

36 Further amend said bill, Page 15, Section 260.235, Line 34, by inserting after all of said section and  
 37 line the following:  
 38

39 "260.250. 1. After January 1, 1991, major appliances, waste oil and lead-acid batteries shall  
 40 not be disposed of in a solid waste disposal area. After January 1, 1992, yard waste shall not be  
 41 disposed of in a solid waste disposal area, except as otherwise provided in this subsection. After  
 42 August 28, 2007, yard waste may be disposed of in a municipal solid waste disposal area or portion  
 43 of a municipal solid waste disposal area provided that:

44 (1) The department has approved the municipal solid waste disposal area or portion of a  
 45 solid waste disposal area to operate as a bioreactor under 40 CFR Part 258.4; and

46 (2) The landfill gas produced by the bioreactor shall be used for the generation of electricity.

47 2. After January 1, 1991, waste oil shall not be incinerated without energy recovery.

48 3. Each solid waste management district[, county and city] shall address the recycling, reuse

1 and handling of aluminum containers, glass containers, newspapers, textiles, whole tires, plastic  
2 beverage containers and steel containers in its solid waste management plan consistent with sections  
3 260.250 to 260.345.

4 260.320. 1. The executive board shall meet within thirty days after the selection of the  
5 initial members. The time and place of the first meeting of the board shall be designated by the  
6 council. A majority of the members of the board shall constitute a quorum. At its first meeting the  
7 board shall elect a chairman from its members and select a secretary, treasurer and such officers or  
8 employees as it deems expedient or necessary for the accomplishment of its purposes. The secretary  
9 and treasurer need not be members of the board.

10 2. The executive board may adopt, alter or repeal its own bylaws, rules and regulations  
11 governing the manner in which its business may be transacted, including procedures for the  
12 replacement of persons who habitually fail to attend board meetings, and may establish its fiscal  
13 year, adopt an official seal, apply for and accept grants, gifts or appropriations from any public or  
14 private sector, make all expenditures which are incidental and necessary to carry out its purposes and  
15 powers, and take such action, enter into such agreements and exercise all other powers and functions  
16 necessary or appropriate to carry out the duties and purposes of sections 260.200 to 260.345.

17 3. The executive board shall:

18 (1) Review and comment upon applications for permits submitted pursuant to section  
19 260.205, for solid waste processing facilities and solid waste disposal areas which are to be located  
20 within the region or, if located in an adjacent region, which will impact solid waste management  
21 practices within the region;

22 (2) Prepare and recommend to the council a solid waste management plan for the district;

23 (3) Identify illegal dump sites and provide all available information about such sites to the  
24 appropriate county prosecutor and to the department;

25 (4) Establish an education program to inform the public about responsible solid waste  
26 management practices;

27 (5) Establish procedures to minimize the introduction of small quantities of hazardous waste,  
28 including household hazardous waste, into the solid waste stream;

29 (6) Assure adequate capacity to manage waste which is not otherwise removed from the  
30 solid waste stream; and

31 (7) Appoint one or more geographically balanced advisory committees composed of the  
32 representatives of commercial generators, representatives of the solid waste management industry,  
33 and two citizens unaffiliated with a solid waste facility or operation to assess and make  
34 recommendations on solid waste management.

35 4. The executive board may enter into contracts with any person or entity for services related  
36 to any component of the solid waste management system. Bid specifications for solid waste  
37 management services shall be designed to meet the objectives of sections 260.200 to 260.345,  
38 encourage small businesses to engage and compete in the delivery of solid waste management  
39 services and to minimize the long-run cost of managing solid waste. Bid specifications shall  
40 enumerate the minimum components and minimum quantities of waste products which shall be  
41 recycled by the successful bidder. The board shall divide the district into units to maximize access  
42 for small businesses when it requests bids for solid waste management services, but in no case shall a  
43 district executive board perform solid waste management projects that compete with a qualified  
44 private enterprise.

45 5. No person shall serve as a member of the council or of the executive board who is a  
46 stockholder, officer, agent, attorney or employee or who is in any way pecuniarily interested in any  
47 business which engages in any aspect of solid waste management regulated under sections 260.200  
48 to 260.345; provided, however, that such member may own stock in a publicly traded corporation

1 which may be involved in solid waste management as long as such holdings are not substantial.

2 260.324. 1. Any person or entity that applies for a grant under section 260.335 shall not be  
3 disqualified from receiving such grant on the basis that there exists a familial relationship between  
4 the applicant and any member of the solid waste management district executive board within the  
5 fourth degree by consanguinity or affinity. For applicants with a familial relationship with any  
6 member of the solid waste management district executive board within the fourth degree by  
7 consanguinity or affinity, the solid waste management district executive board shall only approve  
8 such grant application if approved by a vote of two-thirds of the solid waste management district  
9 executive board.

10 2. If a person, who by virtue of his or her membership on a solid waste management district  
11 executive board, does not abstain from a vote to award a solid waste management district grant to  
12 any person or entity providing solid waste management services who is a relative within the fourth  
13 degree by consanguinity or affinity, the person shall forfeit membership on the solid waste  
14 management district executive board and the solid waste management district council.

15 260.325. 1. The executive board of each district shall submit to the department a plan which  
16 has been approved by the council for a solid waste management system serving areas within its  
17 jurisdiction and shall, from time to time, submit officially adopted revisions of its plan as it deems  
18 necessary or the department may require. In developing the district's solid waste management plan,  
19 the board shall consider the model plan distributed to the board pursuant to section 260.225.  
20 Districts may contract with a licensed professional engineer or as provided in chapter 70 for the  
21 development and submission of a joint plan.

22 2. The board shall hold at least one public hearing in each county in the district when it  
23 prepares a proposed plan or substantial revisions to a plan in order to solicit public comments on the  
24 plan.

25 3. The solid waste management plan shall be submitted to the department within eighteen  
26 months of the formation of the district. The plan shall be prepared and submitted according to the  
27 procedures specified in section 260.220 and this section.

28 4. Each plan shall:

29 (1) Delineate areas within the district where solid waste management systems are in  
30 existence;

31 (2) Reasonably conform to the rules and regulations adopted by the department for  
32 implementation of sections 260.200 to 260.345;

33 (3) Delineate provisions for the collection of recyclable materials or collection points for  
34 recyclable materials;

35 (4) Delineate provisions for the collection of compostable materials or collection points for  
36 compostable materials;

37 (5) Delineate provisions for the separation of household waste and other small quantities of  
38 hazardous waste at the source or prior to disposal;

39 (6) Delineate provisions for the orderly extension of solid waste management services in a  
40 manner consistent with the needs of the district, including economic impact, and in a manner which  
41 will minimize degradation of the waters or air of the state, prevent public nuisances or health  
42 hazards, promote recycling and waste minimization and otherwise provide for the safe and sanitary  
43 management of solid waste;

44 (7) Take into consideration existing comprehensive plans, population trend projections,  
45 engineering and economics so as to delineate those portions of the district which may reasonably be  
46 expected to be served by a solid waste management system;

47 (8) Specify how the district will achieve a reduction in solid waste placed in sanitary  
48 landfills through waste minimization, reduction and recycling;

1 (9) Establish a timetable, with milestones, for the reduction of solid waste placed in a landfill  
2 through waste minimization, reduction and recycling;

3 (10) Establish an education program to inform the public about responsible waste  
4 management practices;

5 (11) Establish procedures to minimize the introduction of small quantities of hazardous  
6 waste, including household hazardous waste, into the solid waste stream;

7 (12) Establish a time schedule and proposed method of financing for the development,  
8 construction and operation of the planned solid waste management system together with the  
9 estimated cost thereof;

10 (13) Identify methods by which rural households that are not served by a regular solid waste  
11 collection service may participate in waste reduction, recycling and resource recovery efforts within  
12 the district; and

13 (14) Include such other reasonable information as the department shall require.

14 5. The board shall review the district's solid waste management plan at least every  
15 twenty-four months for the purpose of evaluating the district's progress in meeting the requirements  
16 and goals of the plan, and shall submit plan revisions to the department and council.

17 6. In the event any plan or part thereof is disapproved, the department shall furnish any and  
18 all reasons for such disapproval and shall offer assistance for correcting deficiencies. The executive  
19 board shall within sixty days revise and resubmit the plan for approval or request a hearing in  
20 accordance with section 260.235. Any plan submitted by a district shall stand approved one hundred  
21 twenty days after submission unless the department disapproves the plan or some provision thereof.

22 7. The director may institute appropriate action under section 260.240 to compel submission  
23 of plans in accordance with sections 260.200 to 260.345 and the rules and regulations adopted  
24 pursuant to sections 260.200 to 260.345.

25 8. [The provisions of section 260.215 to the contrary notwithstanding, any county within a  
26 region which on or after January 1, 1995, is not a member of a district shall by June 30, 1995, submit  
27 a solid waste management plan to the department of natural resources. Any county which withdraws  
28 from a district and all cities within the county with a population over five hundred shall submit a  
29 solid waste plan or a revision to an existing plan to the department of natural resources within one  
30 hundred eighty days of its decision not to participate. The plan shall meet the requirements of  
31 section 260.220 and this section.

32 9.] Funds may, upon appropriation, be made available to [cities, counties and] districts[,]  
33 under section 260.335, for the purpose of implementing the requirements of this section.

34 [10.] 9. Based upon the financial assistance amounts set forth in this section, the district  
35 executive board shall arrange for an independent financial [audits] statement audit of the records and  
36 accounts of its operations by a certified public accountant or a firm of certified public accountants.  
37 Districts receiving [two] more than eight hundred thousand dollars [or more] of financial assistance  
38 annually shall have annual independent financial statement audits [and]; districts receiving [less  
39 than] between two hundred fifty thousand dollars and eight hundred thousand dollars of financial  
40 assistance annually shall have a biennial independent financial [audits at least once every two years.  
41 The state auditor may examine the findings of such audits and may conduct audits of the districts]  
42 statement audit for the two-year period. All other districts shall be monitored biennially by the  
43 department and, based upon the findings within the monitoring report, may be required to arrange  
44 for an independent financial statement audit for the biennial monitoring period under review.  
45 Subject to limitations caused by the availability of resources, the department shall conduct a  
46 performance audit of grants to each district at least once every [three] five years, or as deemed  
47 necessary by the department based upon district grantee performance.

48 260.330. 1. Except as otherwise provided in subsection 6 of this section, effective October

1 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and  
2 fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid  
3 waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric  
4 equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to  
5 the department of natural resources for deposit in the "Solid Waste Management Fund" which is  
6 hereby created. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted  
7 annually by the same percentage as the increase in the general price level as measured by the  
8 Consumer Price Index for All Urban Consumers for the United States, or its successor index, as  
9 defined and officially recorded by the United States Department of Labor or its successor agency.  
10 No annual adjustment shall be made to the charge imposed under this subsection during October 1,  
11 2005, to October 1, [2017] 2027, except an adjustment amount consistent with the need to fund the  
12 operating costs of the department and taking into account any annual percentage increase in the total  
13 of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills  
14 and demolition landfills and solid waste to be transported out of this state for disposal that is  
15 accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2017] 2027,  
16 shall exceed the percentage increase measured by the Consumer Price Index for All Urban  
17 Consumers for the United States, or its successor index, as defined and officially recorded by the  
18 United States Department of Labor or its successor agency and calculated on the percentage of  
19 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual  
20 adjustment shall only be made at the discretion of the director, subject to appropriations. Collection  
21 costs shall be established by the department and shall not exceed two percent of the amount collected  
22 pursuant to this section.

23 2. The department shall, by rule and regulation, provide for the method and manner of  
24 collection.

25 3. The charges established in this section shall be enumerated separately from the disposal  
26 fee charged by the landfill and may be passed through to persons who generated the solid waste.  
27 Moneys [shall be] transmitted to the department shall be no less than the amount collected less  
28 collection costs and in a form, manner and frequency as the department shall prescribe. The  
29 provisions of section 33.080 to the contrary notwithstanding, moneys in the account shall not lapse  
30 to general revenue at the end of each biennium. Failure to collect the charge does not relieve the  
31 operator from responsibility for transmitting an amount equal to the charge to the department.

32 4. The department may examine or audit financial records and landfill activity records and  
33 measure landfill usage to verify the collection and transmittal of the charges established in this  
34 section. The department may promulgate by rule and regulation procedures to ensure and to verify  
35 that the charges imposed herein are properly collected and transmitted to the department.

36 5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall  
37 transmit a fee to the department for deposit in the solid waste management fund which is equal to  
38 one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall  
39 be applicable to all solid waste to be transported out of the state for disposal. On October 1, 1992,  
40 and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the  
41 increase in the general price level as measured by the Consumer Price Index for All Urban  
42 Consumers for the United States, or its successor index, as defined and officially recorded by the  
43 United States Department of Labor or its successor agency. No annual adjustment shall be made to  
44 the charge imposed under this subsection during October 1, 2005, to October 1, [2017] 2027, except  
45 an adjustment amount consistent with the need to fund the operating costs of the department and  
46 taking into account any annual percentage increase in the total of the volumetric equivalent of solid  
47 waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid  
48 waste to be transported out of this state for disposal that is accepted at transfer stations. No annual

1 increase during October 1, 2005, to October 1, [2017] 2027, shall exceed the percentage increase  
2 measured by the Consumer Price Index for All Urban Consumers for the United States, or its  
3 successor index, as defined and officially recorded by the United States Department of Labor or its  
4 successor agency and calculated on the percentage of revenues dedicated under subdivision (1) of  
5 subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of  
6 the director, subject to appropriations. The department shall prescribe rules and regulations  
7 governing the transmittal of fees and verification of waste volumes transported out of state from  
8 transfer stations. Collection costs shall also be established by the department and shall not exceed  
9 two percent of the amount collected pursuant to this subsection. A transfer station with the sole  
10 function of separating materials for recycling or resource recovery activities shall not be subject to  
11 the fee imposed in this subsection.

12 6. Each political subdivision which owns an operational solid waste disposal area may  
13 designate, pursuant to this section, up to two free disposal days during each calendar year. On any  
14 such free disposal day, the political subdivision shall allow residents of the political subdivision to  
15 dispose of any solid waste which may be lawfully disposed of at such solid waste disposal area free  
16 of any charge, and such waste shall not be subject to any state fee pursuant to this section. Notice of  
17 any free disposal day shall be posted at the solid waste disposal area site and in at least one  
18 newspaper of general circulation in the political subdivision no later than fourteen days prior to the  
19 free disposal day.

20 260.335. 1. Each fiscal year eight hundred thousand dollars from the solid waste  
21 management fund shall be made available, upon appropriation, to the department and the  
22 environmental improvement and energy resources authority to fund activities that promote the  
23 development and maintenance of markets for recovered materials. Each fiscal year up to two  
24 hundred thousand dollars from the solid waste management fund may be used by the department  
25 upon appropriation for grants to solid waste management districts for district grants and district  
26 operations. Only those solid waste management districts that are allocated fewer funds under  
27 subsection 2 of this section than if revenues had been allocated based on the criteria in effect in this  
28 section on August 27, 2004, are eligible for these grants. An eligible district shall receive a  
29 proportionate share of these grants based on that district's share of the total reduction in funds for  
30 eligible districts calculated by comparing the amount of funds allocated under subsection 2 of this  
31 section with the amount of funds that would have been allocated using the criteria in effect in this  
32 section on August 27, 2004. The department and the authority shall establish a joint interagency  
33 agreement with the department of economic development to identify state priorities for market  
34 development and to develop the criteria to be used to judge proposed projects. Additional moneys  
35 may be appropriated in subsequent fiscal years if requested. The authority shall establish a  
36 procedure to measure the effectiveness of the grant program under this subsection and shall provide a  
37 report to the governor and general assembly by January fifteenth of each year regarding the  
38 effectiveness of the program.

39 2. All remaining revenues deposited into the fund each fiscal year after moneys have been  
40 made available under subsection 1 of this section shall be allocated as follows:

41 (1) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to the  
42 elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid waste  
43 illegally, to conduct solid waste permitting activities, to administer grants and perform other duties  
44 imposed in sections 260.200 to 260.345 and section 260.432. In addition to the thirty-nine percent  
45 of the revenues, the department may receive any annual increase in the charge during October 1,  
46 2005, to October 1, [2014] 2027, under section 260.330 and such increases shall be used solely to  
47 fund the operating costs of the department;

48 (2) Sixty-one percent of the revenues, except any annual increases in the charge under

1 section 260.330 during October 1, 2005, to October 1, [2014] 2027, which shall be used solely to  
 2 fund the operating costs of the department, shall be allocated [through grants, upon appropriation, to  
 3 participating cities, counties, and] to solid waste management districts. Revenues to be allocated  
 4 under this subdivision shall be divided as follows: forty percent shall be allocated based on the  
 5 population of each district in the latest decennial census, and sixty percent shall be allocated based on  
 6 the amount of revenue generated within each district. For the purposes of this subdivision, revenue  
 7 generated within each district shall be determined from the previous year's data. No more than fifty  
 8 percent of the revenue allocable under this subdivision may be allocated to the districts upon  
 9 approval of the department for implementation of a solid waste management plan and district  
 10 operations, and at least fifty percent of the revenue allocable to the districts under this subdivision  
 11 shall be allocated to the cities and counties of the district or to persons or entities providing solid  
 12 waste management, waste reduction, recycling and related services in these cities and counties. Each  
 13 district shall receive a minimum of seventy-five thousand dollars under this subdivision. After  
 14 August 28, [2005] 2015, each district shall receive a minimum of ninety-five thousand dollars under  
 15 this subdivision for district grants and district operations. Each district receiving moneys under this  
 16 subdivision shall expend such moneys pursuant to a solid waste management plan required under  
 17 section 260.325, and only in the case that the district is in compliance with planning requirements  
 18 established by the department. Moneys shall be awarded based upon grant applications. The  
 19 following criteria may be considered to establish the order of district grant priority:

20 (a) Grants to facilities of organizations employing individuals with disabilities under sections  
 21 178.900 to 178.960 or sections 205.968 to 205.972;

22 (b) Grants for proposals that will promote and maximize the sharing of district resources;

23 (c) Grants for proposals which provide methods of recycling and solid waste reduction; and

24 (d) All other grants.

25 Any allocated district moneys remaining in any fiscal year due to insufficient or inadequate grant  
 26 applications [may] shall be reallocated [pursuant to this subdivision] for solid waste management  
 27 projects other than district operations, including a district's next request for solid waste management  
 28 project proposals. Any allocated district moneys remaining after a period of five years shall revert to  
 29 the credit of the solid waste management fund created under section 260.330;

30 (3) Except for the amount up to one-fourth of the department's previous fiscal year expense,  
 31 any remaining unencumbered funds generated under subdivision (1) of this subsection in prior fiscal  
 32 years shall be reallocated under this section;

33 (4) Funds may be made available under this subsection for the administration and grants of  
 34 the used motor oil program described in section 260.253;

35 (5) The department and the environmental improvement and energy resources authority shall  
 36 conduct sample audits of grants provided under this subsection.

37 3. In addition to the criteria listed in this section, the advisory board created in section  
 38 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties.  
 39 These criteria shall establish a priority for proposals which provide methods of solid waste reduction  
 40 and recycling. The department shall promulgate criteria for evaluating grants by rule and regulation.  
 41 Projects of cities and counties located within a district which are funded by grants under this section  
 42 shall conform to the district solid waste management plan.

43 4. The funds awarded to the districts[, counties and cities] pursuant to this section shall be  
 44 used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition to  
 45 existing funds appropriated by counties and cities for solid waste management and shall not supplant  
 46 county or city appropriated funds.

47 5. Once grants are approved by the solid waste management district, the district shall submit  
 48 to the department the appropriate forms associated with the grant application and any supporting

1 information to verify that appropriate public notice procedures were followed, that grant proposals  
 2 were reviewed and ranked by the district, and that only eligible costs as set forth in regulations are to  
 3 be funded. Within thirty days, the department shall review the grant application. If the department  
 4 finds any deficiencies, or needs more information in order to evaluate the grant application, the  
 5 department shall notify the district in writing. The district shall have an additional thirty days to  
 6 respond to the department's request and to submit any additional information to the department.  
 7 Within thirty days of receiving additional information, the department shall either approve or deny  
 8 the grant application. If the department takes no action, the grant application shall be deemed  
 9 approved. The department, in conjunction with the solid waste advisory board, shall review the  
 10 performance of all grant recipients to ensure that grant moneys were appropriately and effectively  
 11 expended to further the purposes of the grant, as expressed in the recipient's grant application. The  
 12 grant application shall contain specific goals and implementation dates, and grant recipients shall be  
 13 contractually obligated to fulfill same. The department may require the recipient to submit periodic  
 14 reports and such other data as are necessary, both during the grant period and up to five years  
 15 thereafter, to ensure compliance with this section. The department may audit the records of any  
 16 recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to  
 17 260.345 shall maintain such records as required by the department. If a grant recipient fails to  
 18 maintain records or submit reports as required herein, refuses the department access to the records,  
 19 or fails to meet the department's performance standards, the department may withhold subsequent  
 20 grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to  
 21 a grant.

22 6. The department shall provide for a security interest in any machinery or equipment  
 23 purchased through grant moneys distributed pursuant to this section.

24 7. If the moneys are not transmitted to the department within the time frame established by  
 25 the rule promulgated, interest shall be imposed on the moneys due the department at the rate of ten  
 26 percent per annum from the prescribed due date until payment is actually made. These interest  
 27 amounts shall be deposited to the credit of the solid waste management fund.

28 260.345. 1. A state "Solid Waste Advisory Board" is created within the department of  
 29 natural resources. The advisory board shall be composed of the chairman of the executive board of  
 30 each of the solid waste management districts or his or her designee, and other members as provided  
 31 in this section. Up to five additional members shall be appointed by the program director of the solid  
 32 waste management program of which two members shall represent the solid waste management  
 33 industry and have an economic interest in or activity with any solid waste facility or operation, one  
 34 member may represent the solid waste composting or recycling industry businesses, and the  
 35 remaining members shall be public members who have demonstrated interest in solid waste  
 36 management issues and shall have no economic interest in or activity with any solid waste facility or  
 37 operation but may own stock in a publicly traded corporation which may be involved in waste  
 38 management as long as such holdings are not substantial. Beginning January 1, 2016, the advisory  
 39 board shall [advise] prepare an annual report due on or before January first advising the department  
 40 regarding:

- 41 (1) The efficacy of its technical assistance program;
- 42 (2) Solid waste management problems experienced by solid waste management districts;
- 43 (3) The effects of proposed rules and regulations upon solid waste management within the  
 44 districts;
- 45 (4) Criteria to be used in awarding grants pursuant to section 260.335;
- 46 (5) Waste management issues pertinent to the districts;
- 47 (6) The development of improved methods of solid waste minimization, recycling and  
 48 resource recovery; [and]

1           (7) Unfunded solid waste management projects; and

2           (8) Such other matters as the advisory board may determine.

3           2. The advisory board shall also prepare a report on the subjects listed in subdivisions (1) to  
4 (8) of subsection 1 of this section for any standing, statutory, interim, or select committee or task  
5 force of the general assembly having jurisdiction over solid waste. If a report is so prepared, it shall  
6 be delivered to the chair and vice-chair of each committee or task force having such jurisdiction.  
7 Such a report shall not be generated and distributed on more than an annual basis.

8           3. The advisory board shall hold regular meetings on a quarterly basis. A special meeting of  
9 the advisory board may occur upon a majority vote of all advisory board members at a regular  
10 quarterly meeting. Reasonable written notice of all meetings shall be given by the director of the  
11 solid waste management program to all members of the advisory board. A majority of advisory  
12 board members shall constitute a quorum for the transaction of business. All actions of the advisory  
13 board shall be taken at regular quarterly meetings open to the public."; and

14  
15 Further amend said bill by amending the title, enacting clause, and intersectional references  
16 accordingly.