

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 152
98TH GENERAL ASSEMBLY

0217H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 29.380, 260.200, 260.225, 260.250, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, and to enact in lieu thereof eleven new sections relating to environmental protection.

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

Section A. Sections 29.380, 260.200, 260.225, 260.250, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 29.380, 260.200, 260.225, 260.250, 260.320, 260.324, 260.325, 260.330, 260.335, 260.345, and 620.3150, to read as follows:

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

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

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

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.

- 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 (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 (5) "City", any incorporated city, town, or village;
- 14 (6) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete,
15 cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule
16 or policy of the department for fill, reclamation or other beneficial use;
- 17 (7) "Closure", the permanent cessation of active disposal operations, abandonment of
18 the disposal area, revocation of the permit or filling with waste of all areas and volumes specified
19 in the permit and preparing the area for long-term care;
- 20 (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 (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 (10) "Construction and demolition waste", waste materials from the construction and
31 demolition of residential, industrial, or commercial structures, but shall not include materials
32 defined as clean fill under this section;
- 33 (11) "Demolition landfill", a solid waste disposal area used for the controlled disposal
34 of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert
35 solids insoluble in water;
- 36 (12) "Department", the department of natural resources;
- 37 (13) "Director", the director of the department of natural resources;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 (22) "Key personnel", the applicant itself and any person employed by the applicant in
98 a managerial capacity, or empowered to make discretionary decisions with respect to the solid
99 waste operations of the applicant in Missouri, but shall not include employees exclusively
100 engaged in the physical or mechanical collection, transfer, transportation, treatment, processing,
101 storage, or disposal of solid waste and such other employees as the director of the department
102 of natural resources may designate by regulation. If the applicant has not previously conducted
103 solid waste operations in Missouri, the term also includes any officer, director, partner of the
104 applicant, or any holder of seven percent or more of the equity or debt of the applicant. If any
105 holder of seven percent or more of the equity or debt of the applicant or of any key personnel is
106 not a natural person, the term includes all key personnel of that entity, provided that where such
107 entity is a chartered lending institution or a reporting company under the federal Securities
108 Exchange Act of 1934, the term does not include key personnel of such entity. Provided further
109 that the term means the chief executive officer of any agency of the United States or of any

110 agency or political subdivision of the state of Missouri, and all key personnel of any person, other
111 than a natural person, that operates a landfill or other facility for the collection, transfer,
112 treatment, processing, storage, or disposal of nonhazardous solid waste under contract with or
113 for one of those governmental entities;

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

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

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

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

127 (27) "Motor oil", any oil intended for use in a motor vehicle, as defined in section
128 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal
129 combustion engine;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

192 (50) **"Solid waste management project", a targeted project that meets statewide**
193 **waste reduction and recycling priorities, and for which no solid waste management district**
194 **grant applicant has applied to perform, and for which no qualified applicants have applied**
195 **to perform such project by a competitive bid issued by the solid waste management district**
196 **for the completion of such project;**

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

201 [(51)] (52) "Solid waste processing facility", any facility where solid wastes are salvaged
202 and processed, including:

203 (a) A transfer station; or

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

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

207 (d) A plasma arc technology facility;

208 [(52)] (53) "Solid waste technician", an individual who has successfully completed
209 training in the practical aspects of the design, operation and maintenance of a permitted solid
210 waste processing facility or solid waste disposal area in accordance with sections 260.200 to
211 260.345;

212 [(53)] (54) "Tire", a continuous solid or pneumatic rubber covering encircling the wheel
213 of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in
214 chapter 301, except farm tractors and farm implements owned and operated by a family farm or
215 family farm corporation as defined in section 350.010;

216 [(54)] **(55)** "Used motor oil", any motor oil which, as a result of use, becomes unsuitable
217 for its original purpose due to loss of original properties or the presence of impurities, but used
218 motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have
219 been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations,
220 oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,
221 quenching oils, and transformer oils;

222 [(55)] **(56)** "Utility waste landfill", a solid waste disposal area used for fly ash waste,
223 bottom ash waste, slag waste and flue gas emission control waste generated primarily from the
224 combustion of coal or other fossil fuels;

225 [(56)] **(57)** "Yard waste", leaves, grass clippings, yard and garden vegetation and
226 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

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

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

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

8 (2) Cooperate with appropriate federal, state, and local units of government of this or any
9 other state, and with appropriate private organizations in carrying out its authority under sections
10 260.200 to 260.345;

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

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

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

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

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

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

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

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

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

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

37 (1) Emphasize waste reduction and recycling;

38 (2) Provide for economical waste management through regional **and district**
39 cooperation;

40 (3) Be designed to achieve a reduction of forty percent in solid waste disposed, by
41 weight, by January 1, 1998;

42 (4) Establish a means to measure the amount of reduction in solid waste disposal;

43 (5) Provide for the elimination of small quantities of hazardous waste, including
44 household hazardous waste, from the solid waste stream; and

45 (6) Be designed to guide planning in districts, cities and counties including cities and
46 counties not within a district.

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

49 4. No rule or portion of a rule promulgated under the authority of sections 260.200 to
50 260.345 shall become effective unless it has been promulgated pursuant to the provisions of
51 section 536.024.

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

- 57 (1) Identify markets for recovered materials and for energy which could be produced
58 from solid waste and household hazardous waste;
- 59 (2) Provide technical assistance pertaining to all aspects of resource recovery to cities,
60 counties, districts, industries and other persons;
- 61 (3) Identify opportunities for resource recovery programs in state government and initiate
62 actions to implement such programs;
- 63 (4) Expand state contracts for procurement of items made from recovered materials;
- 64 (5) Initiate recycling programs within state government;
- 65 (6) Provide a clearinghouse of consumer information regarding the need to support
66 resource recovery, utilize and develop new resource recovery programs around existing
67 enterprises, request and purchase recycled products, participate in resource conservation
68 activities and other relevant issues;
- 69 (7) Identify barriers to resource recovery and resource conservation, and propose
70 remedies to these barriers; and
- 71 (8) Initiate activities with appropriate state and local entities to develop markets for
72 recovered materials.

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

- 6 (1) The department has approved the municipal solid waste disposal area or portion of
7 a solid waste disposal area to operate as a bioreactor under 40 CFR Part 258.4; and
8 (2) The landfill gas produced by the bioreactor shall be used for the generation of
9 electricity.

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

11 3. Each **solid waste management** district[, county and city] shall address the recycling,
12 reuse and handling of aluminum containers, glass containers, newspapers, **textiles**, whole tires,
13 plastic beverage containers and steel containers in its solid waste management plan consistent
14 with sections 260.250 to 260.345.

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

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

15 3. The executive board shall:

16 (1) Review and comment upon applications for permits submitted pursuant to section
17 260.205, for solid waste processing facilities and solid waste disposal areas which are to be
18 located within the region or, if located in an adjacent region, which will impact solid waste
19 management practices within the region;

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

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

23 (4) Establish an education program to inform the public about responsible **solid** waste
24 management practices;

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

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

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

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

43 5. No person shall serve as a member of the council or of the executive board who is a
44 stockholder, officer, agent, attorney or employee or who is in any way pecuniarily interested in
45 any business which engages in any aspect of solid waste management regulated under sections
46 260.200 to 260.345; provided, however, that such member may own stock in a publicly traded
47 corporation which may be involved in **solid** waste management as long as such holdings are not
48 substantial.

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

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

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

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

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

14 4. Each plan shall:

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

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

19 (3) Delineate provisions for the collection of recyclable materials or collection points for
20 recyclable materials;

21 (4) Delineate provisions for the collection of compostable materials or collection points
22 for compostable materials;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70 [10.] **9. Based upon the financial assistance amounts set forth in this section, the**
71 **district executive board shall arrange for an independent financial [audits] statement audit** of
72 **the records and accounts of its operations by a certified public accountant or a firm of certified**
73 **public accountants. Districts receiving [two] more than eight hundred thousand dollars [or**
74 **more] of financial assistance annually shall have annual independent financial statement audits**
75 **[and] ; districts receiving [less than] between two hundred fifty thousand dollars and eight**
76 **hundred thousand dollars of financial assistance annually shall have a biennial independent**
77 **financial [audits at least once every two years. The state auditor may examine the findings of**
78 **such audits and may conduct audits of the districts] statement audit for the two-year period.**
79 **All other districts shall be monitored biennially by the department and, based upon the**
80 **findings within the monitoring report, may be required to arrange for an independent**
81 **financial statement audit for the biennial monitoring period under review. Subject to**
82 **limitations caused by the availability of resources, the department shall conduct a performance**
83 **audit of grants to each district at least once every [three] five years, or as deemed necessary by**
84 **the department based upon district grantee performance.**

260.330. 1. Except as otherwise provided in subsection 6 of this section, effective
2 October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to
3 one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each

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

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

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

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

39 5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall
40 transmit a fee to the department for deposit in the solid waste management fund which is equal
41 to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such
42 fee shall be applicable to all solid waste to be transported out of the state for disposal. On
43 October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the
44 same percentage as the increase in the general price level as measured by the Consumer Price
45 Index for All Urban Consumers for the United States, or its successor index, as defined and
46 officially recorded by the United States Department of Labor or its successor agency. No annual
47 adjustment shall be made to the charge imposed under this subsection during October 1, 2005,
48 to October 1, [2017] **2027**, except an adjustment amount consistent with the need to fund the
49 operating costs of the department and taking into account any annual percentage increase in the
50 total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary
51 landfills and demolition landfills and solid waste to be transported out of this state for disposal
52 that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1,
53 [2017] **2027**, shall exceed the percentage increase measured by the Consumer Price Index for All
54 Urban Consumers for the United States, or its successor index, as defined and officially recorded
55 by the United States Department of Labor or its successor agency and calculated on the
56 percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any
57 such annual adjustment shall only be made at the discretion of the director, subject to
58 appropriations. The department shall prescribe rules and regulations governing the transmittal
59 of fees and verification of waste volumes transported out of state from transfer stations.
60 Collection costs shall also be established by the department and shall not exceed two percent of
61 the amount collected pursuant to this subsection. A transfer station with the sole function of
62 separating materials for recycling or resource recovery activities shall not be subject to the fee
63 imposed in this subsection.

64 6. Each political subdivision which owns an operational solid waste disposal area may
65 designate, pursuant to this section, up to two free disposal days during each calendar year. On
66 any such free disposal day, the political subdivision shall allow residents of the political
67 subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste
68 disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to
69 this section. Notice of any free disposal day shall be posted at the solid waste disposal area site
70 and in at least one newspaper of general circulation in the political subdivision no later than
71 fourteen days prior to the free disposal day.

260.335. 1. Each fiscal year eight hundred thousand dollars from the solid waste
2 management fund shall be made available, upon appropriation, to the department and the
3 environmental improvement and energy resources authority to fund activities that promote the

4 development and maintenance of markets for recovered materials. Each fiscal year up to two
5 hundred thousand dollars from the solid waste management fund **may** be used by the department
6 upon appropriation for grants to solid waste management districts for district grants and district
7 operations. Only those solid waste management districts that are allocated fewer funds under
8 subsection 2 of this section than if revenues had been allocated based on the criteria in effect in
9 this section on August 27, 2004, are eligible for these grants. An eligible district shall receive
10 a proportionate share of these grants based on that district's share of the total reduction in funds
11 for eligible districts calculated by comparing the amount of funds allocated under subsection 2
12 of this section with the amount of funds that would have been allocated using the criteria in
13 effect in this section on August 27, 2004. The department and the authority shall establish a joint
14 interagency agreement with the department of economic development to identify state priorities
15 for market development and to develop the criteria to be used to judge proposed projects.
16 Additional moneys may be appropriated in subsequent fiscal years if requested. The authority
17 shall establish a procedure to measure the effectiveness of the grant program under this
18 subsection and shall provide a report to the governor and general assembly by January fifteenth
19 of each year regarding the effectiveness of the program.

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

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

29 (2) Sixty-one percent of the revenues, except any annual increases in the charge under
30 section 260.330 during October 1, 2005, to October 1, [2014] **2027**, which shall be used solely
31 to fund the operating costs of the department, shall be allocated [through grants, upon
32 appropriation, to participating cities, counties, and] **to solid waste management** districts.
33 Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall
34 be allocated based on the population of each district in the latest decennial census, and sixty
35 percent shall be allocated based on the amount of revenue generated within each district. For the
36 purposes of this subdivision, revenue generated within each district shall be determined from the
37 previous year's data. No more than fifty percent of the revenue allocable under this subdivision
38 may be allocated to the districts upon approval of the department for implementation of a solid
39 waste management plan and district operations, and at least fifty percent of the revenue allocable

40 to the districts under this subdivision shall be allocated to the cities and counties of the district
41 or to persons or entities providing solid waste management, waste reduction, recycling and
42 related services in these cities and counties. Each district shall receive a minimum of
43 seventy-five thousand dollars under this subdivision. After August 28, [2005] **2015**, each district
44 shall receive a minimum of ninety-five thousand dollars under this subdivision for district grants
45 and district operations. Each district receiving moneys under this subdivision shall expend such
46 moneys pursuant to a solid waste management plan required under section 260.325, and only in
47 the case that the district is in compliance with planning requirements established by the
48 department. Moneys shall be awarded based upon grant applications. **The following criteria**
49 **may be considered to establish the order of district grant priority:**

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

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

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

56 **(d) All other grants.**

57

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

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

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

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

71 **3. In addition to the criteria listed in this section,** the advisory board created in section
72 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and
73 counties. These criteria shall establish a priority for proposals which provide methods of solid
74 waste reduction and recycling. The department shall promulgate criteria for evaluating grants

75 by rule and regulation. Projects of cities and counties located within a district which are funded
76 by grants under this section shall conform to the district solid waste management plan.

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

81 5. **Once grants are approved by the solid waste management district, the district**
82 **shall submit to the department the appropriate forms associated with the grant application**
83 **and any supporting information to verify that appropriate public notice procedures were**
84 **followed, that grant proposals were reviewed and ranked by the district, and that only**
85 **eligible costs as set forth in regulations are to be funded. Within thirty days, the**
86 **department shall review the grant application. If the department finds any deficiencies,**
87 **or needs more information in order to evaluate the grant application, the department shall**
88 **notify the district in writing. The district shall have an additional thirty days to respond**
89 **to the department's request and to submit any additional information to the department.**
90 **Within thirty days of receiving additional information, the department shall either approve**
91 **or deny the grant application. If the department takes no action, the grant application**
92 **shall be deemed approved.** The department, in conjunction with the solid waste advisory
93 board, shall review the performance of all grant recipients to ensure that grant moneys were
94 appropriately and effectively expended to further the purposes of the grant, as expressed in the
95 recipient's grant application. The grant application shall contain specific goals and
96 implementation dates, and grant recipients shall be contractually obligated to fulfill same. The
97 department may require the recipient to submit periodic reports and such other data as are
98 necessary, both during the grant period and up to five years thereafter, to ensure compliance with
99 this section. The department may audit the records of any recipient to ensure compliance with
100 this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records
101 as required by the department. If a grant recipient fails to maintain records or submit reports as
102 required herein, refuses the department access to the records, or fails to meet the department's
103 performance standards, the department may withhold subsequent grant payments, if any, and may
104 compel the repayment of funds provided to the recipient pursuant to a grant.

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

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

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

- 14 (1) The efficacy of its technical assistance program;
- 15 (2) Solid waste management problems experienced by solid waste management districts;
- 16 (3) The effects of proposed rules and regulations upon solid waste management within
17 the districts;
- 18 (4) Criteria to be used in awarding grants pursuant to section 260.335;
- 19 (5) Waste management issues pertinent to the districts;
- 20 (6) The development of improved methods of solid waste minimization, recycling and
21 resource recovery; [and]
- 22 (7) **Unfunded solid waste management projects; and**
- 23 (8) Such other matters as the advisory board may determine.

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

30 **3. The advisory board shall hold regular meetings on a quarterly basis. A special**
31 **meeting of the advisory board may occur upon a majority vote of all advisory board**
32 **members at a regular quarterly meeting. Reasonable written notice of all meetings shall**
33 **be given by the director of the solid waste management program to all members of the**
34 **advisory board. A majority of advisory board members shall constitute a quorum for the**
35 **transaction of business. All actions of the advisory board shall be taken at regular**
36 **quarterly meetings open to the public.**

**620.3150. Notwithstanding any other provision of law, any comprehensive state
2 energy plan developed by the division of energy shall be adopted and implemented only
3 upon the approval of such plan by the general assembly by concurrent resolution.**

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