

FIRST REGULAR SESSION

HOUSE BILL NO. 157

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (110) (Sponsor) AND SELBY (Co-sponsor).

Pre-filed January 4, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0704L.011

AN ACT

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

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

Section A. Sections 260.360 and 260.800, RSMo, are repealed and two new sections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

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

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

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

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

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

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

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.

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

18 (7) "Disposal", the discharge, deposit, injection, dumping, spilling, leaking, or placing
19 of any waste into or on any land or water so that such waste, or any constituent thereof, may enter
20 the environment or be emitted into the air or be discharged into the waters, including
21 groundwaters;

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

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

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

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

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

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

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

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

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

50 (17) "Person", an individual, partnership, copartnership, firm, company, public or private
51 corporation, association, joint stock company, trust, estate, political subdivision or any agency,
52 board, department or bureau of the state or federal government or any other legal entity whatever

53 which is recognized by law as the subject of rights and duties;

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

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

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

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

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

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

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

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

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