

FIRST REGULAR SESSION

HOUSE BILL NO. 1056

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROBB (Sponsor) AND HARRIS (110) (Co-sponsors).

Read 1st time March 6, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2469L.01I

AN ACT

To repeal sections 260.200 and 260.250, RSMo, and to enact in lieu thereof two new sections relating to waste disposal.

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

Section A. Sections 260.200 and 260.250, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 260.200 and 260.250, to read as follows:

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

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

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

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

12 [(3)] (4) "City", any incorporated city, town, or village;

13 [(4)] (5) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic
14 concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved
15 by rule or policy of the department for fill, reclamation or other beneficial use;

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

16 [(5)] (6) "Closure", the permanent cessation of active disposal operations, abandonment
17 of the disposal area, revocation of the permit or filling with waste of all areas and volumes
18 specified in the permit and preparing the area for long-term care;

19 [(6)] (7) "Closure plan", plans, designs and relevant data which specify the methods and
20 schedule by which the operator will complete or cease disposal operations, prepare the area for
21 long-term care, and make the area suitable for other uses, to achieve the purposes of sections
22 260.200 to 260.345 and the regulations promulgated thereunder;

23 [(7)] (8) "Conference, conciliation and persuasion", a process of verbal or written
24 communications consisting of meetings, reports, correspondence or telephone conferences
25 between authorized representatives of the department and the alleged violator. The process shall,
26 at a minimum, consist of one offer to meet with the alleged violator tendered by the department.
27 During any such meeting, the department and the alleged violator shall negotiate in good faith
28 to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

29 [(8)] (9) "Demolition landfill", a solid waste disposal area used for the controlled
30 disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete
31 and inert solids insoluble in water;

32 [(9)] (10) "Department", the department of natural resources;

33 [(10)] (11) "Director", the director of the department of natural resources;

34 [(11)] (12) "District", a solid waste management district established under section
35 260.305;

36 [(12)] (13) "Financial assurance instrument", an instrument or instruments, including,
37 but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund,
38 submitted by the applicant to ensure proper closure and postclosure care and corrective action
39 of a solid waste disposal area in the event that the operator fails to correctly perform closure and
40 postclosure care and corrective action requirements, except that the financial test for the
41 corporate guarantee shall not exceed one and one-half times the estimated cost of closure and
42 postclosure. The form and content of the financial assurance instrument shall meet or exceed
43 the requirements of the department. The instrument shall be reviewed and approved or
44 disapproved by the attorney general;

45 [(13)] (14) "Flood area", any area inundated by the one hundred year flood event, or the
46 flood event with a one percent chance of occurring in any given year;

47 [(14)] (15) "Household consumer", an individual who generates used motor oil through
48 the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery
49 powered by an internal combustion engine;

50 [(15)] (16) "Household consumer used motor oil collection center", any site or facility
51 that accepts or aggregates and stores used motor oil collected only from household consumers

52 or farmers who generate an average of twenty-five gallons per month or less of used motor oil
53 in a calendar year. This section shall not preclude a commercial generator from operating a
54 household consumer used motor oil collection center;

55 [(16)] (17) "Household consumer used motor oil collection system", any used motor oil
56 collection center at publicly owned facilities or private locations, any curbside collection of
57 household consumer used motor oil, or any other household consumer used motor oil collection
58 program determined by the department to further the purposes of sections 260.200 to 260.345;

59 [(17)] (18) "Infectious waste", waste in quantities and characteristics as determined by
60 the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood
61 and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated
62 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be
63 infectious; provided, however, that infectious waste does not mean waste treated to department
64 specifications;

65 [(18)] (19) "Lead-acid battery", a battery designed to contain lead and sulfuric acid with
66 a nominal voltage of at least six volts and of the type intended for use in motor vehicles and
67 watercraft;

68 [(19)] (20) "Major appliance", clothes washers and dryers, water heaters, trash
69 compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners,
70 refrigerators and freezers;

71 [(20)] (21) "Mercuric-oxide battery" or "mercury battery", a battery having a
72 mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte,
73 including mercuric-oxide button cell batteries generally intended for use in hearing aids and
74 larger size mercuric-oxide batteries used primarily in medical equipment;

75 [(21)] (22) "Minor violation", a violation which possesses a small potential to harm the
76 environment or human health or cause pollution, was not knowingly committed, and is not
77 defined by the United States Environmental Protection Agency as other than minor;

78 [(22)] (23) "Motor oil", any oil intended for use in a motor vehicle, as defined in section
79 301.010, RSMo, train, vessel, airplane, heavy equipment, or other machinery powered by an
80 internal combustion engine;

81 [(23)] (24) "Motor vehicle", as defined in section 301.010, RSMo;

82 [(24)] (25) "Operator" and "permittee", anyone so designated, and shall include cities,
83 counties, other political subdivisions, authority, state agency or institution, or federal agency or
84 institution;

85 [(25)] (26) "Permit modification", any permit issued by the department which alters or
86 modifies the provisions of an existing permit previously issued by the department;

87 [(26)] (27) "Person", any individual, partnership, corporation, association, institution,
88 city, county, other political subdivision, authority, state agency or institution, or federal agency
89 or institution;

90 [(27)] (28) "Postclosure plan", plans, designs and relevant data which specify the
91 methods and schedule by which the operator shall perform necessary monitoring and care for the
92 area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations
93 promulgated thereunder;

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

97 [(29)] (30) "Recycled content", the proportion of fiber in a newspaper which is derived
98 from postconsumer waste;

99 [(30)] (31) "Recycling", the separation and reuse of materials which might otherwise be
100 disposed of as solid waste;

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

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

107 [(33)] (34) "Sanitary landfill", a solid waste disposal area which accepts commercial and
108 residential solid waste;

109 [(34)] (35) "Scrap tire", a tire that is no longer suitable for its original intended purpose
110 because of wear, damage, or defect;

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

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

118 [(37)] (38) "Scrap tire generator", a person who sells tires at retail or any other person,
119 firm, corporation, or government entity that generates scrap tires;

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

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

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

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

134 [(42)] (43) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and
135 may be:

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

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

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

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

146 [(45)] (46) "Solid waste processing facility", any facility where solid wastes are salvaged
147 and processed, including:

148 (a) A transfer station; or

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

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

152 [(46)] (47) "Solid waste technician", an individual who has successfully completed
153 training in the practical aspects of the design, operation and maintenance of a permitted solid
154 waste processing facility or solid waste disposal area in accordance with sections 260.200 to
155 260.345;

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

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

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

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

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

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

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**
4 **subsection. After August 28, 2007, yard waste may be disposed of in a municipal solid**
5 **waste disposal area or portion of a municipal solid waste disposal area provided that:**

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

9 (2) **The landfill gas produced by the bioreactor will be used for the generation of**
10 **electricity.**

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

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

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