

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 445, Page 1, In the Title, Lines 2-3, by
2 deleting the words "sulfur dioxide ambient air quality monitoring" and inserting in lieu thereof the
3 words "environmental protection"; and
4

5 Further amend said bill and page , Section A, Line 2, by inserting after all of said section and line the
6 following:
7

8 "29.380. 1. The state auditor shall have the authority to audit solid waste management
9 districts created under section 260.305 in the same manner as the auditor may audit any agency of
10 the state.

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

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;

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

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

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

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

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

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

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

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

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

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

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

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

(a) A transfer station; or

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

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

(d) A plasma arc technology facility;

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

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

[(54)] (55) "Used motor oil", any motor oil which, as a result of use, becomes unsuitable for its original purpose due to loss of original properties or the presence of impurities, but used motor oil 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;

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

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

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

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

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

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

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

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

- (5) Initiate recycling programs within state government;

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

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

- (8) Initiate activities with appropriate state and local entities to develop markets for recovered materials.

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

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

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

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

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

260.320. 1. The executive board shall meet within thirty days after the selection of the

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

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

13 3. The executive board shall:

14 (1) Review and comment upon applications for permits submitted pursuant to section
 15 260.205, for solid waste processing facilities and solid waste disposal areas which are to be located
 16 within the region or, if located in an adjacent region, which will impact solid waste management
 17 practices within the region;

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

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

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

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

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

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

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

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

46 260.324. 1. Any person or entity that applies for a grant under section 260.335 shall not be
 47 disqualified from receiving such grant on the basis that there exists a familial relationship between
 48 the applicant and any member of the solid waste management district executive board within the

1 fourth degree by consanguinity or affinity. For applicants with a familial relationship with any
 2 member of the solid waste management district executive board within the fourth degree by
 3 consanguinity or affinity, the solid waste management district executive board shall only approve
 4 such grant application if approved by a vote of two-thirds of the solid waste management district
 5 executive board.

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

11 260.325. 1. The executive board of each district shall submit to the department a plan which
 12 has been approved by the council for a solid waste management system serving areas within its
 13 jurisdiction and shall, from time to time, submit officially adopted revisions of its plan as it deems
 14 necessary or the department may require. In developing the district's solid waste management plan,
 15 the board shall consider the model plan distributed to the board pursuant to section 260.225.

16 Districts may contract with a licensed professional engineer or as provided in chapter 70 for the
 17 development and submission of a joint plan.

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

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

24 4. Each plan shall:

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

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

29 (3) Delineate provisions for the collection of recyclable materials or collection points for
 30 recyclable materials;

31 (4) Delineate provisions for the collection of compostable materials or collection points for
 32 compostable materials;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. The department shall prescribe rules and regulations governing the transmittal of fees and verification of waste volumes transported out of state from transfer stations. Collection costs shall also be established by the department and shall not exceed two percent of the amount collected pursuant to this subsection. A transfer station with the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

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

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

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

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

(2) Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, [2014] 2027, which shall be used solely to fund the operating costs of the department, shall be allocated [through grants, upon appropriation, to participating cities, counties, and] to solid waste management districts. Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the

population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. No more than fifty percent of the revenue allocable under this subdivision may be allocated to the districts upon approval of the department for implementation of a solid waste management plan and district operations, and at least fifty percent of the revenue allocable to the districts under this subdivision shall be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties. Each district shall receive a minimum of seventy-five thousand dollars under this subdivision. After August 28, [2005] 2015, each district shall receive a minimum of ninety-five thousand dollars under this subdivision for district grants and district operations. Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department. Moneys shall be awarded based upon grant applications. The following criteria may be considered to establish the order of district grant priority:

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

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

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

(d) All other grants.

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

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

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

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

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

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

5. Once grants are approved by the solid waste management district, the district shall submit to the department the appropriate forms associated with the grant application and any supporting information to verify that appropriate public notice procedures were followed, that grant proposals were reviewed and ranked by the district, and that only eligible costs as set forth in regulations are to be funded. Within thirty days, the department shall review the grant application. If the department

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

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

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

25 260.345. 1. A state "Solid Waste Advisory Board" is created within the department of
 26 natural resources. The advisory board shall be composed of the chairman of the executive board of
 27 each of the solid waste management districts or his or her designee, and other members as provided
 28 in this section. Up to five additional members shall be appointed by the program director of the solid
 29 waste management program of which two members shall represent the solid waste management
 30 industry and have an economic interest in or activity with any solid waste facility or operation, one
 31 member may represent the solid waste composting or recycling industry businesses, and the
 32 remaining members shall be public members who have demonstrated interest in solid waste
 33 management issues and shall have no economic interest in or activity with any solid waste facility or
 34 operation but may own stock in a publicly traded corporation which may be involved in waste
 35 management as long as such holdings are not substantial. Beginning January 1, 2016, the advisory
 36 board shall [advise] prepare an annual report due on or before January first advising the department
 37 regarding:

- 38 (1) The efficacy of its technical assistance program;
- 39 (2) Solid waste management problems experienced by solid waste management districts;
- 40 (3) The effects of proposed rules and regulations upon solid waste management within the
- 41 districts;
- 42 (4) Criteria to be used in awarding grants pursuant to section 260.335;
- 43 (5) Waste management issues pertinent to the districts;
- 44 (6) The development of improved methods of solid waste minimization, recycling and
- 45 resource recovery; [and]
- 46 (7) Unfunded solid waste management projects; and
- 47 (8) Such other matters as the advisory board may determine.

48 2. The advisory board shall also prepare a report on the subjects listed in subdivisions (1) to

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

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

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.