

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by
2 inserting after all of said line the following:

3
4 "260.205. 1. It shall be unlawful for any person to operate a solid waste processing facility
5 or solid waste disposal area of a solid waste management system without first obtaining an operating
6 permit from the department. It shall be unlawful for any person to construct a solid waste
7 processing facility or solid waste disposal area without first obtaining a construction permit from the
8 department pursuant to this section. A current authorization to operate issued by the department
9 pursuant to sections 260.200 to 260.345 shall be considered to be a permit to operate for purposes of
10 this section for all solid waste disposal areas and processing facilities existing on August 28, 1995.
11 A permit shall not be issued for a sanitary landfill to be located in a flood area, as determined by the
12 department, where flood waters are likely to significantly erode final cover. A permit shall not be
13 required to operate a waste stabilization lagoon, settling pond or other water treatment facility which
14 has a valid permit from the Missouri clean water commission even though the facility may receive
15 solid or semisolid waste materials.

16 2. No person or operator may apply for or obtain a permit to construct a solid waste disposal
17 area unless the person has requested the department to conduct a preliminary site investigation and
18 obtained preliminary approval from the department. The department shall, within sixty days of such
19 request, conduct a preliminary investigation and approve or disapprove the site.

20 3. All proposed solid waste disposal areas for which a preliminary site investigation request
21 pursuant to subsection 2 of this section is received by the department on or after August 28, 1999,
22 shall be subject to a public involvement activity as part of the permit application process. The
23 activity shall consist of the following:

24 (1) The applicant shall notify the public of the preliminary site investigation approval within
25 thirty days after the receipt of such approval. Such public notification shall be by certified mail to
26 the governing body of the county or city in which the proposed disposal area is to be located and by
27 certified mail to the solid waste management district in which the proposed disposal area is to be
28 located;

29 (2) Within ninety days after the preliminary site investigation approval, the department shall
30 conduct a public awareness session in the county in which the proposed disposal area is to be
31 located. The department shall provide public notice of such session by both printed and broadcast
32 media at least thirty days prior to such session. Printed notification shall include publication in at
33 least one newspaper having general circulation within the county in which the proposed disposal
34 area is to be located. Broadcast notification shall include public service announcements on radio
35 stations that have broadcast coverage within the county in which the proposed disposal area is to be
36 located. The intent of such public awareness session shall be to provide general information to

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1 interested citizens on the design and operation of solid waste disposal areas;

2 (3) At least sixty days prior to the submission to the department of a report on the results of
3 a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct a
4 community involvement session in the county in which the proposed disposal area is to be located.
5 Department staff shall attend any such session. The applicant shall provide public notice of such
6 session by both printed and broadcast media at least thirty days prior to such session. Printed
7 notification shall include publication in at least one newspaper having general circulation within the
8 county in which the proposed disposal area is to be located. Broadcast notification shall include
9 public service announcements on radio stations that have broadcast coverage within the county in
10 which the proposed disposal area is to be located. Such public notices shall include the addresses of
11 the applicant and the department and information on a public comment period. Such public
12 comment period shall begin on the day of the community involvement session and continue for at
13 least thirty days after such session. The applicant shall respond to all persons submitting comments
14 during the public comment period no more than thirty days after the receipt of such comments;

15 (4) If a proposed solid waste disposal area is to be located in a county or city that has local
16 planning and zoning requirements, the applicant shall not be required to conduct a community
17 involvement session if the following conditions are met:

18 (a) The local planning and zoning requirements include a public meeting;

19 (b) The applicant notifies the department of intent to utilize such meeting in lieu of the
20 community involvement session at least thirty days prior to such meeting;

21 (c) The requirements of such meeting include providing public notice by printed or
22 broadcast media at least thirty days prior to such meeting;

23 (d) Such meeting is held at least thirty days prior to the submission to the department of a
24 report on the results of a detailed site investigation pursuant to subsection 4 of this section;

25 (e) The applicant submits to the department a record of such meeting;

26 (f) A public comment period begins on the day of such meeting and continues for at least
27 fourteen days after such meeting, and the applicant responds to all persons submitting comments
28 during such public comment period no more than fourteen days after the receipt of such comments.

29 4. No person may apply for or obtain a permit to construct a solid waste disposal area unless
30 the person has submitted to the department a plan for conducting a detailed surface and subsurface
31 geologic and hydrologic investigation and has obtained geologic and hydrologic site approval from
32 the department. The department shall approve or disapprove the plan within thirty days of receipt.
33 The applicant shall conduct the investigation pursuant to the plan and submit the results to the
34 department. The department shall provide approval or disapproval within sixty days of receipt of
35 the investigation results.

36 5. (1) Every person desiring to construct a solid waste processing facility or solid waste
37 disposal area shall make application for a permit on forms provided for this purpose by the
38 department. Every applicant shall submit evidence of financial responsibility with the application.
39 Any applicant who relies in part upon a parent corporation for this demonstration shall also submit
40 evidence of financial responsibility for that corporation and any other subsidiary thereof.

41 (2) Every applicant shall provide a financial assurance instrument or instruments to the
42 department prior to the granting of a construction permit for a solid waste disposal area. The
43 financial assurance instrument or instruments shall be irrevocable, meet all requirements established
44 by the department and shall not be cancelled, revoked, disbursed, released or allowed to terminate
45 without the approval of the department. After the cessation of active operation of a sanitary landfill,
46 or other solid waste disposal area as designed by the department, neither the guarantor nor the
47 operator shall cancel, revoke or disburse the financial assurance instrument or allow the instrument
48 to terminate until the operator is released from postclosure monitoring and care responsibilities
49 pursuant to section 260.227.

1 (3) The applicant for a permit to construct a solid waste disposal area shall provide the
2 department with plans, specifications, and such other data as may be necessary to comply with the
3 purpose of sections 260.200 to 260.345. The application shall demonstrate compliance with all
4 applicable local planning and zoning requirements. The department shall make an investigation of
5 the solid waste disposal area and determine whether it complies with the provisions of sections
6 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345.
7 Within twelve consecutive months of the receipt of an application for a construction permit the
8 department shall approve or deny the application. The department shall issue rules and regulations
9 establishing time limits for permit modifications and renewal of a permit for a solid waste disposal
10 area. The time limit shall be consistent with this chapter.

11 (4) The applicant for a permit to construct a solid waste processing facility shall provide the
12 department with plans, specifications and such other data as may be necessary to comply with the
13 purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the
14 application, the department shall determine whether it complies with the provisions of sections
15 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a permit
16 to construct an incinerator as described in the definition of solid waste processing facility in section
17 260.200 or a material recovery facility as described in the definition of solid waste processing
18 facility in section 260.200, and within six months for permit modifications, the department shall
19 approve or deny the application. Permits issued for solid waste facilities shall be for the anticipated
20 life of the facility.

21 (5) If the department fails to approve or deny an application for a permit or a permit
22 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the
23 applicant may maintain an action in the circuit court of Cole County or that of the county in which
24 the facility is located or is to be sited. The court shall order the department to show cause why it has
25 not acted on the permit and the court may, upon the presentation of evidence satisfactory to the
26 court, order the department to issue or deny such permit or permit modification. Permits for solid
27 waste disposal areas, whether issued by the department or ordered to be issued by a court, shall be
28 for the anticipated life of the facility.

29 (6) The applicant for a permit to construct a solid waste processing facility shall pay an
30 application fee of one thousand dollars. Upon completion of the department's evaluation of the
31 application, but before receiving a permit, the applicant shall reimburse the department for all
32 reasonable costs incurred by the department up to a maximum of four thousand dollars. The
33 applicant for a permit to construct a solid waste disposal area shall pay an application fee of two
34 thousand dollars. Upon completion of the department's evaluations of the application, but before
35 receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred by
36 the department up to a maximum of eight thousand dollars. Applicants who withdraw their
37 application before the department completes its evaluation shall be required to reimburse the
38 department for costs incurred in the evaluation. The department shall not collect the fees authorized
39 in this subdivision unless it complies with the time limits established in this section.

40 (7) When the review reveals that the facility or area does conform with the provisions of
41 sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to
42 260.345, the department shall approve the application and shall issue a permit for the construction of
43 each solid waste processing facility or solid waste disposal area as set forth in the application and
44 with any permit terms and conditions which the department deems appropriate. In the event that the
45 facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to
46 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

47 6. Plans, designs, and relevant data for the construction of solid waste processing facilities
48 and solid waste disposal areas shall be submitted to the department by a registered professional
49 engineer licensed by the state of Missouri for approval prior to the construction, alteration or

1 operation of such a facility or area.

2 7. Any person or operator as defined in section 260.200 who intends to obtain a construction
3 permit in a solid waste management district with an approved solid waste management plan shall
4 request a recommendation in support of the application from the executive board created in section
5 260.315. The executive board shall consider the impact of the proposal on, and the extent to which
6 the proposal conforms to, the approved district solid waste management plan prepared pursuant to
7 section 260.325. The executive board shall act upon the request for a recommendation within sixty
8 days of receipt and shall submit a resolution to the department specifying its position and its
9 recommendation regarding conformity of the application to the solid waste plan. The board's failure
10 to submit a resolution constitutes recommendation of the application. The department may consider
11 the application, regardless of the board's action thereon and may deny the construction permit if the
12 application fails to meet the requirements of sections 260.200 to 260.345, or if the application is
13 inconsistent with the district's solid waste management plan.

14 8. If the site proposed for a solid waste disposal area is not owned by the applicant, the
15 owner or owners of the site shall acknowledge that an application pursuant to sections 260.200 to
16 260.345 is to be submitted by signature or signatures thereon. The department shall provide the
17 owner with copies of all communication with the operator, including inspection reports and orders
18 issued pursuant to section 260.230.

19 9. The department shall not issue a permit for the operation of a solid waste disposal area
20 designed to serve a city with a population of greater than four hundred thousand located in more
21 than one county, if the site is located within [~~one-half~~] one mile of an adjoining municipality,
22 without the approval of the governing body of such municipality. The governing body shall conduct
23 a public hearing within fifteen days of notice, shall publicize the hearing in at least one newspaper
24 having general circulation in the municipality, and shall vote to approve or disapprove the land
25 disposal facility within thirty days after the close of the hearing.

26 10. (1) Upon receipt of an application for a permit to construct a solid waste processing
27 facility or disposal area, the department shall notify the public of such receipt:

28 (a) By legal notice published in a newspaper of general circulation in the area of the
29 proposed disposal area or processing facility;

30 (b) By certified mail to the governing body of the county or city in which the proposed
31 disposal area or processing facility is to be located; and

32 (c) By mail to the last known address of all record owners of contiguous real property or
33 real property located within one thousand feet of the proposed disposal area and, for a proposed
34 processing facility, notice as provided in section 64.875 or section 89.060, whichever is applicable.

35 (2) If an application for a construction permit meets all statutory and regulatory
36 requirements for issuance, a public hearing on the draft permit shall be held by the department in the
37 county in which the proposed solid waste disposal area is to be located prior to the issuance of the
38 permit. The department shall provide public notice of such hearing by both printed and broadcast
39 media at least thirty days prior to such hearing. Printed notification shall include publication in at
40 least one newspaper having general circulation within the county in which the proposed disposal
41 area is to be located. Broadcast notification shall include public service announcements on radio
42 stations that have broadcast coverage within the county in which the proposed disposal area is to be
43 located.

44 11. After the issuance of a construction permit for a solid waste disposal area, but prior to
45 the beginning of disposal operations, the owner and the department shall execute an easement to
46 allow the department, its agents or its contractors to enter the premises to complete work specified
47 in the closure plan, or to monitor or maintain the site or to take remedial action during the
48 postclosure period. After issuance of a construction permit for a solid waste disposal area, but prior
49 to the beginning of disposal operations, the owner shall submit evidence that such owner has

1 recorded, in the office of the recorder of deeds in the county where the disposal area is located, a
2 notice and covenant running with the land that the property has been permitted as a solid waste
3 disposal area and prohibits use of the land in any manner which interferes with the closure and,
4 where appropriate, postclosure plans filed with the department.

5 12. Every person desiring to obtain a permit to operate a solid waste disposal area or
6 processing facility shall submit applicable information and apply for an operating permit from the
7 department. The department shall review the information and determine, within sixty days of
8 receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules and
9 regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that the
10 facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and
11 regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a permit for
12 the operation of each solid waste processing facility or solid waste disposal area and with any permit
13 terms and conditions which the department deems appropriate. In the event that the facility or area
14 fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the
15 department shall issue a report to the applicant stating the reason for denial of a permit.

16 13. Each solid waste disposal area, except utility waste landfills unless otherwise and to the
17 extent required by the department, and those solid waste processing facilities designated by rule,
18 shall be operated under the direction of a certified solid waste technician in accordance with sections
19 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections 260.200 to
20 260.345.

21 14. Base data for the quality and quantity of groundwater in the solid waste disposal area
22 shall be collected and submitted to the department prior to the operation of a new or expansion of an
23 existing solid waste disposal area. Base data shall include a chemical analysis of groundwater
24 drawn from the proposed solid waste disposal area.

25 15. Leachate collection and removal systems shall be incorporated into new or expanded
26 sanitary landfills which are permitted after August 13, 1986. The department shall assess the need
27 for a leachate collection system for all types of solid waste disposal areas, other than sanitary
28 landfills, and the need for monitoring wells when it evaluates the application for all new or
29 expanded solid waste disposal areas. The department may require an operator of a solid waste
30 disposal area to install a leachate collection system before the beginning of disposal operations, at
31 any time during disposal operations for unfilled portions of the area, or for any portion of the
32 disposal area as a part of a remedial plan. The department may require the operator to install
33 monitoring wells before the beginning of disposal operations or at any time during the operational
34 life or postclosure care period if it concludes that conditions at the area warrant such monitoring.
35 The operator of a demolition landfill or utility waste landfill shall not be required to install a
36 leachate collection and removal system or monitoring wells unless otherwise and to the extent the
37 department so requires based on hazardous waste characteristic criteria or site specific
38 geohydrological characteristics or conditions.

39 16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall be
40 subject to suspension for a designated period of time, civil penalty or revocation whenever the
41 department determines that the solid waste processing facility or solid waste disposal area is, or has
42 been, operated in violation of sections 260.200 to 260.345 or the rules or regulations adopted
43 pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit terms and
44 conditions, or is creating a public nuisance, health hazard, or environmental pollution. In the event
45 a permit is suspended or revoked, the person named in the permit shall be fully informed as to the
46 reasons for such action.

47 17. Each permit for operation of a facility or area shall be issued only to the person named
48 in the application. Permits are transferable as a modification to the permit. An application to
49 transfer ownership shall identify the proposed permittee. A disclosure statement for the proposed

1 permittee listing violations contained in the definition of disclosure statement found in section
2 260.200 shall be submitted to the department. The operation and design plans for the facility or area
3 shall be updated to provide compliance with the currently applicable law and rules. A financial
4 assurance instrument in such an amount and form as prescribed by the department shall be provided
5 for solid waste disposal areas by the proposed permittee prior to transfer of the permit. The
6 financial assurance instrument of the original permittee shall not be released until the new
7 permittee's financial assurance instrument has been approved by the department and the transfer of
8 ownership is complete.

9 18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon submission
10 of a request for permit modification, be granted a solid waste management area operating permit if
11 the request meets reasonable requirements set out by the department.

12 19. In case a permit required pursuant to this section is denied or revoked, the person may
13 request a hearing in accordance with section 260.235.

14 20. Every applicant for a permit shall file a disclosure statement with the information
15 required by and on a form developed by the department of natural resources at the same time the
16 application for a permit is filed with the department.

17 21. Upon request of the director of the department of natural resources, the applicant for a
18 permit, any person that could reasonably be expected to be involved in management activities of the
19 solid waste disposal area or solid waste processing facility, or any person who has a controlling
20 interest in any permittee shall be required to submit to a criminal background check under section
21 43.543.

22 22. All persons required to file a disclosure statement shall provide any assistance or
23 information requested by the director or by the Missouri state highway patrol and shall cooperate in
24 any inquiry or investigation conducted by the department and any inquiry, investigation or hearing
25 conducted by the director. If, upon issuance of a formal request to answer any inquiry or produce
26 information, evidence or testimony, any person required to file a disclosure statement refuses to
27 comply, the application of an applicant or the permit of a permittee may be denied or revoked by the
28 director.

29 23. If any of the information required to be included in the disclosure statement changes, or
30 if any additional information should be added after the filing of the statement, the person required to
31 file it shall provide that information to the director in writing, within thirty days after the change or
32 addition. The failure to provide such information within thirty days may constitute the basis for the
33 revocation of or denial of an application for any permit issued or applied for in accordance with this
34 section, but only if, prior to any such denial or revocation, the director notifies the applicant or
35 permittee of the director's intention to do so and gives the applicant or permittee fourteen days from
36 the date of the notice to explain why the information was not provided within the required thirty-day
37 period. The director shall consider this information when determining whether to revoke, deny or
38 conditionally grant the permit.

39 24. No person shall be required to submit the disclosure statement required by this section if
40 the person is a corporation or an officer, director or shareholder of that corporation or any subsidiary
41 thereof, and that corporation:

42 (1) Has on file and in effect with the federal Securities and Exchange Commission a
43 registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act of 1933, as
44 amended, 15 U.S.C. Section 77e(c);

45 (2) Submits to the director with the application for a permit evidence of the registration
46 described in subdivision (1) of this subsection and a copy of the corporation's most recent annual
47 form 10-K or an equivalent report; and

48 (3) Submits to the director on the anniversary date of the issuance of any permit it holds
49 under the Missouri solid waste management law evidence of registration described in subdivision

1 (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent
2 report.

3 25. After permit issuance, each facility shall annually file an update to the disclosure
4 statement with the department of natural resources on or before March thirty-first of each year.
5 Failure to provide such update may result in penalties as provided for under section 260.240.

6 26. Any county, district, municipality, authority, or other political subdivision of this state
7 which owns and operates a sanitary landfill shall be exempt from the requirement for the filing of
8 the disclosure statement and annual update to the disclosure statement.

9 27. Any person seeking a permit to operate a solid waste disposal area, a solid waste
10 processing facility, or a resource recovery facility shall, concurrently with the filing of the
11 application for a permit, disclose any convictions in this state, county or county-equivalent public
12 health or land use ordinances related to the management of solid waste. If the department finds that
13 there has been a continuing pattern of adjudicated violations by the applicant, the department may
14 deny the application.

15 28. No permit to construct or permit to operate shall be required pursuant to this section for
16 any utility waste landfill located in a county of the third classification with a township form of
17 government which has a population of at least eleven thousand inhabitants and no more than twelve
18 thousand five hundred inhabitants according to the most recent decennial census, if such utility
19 waste landfill complies with all design and operating standards and closure requirements applicable
20 to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that no waste
21 disposed of at such utility waste landfill is considered hazardous waste pursuant to the Missouri
22 hazardous waste law.

23 29. Advanced recycling facilities are not subject to the requirements of this section as long
24 as the feedstocks received by such facility are source-separated or diverted or recovered from
25 municipal or other waste streams prior to acceptance at the advanced recycling facility."; and
26

27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.