

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 82, Page 6, Section
2 208.247, Line 42, by inserting after all of said section and 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

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1 located. The department shall provide public notice of such session by both printed and broadcast
2 media at least thirty days prior to such session. Printed notification shall include publication in at
3 least one newspaper having general circulation within the county in which the proposed disposal
4 area is to be located. Broadcast notification shall include public service announcements on radio
5 stations that have broadcast coverage within the county in which the proposed disposal area is to be
6 located. The intent of such public awareness session shall be to provide general information to
7 interested citizens on the design and operation of solid waste disposal areas;

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

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

- 24 (a) The local planning and zoning requirements include a public meeting;
- 25 (b) The applicant notifies the department of intent to utilize such meeting in lieu of the
26 community involvement session at least thirty days prior to such meeting;
- 27 (c) The requirements of such meeting include providing public notice by printed or
28 broadcast media at least thirty days prior to such meeting;
- 29 (d) Such meeting is held at least thirty days prior to the submission to the department of a
30 report on the results of a detailed site investigation pursuant to subsection 4 of this section;
- 31 (e) The applicant submits to the department a record of such meeting;
- 32 (f) A public comment period begins on the day of such meeting and continues for at least
33 fourteen days after such meeting, and the applicant responds to all persons submitting comments
34 during such public comment period no more than fourteen days after the receipt of such comments.

35 4. No person may apply for or obtain a permit to construct a solid waste disposal area unless
36 the person has submitted to the department a plan for conducting a detailed surface and subsurface
37 geologic and hydrologic investigation and has obtained geologic and hydrologic site approval from
38 the department. The department shall approve or disapprove the plan within thirty days of receipt.
39 The applicant shall conduct the investigation pursuant to the plan and submit the results to the

1 department. The department shall provide approval or disapproval within sixty days of receipt of
2 the investigation results.

3 5. (1) Every person desiring to construct a solid waste processing facility or solid waste
4 disposal area shall make application for a permit on forms provided for this purpose by the
5 department. Every applicant shall submit evidence of financial responsibility with the application.
6 Any applicant who relies in part upon a parent corporation for this demonstration shall also submit
7 evidence of financial responsibility for that corporation and any other subsidiary thereof.

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

17 (3) The applicant for a permit to construct a solid waste disposal area shall provide the
18 department with plans, specifications, and such other data as may be necessary to comply with the
19 purpose of sections 260.200 to 260.345. The application shall demonstrate compliance with all
20 applicable local planning and zoning requirements. The department shall make an investigation of
21 the solid waste disposal area and determine whether it complies with the provisions of sections
22 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345.
23 Within twelve consecutive months of the receipt of an application for a construction permit the
24 department shall approve or deny the application. The department shall issue rules and regulations
25 establishing time limits for permit modifications and renewal of a permit for a solid waste disposal
26 area. The time limit shall be consistent with this chapter.

27 (4) The applicant for a permit to construct a solid waste processing facility shall provide the
28 department with plans, specifications and such other data as may be necessary to comply with the
29 purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the
30 application, the department shall determine whether it complies with the provisions of sections
31 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a permit
32 to construct an incinerator as described in the definition of solid waste processing facility in section
33 260.200 or a material recovery facility as described in the definition of solid waste processing
34 facility in section 260.200, and within six months for permit modifications, the department shall
35 approve or deny the application. Permits issued for solid waste facilities shall be for the anticipated
36 life of the facility.

37 (5) If the department fails to approve or deny an application for a permit or a permit
38 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the
39 applicant may maintain an action in the circuit court of Cole County or that of the county in which

1 the facility is located or is to be sited. The court shall order the department to show cause why it has
2 not acted on the permit and the court may, upon the presentation of evidence satisfactory to the
3 court, order the department to issue or deny such permit or permit modification. Permits for solid
4 waste disposal areas, whether issued by the department or ordered to be issued by a court, shall be
5 for the anticipated life of the facility.

6 (6) The applicant for a permit to construct a solid waste processing facility shall pay an
7 application fee of one thousand dollars. Upon completion of the department's evaluation of the
8 application, but before receiving a permit, the applicant shall reimburse the department for all
9 reasonable costs incurred by the department up to a maximum of four thousand dollars. The
10 applicant for a permit to construct a solid waste disposal area shall pay an application fee of two
11 thousand dollars. Upon completion of the department's evaluations of the application, but before
12 receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred by
13 the department up to a maximum of eight thousand dollars. Applicants who withdraw their
14 application before the department completes its evaluation shall be required to reimburse the
15 department for costs incurred in the evaluation. The department shall not collect the fees authorized
16 in this subdivision unless it complies with the time limits established in this section.

17 (7) When the review reveals that the facility or area does conform with the provisions of
18 sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to
19 260.345, the department shall approve the application and shall issue a permit for the construction of
20 each solid waste processing facility or solid waste disposal area as set forth in the application and
21 with any permit terms and conditions which the department deems appropriate. In the event that the
22 facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to
23 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

24 6. Plans, designs, and relevant data for the construction of solid waste processing facilities
25 and solid waste disposal areas shall be submitted to the department by a registered professional
26 engineer licensed by the state of Missouri for approval prior to the construction, alteration or
27 operation of such a facility or area.

28 7. Any person or operator as defined in section 260.200 who intends to obtain a construction
29 permit in a solid waste management district with an approved solid waste management plan shall
30 request a recommendation in support of the application from the executive board created in section
31 260.315. The executive board shall consider the impact of the proposal on, and the extent to which
32 the proposal conforms to, the approved district solid waste management plan prepared pursuant to
33 section 260.325. The executive board shall act upon the request for a recommendation within sixty
34 days of receipt and shall submit a resolution to the department specifying its position and its
35 recommendation regarding conformity of the application to the solid waste plan. The board's failure
36 to submit a resolution constitutes recommendation of the application. The department may consider
37 the application, regardless of the board's action thereon and may deny the construction permit if the
38 application fails to meet the requirements of sections 260.200 to 260.345, or if the application is
39 inconsistent with the district's solid waste management plan.

1 8. If the site proposed for a solid waste disposal area is not owned by the applicant, the
2 owner or owners of the site shall acknowledge that an application pursuant to sections 260.200 to
3 260.345 is to be submitted by signature or signatures thereon. The department shall provide the
4 owner with copies of all communication with the operator, including inspection reports and orders
5 issued pursuant to section 260.230.

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

13 10. (1) Upon receipt of an application for a permit to construct a solid waste processing
14 facility or disposal area, the department shall notify the public of such receipt:

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

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

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

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

31 11. After the issuance of a construction permit for a solid waste disposal area, but prior to
32 the beginning of disposal operations, the owner and the department shall execute an easement to
33 allow the department, its agents or its contractors to enter the premises to complete work specified
34 in the closure plan, or to monitor or maintain the site or to take remedial action during the
35 postclosure period. After issuance of a construction permit for a solid waste disposal area, but prior
36 to the beginning of disposal operations, the owner shall submit evidence that such owner has
37 recorded, in the office of the recorder of deeds in the county where the disposal area is located, a
38 notice and covenant running with the land that the property has been permitted as a solid waste

1 disposal area and prohibits use of the land in any manner which interferes with the closure and,
2 where appropriate, postclosure plans filed with the department.

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

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

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

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

37 16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall be
38 subject to suspension for a designated period of time, civil penalty or revocation whenever the
39 department determines that the solid waste processing facility or solid waste disposal area is, or has

1 been, operated in violation of sections 260.200 to 260.345 or the rules or regulations adopted
2 pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit terms and
3 conditions, or is creating a public nuisance, health hazard, or environmental pollution. In the event
4 a permit is suspended or revoked, the person named in the permit shall be fully informed as to the
5 reasons for such action.

6 17. Each permit for operation of a facility or area shall be issued only to the person named
7 in the application. Permits are transferable as a modification to the permit. An application to
8 transfer ownership shall identify the proposed permittee. A disclosure statement for the proposed
9 permittee listing violations contained in the definition of disclosure statement found in section
10 260.200 shall be submitted to the department. The operation and design plans for the facility or area
11 shall be updated to provide compliance with the currently applicable law and rules. A financial
12 assurance instrument in such an amount and form as prescribed by the department shall be provided
13 for solid waste disposal areas by the proposed permittee prior to transfer of the permit. The
14 financial assurance instrument of the original permittee shall not be released until the new
15 permittee's financial assurance instrument has been approved by the department and the transfer of
16 ownership is complete.

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

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

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

25 21. Upon request of the director of the department of natural resources, the applicant for a
26 permit, any person that could reasonably be expected to be involved in management activities of the
27 solid waste disposal area or solid waste processing facility, or any person who has a controlling
28 interest in any permittee shall be required to submit to a criminal background check under section
29 43.543.

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

37 23. If any of the information required to be included in the disclosure statement changes, or
38 if any additional information should be added after the filing of the statement, the person required to
39 file it shall provide that information to the director in writing, within thirty days after the change or

1 addition. The failure to provide such information within thirty days may constitute the basis for the
2 revocation of or denial of an application for any permit issued or applied for in accordance with this
3 section, but only if, prior to any such denial or revocation, the director notifies the applicant or
4 permittee of the director's intention to do so and gives the applicant or permittee fourteen days from
5 the date of the notice to explain why the information was not provided within the required thirty-day
6 period. The director shall consider this information when determining whether to revoke, deny or
7 conditionally grant the permit.

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

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

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

17 (3) Submits to the director on the anniversary date of the issuance of any permit it holds
18 under the Missouri solid waste management law evidence of registration described in subdivision
19 (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent
20 report.

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

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

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

33 28. No permit to construct or permit to operate shall be required pursuant to this section for
34 any utility waste landfill located in a county of the third classification with a township form of
35 government which has a population of at least eleven thousand inhabitants and no more than twelve
36 thousand five hundred inhabitants according to the most recent decennial census, if such utility
37 waste landfill complies with all design and operating standards and closure requirements applicable
38 to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that no waste

1 disposed of at such utility waste landfill is considered hazardous waste pursuant to the Missouri
2 hazardous waste law.

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

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.