

SECOND REGULAR SESSION

HOUSE BILL NO. 2761

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BANDERMAN.

6350H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 29.380, 260.200, 260.213, 260.300, 260.302, 260.305, 260.310, 260.315, 260.320, 260.324, 260.330, 260.335, and 260.345, RSMo, and to enact in lieu thereof six new sections relating to solid waste management.

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

Section A. Sections 29.380, 260.200, 260.213, 260.300, 260.302, 260.305, 260.310, 260.315, 260.320, 260.324, 260.330, 260.335, and 260.345, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 260.200, 260.213, 260.324, 260.330, 260.335, and 260.336, to read as follows:

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

(1) "Advanced recycling", a set of manufacturing processes for the conversion of recovered post-use polymers such as plastics into plastic and chemical feedstocks, raw materials, and recycled plastics for reuse through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. Advanced recycling does not include solid waste disposal, solid waste processing, solid waste management, or incineration;

(2) "Advanced recycling facility", a manufacturing facility that receives, stores, and converts recovered post-use polymers using advanced recycling to produce plastics and chemical feedstocks, raw materials, and recycled plastics. Advanced recycling facility does not include solid waste disposal areas, solid waste processing facilities, solid waste management facilities, or incinerators. Advanced recycling facilities are subject to all applicable laws and regulations for manufacturers;

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

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

19 (4) "Applicant", a person or persons seeking or holding a facility permit;

20 (5) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid
21 waste disposal area where the controlled addition of liquid waste or water accelerates both the
22 decomposition of waste and landfill gas generation;

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

25 (7) "City", any incorporated city, town, or village;

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

29 (9) "Closure", the permanent cessation of active disposal operations, abandonment of
30 the disposal area, revocation of the permit or filling with waste of all areas and volumes
31 specified in the permit and preparing the area for long-term care:

32 (10) "Closure plan", plans, designs and relevant data which specify the methods and
33 schedule by which the operator will complete or cease disposal operations, prepare the area
34 for long-term care, and make the area suitable for other uses, to achieve the purposes of
35 sections 260.200 to ~~260.345~~ 260.295 and the regulations promulgated thereunder:

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

43 (12) "Construction and demolition waste", waste materials from the construction and
44 demolition of residential, industrial, or commercial structures, but shall not include materials
45 defined as clean fill under this section:

46 (13) "Demolition landfill", a solid waste disposal area used for the controlled disposal
47 of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and
48 inert solids insoluble in water:

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

50 (15) "Depolymerization", a manufacturing process in which post-use polymers are
51 broken into smaller molecules such as monomers and plastic and chemical feedstocks or
52 products;

53 (16) "Director", the director of the department of natural resources;

54 (17) "Disclosure statement", a sworn statement or affirmation, in such form as may be
55 required by the director of the department of natural resources, which includes:

56 (a) The full names and business address of key personnel;

57 (b) The full name and business address of any entity, other than a natural person, that
58 collects, transfers, processes, treats, stores, or disposes of solid waste in which all key
59 personnel holds an equity interest of seven percent or more;

60 (c) A description of the business experience of all key personnel listed in the
61 disclosure statement;

62 (d) For the five-year period ending on the date the sworn disclosure statement or
63 affirmation is signed by key personnel:

64 a. A listing organized by issuing federal, state, or county or county-equivalent
65 regulatory body of all environmental permits or licenses for the collection, transfer, treatment,
66 processing, storage, or disposal of solid waste issued to or held by any key personnel;

67 b. A listing and explanation of notices of violation which shall by rule be defined,
68 prosecutions, or other administrative enforcement actions resulting in an adjudication or
69 conviction;

70 c. A listing of license or permit suspensions, revocations, or denials issued by any
71 state, the federal government or a county or county equivalent, which are pending or have
72 concluded with a finding of violation or entry of a consent agreement regarding an allegation
73 of civil or criminal violation of law, regulation or requirement relating to the collection,
74 transfer, treatment, processing, storage, or disposal of solid waste or violation of the
75 environmental statutes of other states or federal statutes;

76 d. An itemized list of all felony convictions under the laws of the state of Missouri or
77 the equivalent thereof under the laws of any other jurisdiction; and a listing of any findings of
78 guilt for any crimes or criminal acts an element of which involves restraint of trade, price-
79 fixing, intimidation of the customers of another person or for engaging in any other acts
80 which may have the effect of restraining or limiting competition concerning activities
81 regulated pursuant to this chapter or similar laws of other states or the federal government
82 including, but not limited to, racketeering or violation of antitrust laws of any key personnel;

83 (18) ["District", a solid waste management district established under section 260.305;

84 (19) "Financial assurance instrument", an instrument or instruments, including, but
85 not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund,
86 submitted by the applicant to ensure proper closure and postclosure care and corrective action

87 of a solid waste disposal area in the event that the operator fails to correctly perform closure
88 and postclosure care and corrective action requirements, except that the financial test for the
89 corporate guarantee shall not exceed one and one-half times the estimated cost of closure and
90 postclosure. The form and content of the financial assurance instrument shall meet or exceed
91 the requirements of the department. The instrument shall be reviewed and approved or
92 disapproved by the attorney general;

93 **[(20)] (19)** "Flood area", any area inundated by the one hundred year flood event, or
94 the flood event with a one percent chance of occurring in any given year;

95 **[(21)] (20)** "Gasification", a manufacturing process through which recovered
96 feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient
97 atmosphere and the mixture is converted into reuseable plastic and chemical feedstocks or
98 products;

99 **[(22)] (21)** "Household consumer", an individual who generates used motor oil
100 through the maintenance of the individual's personal motor vehicle, vessel, airplane, or other
101 machinery powered by an internal combustion engine;

102 **[(23)] (22)** "Household consumer used motor oil collection center", any site or facility
103 that accepts or aggregates and stores used motor oil collected only from household consumers
104 or farmers who generate an average of twenty-five gallons per month or less of used motor oil
105 in a calendar year. This section shall not preclude a commercial generator from operating a
106 household consumer used motor oil collection center;

107 **[(24)] (23)** "Household consumer used motor oil collection system", any used motor
108 oil collection center at publicly owned facilities or private locations, any curbside collection
109 of household consumer used motor oil, or any other household consumer used motor oil
110 collection program determined by the department to further the purposes of sections 260.200
111 to **[260.345]** **260.295**;

112 **[(25)] (24)** "Infectious waste", waste in quantities and characteristics as determined
113 by the department by rule, including isolation wastes, cultures and stocks of etiologic agents,
114 blood and blood products, pathological wastes, other wastes from surgery and autopsy,
115 contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or
116 suspected to be infectious; provided, however, that infectious waste does not mean waste
117 treated to department specifications;

118 **[(26)] (25)** "Key personnel", the applicant itself and any person employed by the
119 applicant in a managerial capacity, or empowered to make discretionary decisions with
120 respect to the solid waste operations of the applicant in Missouri, but shall not include
121 employees exclusively engaged in the physical or mechanical collection, transfer,
122 transportation, treatment, processing, storage, or disposal of solid waste and such other
123 employees as the director of the department of natural resources may designate by regulation.

124 If the applicant has not previously conducted solid waste operations in Missouri, the term also
125 includes any officer, director, partner of the applicant, or any holder of seven percent or more
126 of the equity or debt of the applicant. If any holder of seven percent or more of the equity or
127 debt of the applicant or of any key personnel is not a natural person, the term includes all key
128 personnel of that entity, provided that where such entity is a chartered lending institution or a
129 reporting company under the federal Securities Exchange Act of 1934, the term does not
130 include key personnel of such entity. Provided further that the term means the chief executive
131 officer of any agency of the United States or of any agency or political subdivision of the state
132 of Missouri, and all key personnel of any person, other than a natural person, that operates a
133 landfill or other facility for the collection, transfer, treatment, processing, storage, or disposal
134 of nonhazardous solid waste under contract with or for one of those governmental entities;

135 ~~[27]~~ (26) "Lead-acid battery", a battery designed to contain lead and sulfuric acid
136 with a nominal voltage of at least six volts and of the type intended for use in motor vehicles
137 and watercraft;

138 ~~[28]~~ (27) "Major appliance", clothes washers and dryers, water heaters, trash
139 compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners,
140 refrigerators and freezers;

141 ~~[29]~~ (28) "Mechanical processing", any mechanical, manual, or other method that
142 transforms a recoverable material into a specification-grade commodity. Mechanical
143 processing is often multistep with different steps at different locations and involves recycling
144 that is a series of activities that may include collection, processing, or brokering and shall
145 result in subsequent consumption by a materials manufacturer;

146 ~~[30]~~ (29) "Mercuric-oxide battery" or "mercury battery", a battery having a
147 mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte,
148 including mercuric-oxide button cell batteries generally intended for use in hearing aids and
149 larger size mercuric-oxide batteries used primarily in medical equipment;

150 ~~[31]~~ (30) "Mill scale and slag", coproducts of the steel manufacturing process that
151 are managed, used, or placed as items of value in a controlled manner but do not include
152 byproducts that are a result of the steel manufacturing process that would otherwise qualify as
153 hazardous waste;

154 ~~[32]~~ (31) "Minor violation", a violation which possesses a small potential to harm
155 the environment or human health or cause pollution, was not knowingly committed, and is not
156 defined by the United States Environmental Protection Agency as other than minor;

157 ~~[33]~~ (32) "Motor oil", any oil intended for use in a motor vehicle, as defined in
158 section 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an
159 internal combustion engine;

160 ~~[34]~~ (33) "Motor vehicle", as defined in section 301.010;

161 **[(35)] (34)** "Operator" and "permittee", anyone so designated, and shall include cities,
162 counties, other political subdivisions, authority, state agency or institution, or federal agency
163 or institution;

164 **[(36)] (35)** "Permit modification", any permit issued by the department which alters
165 or modifies the provisions of an existing permit previously issued by the department;

166 **[(37)] (36)** "Person", any individual, partnership, limited liability company,
167 corporation, association, trust, institution, city, county, other political subdivision, authority,
168 state agency or institution, or federal agency or institution, or any other legal entity;

169 **[(38)] (37)** "Plasma arc technology", a process that converts electrical energy into
170 thermal energy. This electric arc is created when an ionized gas transfers electric power
171 between two or more electrodes;

172 **[(39)] (38)** "Postclosure plan", plans, designs and relevant data which specify the
173 methods and schedule by which the operator shall perform necessary monitoring and care for
174 the area after closure to achieve the purposes of sections 260.200 to **[260.345]** **260.295** and
175 the regulations promulgated thereunder;

176 **[(40)] (39)** "Post-use polymer", a plastic polymer to which all of the following apply:

177 (a) It is derived from any industrial, commercial, agricultural, or household activities;
178 (b) The plastic's use or intended use is as a feedstock for the manufacturing of other
179 feedstocks, raw materials, recycled plastics, or intermediate products or final products using
180 advanced recycling;

181 (c) The plastic has been presorted or diverted from solid waste and other regulated
182 waste but may contain residual amounts of solid waste such as organic material and incidental
183 contaminants or impurities such as paper labels and metal rings; and

184 (d) The plastic is converted at an advanced recycling facility or held at such facility
185 prior to conversion;

186 **[(41)] (40)** "Pyrolysis", a manufacturing process through which post-use polymers are
187 heated in the absence of oxygen until melted and thermally decomposed and are then cooled,
188 condensed, and converted into reuseable plastic and chemical feedstocks or raw constituents
189 to be used for manufacturing of new products;

190 **[(42)] (41)** "Recovered feedstock", one or more of the following materials that has
191 been processed so that it may be used as input feedstock in an advanced recycling facility,
192 excluding municipal solid waste or feedstocks mixed with solid waste or hazardous waste:

193 (a) Post-use polymers that are source-separated or have been recovered or diverted
194 from a waste stream for reuse; or

195 (b) Materials for which the United States Environmental Protection Agency has made
196 a nonwaste determination or has otherwise determined are feedstocks and not solid waste;

197 **[(43)] (42)** "Recovered materials", those materials which have been diverted or
198 removed from the solid waste stream for sale, use, reuse or recycling, whether or not they
199 require subsequent separation and processing;

200 **[(44)] (43)** "Recycled content", any raw product used as a constituent for the
201 manufacturing of new products that is generated as a result from mechanical processing or
202 advanced recycling shall be considered recycled content. Recycled content includes, but is
203 not limited to, the proportion of fiber in a newspaper that is derived from postconsumer waste
204 and recycled plastics as defined in this section;

205 **[(45)] (44)** "Recycled plastics", plastics produced from mechanical recycling using
206 preconsumer recovered materials and postconsumer materials or from advanced recycling
207 feedstocks or advanced recycling products via mass balance attribution certified under an
208 approved certification system. Recycled plastics shall be considered recycled content as
209 defined in this section;

210 **[(46)] (45)** "Recycling", the separation and reuse of materials which might otherwise
211 be disposed of as solid waste;

212 **[(47)] (46)** "Resource recovery", a process by which recyclable and recoverable
213 material is removed from the waste stream to the greatest extent possible, as determined by
214 the department and pursuant to department standards, for reuse or remanufacture;

215 **[(48)] (47)** "Resource recovery facility", a facility in which recyclable and
216 recoverable material is removed from the waste stream to the greatest extent possible, as
217 determined by the department and pursuant to department standards, for reuse or
218 remanufacture;

219 **[(49)] (48)** "Sanitary landfill", a solid waste disposal area which accepts commercial
220 and residential solid waste;

221 **[(50)] (49)** "Scrap tire", a tire that is no longer suitable for its original intended
222 purpose because of wear, damage, or defect;

223 **[(51)] (50)** "Scrap tire collection center", a site where scrap tires are collected prior to
224 being offered for recycling or processing and where fewer than five hundred tires are kept on
225 site on any given day;

226 **[(52)] (51)** "Scrap tire end-user facility", a site where scrap tires are used as a fuel or
227 fuel supplement or converted into a usable product. Baled or compressed tires used in
228 structures, or used at recreational facilities, or used for flood or erosion control shall be
229 considered an end use;

230 **[(53)] (52)** "Scrap tire generator", a person who sells tires at retail or any other
231 person, firm, corporation, or government entity that generates scrap tires;

232 **[(54)] (53)** "Scrap tire processing facility", a site where tires are reduced in volume by
233 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery,
234 or disposal;

235 **[(55)] (54)** "Scrap tire site", a site at which five hundred or more scrap tires are
236 accumulated, but not including a site owned or operated by a scrap tire end-user that burns
237 scrap tires for the generation of energy or converts scrap tires to a useful product;

238 **[(56)] (55)** "Solid waste", garbage, refuse and other discarded materials including, but
239 not limited to, solid and semisolid waste materials resulting from industrial, commercial,
240 agricultural, governmental and domestic activities, but does not include hazardous waste as
241 defined in sections 260.360 to 260.432, recovered materials, post-use polymers, recovered
242 feedstocks, overburden, rock, tailings, matte, mill scale and slag or other waste material
243 resulting from mining, milling or smelting;

244 **[(57)] (56)** "Solid waste disposal area", any area used for the disposal of solid waste
245 from more than one residential premises, or one or more commercial, industrial,
246 manufacturing, recreational, or governmental operations;

247 **[(58)] (57)** "Solid waste fee", a fee imposed pursuant to sections 260.200 to **[260.345]**
248 **260.295** and may be:

- 249 (a) A solid waste collection fee imposed at the point of waste collection; or
- 250 (b) A solid waste disposal fee imposed at the disposal site;

251 **[(59)] (58)** "Solid waste management area", a solid waste disposal area which also
252 includes one or more of the functions contained in the definitions of recycling, resource
253 recovery facility, waste tire collection center, waste tire processing facility, waste tire site or
254 solid waste processing facility, excluding incineration;

255 **[(60)] (59)** "Solid waste management project", a targeted project that meets statewide
256 waste reduction and recycling priorities, and for which no solid waste management district
257 grant applicant has applied to perform, and for which no qualified applicants have applied to
258 perform such project by a competitive bid issued by the solid waste management district for
259 the completion of such project;

260 **[(61)] (60)** "Solid waste management system", the entire process of managing solid
261 waste in a manner which minimizes the generation and subsequent disposal of solid waste,
262 including waste reduction, source separation, collection, storage, transportation, recycling,
263 resource recovery, volume minimization, processing, market development, and disposal of
264 solid wastes;

265 **[(62)] (61)** "Solid waste processing facility", any facility where solid wastes are
266 salvaged and processed, including:

- 267 (a) A transfer station; or

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

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

271 (d) A plasma arc technology facility;

272 **[63] (62)** "Solid waste technician", an individual who has successfully completed
273 training in the practical aspects of the design, operation and maintenance of a permitted solid
274 waste processing facility or solid waste disposal area in accordance with sections 260.200 to
275 **[260.345] 260.295**;

276 **[64] (63)** "Solvolysis", a manufacturing process through which post-use polymers
277 are purified with the aid of solvents while heated at low temperatures or pressurized, or both,
278 to make reusable plastic and chemical feedstocks or products, allowing additives and
279 contaminants to be removed. The process includes, but is not limited to, hydrolysis,
280 aminolysis, ammonolysis, methanolysis, and glycolysis;

281 **[65] (64)** "Tire", a continuous solid or pneumatic rubber covering encircling the
282 wheel of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as
283 defined in chapter 301, except farm tractors and farm implements owned and operated by a
284 family farm or family farm corporation as defined in section 350.010;

285 **[66] (65)** "Used motor oil", any motor oil which, as a result of use, becomes
286 unsuitable for its original purpose due to loss of original properties or the presence of
287 impurities, but used motor oil shall not include ethylene glycol, oils used for solvent
288 purposes, oil filters that have been drained of free flowing used oil, oily waste, oil recovered
289 from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such
290 as hydraulic oils, transmission oils, quenching oils, and transformer oils;

291 **[67] (66)** "Utility waste landfill", a solid waste disposal area used for fly ash waste,
292 bottom ash waste, slag waste and flue gas emission control waste generated primarily from
293 the combustion of coal or other fossil fuels;

294 **[68] (67)** "Yard waste", leaves, grass clippings, yard and garden vegetation and
295 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

296 2. For the purposes of this section and sections 260.270 to 260.279 and any rules in
297 place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be
298 used synonymously with and in place of waste, as it applies only to scrap tires.

299 260.213. No person may knowingly sell, convey or transfer title to any property that
300 contains a permitted or unpermitted solid waste disposal site or demolition landfill, without
301 disclosing **[to] the sale, conveyance, or transfer to the department of natural resources**.
302 **The seller shall inform** the buyer early in the negotiation process **about** the existence and
303 location of the **disposal or landfill** site. The seller shall also notify the buyer that he may be
304 assuming liability to the state for any remedial action at the site, except that the sale,

7 conveyance or transfer of property shall not absolve any person responsible for the illegal
8 disposition of solid waste, including the seller, of liability for any remedial action at the site.

260.324. [1.] Any person or entity that applies for a grant under section 260.335 shall
2 not be disqualified from receiving such grant on the basis that there exists a familial
3 relationship between the applicant and any member of the ~~solid waste management district~~
4 ~~executive board within the fourth degree by consanguinity or affinity. For applicants with a~~
5 ~~familial relationship with any member of the solid waste management district executive board~~
6 ~~within the fourth degree by consanguinity or affinity, the solid waste management district~~
7 ~~executive board shall only approve such grant application if approved by a vote of two-thirds~~
8 ~~of the solid waste management district executive board] department.~~

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

260.330. 1. Except as otherwise provided in subsection 6 of this section, effective
2 October 1, [1990] 2027, each operator of a solid waste sanitary landfill shall collect a charge
3 equal to ~~one dollar~~ **two dollars** and fifty cents per ton or its volumetric equivalent of solid
4 waste accepted and each operator of the solid waste demolition landfill shall collect a charge
5 equal to ~~one dollar~~ **two dollars and fifty cents** per ton or its volumetric equivalent of solid
6 waste accepted. Each operator shall submit the charge, less collection costs, to the
7 department of natural resources for deposit in the "Solid Waste Management Fund" which is
8 hereby created. On October 1, [1992] 2029, and thereafter, the charge imposed herein shall
9 be adjusted annually by the same percentage as the increase in the general price level as
10 measured by the Consumer Price Index for All Urban Consumers for the United States, or its
11 successor index, as defined and officially recorded by the United States Department of Labor
12 or its successor agency. ~~No annual adjustment shall be made to the charge imposed under~~
13 ~~this subsection during October 1, 2005, to October 1, 2027, except an adjustment amount~~
14 ~~consistent with the need to fund the operating costs of the department and taking into account~~
15 ~~any annual percentage increase in the total of the volumetric equivalent of solid waste~~
16 ~~accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid~~
17 ~~waste to be transported out of this state for disposal that is accepted at transfer stations. No~~
18 ~~annual increase during October 1, 2005, to October 1, 2027, shall exceed the percentage~~
19 ~~increase measured by the Consumer Price Index for All Urban Consumers for the United~~
20 ~~States, or its successor index, as defined and officially recorded by the United States~~
21 ~~Department of Labor or its successor agency and calculated on the percentage of revenues~~

22 ~~dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual~~
23 ~~adjustment shall only be made at the discretion of the director, subject to appropriations.]~~
24 **The director shall have the authority to adjust the annual increase consistent with the**
25 **need to fund the operating costs of the department.** Collection costs shall be established
26 by the department and shall not exceed two percent of the amount collected pursuant to this
27 section.

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

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

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

43 5. Effective October 1, ~~[1990]~~ 2027, any person who operates a transfer station in
44 Missouri shall transmit a fee to the department for deposit in the solid waste management
45 fund which is equal to ~~[one dollar]~~ **two dollars** and fifty cents per ton or its volumetric
46 equivalent of solid waste accepted. Such fee shall be applicable to all solid waste to be
47 transported out of the state for disposal. On October 1, ~~[1992]~~ 2029, and thereafter, the
48 charge imposed herein shall be adjusted annually by the same percentage as the increase in
49 the general price level as measured by the Consumer Price Index for All Urban Consumers
50 for the United States, or its successor index, as defined and officially recorded by the United
51 States Department of Labor or its successor agency. ~~[No annual adjustment shall be made to~~
52 ~~the charge imposed under this subsection during October 1, 2005, to October 1, 2027, except~~
53 ~~an adjustment amount consistent with the need to fund the operating costs of the department~~
54 ~~and taking into account any annual percentage increase in the total of the volumetric~~
55 ~~equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and~~
56 ~~demolition landfills and solid waste to be transported out of this state for disposal that is~~
57 ~~accepted at transfer stations. No annual increase during October 1, 2005, to October 1, 2027,~~
58 ~~shall exceed the percentage increase measured by the Consumer Price Index for All Urban~~

59 ~~Consumers for the United States, or its successor index, as defined and officially recorded by~~
60 ~~the United States Department of Labor or its successor agency and calculated on the~~
61 ~~percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335.~~
62 ~~Any such annual adjustment shall only be made at the discretion of the director, subject to~~
63 ~~appropriations.] The director shall have the authority to adjust the annual increase~~
64 ~~consistent with the need to fund the operating costs of the department.~~ The department
65 shall prescribe rules and regulations governing the transmittal of fees and verification of
66 waste volumes transported out of state from transfer stations. Collection costs shall also be
67 established by the department and shall not exceed two percent of the amount collected
68 pursuant to this subsection. A transfer station with the sole function of separating materials
69 for recycling or resource recovery activities shall not be subject to the fee imposed in this
70 subsection.

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

260.335. 1. **Each fiscal year five million dollars from the solid waste**
2 **management fund shall be made available, upon appropriation, to the department for**
3 **assessing, investigating, testing, remediating, and managing abandoned solid waste**
4 **disposal areas. For purposes of this section, "abandoned" means that a legally**
5 **responsible person for the site cannot be identified and located or was determined to be**
6 **financially insolvent by the department.** Each fiscal year eight hundred thousand dollars
7 from the solid waste management fund shall be made available, upon appropriation, to the
8 department and the environmental improvement and energy resources authority to fund
9 activities that promote the development and maintenance of markets for recovered materials.
10 ~~[Each fiscal year up to two hundred thousand dollars from the solid waste management fund~~
11 ~~may be used by the department upon appropriation for grants to solid waste management~~
12 ~~districts for district grants and district operations. Only those solid waste management~~
13 ~~districts that are allocated fewer funds under subsection 2 of this section than if revenues had~~
14 ~~been allocated based on the criteria in effect in this section on August 27, 2004, are eligible~~
15 ~~for these grants. An eligible district shall receive a proportionate share of these grants based~~
16 ~~on that district's share of the total reduction in funds for eligible districts calculated by~~
17 ~~comparing the amount of funds allocated under subsection 2 of this section with the amount~~

18 ~~of funds that would have been allocated using the criteria in effect in this section on August~~
19 ~~27, 2004.]~~ The department and the authority shall establish a joint interagency agreement
20 with the department of economic development to identify state priorities for market
21 development and to develop the criteria to be used to judge proposed projects. Additional
22 moneys may be appropriated in subsequent fiscal years if requested. The authority shall
23 establish a procedure to measure the effectiveness of the grant program under this subsection
24 and shall provide a report to the governor and general assembly by January fifteenth of each
25 year regarding the effectiveness of the program.

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

28 (1) ~~[Thirty-nine percent of the revenues]~~ **Revenues** shall be dedicated, upon
29 appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute
30 persons disposing of solid waste illegally, to conduct solid waste permitting activities, to
31 administer grants and perform other duties imposed in sections 260.200 to ~~[260.345]~~ **260.295**
32 and section 260.432. ~~[In addition to the thirty-nine percent of the revenues, the department~~
33 ~~may receive any annual increase in the charge during October 1, 2005, to October 1, 2027,~~
34 ~~under section 260.330 and such increases shall be used solely to fund the operating costs of~~
35 ~~the department]~~ This appropriation shall be at least equal to the previous fiscal year's
36 expenditures plus one quarter of the department's operating expenditures;

37 (2) ~~[Sixty-one percent of the revenues, except any annual increases in the charge~~
38 ~~under section 260.330 during October 1, 2005, to October 1, 2027, which shall be used solely~~
39 ~~to fund the operating costs of the department, shall be allocated to solid waste management~~
40 ~~districts. Revenues to be allocated under this subdivision shall be divided as follows: forty~~
41 ~~percent shall be allocated based on the population of each district in the latest decennial~~
42 ~~census, and sixty percent shall be allocated based on the amount of revenue generated within~~
43 ~~each district. For the purposes of this subdivision, revenue generated within each district~~
44 ~~shall be determined from the previous year's data. No more than fifty percent of the revenue~~
45 ~~allocable under this subdivision may be allocated to the districts upon approval of the~~
46 ~~department for implementation of a solid waste management plan and district operations, and~~
47 ~~at least fifty percent of the revenue allocable to the districts under this subdivision shall be~~
48 ~~allocated to the cities and counties of the district or to persons or entities providing solid~~
49 ~~waste management, waste reduction, recycling and related services in these cities and~~
50 ~~counties. Each district shall receive a minimum of seventy-five thousand dollars under this~~
51 ~~subdivision. After August 28, 2015, each district shall receive a minimum of ninety-five~~
52 ~~thousand dollars under this subdivision for district grants and district operations. Each district~~
53 ~~receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste~~
54 ~~management plan required under section 260.325, and only in the case that the district is in~~

55 ~~compliance with planning requirements established by the department.]~~ Moneys shall be
56 awarded based upon grant applications. **Any remaining revenue shall be made available**
57 **annually for grants awarded based upon applications.** The following criteria may be
58 considered to establish the order of [district] grant priority:

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

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

63 (e)] Grants for proposals which provide methods of recycling and solid waste
64 reduction; and

65 [(d)] (c) All other grants. Any allocated [district] moneys remaining in any fiscal
66 year due to insufficient or inadequate grant applications shall be reallocated for grant
67 applications in subsequent years or for ~~solid waste management projects other than district~~
68 ~~operations, including a district's next request for solid waste management project proposals~~
69 **department operations, including investigation and remediation work.**

70

71 ~~[Any allocated district moneys remaining after a period of five years shall revert to the credit~~
72 ~~of the solid waste management fund created under section 260.330;]~~

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

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

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

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

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

91 5. Once grants are approved by the solid waste management district, the district shall
92 submit to the department the appropriate forms associated with the grant application and any
93 supporting information to verify that appropriate public notice procedures were followed, that
94 grant proposals were reviewed and ranked by the district, and that only eligible costs as set
95 forth in regulations are to be funded. Within thirty days, the department shall review the grant
96 application. If the department finds any deficiencies, or needs more information in order to
97 evaluate the grant application, the department shall notify the district in writing. The district
98 shall have an additional thirty days to respond to the department's request and to submit any
99 additional information to the department. Within thirty days of receiving additional
100 information, the department shall either approve or deny the grant application. If the
101 department takes no action, the grant application shall be deemed approved.] The department
102 [, in conjunction with the solid waste advisory board,] shall review the performance of all
103 grant recipients to ensure that grant moneys were appropriately and effectively expended to
104 further the purposes of the grant, as expressed in the recipient's grant application. The grant
105 application shall contain specific goals and implementation dates, and grant recipients shall
106 be contractually obligated to fulfill same. The department may require the recipient to submit
107 periodic reports and such other data as are necessary, both during the grant period and up to
108 five years thereafter, to ensure compliance with this section. The department may audit the
109 records of any recipient to ensure compliance with this section. Recipients of grants [under
110 sections 260.300 to 260.345] shall maintain such records as required by the department. If a
111 grant recipient fails to maintain records or submit reports as required herein, refuses the
112 department access to the records, or fails to meet the department's performance standards, the
113 department may withhold subsequent grant payments, if any, and may compel the repayment
114 of funds provided to the recipient pursuant to a grant.

115 [6.] 4. The department shall provide for a security interest in any machinery or
116 equipment purchased through grant moneys distributed pursuant to this section.

117 [7.] 5. If the moneys are not transmitted to the department within the time frame
118 established by the rule promulgated, interest shall be imposed on the moneys due the
119 department at the rate of ten percent per annum from the prescribed due date until payment is
120 actually made. These interest amounts shall be deposited to the credit of the solid waste
121 management fund.

260.336. 1. The state solid waste management districts shall be dissolved
2 effective August 28, 2026. By December 31, 2026, each solid waste management district
3 shall:

4 (1) Submit a final financial audit that includes a comprehensive financial
5 balance sheet clearly showing, at a minimum, bank account numbers and balances,
6 assets, and debts;

7 **(2) Remit any leftover moneys to the solid waste management fund; and**
8 **(3) Provide a list of open grants, including a time frame for closure of each grant.**
9 **2. Effective August 28, 2026, the department shall take over the oversight of**
10 **open district grants.**

2 [29.380. 1. The state auditor shall have the authority to audit solid
3 waste management districts created under section 260.305 in the same manner
3 as the auditor may audit any agency of the state.

4 2. Beginning August 28, 2015, the state auditor may conduct audits of
5 solid waste management districts as he or she deems necessary. The state
6 auditor may request reimbursement from the district for the costs of
7 conducting the audit. If the auditor requests such reimbursement, the solid
8 waste management district shall reimburse the auditor for the costs of
9 conducting the audit and the moneys shall be deposited in the petition audit
10 revolving trust fund created under section 29.230. Such reimbursement shall
11 be limited to two percent of the solid waste management district's annual
12 monetary allocation.]

2 [260.300. 1. The department shall propose a plan to divide the state
3 into proposed solid waste management regions in consultation with the
3 governing bodies of the counties of the state. The department shall propose
4 the boundaries of solid waste management regions by March 1, 1991.

5 2. The department shall hold public meetings in each of the regions
6 proposed pursuant to subsection 1 of this section within three months of its
7 division of the state into proposed regions. Any county may request that it be
8 placed with another regional grouping, and the department shall authorize any
9 such change if the county clearly and convincingly demonstrates that the
10 change is necessary for effective solid waste management within the county
11 and will not negatively affect the solid waste management system of either
12 region. The department shall adopt final boundaries for the regions by June
13 30, 1991.

14 3. Counties may, for the purpose of managing districts, cooperate as
15 provided in sections 260.300 to 260.345 or formulate an alternative
16 management structure agreed to by each county in the district. A solid
17 waste management district, regardless of how formed, shall be governed by an
18 executive board and comply with the provisions of sections 260.200 to
19 260.345.]

2 [260.302. On June 19, 1992, and for three months thereafter and for
3 the last three months of the year 1994 and every third year thereafter, the
4 governing body of a county may apply to the department to request that the
5 county be placed with another regional grouping or, if necessary, in a new
5 regional grouping. After public notice and comment and within no more than
6 ninety days after the completed application has been submitted, the department
7 shall authorize any such change if the county clearly and convincingly
8 demonstrates that the change is necessary for effective solid waste
9 management within the county and will not negatively affect the solid waste

10 management system of either region. The procedure for establishing solid
11 waste management regions set forth in section 260.300 shall take priority over
12 and be followed in exclusion to the rulemaking procedure set forth in chapter
13 536 and section 260.225.]

1 [260.305. 1. A solid waste management district may be created and
2 incorporated in each solid waste management region as provided in sections
3 260.300 to 260.345 and may exercise the powers granted to it in sections
4 260.300 to 260.345.

5 2. When a solid waste management district is organized it shall be a
6 body corporate of the state and shall be known as "____ Solid Waste
7 Management District".

8 3. A county or two or more counties within a region may form or join
9 a district as provided herein. The governing body of any county, by adoption
10 of an ordinance or order, may join an existing district or form a district if the
11 county is located in a region which does not have an existing district. The
12 governing body of any two or more counties within the same region may join
13 together to form a district by adoption of an ordinance or order. A city located
14 in more than one county may join a district which encompasses any one of the
15 counties within which it is located, regardless of whether the remaining
16 counties containing the city join the district.

17 4. A solid waste management district created and organized under
18 authority of sections 260.300 to 260.345 shall become a body corporate and
19 politic of the state at the time the governing body of the county or counties
20 forming the district has adopted an order or ordinance to form the district
21 under the provisions of this section and has provided written notice to the
22 department of natural resources of the adoption of such order or ordinance. A
23 county shall become a part of an existing district at the time the governing
24 body of such county has adopted an order or ordinance to join the district and
25 has provided written notice to the governing body of each county in the
26 existing district and has provided written notice to the department of natural
27 resources.

28 5. If a county governing body does not form or join a district, the
29 question of forming or joining a district may be submitted to the voters of any
30 county on any regular election day as provided in section 115.123. The
31 question may be submitted or resubmitted to the voters of any county upon the
32 submission of a petition signed by a number of voters which is at least equal to
33 five percent of those voting in the most recent gubernatorial election. The
34 question shall be submitted in substantially either of the following forms:

35 Shall _____ (insert county name) become a member of the _____
36 (insert name) solid waste management district?;

37 or if a solid waste management district has not been formed within the region:

38 Shall _____ (insert county name) form the _____ (insert name) solid
39 waste management district?

40
41 The election authority shall notify the secretary of state as to the results of the
42 election. The secretary of state shall transmit the election results to the

44 director of the department of natural resources who shall declare districts
45 created within all counties of each region wherein the question received a
46 majority of the votes cast. The director's declaration shall be transmitted to the
47 governing body of each county within the district.]

[260.310. 1. The authority of the district shall not extend to any
2 county within the region which has not joined the district.

3 2. The district may enter into a contract with any city or county within
4 the district to provide all or part of the solid waste management services for the
5 city or county. A city or county shall not be required to meet the provisions of
6 section 260.220 or of section 260.325 if a district includes the city or county
7 within its solid waste plan and the city or county has by contract given the
8 district complete authority for managing the solid waste of the city or county.

9 3. The district and the counties and cities within the district may enter
10 into whatever contracts or agreements they deem necessary to fulfill their
11 responsibilities under this chapter. Nothing in this section shall preclude the
12 transfer of solid waste outside the boundaries of the district.

13 4. Contracts issued for the collection or disposal of solid waste in
14 cities, counties, and districts shall not require either security instruments or
15 performance bonds in excess of twenty percent of the total cost of the contract.

16 5. Any county or counties which are within a solid waste management
17 district may, in cooperation with the district, require by ordinance or order that
18 any solid waste transported from outside the district to a solid waste
19 processing facility or solid waste disposal area within the district be subject to
20 the same requirements as solid waste originating from within the district as set
21 forth in the solid waste management plan under section 260.325, including the
22 separation of recyclable or compostable materials from the solid waste stream
23 before entering a district's solid waste management system.

24 6. A solid waste management district may be created and incorporated
25 in each solid waste management region as provided in sections 260.200 to
26 260.345 and may exercise the powers granted to it in sections 260.200 to
27 260.345.]

[260.315. 1. There is hereby established a solid waste management
2 council for each solid waste management district, except for those districts
3 which formulate an alternative management structure pursuant to section
4 260.300. The governing body of each city with a population over five hundred
5 within the district shall appoint one member of the city governing body and the
6 governing body of each county within the district shall appoint two members
7 of the county governing body to the council.

8 2. Council members shall serve a term of two years and may be
9 reappointed thereafter; however, members whose elected term of office in a
10 city or county has expired shall be expeditiously replaced by the governing
11 bodies from whence they were selected.

12 3. The council shall meet within thirty days of the receipt of
13 notification of formation of the district at the call of the governing body of the
14 county containing the largest population among those counties approving the
15 formation of the district or, at the call of the director of the department, if the

16 county does not call the meeting. A majority of the council shall constitute a
17 quorum.

18 4. The council shall:

19 (1) Organize itself and select a chairman and such other officers as it
20 deems appropriate;

21 (2) Select seven persons to serve on the executive board, at least a
22 majority of whom shall be selected from members of the council. The council
23 shall establish the terms of office for members of the executive board. The
24 balance shall be selected in any manner approved by the council, including
25 district wide elections. Any subsequent member of the board shall be selected
26 in the same manner as the person he replaces. If the council is composed of
27 twelve or fewer members, the council shall act as the executive board;

28 (3) Meet at least twice annually and upon the call of either the
29 chairman of the council or the chairman of the executive board; and

30 (4) Review and act upon the solid waste management plan
31 recommended by the executive board.]

1 [260.320. 1. The executive board shall meet within thirty days after
2 the selection of the initial members. The time and place of the first meeting of
3 the board shall be designated by the council. A majority of the members of the
4 board shall constitute a quorum. At its first meeting the board shall elect a
5 chairman from its members and select a secretary, treasurer and such officers
6 or employees as it deems expedient or necessary for the accomplishment of its
7 purposes. The secretary and treasurer need not be members of the board.

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

17 3. The executive board shall:

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

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

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

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

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

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

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

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

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

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

(4) Criteria to be used in awarding grants pursuant to section 260.335;
(5) Waste management issues pertinent to the districts;
(6) The development of improved methods of solid waste minimization, recycling and resource recovery;

(7) Unfunded solid waste management projects; and
(8) Such other matters as the advisory board may determine.

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

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

✓