

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2485

101ST GENERAL ASSEMBLY

5077H.04P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 260.200 and 260.205, RSMo, and to enact in lieu thereof four new sections relating to promoting advanced recycling.

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

Section A. Sections 260.200 and 260.205, RSMo, are repealed and four new sections  
2 enacted in lieu thereof, to be known as sections 260.200, 260.205, 260.221, and 644.060, to  
3 read as follows:

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

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

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

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

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.

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 ~~[(2)]~~ (4) "Applicant", a person or persons seeking or holding a facility permit;

20 ~~[(3)]~~ (5) "Bioreactor", a municipal solid waste disposal area or portion of a municipal  
21 solid waste disposal area where the controlled addition of liquid waste or water accelerates  
22 both the decomposition of waste and landfill gas generation;

23 ~~[(4)]~~ (6) "Button cell battery" or "button cell", any small alkaline-manganese or  
24 mercuric-oxide battery having the size and shape of a button;

25 ~~[(5)]~~ (7) "City", any incorporated city, town, or village;

26 ~~[(6)]~~ (8) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic  
27 concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as  
28 approved by rule or policy of the department for fill, reclamation or other beneficial use;

29 ~~[(7)]~~ (9) "Closure", the permanent cessation of active disposal operations,  
30 abandonment of the disposal area, revocation of the permit or filling with waste of all  
31 areas and volumes specified in the permit and preparing the area for long-term care;

32 ~~[(8)]~~ (10) "Closure plan", plans, designs and relevant data which specify the methods  
33 and schedule by which the operator will complete or cease disposal operations, prepare the  
34 area for long-term care, and make the area suitable for other uses, to achieve the purposes of  
35 sections 260.200 to 260.345 and the regulations promulgated thereunder;

36 ~~[(9)]~~ (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 ~~[(10)]~~ (12) "Construction and demolition waste", waste materials from the  
44 construction and demolition of residential, industrial, or commercial structures, but shall  
45 not include materials defined as clean fill under this section;

46 ~~[(11)]~~ (13) "Demolition landfill", a solid waste disposal area used for the controlled  
47 disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock,  
48 concrete and inert solids insoluble in water;

49 ~~[(12)]~~ (14) "Department", the department of natural resources;

50 ~~[(13)]~~ (15) **"Depolymerization", a manufacturing process in which post-use  
51 polymers are broken into smaller molecules such as monomers and plastic and chemical  
52 feedstocks or products;**

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

54           ~~[(14)]~~ **(17)** "Disclosure statement", a sworn statement or affirmation, in such form as  
55 may be 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           ~~[(15)]~~ **(18)** "District", a solid waste management district established under section  
84 260.305;

85           ~~[(16)]~~ **(19)** "Financial assurance instrument", an instrument or instruments, including,  
86 but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust  
87 fund, submitted by the applicant to ensure proper closure and postclosure care and corrective  
88 action of a solid waste disposal area in the event that the operator fails to correctly perform  
89 closure and postclosure care and corrective action requirements, except that the financial test  
90 for the corporate guarantee shall not exceed one and one-half times the estimated cost of

91 closure and postclosure. The form and content of the financial assurance instrument shall  
92 meet or exceed the requirements of the department. The instrument shall be reviewed and  
93 approved or disapproved by the attorney general;

94 ~~[(17)]~~ (20) "Flood area", any area inundated by the one hundred year flood event, or  
95 the flood event with a one percent chance of occurring in any given year;

96 ~~[(18)]~~ (21) **"Gasification", a manufacturing process through which recovered**  
97 **feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient**  
98 **atmosphere and the mixture is converted into reuseable plastic and chemical feedstocks**  
99 **or products;**

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

103 ~~[(19)]~~ (23) "Household consumer used motor oil collection center", any site or facility  
104 that accepts or aggregates and stores used motor oil collected only from household consumers  
105 or farmers who generate an average of twenty-five gallons per month or less of used motor oil  
106 in a calendar year. This section shall not preclude a commercial generator from operating a  
107 household consumer used motor oil collection center;

108 ~~[(20)]~~ (24) "Household consumer used motor oil collection system", any used motor  
109 oil collection center at publicly owned facilities or private locations, any curbside collection  
110 of household consumer used motor oil, or any other household consumer used motor oil  
111 collection program determined by the department to further the purposes of sections 260.200  
112 to 260.345;

113 ~~[(21)]~~ (25) "Infectious waste", waste in quantities and characteristics as determined  
114 by the department by rule, including isolation wastes, cultures and stocks of etiologic agents,  
115 blood and blood products, pathological wastes, other wastes from surgery and autopsy,  
116 contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or  
117 suspected to be infectious; provided, however, that infectious waste does not mean waste  
118 treated to department specifications;

119 ~~[(22)]~~ (26) "Key personnel", the applicant itself and any person employed by the  
120 applicant in a managerial capacity, or empowered to make discretionary decisions with  
121 respect to the solid waste operations of the applicant in Missouri, but shall not include  
122 employees exclusively engaged in the physical or mechanical collection, transfer,  
123 transportation, treatment, processing, storage, or disposal of solid waste and such other  
124 employees as the director of the department of natural resources may designate by regulation.  
125 If the applicant has not previously conducted solid waste operations in Missouri, the term also  
126 includes any officer, director, partner of the applicant, or any holder of seven percent or more  
127 of the equity or debt of the applicant. If any holder of seven percent or more of the equity or

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

136 ~~[(23)]~~ (27) "Lead-acid battery", a battery designed to contain lead and sulfuric acid  
137 with a nominal voltage of at least six volts and of the type intended for use in motor vehicles  
138 and watercraft;

139 ~~[(24)]~~ (28) "Major appliance", clothes washers and dryers, water heaters, trash  
140 compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners,  
141 refrigerators and freezers;

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

147 ~~[(25)]~~ (30) "Mercuric-oxide battery" or "mercury battery", a battery having a  
148 mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte,  
149 including mercuric-oxide button cell batteries generally intended for use in hearing aids and  
150 larger size mercuric-oxide batteries used primarily in medical equipment;

151 (31) **"Mill scale and slag", coproducts of the steel manufacturing process that**  
152 **are managed, used, or placed as items of value in a controlled manner but do not include**  
153 **by-products that are a result of the steel manufacturing process that would otherwise**  
154 **qualify as hazardous waste;**

155 ~~[(26)]~~ (32) "Minor violation", a violation which possesses a small potential to harm  
156 the environment or human health or cause pollution, was not knowingly committed, and is not  
157 defined by the United States Environmental Protection Agency as other than minor;

158 ~~[(27)]~~ (33) "Motor oil", any oil intended for use in a motor vehicle, as defined in  
159 section 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an  
160 internal combustion engine;

161 ~~[(28)]~~ (34) "Motor vehicle", as defined in section 301.010;

162 ~~[(29)]~~ (35) "Operator" and "permittee", anyone so designated, and shall include cities,  
163 counties, other political subdivisions, authority, state agency or institution, or federal agency  
164 or institution;

165           ~~[(30)]~~ **(36)** "Permit modification", any permit issued by the department which alters  
166 or modifies the provisions of an existing permit previously issued by the department;

167           ~~[(31)]~~ **(37)** "Person", any individual, partnership, limited liability company,  
168 corporation, association, trust, institution, city, county, other political subdivision, authority,  
169 state agency or institution, or federal agency or institution, or any other legal entity;

170           ~~[(32)]~~ **(38)** "Plasma arc technology", a process that converts electrical energy into  
171 thermal energy. This electric arc is created when an ionized gas transfers electric power  
172 between two or more electrodes;

173           ~~[(33)]~~ **(39)** "Postclosure plan", plans, designs and relevant data which specify the  
174 methods and schedule by which the operator shall perform necessary monitoring and care for  
175 the area after closure to achieve the purposes of sections 260.200 to 260.345 and the  
176 regulations promulgated thereunder;

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

178           **(a) It is derived from any industrial, commercial, agricultural, or household**  
179 **activities;**

180           **(b) The plastic's use or intended use is as a feedstock for the manufacturing of**  
181 **other feedstocks, raw materials, recycled plastics, or intermediate products or final**  
182 **products using advanced recycling;**

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

187           **(d) The plastic is converted at an advanced recycling facility or held at such**  
188 **facility prior to conversion;**

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

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

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

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

202           ~~[(34)]~~ **(43)** "Recovered materials", those materials which have been diverted or  
203 removed from the solid waste stream for sale, use, reuse or recycling, whether or not they  
204 require subsequent separation and processing;

205           ~~[(35)]~~ **(44)** "Recycled content", ~~[the proportion of fiber in a newspaper which is~~  
206 ~~derived from postconsumer waste]~~ **any raw product used as a constituent for the**  
207 **manufacturing of new products that is generated as a result from mechanical processing**  
208 **or advanced recycling shall be considered recycled content. "Recycled content"**  
209 **includes, but is not limited to, the proportion of fiber in a newspaper that is derived**  
210 **from postconsumer waste and recycled plastics as defined in this section;**

211           **(45)** "Recycled plastics", plastics produced from mechanical recycling using  
212 **preconsumer recovered materials and postconsumer materials or from advanced**  
213 **recycling feedstocks or advanced recycling products via mass balance attribution**  
214 **certified under an approved certification system. "Recycled plastics" shall be**  
215 **considered "recycled content" as defined in this section;**

216           ~~[(36)]~~ **(46)** "Recycling", the separation and reuse of materials which might otherwise  
217 be disposed of as solid waste;

218           ~~[(37)]~~ **(47)** "Resource recovery", a process by which recyclable and recoverable  
219 material is removed from the waste stream to the greatest extent possible, as determined by  
220 the department and pursuant to department standards, for reuse or remanufacture;

221           ~~[(38)]~~ **(48)** "Resource recovery facility", a facility in which recyclable and  
222 recoverable material is removed from the waste stream to the greatest extent possible, as  
223 determined by the department and pursuant to department standards, for reuse or  
224 remanufacture;

225           ~~[(39)]~~ **(49)** "Sanitary landfill", a solid waste disposal area which accepts commercial  
226 and residential solid waste;

227           ~~[(40)]~~ **(50)** "Scrap tire", a tire that is no longer suitable for its original intended  
228 purpose because of wear, damage, or defect;

229           ~~[(41)]~~ **(51)** "Scrap tire collection center", a site where scrap tires are collected prior to  
230 being offered for recycling or processing and where fewer than five hundred tires are kept on  
231 site on any given day;

232           ~~[(42)]~~ **(52)** "Scrap tire end-user facility", a site where scrap tires are used as a fuel or  
233 fuel supplement or converted into a usable product. Baled or compressed tires used in  
234 structures, or used at recreational facilities, or used for flood or erosion control shall be  
235 considered an end use;

236           ~~[(43)]~~ **(53)** "Scrap tire generator", a person who sells tires at retail or any other  
237 person, firm, corporation, or government entity that generates scrap tires;

238            ~~[(44)]~~ **(54)** "Scrap tire processing facility", a site where tires are reduced in volume by  
239 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery,  
240 or disposal;

241            ~~[(45)]~~ **(55)** "Scrap tire site", a site at which five hundred or more scrap tires are  
242 accumulated, but not including a site owned or operated by a scrap tire end-user that burns  
243 scrap tires for the generation of energy or converts scrap tires to a useful product;

244            ~~[(46)]~~ **(56)** "Solid waste", garbage, refuse and other discarded materials including, but  
245 not limited to, solid and semisolid waste materials resulting from industrial, commercial,  
246 agricultural, governmental and domestic activities, but does not include hazardous waste as  
247 defined in sections 260.360 to 260.432, recovered materials, **post-use polymers, recovered**  
248 **feedstocks**, overburden, rock, tailings, matte, **mill scale and** slag or other waste material  
249 resulting from mining, milling or smelting;

250            ~~[(47)]~~ **(57)** "Solid waste disposal area", any area used for the disposal of solid waste  
251 from more than one residential premises, or one or more commercial, industrial,  
252 manufacturing, recreational, or governmental operations;

253            ~~[(48)]~~ **(58)** "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345  
254 and may be:

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

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

257            ~~[(49)]~~ **(59)** "Solid waste management area", a solid waste disposal area which also  
258 includes one or more of the functions contained in the definitions of recycling, resource  
259 recovery facility, waste tire collection center, waste tire processing facility, waste tire site or  
260 solid waste processing facility, excluding incineration;

261            ~~[(50)]~~ **(60)** "Solid waste management project", a targeted project that meets statewide  
262 waste reduction and recycling priorities, and for which no solid waste management district  
263 grant applicant has applied to perform, and for which no qualified applicants have applied to  
264 perform such project by a competitive bid issued by the solid waste management district for  
265 the completion of such project;

266            ~~[(51)]~~ **(61)** "Solid waste management system", the entire process of managing solid  
267 waste in a manner which minimizes the generation and subsequent disposal of solid waste,  
268 including waste reduction, source separation, collection, storage, transportation, recycling,  
269 resource recovery, volume minimization, processing, market development, and disposal of  
270 solid wastes;

271            ~~[(52)]~~ **(62)** "Solid waste processing facility", any facility where solid wastes are  
272 salvaged and processed, including:

273            (a) A transfer station; or



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

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

277 (d) A plasma arc technology facility;

278 ~~[(53)]~~ **(63)** "Solid waste technician", an individual who has successfully completed  
279 training in the practical aspects of the design, operation and maintenance of a permitted solid  
280 waste processing facility or solid waste disposal area in accordance with sections 260.200 to  
281 260.345;

282 ~~[(54)]~~ **(64)** "Solvolysis", a manufacturing process through which post-use  
283 polymers are purified with the aid of solvents while heated at low temperatures or  
284 pressurized, or both, to make reusable plastic and chemical feedstocks or products,  
285 allowing additives and contaminants to be removed. The process includes, but is not  
286 limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis;

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

291 ~~[(55)]~~ **(66)** "Used motor oil", any motor oil which, as a result of use, becomes  
292 unsuitable for its original purpose due to loss of original properties or the presence of  
293 impurities, but used motor oil shall not include ethylene glycol, oils used for solvent  
294 purposes, oil filters that have been drained of free flowing used oil, oily waste, oil recovered  
295 from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such  
296 as hydraulic oils, transmission oils, quenching oils, and transformer oils;

297 ~~[(56)]~~ **(67)** "Utility waste landfill", a solid waste disposal area used for fly ash waste,  
298 bottom ash waste, slag waste and flue gas emission control waste generated primarily from  
299 the combustion of coal or other fossil fuels;

300 ~~[(57)]~~ **(68)** "Yard waste", leaves, grass clippings, yard and garden vegetation and  
301 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

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

260.205. 1. It shall be unlawful for any person to operate a solid waste processing  
2 facility or solid waste disposal area of a solid waste management system without first  
3 obtaining an operating permit from the department. It shall be unlawful for any person to  
4 construct a solid waste processing facility or solid waste disposal area without first obtaining  
5 a construction permit from the department pursuant to this section. A current authorization to  
6 operate issued by the department pursuant to sections 260.200 to 260.345 shall be considered

7 to be a permit to operate for purposes of this section for all solid waste disposal areas and  
8 processing facilities existing on August 28, 1995. A permit shall not be issued for a sanitary  
9 landfill to be located in a flood area, as determined by the department, where flood waters are  
10 likely to significantly erode final cover. A permit shall not be required to operate a waste  
11 stabilization lagoon, settling pond or other water treatment facility which has a valid permit  
12 from the Missouri clean water commission even though the facility may receive solid or  
13 semisolid waste materials.

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

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

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

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

38             (3) At least sixty days prior to the submission to the department of a report on the  
39 results of a detailed site investigation pursuant to subsection 4 of this section, the applicant  
40 shall conduct a community involvement session in the county in which the proposed disposal  
41 area is to be located. Department staff shall attend any such session. The applicant shall  
42 provide public notice of such session by both printed and broadcast media at least thirty days  
43 prior to such session. Printed notification shall include publication in at least one newspaper

44 having general circulation within the county in which the proposed disposal area is to be  
45 located. Broadcast notification shall include public service announcements on radio stations  
46 that have broadcast coverage within the county in which the proposed disposal area is to be  
47 located. Such public notices shall include the addresses of the applicant and the department  
48 and information on a public comment period. Such public comment period shall begin on the  
49 day of the community involvement session and continue for at least thirty days after such  
50 session. The applicant shall respond to all persons submitting comments during the public  
51 comment period no more than thirty days after the receipt of such comments;

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

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

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

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

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

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

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

68 4. No person may apply for or obtain a permit to construct a solid waste disposal area  
69 unless the person has submitted to the department a plan for conducting a detailed surface and  
70 subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic  
71 site approval from the department. The department shall approve or disapprove the plan  
72 within thirty days of receipt. The applicant shall conduct the investigation pursuant to the  
73 plan and submit the results to the department. The department shall provide approval or  
74 disapproval within sixty days of receipt of the investigation results.

75 5. (1) Every person desiring to construct a solid waste processing facility or solid  
76 waste disposal area shall make application for a permit on forms provided for this purpose by  
77 the department. Every applicant shall submit evidence of financial responsibility with the  
78 application. Any applicant who relies in part upon a parent corporation for this demonstration  
79 shall also submit evidence of financial responsibility for that corporation and any other  
80 subsidiary thereof.

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

90 (3) The applicant for a permit to construct a solid waste disposal area shall provide  
91 the department with plans, specifications, and such other data as may be necessary to comply  
92 with the purpose of sections 260.200 to 260.345. The application shall demonstrate  
93 compliance with all applicable local planning and zoning requirements. The department shall  
94 make an investigation of the solid waste disposal area and determine whether it complies with  
95 the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant  
96 to sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an  
97 application for a construction permit the department shall approve or deny the application.  
98 The department shall issue rules and regulations establishing time limits for permit  
99 modifications and renewal of a permit for a solid waste disposal area. The time limit shall be  
100 consistent with this chapter.

101 (4) The applicant for a permit to construct a solid waste processing facility shall  
102 provide the department with plans, specifications and such other data as may be necessary to  
103 comply with the purpose of sections 260.200 to 260.345. Within one hundred eighty days of  
104 receipt of the application, the department shall determine whether it complies with the  
105 provisions of sections 260.200 to 260.345. Within twelve consecutive months of the receipt  
106 of an application for a permit to construct an incinerator as ~~defined~~ **described in the**  
107 **definition of "solid waste processing facility"** in section 260.200 or a material recovery  
108 facility as ~~defined~~ **described in the definition of "solid waste processing facility"** in  
109 section 260.200, and within six months for permit modifications, the department shall  
110 approve or deny the application. Permits issued for solid waste facilities shall be for the  
111 anticipated life of the facility.

112 (5) If the department fails to approve or deny an application for a permit or a permit  
113 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the  
114 applicant may maintain an action in the circuit court of Cole County or that of the county in  
115 which the facility is located or is to be sited. The court shall order the department to show  
116 cause why it has not acted on the permit and the court may, upon the presentation of evidence  
117 satisfactory to the court, order the department to issue or deny such permit or permit

118 modification. Permits for solid waste disposal areas, whether issued by the department or  
119 ordered to be issued by a court, shall be for the anticipated life of the facility.

120 (6) The applicant for a permit to construct a solid waste processing facility shall pay  
121 an application fee of one thousand dollars. Upon completion of the department's evaluation  
122 of the application, but before receiving a permit, the applicant shall reimburse the department  
123 for all reasonable costs incurred by the department up to a maximum of four thousand dollars.  
124 The applicant for a permit to construct a solid waste disposal area shall pay an application fee  
125 of two thousand dollars. Upon completion of the department's evaluations of the application,  
126 but before receiving a permit, the applicant shall reimburse the department for all reasonable  
127 costs incurred by the department up to a maximum of eight thousand dollars. Applicants who  
128 withdraw their application before the department completes its evaluation shall be required to  
129 reimburse the department for costs incurred in the evaluation. The department shall not  
130 collect the fees authorized in this subdivision unless it complies with the time limits  
131 established in this section.

132 (7) When the review reveals that the facility or area does conform with the provisions  
133 of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections  
134 260.200 to 260.345, the department shall approve the application and shall issue a permit for  
135 the construction of each solid waste processing facility or solid waste disposal area as set  
136 forth in the application and with any permit terms and conditions which the department deems  
137 appropriate. In the event that the facility or area fails to meet the rules and regulations  
138 adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the  
139 applicant stating the reason for denial of a permit.

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

144 7. Any person or operator as defined in section 260.200 who intends to obtain a  
145 construction permit in a solid waste management district with an approved solid waste  
146 management plan shall request a recommendation in support of the application from the  
147 executive board created in section 260.315. The executive board shall consider the impact of  
148 the proposal on, and the extent to which the proposal conforms to, the approved district solid  
149 waste management plan prepared pursuant to section 260.325. The executive board shall act  
150 upon the request for a recommendation within sixty days of receipt and shall submit a  
151 resolution to the department specifying its position and its recommendation regarding  
152 conformity of the application to the solid waste plan. The board's failure to submit a  
153 resolution constitutes recommendation of the application. The department may consider the  
154 application, regardless of the board's action thereon and may deny the construction permit if

155 the application fails to meet the requirements of sections 260.200 to 260.345, or if the  
156 application is inconsistent with the district's solid waste management plan.

157 8. If the site proposed for a solid waste disposal area is not owned by the applicant,  
158 the owner or owners of the site shall acknowledge that an application pursuant to sections  
159 260.200 to 260.345 is to be submitted by signature or signatures thereon. The department  
160 shall provide the owner with copies of all communication with the operator, including  
161 inspection reports and orders issued pursuant to section 260.230.

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

170 10. (1) Upon receipt of an application for a permit to construct a solid waste  
171 processing facility or disposal area, the department shall notify the public of such receipt:

172 [~~1~~] (a) By legal notice published in a newspaper of general circulation in the area of  
173 the proposed disposal area or processing facility;

174 [~~2~~] (b) By certified mail to the governing body of the county or city in which the  
175 proposed disposal area or processing facility is to be located; and

176 [~~3~~] (c) By mail to the last known address of all record owners of contiguous real  
177 property or real property located within one thousand feet of the proposed disposal area and,  
178 for a proposed processing facility, notice as provided in section 64.875 or section 89.060,  
179 whichever is applicable.

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

189 11. After the issuance of a construction permit for a solid waste disposal area, but  
190 prior to the beginning of disposal operations, the owner and the department shall execute an  
191 easement to allow the department, its agents or its contractors to enter the premises to

192 complete work specified in the closure plan, or to monitor or maintain the site or to take  
193 remedial action during the postclosure period. After issuance of a construction permit for a  
194 solid waste disposal area, but prior to the beginning of disposal operations, the owner shall  
195 submit evidence that ~~[he or she]~~ **such owner** has recorded, in the office of the recorder of  
196 deeds in the county where the disposal area is located, a notice and covenant running with the  
197 land that the property has been permitted as a solid waste disposal area and prohibits use of  
198 the land in any manner which interferes with the closure and, where appropriate, postclosure  
199 plans filed with the department.

200         12. Every person desiring to obtain a permit to operate a solid waste disposal area or  
201 processing facility shall submit applicable information and apply for an operating permit from  
202 the department. The department shall review the information and determine, within sixty  
203 days of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and  
204 the rules and regulations adopted pursuant to sections 260.200 to 260.345. When the review  
205 reveals that the facility or area does conform with the provisions of sections 260.200 to  
206 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the  
207 department shall issue a permit for the operation of each solid waste processing facility or  
208 solid waste disposal area and with any permit terms and conditions which the department  
209 deems appropriate. In the event that the facility or area fails to meet the rules and regulations  
210 adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the  
211 applicant stating the reason for denial of a permit.

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

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

221         15. Leachate collection and removal systems shall be incorporated into new or  
222 expanded sanitary landfills which are permitted after August 13, 1986. The department shall  
223 assess the need for a leachate collection system for all types of solid waste disposal areas,  
224 other than sanitary landfills, and the need for monitoring wells when it evaluates the  
225 application for all new or expanded solid waste disposal areas. The department may require  
226 an operator of a solid waste disposal area to install a leachate collection system before the  
227 beginning of disposal operations, at any time during disposal operations for unfilled portions  
228 of the area, or for any portion of the disposal area as a part of a remedial plan. The

229 department may require the operator to install monitoring wells before the beginning of  
230 disposal operations or at any time during the operational life or postclosure care period if it  
231 concludes that conditions at the area warrant such monitoring. The operator of a demolition  
232 landfill or utility waste landfill shall not be required to install a leachate collection and  
233 removal system or monitoring wells unless otherwise and to the extent the department so  
234 requires based on hazardous waste characteristic criteria or site specific geohydrological  
235 characteristics or conditions.

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

244 17. Each permit for operation of a facility or area shall be issued only to the person  
245 named in the application. Permits are transferable as a modification to the permit. An  
246 application to transfer ownership shall identify the proposed permittee. A disclosure  
247 statement for the proposed permittee listing violations contained in the definition of  
248 disclosure statement found in section 260.200 shall be submitted to the department. The  
249 operation and design plans for the facility or area shall be updated to provide compliance with  
250 the currently applicable law and rules. A financial assurance instrument in such an amount  
251 and form as prescribed by the department shall be provided for solid waste disposal areas by  
252 the proposed permittee prior to transfer of the permit. The financial assurance instrument of  
253 the original permittee shall not be released until the new permittee's financial assurance  
254 instrument has been approved by the department and the transfer of ownership is complete.

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

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

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

263 21. Upon request of the director of the department of natural resources, the applicant  
264 for a permit, any person that could reasonably be expected to be involved in management  
265 activities of the solid waste disposal area or solid waste processing facility, or any person who



266 has a controlling interest in any permittee shall be required to submit to a criminal  
267 background check under section 43.543.

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

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

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

289         (1) Has on file and in effect with the federal Securities and Exchange Commission a  
290 registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act of  
291 1933, as amended, 15 U.S.C. Section 77e(c);

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

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

299         25. After permit issuance, each facility shall annually file an update to the disclosure  
300 statement with the department of natural resources on or before March thirty-first of each  
301 year. Failure to provide such update may result in penalties as provided for under section  
302 260.240.

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

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

312           28. No permit to construct or permit to operate shall be required pursuant to this  
313 section for any utility waste landfill located in a county of the third classification with a  
314 township form of government which has a population of at least eleven thousand inhabitants  
315 and no more than twelve thousand five hundred inhabitants according to the most recent  
316 decennial census, if such utility waste landfill complies with all design and operating  
317 standards and closure requirements applicable to utility waste landfills pursuant to sections  
318 260.200 to 260.345 and provided that no waste disposed of at such utility waste landfill is  
319 considered hazardous waste pursuant to the Missouri hazardous waste law.

320           **29. Advanced recycling facilities are not subject to the requirements of this**  
321 **section as long as the feedstocks received by such facility are source-separated or**  
322 **diverted or recovered from municipal or other waste streams prior to acceptance at the**  
323 **advanced recycling facility.**

**260.221. 1. As used in this section, the following terms mean:**

2           **(1) "Processed recycled asphalt shingles", recycled asphalt shingles that do not**  
3 **contain extraneous metals, glass, rubber, nails, soil, brick, tars, paper, wood, and plastics**  
4 **and that have been reduced in size to produce a commercially reasonable usable**  
5 **product. "Processed recycled asphalt shingles" shall also be considered clean fill, as**  
6 **such term is defined in section 260.200;**

7           **(2) "Recycled asphalt shingles", manufacture waste scrap shingles and post-**  
8 **consumer, tear-off scrap shingles that are accumulated as products for commercial**  
9 **purposes related to recycling or reuse as processed recycled asphalt shingles.**

10           **2. Processed recycled asphalt shingles may be used for fill, reclamation, and**  
11 **other beneficial purposes without a permit under sections 260.200 to 260.345 if such**  
12 **processed recycled asphalt shingles are inspected for toxic and hazardous substances in**  
13 **accordance with requirements established by the department of natural resources,**  
14 **provided that processed recycled asphalt shingles shall not be used for such purposes**  
15 **within one hundred feet of any lake, river, sink hole, perennial stream, or ephemeral**  
16 **stream.**

17           **3. This section shall not be construed to authorize the abandonment,**  
18 **accumulation, placement, or storage of recycled asphalt shingles or processed**  
19 **recycled asphalt shingles on any real property without the consent of the real**  
20 **property owner.**

**644.060. 1. Processed recycled asphalt shingles, as defined in section 260.221,**  
2 **may be used for fill, reclamation, and other beneficial purposes without a permit under**  
3 **sections 644.006 to 644.141 if such processed recycled asphalt shingles are inspected for**  
4 **toxic and hazardous substances in accordance with requirements established by the**  
5 **department of natural resources, provided that processed recycled asphalt shingles shall**  
6 **not be used for such purposes within one hundred feet of any lake, river, sink hole,**  
7 **perennial stream, or ephemeral stream.**

8           **2. This section shall not be construed to authorize the abandonment,**  
9 **accumulation, placement, or storage of recycled asphalt shingles or processed**  
10 **recycled asphalt shingles on any real property without the consent of the real**  
11 **property owner.**

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