

SECOND REGULAR SESSION

SENATE BILL NO. 771

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 4, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3316S.03I

AN ACT

To repeal sections 260.302, 260.325, and 260.335, RSMo, and to enact in lieu thereof three new sections relating to solid waste management districts.

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

Section A. Sections 260.302, 260.325, and 260.335, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 260.302,
3 260.325, and 260.335, to read as follows:

260.302. On June 19, 1992, and for three months thereafter and for the
2 last three months of the year 1994 and every third year thereafter, the governing
3 body of a county may apply to the department to request that the county be
4 placed with another regional grouping **adjacent to the county** or, if necessary,
5 in a new regional grouping. After public notice and comment and within no more
6 than ninety days after the completed application has been submitted, the
7 department shall authorize any such change if the county clearly and
8 convincingly 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 waste
11 management regions set forth in section 260.300 shall take priority over and be
12 followed in exclusion to the rulemaking procedure set forth in chapter 536 and
13 section 260.225.

260.325. 1. The executive board of each district shall submit to the
2 department a plan which has been approved by the council for a solid waste
3 management system serving areas within its jurisdiction and shall, from time to
4 time, submit officially adopted revisions of its plan as it deems necessary or the
5 department may require. In developing the district's solid waste management

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 plan, the board shall consider the model plan distributed to the board pursuant
7 to section 260.225. Districts may contract with a licensed professional engineer
8 or as provided in chapter 70 for the development and submission of a joint plan.

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

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

16 4. Each plan shall:

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

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

21 (3) Delineate provisions for the collection of recyclable materials or
22 collection points for recyclable materials;

23 (4) Delineate provisions for the collection of compostable materials or
24 collection points for compostable materials;

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

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

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

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

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

41 (10) Establish an education program to inform the public about

42 responsible waste management practices;

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

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

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

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

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

58 6. In the event any plan or part thereof is disapproved, the department
59 shall furnish any and all reasons for such disapproval and shall offer assistance
60 for correcting deficiencies. The executive board shall within sixty days revise and
61 resubmit the plan for approval or request a hearing in accordance with section
62 260.235. Any plan submitted by a district shall stand approved one hundred
63 twenty days after submission unless the department disapproves the plan or some
64 provision thereof.

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

68 8. Funds may, upon appropriation, be made available to districts under
69 section 260.335 for the purpose of implementing the requirements of this section.

70 9. Based upon the financial assistance amounts set forth in this section,
71 the district executive board shall arrange for an independent financial statement
72 audit of the records and accounts of its operations by a certified public accountant
73 or a firm of certified public accountants. Districts receiving more than eight
74 hundred thousand dollars of financial assistance annually shall have annual
75 independent financial statement audits; districts receiving between two hundred
76 fifty thousand dollars and eight hundred thousand dollars of financial assistance
77 annually shall have a biennial independent financial statement audit for the

78 two-year period. All other districts shall be monitored biennially by the
79 department and, based upon the findings within the monitoring report, may be
80 required to arrange for an independent financial statement audit for the biennial
81 monitoring period under review. Subject to limitations caused by the availability
82 of resources, the department shall conduct a performance audit of **no more than**
83 **ten percent of grants [to] by each district [at least once every five years, or]** as
84 deemed necessary by the department based upon district grantee performance.

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

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

27 (1) Thirty-nine percent of the revenues shall be dedicated, upon
28 appropriation, to the elimination of illegal solid waste disposal, to identify and
29 prosecute persons disposing of solid waste illegally, to conduct solid waste

30 permitting activities, to administer grants and perform other duties imposed in
31 sections 260.200 to 260.345 and section 260.432. In addition to the thirty-nine
32 percent of the revenues, the department may receive any annual increase in the
33 charge during October 1, 2005, to October 1, 2027, under section 260.330 and
34 such increases shall be used solely to fund the operating costs of the department;

35 (2) Sixty-one percent of the revenues, except any annual increases in the
36 charge under section 260.330 during October 1, 2005, to October 1, 2027, which
37 shall be used solely to fund the operating costs of the department, shall be
38 allocated to solid waste management districts. **From August 28, 2020, until**
39 **August 27, 2025, such revenues shall be allocated on a quarterly**
40 **basis.** Revenues to be allocated under this subdivision shall be divided as
41 follows: forty percent shall be allocated based on the population of each district
42 in the latest decennial census, and sixty percent shall be allocated based on the
43 amount of revenue generated within each district. For the purposes of this
44 subdivision, revenue generated within each district shall be determined from the
45 previous year's data. No more than ~~[fifty]~~ **twenty-five** percent of the revenue
46 allocable under this subdivision may be allocated ~~[to]~~ **by** the districts upon
47 approval of the department for ~~[implementation of a solid waste management~~
48 ~~plan and]~~ district operations, and at least ~~[fifty]~~ **seventy-five** percent of the
49 revenue allocable to the districts under this subdivision shall be allocated to
50 **implementation of a solid waste management plan and grants or**
51 **projects serving** the cities and counties of the district or to persons or entities
52 providing solid waste management, waste reduction, recycling and related
53 services in these cities and counties. ~~[Each district shall receive a minimum of~~
54 ~~seventy-five thousand dollars under this subdivision.]~~ After August 28, ~~[2015]~~
55 **2020**, each district shall receive a minimum of ~~[ninety-five]~~ **one hundred and**
56 **twenty** thousand dollars under this subdivision for district grants **and projects**
57 and district operations. Each district receiving moneys under this subdivision
58 shall expend such moneys pursuant to a solid waste management plan required
59 under section 260.325, and only in the case that the district is in compliance with
60 planning requirements established by the department. Moneys shall be awarded
61 based upon grant applications **or project proposals**. The following criteria may
62 be considered to establish the order of district grant **or project** priority:

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

65 (b) Grants for proposals that will promote and maximize the sharing of

66 district resources;

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

69 (d) All other grants. Any allocated district moneys remaining in any fiscal
70 year due to insufficient or inadequate grant applications **or project proposals**
71 shall be reallocated for grant applications **or project proposals** in subsequent
72 years or for solid waste management projects other than district operations,
73 including a district's next request for solid waste management project proposals.
74 Any allocated district moneys remaining after a period of five years shall revert
75 to the credit of the solid waste management fund created under section 260.330;

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

80 (4) Funds may be made available under this subsection for the
81 administration and grants of the used motor oil program described in section
82 260.253[;

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

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

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

98 5. Once grants are approved by the solid waste management district, the
99 district shall submit to the department the appropriate forms associated with the
100 grant application and any supporting information to verify that appropriate
101 public notice procedures were followed, that grant proposals were reviewed and

102 ranked by the district, and that only eligible costs as set forth in regulations are
103 to be funded. Within [thirty] **ten** days, the department shall review the grant
104 application. If the department finds any deficiencies, or needs more information
105 in order to evaluate the grant application, the department shall notify the district
106 in writing. The district shall have an additional [thirty] **ten** days to respond to
107 the department's request and to submit any additional information to the
108 department. Within [thirty] **ten** days of receiving additional information, the
109 department shall either approve or deny the grant application. If the department
110 takes no action, the grant application shall be deemed approved. The
111 department, in conjunction with the solid waste advisory board, shall review the
112 performance of all grant recipients to ensure that grant moneys were
113 appropriately and effectively expended to further the purposes of the grant, as
114 expressed in the recipient's grant [application] **agreement**. The grant
115 [application] **agreement** shall contain specific goals and implementation dates,
116 and grant recipients shall be contractually obligated to fulfill same. The
117 department may require the recipient to submit periodic reports and such other
118 data as are necessary, both during the grant period and up to five years
119 thereafter, to ensure compliance with this section. The department may audit the
120 records of any recipient to ensure compliance with this section. Recipients of
121 grants under sections 260.300 to 260.345 shall maintain such records as required
122 by the department. If a grant recipient fails to maintain records or submit
123 reports as required herein, refuses the department access to the records, or fails
124 to meet the department's performance standards, the department may withhold
125 subsequent grant payments, if any, and may compel the repayment of funds
126 provided to the recipient pursuant to a grant.

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

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

135 8. **If a solid waste management district receives an unfavorable**
136 **decision on a request submitted to the department, the district may**
137 **send such request to the solid waste advisory board established in**

138 **section 260.345 within thirty days. Such request may be appealed to the**
139 **administrative hearing commission upon at least two-thirds of the**
140 **members of the board representing solid waste management districts,**
141 **excluding the members of the board appointed by the program director**
142 **of the solid waste management program, voting to approve such appeal**
143 **at the board's next regular meeting.**

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