

SECOND REGULAR SESSION

# SENATE BILL NO. 849

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR PURGASON.

Read 1st time February 28, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 260.302, 260.305, 260.310, 260.315, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, and to enact in lieu thereof nine new sections relating to solid waste management.

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

Section A. Sections 260.302, 260.305, 260.310, 260.315, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 260.302, 260.305, 260.310, 260.315, 260.320, 260.325, 260.330, 260.335, and 260.345, to read as follows:

260.302. [On June 19, 1992, and] For three months [thereafter] of **calendar year 2014**, and for the last three **calendar** months of [the year 1994 and] every [third] year thereafter, the governing body of a county may apply to the department to request that the county be placed with another regional grouping [or, if necessary, in a new regional grouping]. After public notice and comment and within no more than ninety days after the completed application has been submitted, the department shall authorize any such change if the county clearly and convincingly demonstrates that the change is necessary for effective solid waste management within the county and will not negatively affect the solid waste management system of either region. The procedure for establishing solid waste management regions set forth in section 260.300 shall take priority over and be followed in exclusion to the rulemaking procedure set forth in chapter 536 and section 260.225.

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

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

4 to 260.345. **A solid waste management district created and organized**  
5 **under authority of sections 260.300 to 260.345 shall become a body**  
6 **corporate and politic of the state.**

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

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

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

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

38           Shall ..... (insert county name) become a member of the ..... (insert  
39 name) solid waste management district?]; or if a solid waste management district

40 has not been formed within the region:

41           Shall ..... (insert county name) form the ..... (insert name) solid waste  
42 management district? The election authority shall notify the secretary of state as  
43 to the results of the election. The secretary of state shall transmit the election  
44 results to the director of the department of natural resources who shall declare  
45 districts created within all counties of each region wherein the question received  
46 a 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 county  
2 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 **with the exception of administrative and other district**  
6 **operations services which shall be bid and obtained.** A city or county  
7 shall not be required to meet the provisions of section 260.220 or of section  
8 260.325 if a district includes the city or county within its solid waste plan and the  
9 city or county has by contract given the district complete authority for managing  
10 the solid waste of the city or county.

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

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

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

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

260.315. 1. There is hereby established a solid waste management council  
2 for each solid waste management district, except for those districts which  
3 formulate an alternative management structure pursuant to section 260.300. The  
4 governing body of each city with a population over five hundred within the  
5 district [shall] **may** appoint one member of the city governing body and the  
6 governing body of each county within the district [shall] **may** appoint two  
7 members 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 city  
10 or county has expired shall be expeditiously replaced by the governing bodies  
11 from whence they were selected.

12 3. The council shall meet within thirty days of [the] receipt of notification  
13 **from the department of natural resources** of formation of [the] a district at  
14 the call of the governing body of the county containing the largest population  
15 among those counties approving the formation of the district or, at the call of the  
16 director of the department, if the county does not call the meeting. A majority of  
17 the council shall constitute a 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 in  
26 the same manner as the person he replaces. If the council is composed of twelve  
27 or fewer members, the council shall act as the executive board;

28 (3) Meet at least [twice] **once** 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 recommended  
31 by the executive board.

260.320. 1. The executive board shall meet within thirty days after the  
2 selection of the initial members. The time and place of the first meeting of the  
3 board shall be designated by the council. A majority of the members of the board  
4 shall constitute a quorum. At its first meeting the board shall elect a chairman  
5 from its members and select a secretary, treasurer and such officers [or

6 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 attend  
11 board meetings, and may establish its fiscal year, adopt an official seal, apply for  
12 and accept grants, gifts or appropriations from any public or private sector, make  
13 all expenditures which are incidental and necessary to carry out its purposes and  
14 powers, and take such action, enter into such agreements and exercise all other  
15 powers and functions necessary or appropriate to carry out the duties and  
16 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 waste  
20 disposal areas which are to be located within the region or, if located in an  
21 adjacent region, which will impact solid waste management practices within the  
22 region;

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

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

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

29         [(5)] (4) 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)] (5) Assure adequate capacity to manage waste which is not  
33 otherwise removed from the solid waste stream; [and]

34         [(7)] (6) Appoint one or more geographically balanced advisory  
35 committees composed of the representatives of commercial generators,  
36 representatives of the solid waste management industry, and two citizens  
37 unaffiliated with a solid waste facility or operation to assess and make  
38 recommendations on solid waste management;

39         (7) **Review, evaluate, and report to the department by October**  
40 **thirtieth of each year on the performance and effectiveness of the solid**  
41 **waste management district in meeting the needs of citizens for solid**

42 **waste services in the region;**

43 **(8) Evaluate, rank, and accept as complete and eligible grant**  
44 **proposals to be submitted to the department of natural resources for**  
45 **approval of funding; and**

46 **(9) Meet at least quarterly, with all meetings being subject to**  
47 **sections 610.010 to 610.030.**

48 4. The executive board may enter into contracts with any person for  
49 services related to any component of the solid waste management system **with**  
50 **the exception of district administrative services.** Bid specifications for  
51 solid waste management services shall be designed to meet the objectives of  
52 sections 260.200 to 260.345, encourage small businesses to engage and compete  
53 in the delivery of waste management services and to minimize the long-run cost  
54 of managing solid waste. Bid specifications shall enumerate the minimum  
55 components and minimum quantities of waste products which shall be recycled  
56 by the successful bidder. The board shall divide the district into units to  
57 maximize access for small businesses when it requests bids for solid waste  
58 management services.

59 5. No person shall serve as a member of the council or of the executive  
60 board who is a stockholder, officer, agent, attorney or employee or who is in any  
61 way pecuniarily interested in any business which engages in any aspect of solid  
62 waste management regulated under sections 260.200 to 260.345; provided,  
63 however, that such member may own stock in a publicly traded corporation which  
64 may be involved in waste management as long as such holdings are not  
65 substantial.

66 **6. No person shall participate in evaluating, ranking, and**  
67 **accepting as complete a grant proposal submitted by a business,**  
68 **institution, or government to which the member is affiliated.**

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  
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  
13 department within eighteen months of the formation of the district. The plan  
14 shall be prepared and submitted according to the procedures specified in section  
15 260.220 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 **where environmentally and economically beneficial** and  
32 waste minimization and otherwise provide for the safe and sanitary management  
33 of solid waste;

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

38 (8) Specify how the district will achieve [a reduction in solid waste placed  
39 in sanitary landfills through waste minimization, reduction and recycling] **an**  
40 **improvement in the environment**;

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

43 (10)] Establish an education program to inform the public about  
44 responsible waste management practices;

45 [(11)] **(10)** Establish procedures to minimize the introduction of small

46 quantities of hazardous waste, including household hazardous waste, into the  
47 solid waste stream;

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

51       (13)] (11) Identify methods by which rural households that are not served  
52 by a regular solid waste collection service may participate in waste reduction,  
53 recycling and resource recovery efforts within the district; and

54       [(14)] (12) Include such other reasonable information as the department  
55 shall require.

56       [5.] 4. The board shall review the district's solid waste management plan  
57 at least every twenty-four months for the purpose of evaluating the district's  
58 progress in meeting the requirements and goals of the plan, and shall submit  
59 plan revisions to the department and council.

60       [6.] 5. In the event any plan or part thereof is disapproved, the  
61 department shall furnish any and all reasons for such disapproval and shall offer  
62 assistance for correcting deficiencies. The executive board shall within sixty days  
63 revise and resubmit the plan for approval or request a hearing in accordance with  
64 section 260.235. Any plan submitted by a district shall stand approved one  
65 hundred twenty days after submission unless the department disapproves the  
66 plan or some provision thereof.

67       [7.] 6. The director may institute appropriate action under section  
68 260.240 to compel submission of plans in accordance with sections 260.200 to  
69 260.345 and the rules and regulations adopted pursuant to sections 260.200 to  
70 260.345.

71       [8.] 7. The provisions of section 260.215 to the contrary notwithstanding,  
72 any county within a region which on or after January 1, 1995, is not a member  
73 of a district shall by June 30, 1995, submit a solid waste management plan to the  
74 department of natural resources. Any county which withdraws from a district  
75 and all cities within the county with a population over five hundred shall submit  
76 a solid waste plan or a revision to an existing plan to the department of natural  
77 resources within one hundred eighty days of its decision not to participate. The  
78 plan shall meet the requirements of section 260.220 and this section.

79       [9.] 8. Funds may, upon appropriation, be made available to cities,  
80 counties and districts, under section 260.335, for the purpose of implementing the  
81 requirements of this section.



82 [10.] 9. The district board shall arrange for independent financial audits  
83 of the records and accounts of its operations by a certified public accountant or  
84 a firm of certified public accountants. Districts receiving two hundred thousand  
85 dollars or more of financial assistance shall have annual independent financial  
86 audits and districts receiving less than two hundred thousand dollars of financial  
87 assistance shall have independent financial audits at least once every two  
88 years. The state auditor may examine the findings of such audits and may  
89 conduct audits of the districts. Subject to limitations caused by the availability  
90 resources, the department shall conduct a performance audit of grants to each  
91 district at least once every three years.

260.330. 1. Except as otherwise provided in subsection 6 of this section,  
2 effective October 1, 1990, each operator of a solid waste sanitary landfill shall  
3 collect a charge equal to one dollar and fifty cents per ton or its volumetric  
4 equivalent of solid waste accepted and each operator of the solid waste demolition  
5 landfill shall collect a charge equal to one dollar per ton or its volumetric  
6 equivalent of solid waste accepted. Each operator shall submit the charge, less  
7 collection costs, to the department of natural resources for deposit in the "Solid  
8 Waste Management Fund" which is hereby created. On October 1, 1992, and  
9 thereafter, the charge imposed herein shall be adjusted annually by the same  
10 percentage as the increase in the general price level as measured by the  
11 Consumer Price Index for All Urban Consumers for the United States, or its  
12 successor index, as defined and officially recorded by the United States  
13 Department of Labor or its successor agency. No annual adjustment shall be  
14 made to the charge imposed under this subsection [during] **after** October 1, 2005,  
15 [to October 1, 2014,] except an adjustment amount consistent with the need to  
16 fund the operating costs of the department and taking into account any annual  
17 percentage increase in the total of the volumetric equivalent of solid waste  
18 accepted in the prior year at solid waste sanitary landfills and demolition  
19 landfills and solid waste to be transported out of this state for disposal that is  
20 accepted at transfer stations. No annual increase [during] **after** October 1, 2005,  
21 [to October 1, 2014,] shall exceed the percentage increase measured by the  
22 Consumer Price Index for All Urban Consumers for the United States, or its  
23 successor index, as defined and officially recorded by the United States  
24 Department of Labor or its successor agency and calculated on the percentage of  
25 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any  
26 such annual adjustment shall only be made at the discretion of the director,

27 subject to appropriations. Collection costs shall be established by the department  
28 and shall not exceed two percent of the amount collected pursuant to this section.

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

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

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

45         5. Effective October 1, 1990, any person who operates a transfer station  
46 in Missouri shall transmit a fee to the department for deposit in the solid waste  
47 management fund which is equal to one dollar and fifty cents per ton or its  
48 volumetric equivalent of solid waste accepted. Such fee shall be applicable to all  
49 solid waste to be transported out of the state for disposal. On October 1, 1992,  
50 and thereafter, the charge imposed herein shall be adjusted annually by the same  
51 percentage as the increase in the general price level as measured by the  
52 Consumer Price Index for All Urban Consumers for the United States, or its  
53 successor index, as defined and officially recorded by the United States  
54 Department of Labor or its successor agency. No annual adjustment shall be  
55 made to the charge imposed under this subsection [during] **after** October 1, 2005,  
56 [to October 1, 2014,] except an adjustment amount consistent with the need to  
57 fund the operating costs of the department and taking into account any annual  
58 percentage increase in the total of the volumetric equivalent of solid waste  
59 accepted in the prior year at solid waste sanitary landfills and demolition  
60 landfills and solid waste to be transported out of this state for disposal that is  
61 accepted at transfer stations. No annual increase [during] **after** October 1,  
62 2005[, to October 1, 2014,] shall exceed the percentage increase measured by the

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

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

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 **of natural resources to fund activities that promote the**  
4 **processing of recovered materials so that useful materials may be used**  
5 **to develop remanufacturing capacity in Missouri. The department shall**  
6 **establish a joint interagency agreement with the department of**  
7 **economic development** and the environmental improvement and energy  
8 resources authority to [fund activities that promote the development and  
9 maintenance of markets for recovered materials. Each fiscal year up to two  
10 hundred thousand dollars from the solid waste management fund be used by the  
11 department upon appropriation for grants to solid waste management districts  
12 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  
14 revenues had been allocated based on the criteria in effect in this section on  
15 August 27, 2004, are eligible for these grants. An eligible district shall receive

16 a proportionate share of these grants based on that district's share of the total  
17 reduction in funds for eligible districts calculated by comparing the amount of  
18 funds allocated under subsection 2 of this section with the amount of funds that  
19 would have been allocated using the criteria in effect in this section on August  
20 27, 2004. The department and the authority shall establish a joint interagency  
21 agreement with the department of economic development to] identify state  
22 priorities for market development and to develop the criteria to be used to judge  
23 proposed projects. Additional moneys may be appropriated in subsequent fiscal  
24 years if requested. The [authority] **department** shall establish a procedure to  
25 measure the effectiveness of the [grant] program under this subsection and  
26 **beginning January 15, 2014, and each year thereafter** shall provide a  
27 report to the governor and general assembly by January fifteenth of each year  
28 regarding the effectiveness of the program.

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

32 (1) Thirty-nine percent of the revenues shall be dedicated, upon  
33 appropriation, to the elimination of illegal solid waste disposal, to identify and  
34 prosecute persons disposing of solid waste illegally, to conduct solid waste  
35 permitting activities, to administer grants and perform other duties imposed in  
36 sections 260.200 to 260.345 and section 260.432. In addition to the thirty-nine  
37 percent of the revenues, the department may receive any annual increase in the  
38 charge during October 1, 2005, to October 1, 2014, under section 260.330 and  
39 such increases shall be used solely to fund the operating costs of the department;

40 (2) [~~Sixty-one~~] **Fifty-one** percent of the revenues, except any annual  
41 increases in the charge under section 260.330 [~~during~~] **after** October 1, 2005, [~~to~~  
42 October 1, 2014,] which shall be used solely to fund the operating costs of the  
43 department, shall be allocated through grants, upon appropriation, to  
44 participating cities, counties, and districts. Revenues to be allocated under this  
45 subdivision shall be divided as follows: forty percent shall be allocated based on  
46 the population of each district in the latest decennial census, and sixty percent  
47 shall be allocated based on the amount of revenue generated within each  
48 district. For the purposes of this subdivision, revenue generated within each  
49 district shall be determined from the previous year's data. No more than [~~fifty~~]  
50 **thirty** percent of the revenue allocable under this subdivision may be allocated  
51 to the districts upon approval of the department for implementation of a solid

52 waste management plan and district operations, and at least fifty percent of the  
53 revenue allocable to the districts under this subdivision shall be allocated to the  
54 cities and counties of the district or to persons or entities providing solid waste  
55 management, waste reduction, recycling and related services in these cities and  
56 counties. Each district shall receive a minimum of seventy-five thousand dollars  
57 under this subdivision. After August 28, 2005, each district shall receive a  
58 minimum of ninety-five thousand dollars under this subdivision for district grants  
59 and district operations. Each district receiving moneys under this subdivision  
60 shall expend such moneys pursuant to a solid waste management plan required  
61 under section 260.325, and only in the case that the district is in compliance with  
62 planning requirements established by the department. Moneys shall be awarded  
63 based upon grant applications. Any moneys remaining in any fiscal year due to  
64 insufficient or inadequate applications may be reallocated pursuant to this  
65 subdivision;

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

70        (4) Funds may be made available under this subsection for the  
71 administration and grants of the used motor oil program described in section  
72 260.253;

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

76        **(3) Ten percent of the revenues, except any annual increases in**  
77 **the charge under section 260.330 after October 1, 2005, shall be**  
78 **allocated to fund the cleanup of closed abandoned disposal sites, illegal**  
79 **disposal sites, or closed or abandoned recovery sites, including sites**  
80 **used for composting. The department may recover from this allocation**  
81 **the full cost of administering the cleanup of the sites not to exceed**  
82 **thirty percent of the allocation. The remaining funds shall be awarded**  
83 **through grants, upon appropriation to participating contractors, cities,**  
84 **counties, and districts;**

85        **(4) The department shall conduct sample audits of grants**  
86 **provided under this subsection.**

87        3. The advisory board created in section 260.345 shall recommend criteria

88 to be used to allocate grant moneys to districts, cities and counties. These  
89 criteria shall establish a priority for proposals which provide methods of solid  
90 waste reduction and [recycling] **environmental benefit**. The department shall  
91 promulgate criteria for evaluating grants by rule and regulation. Projects of  
92 cities and counties located within a district which are funded by grants under this  
93 section shall conform to the district solid waste management plan.

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

99 5. The department, in conjunction with the solid waste advisory board,  
100 shall review the performance of all grant recipients to ensure that grant moneys  
101 were appropriately and effectively expended to further the purposes of the grant,  
102 as expressed in the recipient's grant application. The grant application shall  
103 contain specific goals and implementation dates, and grant recipients shall be  
104 contractually obligated to fulfill same. The department may require the recipient  
105 to submit periodic reports and such other data as are necessary, both during the  
106 grant period and up to five years thereafter, to ensure compliance with this  
107 section. The department may audit the records of any recipient to ensure  
108 compliance with this section. Recipients of grants under sections 260.300 to  
109 260.345 shall maintain such records as required by the department. If a grant  
110 recipient fails to maintain records or submit reports as required herein, refuses  
111 the department access to the records, or fails to meet the department's  
112 performance standards, the department may withhold subsequent grant  
113 payments, if any, and may compel the repayment of funds provided to the  
114 recipient pursuant to a grant.

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

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

260.345. 1. A state "Solid Waste Advisory Board" is created within the

2 department of natural resources **and shall be composed of one member of**  
3 **each solid waste management district and such other members as are**  
4 **defined in this section.** [The advisory board] **All members of the board**  
5 **shall be representative of the general interest of the public or of solid**  
6 **waste systems. Members** shall be composed of the chairman of the executive  
7 board of each [of the] solid waste management [districts and other members as  
8 provided in this section. Up to five] **district. Six** additional members shall be  
9 appointed by the director of which two members shall represent the solid waste  
10 management industry and have an economic interest in or activity with any solid  
11 waste facility or operation, **one member shall represent the power**  
12 **generation industry and have an economic interest in or activity with**  
13 **any mono-fill facility or operation,** one member may represent the solid  
14 waste composting [or recycling] **business, one member may represent the**  
15 **reduction or recovery** industry businesses, and the remaining [members]  
16 **member** shall be a public [members] **member** who [have] **has** demonstrated  
17 interest in solid waste management issues and shall have no economic interest  
18 in or activity with any solid waste facility or operation but may own stock in a  
19 publicly traded corporation which may be involved in waste management as long  
20 as such holdings are not substantial.

21 **2. At the first meeting of the board, and at yearly intervals**  
22 **thereafter, the members shall select from among themselves a**  
23 **chairperson and a vice chairperson. The board shall hold at least four**  
24 **regular meetings each year and such additional regular meetings as the**  
25 **chairperson deems desirable. Special meetings may be called by the**  
26 **chairperson or by the director of the solid waste management program**  
27 **of the department of natural resources. Six members shall constitute**  
28 **a quorum.**

29 **3.** The advisory board shall advise the department regarding:

30 (1) The efficacy of its technical assistance program;

31 (2) Solid waste management problems experienced by **the public or solid**  
32 **waste management districts or by members of the solid waste management**  
33 **industry;**

34 (3) The effects of proposed rules and regulations upon solid waste  
35 management within the [districts] **state;**

36 (4) Criteria to be used in awarding grants pursuant to section 260.335;

37 (5) Waste management issues pertinent to the districts;

38           (6) The development of improved methods of solid waste minimization[,  
39 recycling and resource recovery] **which produce an environmental and**  
40 **economic benefit to Missouri; [and]**

41           (7) **Effectiveness of the solid waste management districts in**  
42 **meeting the needs for solid waste management within each district's**  
43 **planning and service area; and**

44           (8) Such other matters as the advisory board may determine.

✓  
Unofficial

Bill

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