

SECOND REGULAR SESSION

HOUSE BILL NO. 1871

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHOELLER.

4752L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 260, RSMo, by adding thereto one new section relating to composting facilities.

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

Section A. Chapter 260, RSMo, is amended by adding thereto one new section, to be known as section 260.251, to read as follows:

260.251. 1. For purposes of this section:

(1) "Compost" means the product resulting from the controlled biological decomposition of organic material that has been sanitized through the generation of heat and stabilized to the point that it is beneficial to plant growth;

(2) "Composting" means the controlled biological decomposition of organic material under aerobic conditions;

(3) "Composting facility" means a facility where organic material is collected or processed into compost, including, but not limited to, a transfer facility which accepts organic material for temporary storage or consolidation and further transfer to a composting facility;

(4) "Organic material" means matter that comes from a once-living organism and is capable of decay.

2. Composting facilities in operation as of August 28, 2010, shall register with the department within sixty days of the effective date of this section. Composting facilities commencing operation after August 28, 2010, shall register with the department prior to accepting or composting organic material. Such registration shall be accompanied by tax clearance letters or other documentation showing the facility is not delinquent on any

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.

18 federal, state, or local taxes as well as a certificate of good standing issued by the Missouri
19 secretary of state evidencing authority to conduct business in Missouri. Such registration
20 shall be valid for a period of one year, after which, if the composting facility is still in
21 operation, the composting facility shall file a renewal registration with the department.
22 Renewal registrations shall also be valid for a period of one year and shall be continually
23 filed on such basis until the composting facility ceases operation.

24 **3. The department shall maintain a registry of composting facilities in the state.**
25 **From each registered composting facility, the department shall collect a fee based on the**
26 **combined size of the facility and any affiliated transfer facility or facilities as follows:**

- 27 **(1) Five hundred dollars for less than five acres;**
28 **(2) One thousand dollars for five acres but less than ten acres;**
29 **(3) Two thousand five hundred dollars for ten or more acres.**

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31 **No fee shall be required of municipally owned composting facilities.**

32 **4. Each registered composting facility shall file an annual report with the**
33 **department. In addition to any other information the department may require, the report**
34 **shall document the amount of organic material received, the amount of compost sold, and**
35 **that the composting facility and any affiliated transfer facility or facilities are being**
36 **operated in a manner that prevents nuisances and minimizes anaerobic conditions.**

37 **5. All fees collected under this section shall be deposited to the credit of the solid**
38 **waste management fund and shall be used to fund activities of the solid waste management**
39 **program.**

40 **6. The department shall promulgate rules to implement the provisions of this**
41 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
42 **created under the authority delegated in this section shall become effective only if it**
43 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
44 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
45 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
46 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
47 **of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be**
48 **invalid and void.**

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