

FIRST REGULAR SESSION

HOUSE BILL NO. 740

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

1814H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 260.262, 260.380, and 260.475, RSMo, and to enact in lieu thereof three new sections relating to hazardous waste fees.

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

Section A. Sections 260.262, 260.380, and 260.475, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 260.262, 260.380, and 260.475, to read as follows:

260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form

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 and manner required by the department and shall include the total number of batteries sold
18 during the preceding month. The department of revenue shall promulgate rules and regulations
19 necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail
20 sales" do not include the sale of batteries to a person solely for the purpose of resale, if the
21 subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However,
22 this fee shall not be paid on batteries sold for use in agricultural operations upon written
23 certification by the purchaser; and

24 (5) The department of revenue shall administer, collect, and enforce the fee authorized
25 pursuant to this section pursuant to the same procedures used in the administration, collection,
26 and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except
27 as provided in this section. The proceeds of the battery fee, less four percent of the proceeds,
28 which shall be retained by the department of revenue as collection costs, shall be transferred by
29 the department of revenue into the hazardous waste fund, created pursuant to section 260.391.
30 The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The
31 provisions of subdivision (4) and this subdivision shall terminate December 31, [2013] **2018**.

260.380. 1. After six months from the effective date of the standards, rules and
2 regulations adopted by the commission pursuant to section 260.370, hazardous waste generators
3 located in Missouri shall:

4 (1) Promptly file and maintain with the department, on registration forms it provides for
5 this purpose, information on hazardous waste generation and management as specified by rules
6 and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon
7 initial registration, and a one hundred dollar registration renewal fee annually thereafter to
8 maintain an active registration. Such fees shall be deposited in the hazardous waste fund created
9 in section 260.391;

10 (2) Containerize and label all hazardous wastes as specified by standards, rules and
11 regulations;

12 (3) Segregate all hazardous wastes from all nonhazardous wastes and from
13 noncompatible wastes, materials and other potential hazards as specified by standards, rules and
14 regulations;

15 (4) Provide safe storage and handling, including spill protection, as specified by
16 standards, rules and regulations, for all hazardous wastes from the time of their generation to the
17 time of their removal from the site of generation;

18 (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste
19 transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all
20 hazardous wastes from the premises where they were generated;

21 (6) Unless provided otherwise in the rules and regulations, provide a separate manifest
22 to the transporter for each load of hazardous waste transported from the premises where it was
23 generated. The generator shall specify the destination of such load on the manifest. The manner
24 in which the manifest shall be completed, signed and filed with the department shall be in
25 accordance with rules and regulations;

26 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes,
27 only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or
28 the federal Resource Conservation and Recovery Act, or a state hazardous waste management
29 program authorized pursuant to the federal Resource Conservation and Recovery Act, or any
30 facility exempted from the permit required pursuant to section 260.395;

31 (8) Collect and maintain such records, perform such monitoring or analyses, and submit
32 such reports on any hazardous waste generated, its transportation and final disposition, as
33 specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections
34 260.350 to 260.430;

35 (9) Make available to the department upon request samples of waste and all records
36 relating to hazardous waste generation and management for inspection and copying and allow
37 the department to make unhampered inspections at any reasonable time of hazardous waste
38 generation and management facilities located on the generator's property and hazardous waste
39 generation and management practices carried out on the generator's property;

40 (10) Pay annually, on or before January first of each year, effective January 1, 1982, a
41 fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five
42 dollars per ton or portion thereof of hazardous waste registered with the department as specified
43 in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the
44 previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site
45 per year nor be less than one hundred fifty dollars per generator site per year;

46 (a) All moneys payable pursuant to the provisions of this subdivision shall be promptly
47 transmitted to the department of revenue, which shall deposit the same in the state treasury to the
48 credit of the hazardous waste fund created in section 260.391;

49 (b) The hazardous waste management commission shall establish and submit to the
50 department of revenue procedures relating to the collection of the fees authorized by this
51 subdivision. Such procedures shall include, but not be limited to, necessary records identifying
52 the quantities of hazardous waste registered, the form and submission of reports to accompany
53 the payment of fees, the time and manner of payment of fees, which shall not be more often than
54 quarterly.

55 2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before
56 January first of each year, a fee to the department equal to two dollars per ton or portion thereof

57 for all hazardous waste received from outside the state. This fee shall be based on the hazardous
58 waste received for the twelve-month period ending June thirtieth of the previous year.

59 3. Exempted from the requirements of this section are individual householders and
60 farmers who generate only small quantities of hazardous waste and any person the commission
61 determines generates only small quantities of hazardous waste on an infrequent basis, except
62 that:

63 (1) Householders, farmers and exempted persons shall manage all hazardous wastes they
64 may generate in a manner so as not to adversely affect the health of humans, or pose a threat to
65 the environment, or create a public nuisance; and

66 (2) The department may determine that a specific quantity of a specific hazardous waste
67 requires special management. Upon such determination and after public notice by press release
68 or advertisement thereof, including instructions for handling and delivery, generators exempted
69 pursuant to this subsection shall deliver, but without a manifest or the requirement to use a
70 licensed hazardous waste transporter, such waste to:

71 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections
72 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous
73 waste management program authorized pursuant to the federal Resource Conservation and
74 Recovery Act which the department designates for this purpose; or

75 (b) A collection station or vehicle which the department may arrange for and designate
76 for this purpose.

77 4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date
78 shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee
79 prescribed in this section shall expire December 31, [2013] **2018**, except that the department
80 shall levy and collect this fee for any hazardous waste generated prior to such date and reported
81 to the department.

260.475. 1. Every hazardous waste generator located in Missouri shall pay, in addition
2 to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all
3 hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final
4 action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be
5 imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste
6 annually pursuant to section 260.380, or upon:

7 (1) Hazardous waste which must be disposed of as provided by a remedial plan for an
8 abandoned or uncontrolled hazardous waste site;

9 (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste
10 generated primarily from the combustion of coal or other fossil fuels;

11 (3) Solid waste from the extraction, beneficiation and processing of ores and minerals,
12 including phosphate rock and overburden from the mining of uranium ore and smelter slag waste
13 from the processing of materials into reclaimed metals;

14 (4) Cement kiln dust waste;

15 (5) Waste oil; or

16 (6) Hazardous waste that is:

17 (a) Reclaimed or reused for energy and materials;

18 (b) Transformed into new products which are not wastes;

19 (c) Destroyed or treated to render the hazardous waste nonhazardous; or

20 (d) Waste discharged to a publicly owned treatment works.

21 2. The fees imposed in this section shall be reported and paid to the department on an
22 annual basis not later than the first of January. The payment shall be accompanied by a return
23 in such form as the department may prescribe.

24 3. All moneys collected or received by the department pursuant to this section shall be
25 transmitted to the department of revenue for deposit in the state treasury to the credit of the
26 hazardous waste fund created pursuant to section 260.391. Following each annual reporting date,
27 the state treasurer shall certify the amount deposited in the fund to the commission.

28 4. If any generator or transporter fails or refuses to pay the fees imposed by this section,
29 or fails or refuses to furnish any information reasonably requested by the department relating to
30 such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of
31 fifteen percent of the fee shall be deposited in the hazardous waste fund.

32 5. If the fees or any portion of the fees imposed by this section are not paid by the date
33 prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate
34 of ten percent per annum from the date prescribed for its payment until payment is actually made,
35 all of which shall be deposited in the hazardous waste fund.

36 6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste
37 fund in any of the qualified depositories of the state. All such deposits shall be secured in such
38 a manner and shall be made upon such terms and conditions as are now or may hereafter be
39 provided for by law relative to state deposits. Interest received on such deposits shall be credited
40 to the hazardous waste fund.

41 7. This fee shall expire December 31, [2013] **2018**, except that the department shall levy
42 and collect this fee for any hazardous waste generated prior to such date and reported to the
43 department.

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