

SECOND REGULAR SESSION

HOUSE BILL NO. 2248

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

4407H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 260.302, 260.325, 260.330, and 260.335, RSMo, and to enact in lieu thereof four 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Section A. Sections 260.302, 260.325, 260.330, and 260.335, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 260.302, 260.325, 260.330, and 260.335, to read as follows:

260.302. On June 19, 1992, and for three months thereafter and for the last three 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. **On or before August 27, 2020**, 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. **Beginning August 28, 2020, after public notice and comment and within ninety days after the completed application has been submitted, the department shall authorize any such change if the county demonstrates that the change will not negatively affect the solid waste management system of the region they are joining.** 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.

260.325. 1. The executive board of each district ~~[shall]~~ **may** submit to the department a plan which has been approved by the council for a solid waste management system serving

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.

3 areas within its jurisdiction and shall, from time to time, submit officially adopted revisions of
4 its plan as it deems necessary or the department may require. In developing the district's solid
5 waste management plan, the board shall consider the model plan distributed to the board
6 pursuant to section 260.225. Districts may contract with a licensed professional engineer or as
7 provided in chapter 70 for the development and submission of a joint plan.

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

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

14 4. **(1)** Each plan shall:

15 ~~[(1)]~~ **(a)** Delineate areas within the district where solid waste management systems are
16 in existence;

17 ~~[(2)]~~ **(b)** Reasonably conform to the rules and regulations adopted by the department for
18 implementation of sections 260.200 to 260.345;

19 ~~[(3)]~~ **(c)** Delineate provisions for the collection of recyclable materials or collection
20 points for recyclable materials;

21 ~~[(4)]~~ **(d)** Delineate provisions for the collection of compostable materials or collection
22 points for compostable materials;

23 ~~[(5)]~~ **(e)** Delineate provisions for the separation of household waste and other small
24 quantities of hazardous waste at the source or prior to disposal;

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

30 ~~[(7)]~~ **(f)** Take into consideration existing comprehensive plans, population trend
31 projections, engineering and economics so as to delineate those portions of the district which
32 may reasonably be expected to be served by a solid waste management system;

33 ~~[(8)]~~ ~~Specify how the district will achieve a reduction in solid waste placed in sanitary~~
34 ~~landfills through waste minimization, reduction and recycling;~~

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

37 ~~[(10)]~~ **(g)** Establish an education program to inform the public about responsible waste
38 management practices;

39 ~~[(11)]~~ **(h)** Establish procedures to minimize the introduction of small quantities of
40 hazardous waste, including household hazardous waste, into the solid waste stream;

41 ~~[(12)]~~ ~~Establish a time schedule and proposed method of financing for the development,~~
42 ~~construction and operation of the planned solid waste management system together with the~~
43 ~~estimated cost thereof;~~

44 ~~[(13)]~~ **(i)** Identify methods by which rural households that are not served by a regular
45 solid waste collection service may participate in waste reduction, recycling and resource recovery
46 efforts within the district; and

47 ~~[(14)]~~ **(j)** Include such other reasonable information as the department shall require.

48 **(2) Each plan may:**

49 **(a) Specify provisions for the orderly extension of solid waste management services**
50 **in a manner consistent with the needs of the district, including economic impact, and in a**
51 **manner that will minimize degradation of the waters or air of the state, prevent public**
52 **nuisances or health hazards, promote recycling and waste minimization, and otherwise**
53 **provide for the safe and sanitary management of solid waste;**

54 **(b) Specify how the district will achieve a reduction in solid waste placed in sanitary**
55 **landfills through waste minimization, reduction, and recycling; and**

56 **(c) Establish a timetable, with milestones, for the reduction of solid waste placed**
57 **in a landfill through waste minimization, reduction, and recycling.**

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

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

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

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

73 9. Based upon the financial assistance amounts set forth in this section, the district
74 executive board shall arrange for an independent financial statement audit of the records and

75 accounts of its operations by a certified public accountant or a firm of certified public
76 accountants. Districts receiving more than eight hundred thousand dollars of financial assistance
77 annually shall have annual independent financial statement audits; districts receiving between
78 two hundred fifty thousand dollars and eight hundred thousand dollars of financial assistance
79 annually shall have a biennial independent financial statement audit for the two-year period. All
80 other districts shall be monitored biennially by the department and, based upon the findings
81 within the monitoring report, may be required to arrange for an independent financial statement
82 audit for the biennial monitoring period under review. Subject to limitations caused by the
83 availability of resources, the department shall conduct a performance audit of grants to each
84 district at least once every five years, or as deemed necessary by the department based upon
85 district grantee performance.

260.330. 1. **(1)** Except as otherwise provided in **subdivision (2) of this subsection and**
2 **in** subsection 6 of this section, effective October 1, 1990, each operator of a solid waste sanitary
3 landfill shall 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 landfill shall
5 collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted.

6 **(2) Except as provided in subsection 6 of this section, beginning on January 1, 2021,**
7 **each operator of a solid waste sanitary landfill shall collect a charge equal to three dollars**
8 **per ton or its volumetric equivalent of solid waste accepted and each operator of the solid**
9 **waste demolition landfill shall collect a charge equal to three dollars per ton or its**
10 **volumetric equivalent of solid waste accepted.**

11 **(3)** Each operator shall submit the charge, less collection costs, to the department of
12 natural resources for deposit in the "Solid Waste Management Fund" which is hereby created.
13 On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the
14 same percentage as the increase in the general price level as measured by the Consumer Price
15 Index for All Urban Consumers for the United States, or its successor index, as defined and
16 officially recorded by the United States Department of Labor or its successor agency. No annual
17 adjustment shall be made to the charge imposed under this subsection during October 1, 2005,
18 to October 1, ~~2027~~ **2020, or during October 1, 2031, to October 1, 2040**, except an
19 adjustment amount consistent with the need to fund the operating costs of the department and
20 taking into account any annual percentage increase in the total of the volumetric equivalent of
21 solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and
22 solid waste to be transported out of this state for disposal that is accepted at transfer stations. No
23 annual increase during October 1, 2005, to October 1, ~~2027~~ **2020, or during October 1, 2031,**
24 **to October 1, 2040**, shall exceed the percentage increase measured by the Consumer Price Index
25 for All Urban Consumers for the United States, or its successor index, as defined and officially

26 recorded by the United States Department of Labor or its successor agency and calculated on the
27 percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any
28 such annual adjustment shall only be made at the discretion of the director, subject to
29 appropriations. Collection costs shall be established by the department and shall not exceed two
30 percent of the amount collected pursuant to this section.

31 **(4) Beginning on October 1, 2040, moneys in the solid waste management fund shall**
32 **not exceed the amount required to fund operating costs of the department's solid waste**
33 **management program under sections 260.200 to 260.345.**

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

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

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

49 5. **(1)** Effective October 1, 1990, **through December 31, 2020**, any person who operates
50 a transfer station in Missouri shall transmit a fee to the department for deposit in the solid waste
51 management fund which is equal to one dollar and fifty cents per ton or its volumetric equivalent
52 of solid waste accepted.

53 **(2) Beginning on January 1, 2021, any person who operates a transfer station in**
54 **Missouri shall transmit a fee to the department for deposit in the solid waste management**
55 **fund that is equal to three dollars per ton or its volumetric equivalent of solid waste**
56 **accepted.**

57 **(3)** Such fee shall be applicable to all solid waste to be transported out of the state for
58 disposal. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted
59 annually by the same percentage as the increase in the general price level as measured by the
60 Consumer Price Index for All Urban Consumers for the United States, or its successor index, as
61 defined and officially recorded by the United States Department of Labor or its successor agency.

62 No annual adjustment shall be made to the charge imposed under this subsection during October
63 1, 2005, to October 1, [~~2027~~] **2020, or during October 1, 2031, to October 1, 2040**, except an
64 adjustment amount consistent with the need to fund the operating costs of the department and
65 taking into account any annual percentage increase in the total of the volumetric equivalent of
66 solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and
67 solid waste to be transported out of this state for disposal that is accepted at transfer stations. No
68 annual increase during October 1, 2005, to October 1, [~~2027~~] **2020, or during October 1, 2031,**
69 **to October 1, 2040**, shall exceed the percentage increase measured by the Consumer Price Index
70 for All Urban Consumers for the United States, or its successor index, as defined and officially
71 recorded by the United States Department of Labor or its successor agency and calculated on the
72 percentage of revenues dedicated under subdivision (1) of subsection [~~2~~] **3** of section 260.335.
73 Any such annual adjustment shall only be made at the discretion of the director, subject to
74 appropriations. The department shall prescribe rules and regulations governing the transmittal
75 of fees and verification of waste volumes transported out of state from transfer stations.
76 Collection costs shall also be established by the department and shall not exceed two percent of
77 the amount collected pursuant to this subsection. A transfer station with the sole function of
78 separating materials for recycling or resource recovery activities shall not be subject to the fee
79 imposed in this subsection.

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

260.335. 1. **(1) (a) This subdivision shall apply to all fiscal years ending on or**
2 **before June 30, 2021.**

3 **(b)** Each fiscal year eight hundred thousand dollars from the solid waste management
4 fund shall be made available, upon appropriation, to the department and the environmental
5 improvement and energy resources authority to fund activities that promote the development and
6 maintenance of markets for recovered materials. Each fiscal year up to two hundred thousand
7 dollars from the solid waste management fund may be used by the department upon
8 appropriation for grants to solid waste management districts for district grants and district
9 operations. Only those solid waste management districts that are allocated fewer funds under
10 subsection 2 of this section than if revenues had been allocated based on the criteria in effect in

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

22 **(2) (a) This subdivision shall apply to all fiscal years beginning on or after July 1,**
23 **2021, but ending on or before June 30, 2031.**

24 **(b) Each fiscal year, four million dollars from the solid waste management fund**
25 **shall be made available, upon appropriation, to the department and the environmental**
26 **improvement and energy resources authority to fund activities that promote the**
27 **development of markets for recovered materials. The department and the authority shall**
28 **establish a joint interagency agreement with the department of economic development to**
29 **identify state priorities for market development and to develop the criteria to be used to**
30 **judge proposed projects. Additional moneys may be appropriated in subsequent fiscal**
31 **years if requested. The authority shall establish a procedure to measure the effectiveness**
32 **of the grant program under this subsection and shall provide a report to the governor and**
33 **general assembly by January fifteenth of each year regarding the effectiveness of the**
34 **program.**

35 **(c) On June 30, 2031, the unexpended balance of all moneys that were appropriated**
36 **to the environmental improvement and energy resources authority but that are**
37 **uncommitted and remain in the solid waste management fund shall be transferred into the**
38 **landfill remedial fund created in subdivision (4) of this subsection to be used solely to**
39 **address the proper closure of abandoned landfills and the maintenance of closed and**
40 **abandoned landfills.**

41 **(3) (a) This subdivision shall apply to all fiscal years beginning on or after July 1,**
42 **2031, but ending on or before June 30, 2040.**

43 **(b) Each fiscal year, four million dollars from the solid waste management fund**
44 **shall be appropriated and transferred to the landfill remedial fund created in subdivision**
45 **(4) of this subsection to provide moneys for the department to fund activities that promote**
46 **the proper cleanup, closure, and maintenance of abandoned or underfunded closed**

47 **landfills. The department shall establish a procedure to measure the effectiveness of the**
48 **program under this subdivision and shall provide a report to the governor and general**
49 **assembly by January fifteenth of each year regarding the effectiveness of the program.**

50 **(c) On June 30, 2040, the unexpended balance of all moneys that were appropriated**
51 **and transferred to the landfill remedial fund but that are uncommitted and remain in the**
52 **landfill remedial fund created in subdivision (4) of this subsection shall be transferred into**
53 **the solid waste management fund. After the transfer of all moneys from the landfill**
54 **remedial fund to the solid waste management fund, the landfill remedial fund shall be**
55 **terminated.**

56 **(4) (a) There is hereby created in the state treasury the "Landfill Remedial Fund",**
57 **which shall consist of moneys collected under this subdivision. The state treasurer shall**
58 **be custodian of the fund. In accordance with sections 30.170 and 30.180, the state**
59 **treasurer may approve disbursements. The fund shall be a dedicated fund and, upon**
60 **appropriation, moneys in the fund shall be used solely as provided in paragraph (c) of this**
61 **subdivision.**

62 **(b) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
63 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
64 **general revenue fund.**

65 **(c) The state treasurer shall invest moneys in the fund in the same manner as other**
66 **funds are invested. Any interest and moneys earned on such investments shall be credited**
67 **to the fund.**

68 **2. All remaining revenues deposited into the solid waste management fund each fiscal**
69 **year after moneys have been made available under subsection 1 of this section shall be allocated**
70 **as follows:**

71 **(1) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to the**
72 **elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid**
73 **waste illegally, to conduct solid waste permitting activities, to administer grants and perform**
74 **other duties imposed in sections 260.200 to 260.345 and section 260.432. In addition to the**
75 **thirty-nine percent of the revenues, the department may receive any annual increase in the charge**
76 **during October 1, 2005, to October 1, [~~2027~~] 2020, and during October 1, 2031, to October**
77 **1, 2040, under section 260.330 and such increases shall be used solely to fund the operating costs**
78 **of the department;**

79 **(2) Sixty-one percent of the revenues, except any annual increases in the charge under**
80 **section 260.330 during October 1, 2005, to October 1, [~~2027~~] 2020, and during October 1,**
81 **2031, to October 1, 2040, which shall be used solely to fund the operating costs of the**
82 **department, shall be allocated to solid waste management districts. Revenues to be allocated**

83 under this subdivision shall be divided as follows: forty percent shall be allocated based on the
84 population of each district in the latest decennial census, and sixty percent shall be allocated
85 based on the amount of revenue generated within each district. For the purposes of this
86 subdivision, revenue generated within each district shall be determined from the previous year's
87 data. No more than fifty percent of the revenue allocable under this subdivision may be allocated
88 to the districts upon approval of the department for implementation of a solid waste management
89 plan and district operations, and at least fifty percent of the revenue allocable to the districts
90 under this subdivision shall be allocated to the cities and counties of the district or to persons or
91 entities providing solid waste management, waste reduction, recycling and related services in
92 these cities and counties. ~~[Each district shall receive a minimum of seventy-five thousand dollars~~
93 ~~under this subdivision. After August 28, 2015, each district shall receive a minimum of~~
94 ~~ninety-five thousand dollars under this subdivision for district grants and district operations]~~ **No**
95 **district shall receive more than three million five hundred thousand dollars in one year.**
96 Each district receiving moneys under this subdivision shall expend such moneys pursuant to a
97 solid waste management plan required under section 260.325, and only in the case that the
98 district is in compliance with planning requirements established by the department. Moneys
99 shall be awarded based upon grant applications. The following criteria may be considered to
100 establish the order of district grant priority:

- 101 (a) Grants to facilities of organizations employing individuals with disabilities under
102 sections 178.900 to 178.960 or sections 205.968 to 205.972;
- 103 (b) Grants for proposals that will promote and maximize the sharing of district resources;
- 104 (c) Grants for proposals which provide methods of recycling and solid waste reduction;
- 105 and
- 106 (d) All other grants.

107 **(3)** Any allocated district moneys remaining in any fiscal year due to insufficient or
108 inadequate grant applications shall be reallocated for grant applications in subsequent years or
109 for solid waste management projects other than district operations, including a district's next
110 request for solid waste management project proposals. Any allocated district moneys remaining
111 after a period of five years shall revert to the credit of the solid waste management fund created
112 under section 260.330;

113 ~~[(3)]~~ **(4)** Except for the amount up to one-fourth of the department's previous fiscal year
114 expense, any remaining unencumbered funds generated under subdivision (1) of this subsection
115 in prior fiscal years shall be reallocated under this section;

116 ~~[(4)]~~ **(5)** Funds may be made available under this subsection for the administration and
117 grants of the used motor oil program described in section 260.253;

118 ~~[(5)]~~ (6) The department and the environmental improvement and energy resources
119 authority shall conduct sample audits of grants provided under this subsection.

120 3. In addition to the criteria listed in this section, the advisory board created in section
121 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and
122 counties. These criteria shall establish a priority for proposals which provide methods of solid
123 waste reduction and recycling. The department shall promulgate criteria for evaluating grants
124 by rule and regulation. Projects of cities and counties located within a district which are funded
125 by grants under this section shall conform to the district solid waste management plan.

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

130 5. Once grants are approved by the solid waste management district, the district shall
131 submit to the department the appropriate forms associated with the grant application and any
132 supporting information to verify that appropriate public notice procedures were followed, that
133 grant proposals were reviewed and ranked by the district, and that only eligible costs as set forth
134 in regulations are to be funded. Within thirty days, the department shall review the grant
135 application. If the department finds any deficiencies, or needs more information in order to
136 evaluate the grant application, the department shall notify the district in writing. The district
137 shall have an additional thirty days to respond to the department's request and to submit any
138 additional information to the department. Within thirty days of receiving additional information,
139 the department shall either approve or deny the grant application. If the department takes no
140 action, the grant application shall be deemed approved. The department, in conjunction with the
141 solid waste advisory board, shall review the performance of all grant recipients to ensure that
142 grant moneys were appropriately and effectively expended to further the purposes of the grant,
143 as expressed in the recipient's grant application. The grant application shall contain specific
144 goals and implementation dates, and grant recipients shall be contractually obligated to fulfill
145 same. The department may require the recipient to submit periodic reports and such other data
146 as are necessary, both during the grant period and up to five years thereafter, to ensure
147 compliance with this section. The department may audit the records of any recipient to ensure
148 compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall
149 maintain such records as required by the department. If a grant recipient fails to maintain records
150 or submit reports as required herein, refuses the department access to the records, or fails to meet
151 the department's performance standards, the department may withhold subsequent grant
152 payments, if any, and may compel the repayment of funds provided to the recipient pursuant to
153 a grant.

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

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

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