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Section A. Sections 260.302, 260.325, and 260.335, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 260.302, 260.325, and 260.335, to read as follows: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

260.325. 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 areas within its jurisdiction and shall, from time to time, submit officially adopted revisions of its plan as it deems necessary or the department may require. In developing the district's solid waste management plan, the board shall consider the model plan distributed to the board

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.
pursuant to section 260.225. Districts may contract with a licensed professional engineer or as
provided in chapter 70 for the development and submission of a joint plan.

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

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

4. Each plan shall:

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

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

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

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

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

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

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

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

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

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

   (11) Establish procedures to minimize the introduction of small quantities of hazardous
waste, including household hazardous waste, into the solid waste stream;
(12) Establish a time schedule and proposed method of financing for the development, construction and operation of the planned solid waste management system together with the estimated cost thereof;

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

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

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

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

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

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

9. Based upon the financial assistance amounts set forth in this section, the district executive board shall arrange for an independent financial statement audit of the records and accounts of its operations by a certified public accountant or a firm of certified public accountants. Districts receiving more than eight hundred thousand dollars of financial assistance annually shall have annual independent financial statement audits; districts receiving between two hundred fifty thousand dollars and eight hundred thousand dollars of financial assistance annually shall have a biennial independent financial statement audit for the two-year period. All other districts shall be monitored biennially by the department and, based upon the findings within the monitoring report, may be required to arrange for an independent financial statement audit for the biennial monitoring period under review. [Subject to limitations caused by the availability of resources, the department shall conduct a performance audit of grants to each district at least once every five years, or as deemed necessary by the department based upon district grantee performance.]
260.335. 1. Each fiscal year eight hundred thousand dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials. [Each fiscal year up to two hundred thousand dollars from the solid waste management fund may be used by the department upon appropriation for grants to solid waste management districts for district grants and district operations. Only those solid waste management districts that are allocated fewer funds under subsection 2 of this section than if revenues had been allocated based on the criteria in effect in this section on August 27, 2004, are eligible for these grants. An eligible district shall receive a proportionate share of these grants based on that district's share of the total reduction in funds for eligible districts calculated by comparing the amount of funds allocated under subsection 2 of this section with the amount of funds that would have been allocated using the criteria in effect in this section on August 27, 2004.] The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

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

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

   (2) (a) Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, 2027, which shall be used solely to fund the operating costs of the department, shall be allocated to solid waste management districts. Such revenues shall be immediately transferred on a quarterly basis.

         (b) Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be
determined from the previous year's data. No more than [fifty] twenty-five percent of the revenue allocable under this subdivision may be allocated [to] by the districts [upon approval of the department] for [implementation of a solid waste management plan and] district operations, and at least [fifty] seventy-five percent of the revenue allocable to the districts under this subdivision shall be allocated to grants or projects serving the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties. [Each district shall receive a minimum of seventy-five thousand dollars under this subdivision.] After August 28, [2015] 2020, each district shall receive a minimum of [ninety-five] one hundred twenty thousand dollars under this subdivision for district grants and projects and district operations. Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department. Moneys shall be awarded based upon grant applications or project proposals.

(c) The following criteria may be considered to establish the order of district grant or project priority:

[æ] a. Grants to facilities of organizations employing individuals with disabilities under sections 178.900 to 178.960 or sections 205.968 to 205.972;

[ob] b. Grants for proposals that will promote and maximize the sharing of district resources;

[oc] c. Grants for proposals which provide methods of recycling and solid waste reduction; and

[od] d. All other grants.

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

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

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

(5) The department and the environmental improvement and energy resources authority shall conduct sample audits of grants provided under this subsection.
3. In addition to the criteria listed in this section, the advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall promulgate criteria for evaluating state grants by rule and regulation. Projects of cities and counties located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

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

5. Once grants are approved by the solid waste management district, the district shall submit to the department only the [appropriate forms associated with the grant application and any] supporting information to verify that appropriate public notice procedures were followed, that grant proposals were reviewed and ranked by the district, and that only eligible costs as set forth in regulations are to be funded. Within [thirty] ten days, the department shall review the grant application. If the department finds any deficiencies, or needs more information in order to evaluate the grant application, the department shall notify the district in writing. The district shall have an additional [thirty] ten days to respond to the department's request and to submit any additional information to the department. Within [thirty] ten days of receiving additional information, the department shall either approve or deny the [grant application] information. If the department takes no action, the [grant application] information shall be deemed approved. The [department, in conjunction with the solid waste advisory board,] district shall review the performance of all grant recipients to ensure that grant moneys were appropriately and effectively expended to further the purposes of the grant, as expressed in the recipient's grant [application] agreement. The grant [application] agreement shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The [department] district may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with this section. The [department] district may audit the records of any recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the [department] district may withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant.
6. The [department] district shall provide for a security interest in any machinery or equipment purchased through grant moneys distributed pursuant to this section.

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

8. If a solid waste management district receives an unfavorable decision on a request submitted to the department, the district may send such request to the solid waste advisory board established in section 260.345 within thirty days. Such request may be appealed to the administrative hearing commission upon at least two-thirds of the members of the board representing solid waste management districts, excluding the members of the board appointed by the program director of the solid waste management program, voting to approve such appeal at the board's next regular meeting.