

FIRST REGULAR SESSION

SENATE BILL NO. 328

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time January 22, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1407S.01I

AN ACT

To repeal section 260.200, RSMo, and to enact in lieu thereof two new sections relating to bio reactor landfills.

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

Section A. Section 260.200, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 260.200 and 260.256, to read as
3 follows:

260.200. 1. The following words and phrases when used in sections
2 260.200 to 260.345 shall mean:

3 (1) "Alkaline-manganese battery" or "alkaline battery", a battery having
4 a manganese dioxide positive electrode, a zinc negative electrode, an alkaline
5 electrolyte, including alkaline-manganese button cell batteries intended for use
6 in watches, calculators, and other electronic products, and larger-sized
7 alkaline-manganese batteries in general household use;

8 (2) **"Bio reactor landfill", a solid waste disposal area designed to**
9 **increase the production of combustible gases through the enhanced**
10 **decomposition of solid waste, yard waste, and other organic materials,**
11 **and the introduction of water;**

12 (3) "Button cell battery" or "button cell", any small alkaline-manganese
13 or mercuric-oxide battery having the size and shape of a button;

14 [(3)] (4) "City", any incorporated city, town, or village;

15 [(4)] (5) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete,
16 asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and
17 inert solids as approved by rule or policy of the department for fill, reclamation
18 or other beneficial use;

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

19 [(5)] (6) "Closure", the permanent cessation of active disposal operations,
20 abandonment of the disposal area, revocation of the permit or filling with waste
21 of all areas and volumes specified in the permit and preparing the area for
22 long-term care;

23 [(6)] (7) "Closure plan", plans, designs and relevant data which specify
24 the methods and schedule by which the operator will complete or cease disposal
25 operations, prepare the area for long-term care, and make the area suitable for
26 other uses, to achieve the purposes of sections 260.200 to 260.345 and the
27 regulations promulgated thereunder;

28 [(7)] (8) "Conference, conciliation and persuasion", a process of verbal or
29 written communications consisting of meetings, reports, correspondence or
30 telephone conferences between authorized representatives of the department and
31 the alleged violator. The process shall, at a minimum, consist of one offer to meet
32 with the alleged violator tendered by the department. During any such meeting,
33 the department and the alleged violator shall negotiate in good faith to eliminate
34 the alleged violation and shall attempt to agree upon a plan to achieve
35 compliance;

36 [(8)] (9) "Demolition landfill", a solid waste disposal area used for the
37 controlled disposal of demolition wastes, construction materials, brush, wood
38 wastes, soil, rock, concrete and inert solids insoluble in water;

39 [(9)] (10) "Department", the department of natural resources;

40 [(10)] (11) "Director", the director of the department of natural resources;

41 [(11)] (12) "District", a solid waste management district established
42 under section 260.305;

43 [(12)] (13) "Financial assurance instrument", an instrument or
44 instruments, including, but not limited to, cash or surety bond, letters of credit,
45 corporate guarantee or secured trust fund, submitted by the applicant to ensure
46 proper closure and postclosure care and corrective action of a solid waste disposal
47 area in the event that the operator fails to correctly perform closure and
48 postclosure care and corrective action requirements, except that the financial test
49 for the corporate guarantee shall not exceed one and one-half times the estimated
50 cost of closure and postclosure. The form and content of the financial assurance
51 instrument shall meet or exceed the requirements of the department. The
52 instrument shall be reviewed and approved or disapproved by the attorney
53 general;

54 [(13)] (14) "Flood area", any area inundated by the one hundred year
55 flood event, or the flood event with a one percent chance of occurring in any given
56 year;

57 [(14)] (15) "Household consumer", an individual who generates used
58 motor oil through the maintenance of the individual's personal motor vehicle,
59 vessel, airplane, or other machinery powered by an internal combustion engine;

60 [(15)] (16) "Household consumer used motor oil collection center", any
61 site or facility that accepts or aggregates and stores used motor oil collected only
62 from household consumers or farmers who generate an average of twenty-five
63 gallons per month or less of used motor oil in a calendar year. This section shall
64 not preclude a commercial generator from operating a household consumer used
65 motor oil collection center;

66 [(16)] (17) "Household consumer used motor oil collection system", any
67 used motor oil collection center at publicly owned facilities or private locations,
68 any curbside collection of household consumer used motor oil, or any other
69 household consumer used motor oil collection program determined by the
70 department to further the purposes of sections 260.200 to 260.345;

71 [(17)] (18) "Infectious waste", waste in quantities and characteristics as
72 determined by the department by rule, including isolation wastes, cultures and
73 stocks of etiologic agents, blood and blood products, pathological wastes, other
74 wastes from surgery and autopsy, contaminated laboratory wastes, sharps,
75 dialysis unit wastes, discarded biologicals known or suspected to be infectious;
76 provided, however, that infectious waste does not mean waste treated to
77 department specifications;

78 [(18)] (19) "Lead-acid battery", a battery designed to contain lead and
79 sulfuric acid with a nominal voltage of at least six volts and of the type intended
80 for use in motor vehicles and watercraft;

81 [(19)] (20) "Major appliance", clothes washers and dryers, water heaters,
82 trash compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves,
83 air conditioners, refrigerators and freezers;

84 [(20)] (21) "Mercuric-oxide battery" or "mercury battery", a battery
85 having a mercuric-oxide positive electrode, a zinc negative electrode, and an
86 alkaline electrolyte, including mercuric-oxide button cell batteries generally
87 intended for use in hearing aids and larger size mercuric-oxide batteries used
88 primarily in medical equipment;

89 [(21)] (22) "Minor violation", a violation which possesses a small
90 potential to harm the environment or human health or cause pollution, was not
91 knowingly committed, and is not defined by the United States Environmental
92 Protection Agency as other than minor;

93 [(22)] (23) "Motor oil", any oil intended for use in a motor vehicle, as
94 defined in section 301.010, RSMo, train, vessel, airplane, heavy equipment, or

95 other machinery powered by an internal combustion engine;

96 [(23)] (24) "Motor vehicle", as defined in section 301.010, RSMo;

97 [(24)] (25) "Operator" and "permittee", anyone so designated, and shall
98 include cities, counties, other political subdivisions, authority, state agency or
99 institution, or federal agency or institution;

100 [(25)] (26) "Permit modification", any permit issued by the department
101 which alters or modifies the provisions of an existing permit previously issued by
102 the department;

103 [(26)] (27) "Person", any individual, partnership, corporation, association,
104 institution, city, county, other political subdivision, authority, state agency or
105 institution, or federal agency or institution;

106 [(27)] (28) "Postclosure plan", plans, designs and relevant data which
107 specify the methods and schedule by which the operator shall perform necessary
108 monitoring and care for the area after closure to achieve the purposes of sections
109 260.200 to 260.345 and the regulations promulgated thereunder;

110 [(28)] (29) "Recovered materials", those materials which have been
111 diverted or removed from the solid waste stream for sale, use, reuse or recycling,
112 whether or not they require subsequent separation and processing;

113 [(29)] (30) "Recycled content", the proportion of fiber in a newspaper
114 which is derived from postconsumer waste;

115 [(30)] (31) "Recycling", the separation and reuse of materials which
116 might otherwise be disposed of as solid waste;

117 [(31)] (32) "Resource recovery", a process by which recyclable and
118 recoverable material is removed from the waste stream to the greatest extent
119 possible, as determined by the department and pursuant to department
120 standards, for reuse or remanufacture;

121 [(32)] (33) "Resource recovery facility", a facility in which recyclable and
122 recoverable material is removed from the waste stream to the greatest extent
123 possible, as determined by the department and pursuant to department
124 standards, for reuse or remanufacture;

125 [(33)] (34) "Sanitary landfill", a solid waste disposal area which accepts
126 commercial and residential solid waste;

127 [(34)] (35) "Scrap tire", a tire that is no longer suitable for its original
128 intended purpose because of wear, damage, or defect;

129 [(35)] (36) "Scrap tire collection center", a site where scrap tires are
130 collected prior to being offered for recycling or processing and where fewer than
131 five hundred tires are kept on site on any given day;

132 [(36)] (37) "Scrap tire end-user facility", a site where scrap tires are used

133 as a fuel or fuel supplement or converted into a useable product. Baled or
134 compressed tires used in structures, or used at recreational facilities, or used for
135 flood or erosion control shall be considered an end use;

136 [(37)] (38) "Scrap tire generator", a person who sells tires at retail or any
137 other person, firm, corporation, or government entity that generates scrap tires;

138 [(38)] (39) "Scrap tire processing facility", a site where tires are reduced
139 in volume by shredding, cutting, or chipping or otherwise altered to facilitate
140 recycling, resource recovery, or disposal;

141 [(39)] (40) "Scrap tire site", a site at which five hundred or more scrap
142 tires are accumulated, but not including a site owned or operated by a scrap tire
143 end-user that burns scrap tires for the generation of energy or converts scrap
144 tires to a useful product;

145 [(40)] (41) "Solid waste", garbage, refuse and other discarded materials
146 including, but not limited to, solid and semisolid waste materials resulting from
147 industrial, commercial, agricultural, governmental and domestic activities, but
148 does not include hazardous waste as defined in sections 260.360 to 260.432,
149 recovered materials, overburden, rock, tailings, matte, slag or other waste
150 material resulting from mining, milling or smelting;

151 [(41)] (42) "Solid waste disposal area", any area used for the disposal of
152 solid waste from more than one residential premises, or one or more commercial,
153 industrial, manufacturing, recreational, or governmental operations;

154 [(42)] (43) "Solid waste fee", a fee imposed pursuant to sections 260.200
155 to 260.345 and may be:

156 (a) A solid waste collection fee imposed at the point of waste collection; or

157 (b) A solid waste disposal fee imposed at the disposal site;

158 [(43)] (44) "Solid waste management area", a solid waste disposal area
159 which also includes one or more of the functions contained in the definitions of
160 recycling, resource recovery facility, waste tire collection center, waste tire
161 processing facility, waste tire site or solid waste processing facility, excluding
162 incineration;

163 [(44)] (45) "Solid waste management system", the entire process of
164 managing solid waste in a manner which minimizes the generation and
165 subsequent disposal of solid waste, including waste reduction, source separation,
166 collection, storage, transportation, recycling, resource recovery, volume
167 minimization, processing, market development, and disposal of solid wastes;

168 [(45)] (46) "Solid waste processing facility", any facility where solid
169 wastes are salvaged and processed, including:

170 (a) A transfer station; or

171 (b) An incinerator which operates with or without energy recovery but
172 excluding waste tire end-user facilities; or

173 (c) A material recovery facility which operates with or without composting;
174 [(46)] (47) "Solid waste technician", an individual who has successfully
175 completed training in the practical aspects of the design, operation and
176 maintenance of a permitted solid waste processing facility or solid waste disposal
177 area in accordance with sections 260.200 to 260.345;

178 [(47)] (48) "Tire", a continuous solid or pneumatic rubber covering
179 encircling the wheel of any self-propelled vehicle not operated exclusively upon
180 tracks, or a trailer as defined in chapter 301, RSMo, except farm tractors and
181 farm implements owned and operated by a family farm or family farm corporation
182 as defined in section 350.010, RSMo;

183 [(48)] (49) "Used motor oil", any motor oil which, as a result of use,
184 becomes unsuitable for its original purpose due to loss of original properties or
185 the presence of impurities, but used motor oil shall not include ethylene glycol,
186 oils used for solvent purposes, oil filters that have been drained of free flowing
187 used oil, oily waste, oil recovered from oil tank cleaning operations, oil spilled to
188 land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,
189 quenching oils, and transformer oils;

190 [(49)] (50) "Utility waste landfill", a solid waste disposal area used for
191 fly ash waste, bottom ash waste, slag waste and flue gas emission control waste
192 generated primarily from the combustion of coal or other fossil fuels;

193 [(50)] (51) "Yard waste", leaves, grass clippings, yard and garden
194 vegetation and Christmas trees. The term does not include stumps, roots or
195 shrubs with intact root balls.

196 2. For the purposes of this section and sections 260.270 to 260.278 and
197 any rules in place as of August 28, 2005, or promulgated under said sections, the
198 term "scrap" shall be used synonymously with and in place of "waste", as it
199 applies only to scrap tires.

**260.256. 1. Effective August 28, 2007, the department shall
2 consider alternative designs for bio reactor landfills on a pilot
3 basis. The department shall approve a pilot bio reactor landfill
4 provided:**

5 (1) The applicant is a city located in a county of the first
6 classification having previously received a permit for a solid waste
7 management area;

8 (2) The solid waste management area is the only solid waste
9 management area in the county; and

10 **(3) The voters of the city have adopted, by ordinance, a**
11 **requirement, which may be subject to limitations, that the city provide**
12 **a minimum of two percent of its electricity in the community from**
13 **renewable energy sources.**

14 **2. The design of the bio reactor landfill shall be engineered by**
15 **a consulting engineering firm that has previously had its landfill**
16 **designs for conventional technology approved by the department.**

17 **3. Yard waste prohibited under section 260.250 from being**
18 **disposed of in a solid waste disposal area shall be permitted in the bio**
19 **reactor landfill provided the engineering design demonstrates the**
20 **addition of the organic material will increase gas production for**
21 **conversion to electricity.**

22 **4. Organic-based materials traditionally removed from the waste**
23 **stream as recycling may be disposed in the bio reactor landfill and**
24 **considered recycled for the purpose of any other law if the addition of**
25 **the material to the bio reactor landfill can be demonstrated to increase**
26 **production of gas used for the generation of electricity and electricity**
27 **is being generated on the date the material is placed in the bio reactor**
28 **landfill.**

29 **5. The applicant shall, as part of the pilot authorization, provide**
30 **funds for directed research to be conducted by a research university in**
31 **a county of the first classification to demonstrate the successful**
32 **production of alternative energy from the pilot approval.**

33 **6. The department shall expedite the processing and issuance of**
34 **permits authorized by this section in order to provide enhanced energy**
35 **opportunities in the state.**

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