

FIRST REGULAR SESSION

SENATE BILL NO. 417

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 27, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1688S.05I

AN ACT

To repeal sections 43.543, 260.200, 260.205, 260.262, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 444.772, 643.079, and 644.054, RSMo, and to enact in lieu thereof twelve new sections relating to the department of natural resources, with an emergency clause for a certain section.

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

Section A. Sections 43.543, 260.200, 260.205, 260.262, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 444.772, 643.079, and 644.054, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 43.543, 260.200, 260.205, 260.262, 260.380, 260.390, 260.395, 260.475, 444.772, 643.079, 644.054, and 644.057, to read as follows:

43.543. Any state agency listed in section 621.045, the division of professional registration of the department of insurance, financial institutions and professional registration, the department of social services, the supreme court of Missouri, the state courts administrator, the department of elementary and secondary education, **the department of natural resources**, the Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency which screens persons seeking employment with such agencies or issuance or renewal of a license, permit, certificate, or registration of authority from such agencies; or any state, municipal, or county agency or committee, or state school of higher education which is authorized by state statute or executive order, or local or county ordinance to screen applicants or candidates seeking or considered for employment, assignment, contracting, or appointment to a position within state, municipal, or county government; or the Missouri peace officers standards and training, POST, commission which screens persons, not employed by a

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

15 criminal justice agency, who seek enrollment or access into a certified POST
16 training academy police school, or persons seeking a permit to purchase or
17 possess a firearm for employment as a watchman, security personnel, or private
18 investigator; or law enforcement agencies which screen persons seeking issuance
19 or renewal of a license, permit, certificate, or registration to purchase or possess
20 a firearm shall submit two sets of fingerprints to the Missouri state highway
21 patrol, Missouri criminal records repository, for the purpose of checking the
22 person's criminal history. The first set of fingerprints shall be used to search the
23 Missouri criminal records repository and the second set shall be submitted to the
24 Federal Bureau of Investigation to be used for searching the federal criminal
25 history files if necessary. The fingerprints shall be submitted on forms and in the
26 manner prescribed by the Missouri state highway patrol. Fees assessed for the
27 searches shall be paid by the applicant or in the manner prescribed by the
28 Missouri state highway patrol. Notwithstanding the provisions of section
29 610.120, all records related to any criminal history information discovered shall
30 be accessible and available to the state, municipal, or county agency making the
31 record request.

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) **"Applicant", a person or persons seeking or holding a facility**
9 **permit;**

10 (3) "Bioreactor", a municipal solid waste disposal area or portion of a
11 municipal solid waste disposal area where the controlled addition of liquid waste
12 or water accelerates both the decomposition of waste and landfill gas generation;

13 [(3)] (4) "Button cell battery" or "button cell", any small
14 alkaline-manganese or mercuric-oxide battery having the size and shape of a
15 button;

16 [(4)] (5) "City", any incorporated city, town, or village;

17 [(5)] (6) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete,
18 asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and
19 inert solids as approved by rule or policy of the department for fill, reclamation

20 or other beneficial use;

21 [(6)] (7) "Closure", the permanent cessation of active disposal operations,
22 abandonment of the disposal area, revocation of the permit or filling with waste
23 of all areas and volumes specified in the permit and preparing the area for
24 long-term care;

25 [(7)] (8) "Closure plan", plans, designs and relevant data which specify
26 the methods and schedule by which the operator will complete or cease disposal
27 operations, prepare the area for long-term care, and make the area suitable for
28 other uses, to achieve the purposes of sections 260.200 to 260.345 and the
29 regulations promulgated thereunder;

30 [(8)] (9) "Conference, conciliation and persuasion", a process of verbal or
31 written communications consisting of meetings, reports, correspondence or
32 telephone conferences between authorized representatives of the department and
33 the alleged violator. The process shall, at a minimum, consist of one offer to meet
34 with the alleged violator tendered by the department. During any such meeting,
35 the department and the alleged violator shall negotiate in good faith to eliminate
36 the alleged violation and shall attempt to agree upon a plan to achieve
37 compliance;

38 [(9)] (10) "Construction and demolition waste", waste materials from the
39 construction and demolition of residential, industrial, or commercial structures,
40 but shall not include materials defined as clean fill under this section;

41 [(10)] (11) "Demolition landfill", a solid waste disposal area used for the
42 controlled disposal of demolition wastes, construction materials, brush, wood
43 wastes, soil, rock, concrete and inert solids insoluble in water;

44 [(11)] (12) "Department", the department of natural resources;

45 [(12)] (13) "Director", the director of the department of natural resources;

46 [(13)] (14) **"Disclosure statement", a sworn statement or**
47 **affirmation, in such form as may be required by the director of the**
48 **department of natural resources which includes:**

49 (a) **The full name and business address of all key personnel;**

50 (b) **The full name and business address of any entity, other than**
51 **a natural person, that collects, transports, treats, stores, or disposes of**
52 **solid waste in which any key personnel holds an equity interest of**
53 **seven percent or more;**

54 (c) **A description of the business experience of all key personnel**
55 **listed in the disclosure statement;**

56 (d) A listing of all permits or licenses from any jurisdiction
57 required for the collection, transportation, transfer, treatment,
58 processing, storage, or disposal of solid waste issued to or held by any
59 key personnel for the ten year period ending on the date the sworn
60 disclosure statement or affirmation is signed;

61 (e) A listing and explanation of any notices of violation,
62 prosecutions, administrative orders (whether by consent or otherwise),
63 license or permit suspensions, revocations or denials, or enforcement
64 actions of any sort by any state, federal or local authority, for the ten
65 year period ending on the date the sworn disclosure statement or
66 affirmation is signed, which are pending or have concluded with a
67 finding of violation or entry of a consent agreement, regarding an
68 allegation of civil or criminal violation of any law, regulation or
69 requirement relating to the collection, transportation, treatment,
70 storage, or disposal of solid waste or violation of Missouri
71 environmental statutes, violation of the environmental statutes of other
72 states or federal statutes by any key personnel; an itemized list of all
73 findings of guilt for the ten year period ending on the date the sworn
74 disclosure statement or affirmation is signed of key personnel of any
75 of the following crimes punishable as felonies under the laws of the
76 state of Missouri or the equivalent thereof under the laws of any other
77 jurisdiction: murder; kidnaping; gambling; robbery; bribery; extortion;
78 criminal usury; arson; burglary; theft and related crimes; forgery and
79 fraudulent practices; fraud in the offering, sale, or purchase of
80 securities; alteration of motor vehicle identification numbers; unlawful
81 manufacture, purchase, use or transfer of firearms; unlawful possession
82 or use of destructive devices or explosives; violation of the Controlled
83 Substances Act, Title 21, United States Code; and a listing of any
84 findings of guilt for any crimes or criminal acts for the ten year period
85 ending on the date the sworn disclosure statement or affirmation is
86 signed an element of which involves restraint of trade, price-fixing,
87 intimidation of the customers of another person or for engaging in any
88 other acts which may have the effect of restraining or limiting
89 competition concerning activities regulated pursuant to this chapter or
90 similar laws of other states or the federal government including, but
91 not limited to, racketeering or violation of antitrust laws of any key
92 personnel;

93 **(f) A listing of all agencies outside the state of Missouri which**
94 **have regulatory responsibility over the applicant or have issued any**
95 **environmental permit or license to the applicant for the ten year period**
96 **ending on the date the sworn disclosure statement or affirmation is**
97 **signed, in connection with the applicant's collection, transportation,**
98 **treatment, storage, or disposal of solid waste;**

99 **(g) Any other information about the applicant and the key**
100 **personnel that the director of the department of natural resources may**
101 **require that reasonably relates to the qualifications and ability of the**
102 **key personnel or the applicant to lawfully and competently operate a**
103 **solid waste management facility in Missouri;**

104 **(h) The department of natural resources shall, by rule, define**
105 **those environmental violations which must be reported as part of the**
106 **disclosure statement; and**

107 **(i) The department of natural resources may, by rule, require**
108 **additional persons to be named in the disclosure statement and**
109 **violations or convictions of such persons shall be listed;**

110 **(15) "District", a solid waste management district established under**
111 **section 260.305;**

112 **[(14)] (16) "Financial assurance instrument", an instrument or**
113 **instruments, including, but not limited to, cash or surety bond, letters of credit,**
114 **corporate guarantee or secured trust fund, submitted by the applicant to ensure**
115 **proper closure and postclosure care and corrective action of a solid waste disposal**
116 **area in the event that the operator fails to correctly perform closure and**
117 **postclosure care and corrective action requirements, except that the financial test**
118 **for the corporate guarantee shall not exceed one and one-half times the estimated**
119 **cost of closure and postclosure. The form and content of the financial assurance**
120 **instrument shall meet or exceed the requirements of the department. The**
121 **instrument shall be reviewed and approved or disapproved by the attorney**
122 **general;**

123 **[(15)] (17) "Flood area", any area inundated by the one hundred year**
124 **flood event, or the flood event with a one percent chance of occurring in any given**
125 **year;**

126 **[(16)] (18) "Household consumer", an individual who generates used**
127 **motor oil through the maintenance of the individual's personal motor vehicle,**
128 **vessel, airplane, or other machinery powered by an internal combustion engine;**

129 [(17)] (19) "Household consumer used motor oil collection center", any
130 site or facility that accepts or aggregates and stores used motor oil collected only
131 from household consumers or farmers who generate an average of twenty-five
132 gallons per month or less of used motor oil in a calendar year. This section shall
133 not preclude a commercial generator from operating a household consumer used
134 motor oil collection center;

135 [(18)] (20) "Household consumer used motor oil collection system", any
136 used motor oil collection center at publicly owned facilities or private locations,
137 any curbside collection of household consumer used motor oil, or any other
138 household consumer used motor oil collection program determined by the
139 department to further the purposes of sections 260.200 to 260.345;

140 [(19)] (21) "Infectious waste", waste in quantities and characteristics as
141 determined by the department by rule, including isolation wastes, cultures and
142 stocks of etiologic agents, blood and blood products, pathological wastes, other
143 wastes from surgery and autopsy, contaminated laboratory wastes, sharps,
144 dialysis unit wastes, discarded biologicals known or suspected to be infectious;
145 provided, however, that infectious waste does not mean waste treated to
146 department specifications;

147 [(20)] (22) **"Key personnel", the applicant itself and any person**
148 **employed by the applicant in a managerial capacity, or empowered to**
149 **make discretionary decisions, with respect to the solid waste**
150 **operations of the applicant in Missouri, but shall not include employees**
151 **exclusively engaged in the physical or mechanical collection,**
152 **transportation, treatment, storage, or disposal of solid waste and such**
153 **other employees as the director of the department of natural resources**
154 **may designate by regulation. If the applicant has not previously**
155 **conducted solid waste operations in Missouri, the term also includes**
156 **any officer, director, partner of the applicant, or any holder of seven**
157 **percent or more of the equity or debt of the applicant. If any holder of**
158 **seven percent or more of the equity or debt of the applicant or of any**
159 **key personnel is not a natural person, the term includes all key**
160 **personnel of that entity, provided that where such entity is a chartered**
161 **lending institution or a reporting company under the federal Securities**
162 **Exchange Act of 1934, the term does not include key personnel of such**
163 **entity. Provided further that the term means the chief executive officer**
164 **of any agency of the United States or of any agency or political**

165 **subdivision of the state of Missouri, and all key personnel of any**
166 **person, other than a natural person, that operates a landfill or other**
167 **facility for the disposal, treatment, or storage of nonhazardous solid**
168 **waste under contract with or for one of those governmental entities;**

169 **(23)** "Lead-acid battery", a battery designed to contain lead and sulfuric
170 acid with a nominal voltage of at least six volts and of the type intended for use
171 in motor vehicles and watercraft;

172 **[(21)] (24)** "Major appliance", clothes washers and dryers, water heaters,
173 trash compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves,
174 air conditioners, refrigerators and freezers;

175 **[(22)] (25)** "Mercuric-oxide battery" or "mercury battery", a battery
176 having a mercuric-oxide positive electrode, a zinc negative electrode, and an
177 alkaline electrolyte, including mercuric-oxide button cell batteries generally
178 intended for use in hearing aids and larger size mercuric-oxide batteries used
179 primarily in medical equipment;

180 **[(23)] (26)** "Minor violation", a violation which possesses a small
181 potential to harm the environment or human health or cause pollution, was not
182 knowingly committed, and is not defined by the United States Environmental
183 Protection Agency as other than minor;

184 **[(24)] (27)** "Motor oil", any oil intended for use in a motor vehicle, as
185 defined in section 301.010, train, vessel, airplane, heavy equipment, or other
186 machinery powered by an internal combustion engine;

187 **[(25)] (28)** "Motor vehicle", as defined in section 301.010;

188 **[(26)] (29)** "Operator" and "permittee", anyone so designated, and shall
189 include cities, counties, other political subdivisions, authority, state agency or
190 institution, or federal agency or institution;

191 **[(27)] (30)** "Permit modification", any permit issued by the department
192 which alters or modifies the provisions of an existing permit previously issued by
193 the department;

194 **[(28)] (31)** "Person", any individual, partnership, **limited liability**
195 **company**, corporation, association, **trust**, institution, city, county, other political
196 subdivision, authority, state agency or institution, [or] federal agency or
197 institution, **or any other legal entity**;

198 **[(29)] (32)** "Plasma arc technology", a process that converts electrical
199 energy into thermal energy. This electric arc is created when an ionized gas
200 transfers electric power between two or more electrodes;

201 [(30)] **(33)** "Postclosure plan", plans, designs and relevant data which
202 specify the methods and schedule by which the operator shall perform necessary
203 monitoring and care for the area after closure to achieve the purposes of sections
204 260.200 to 260.345 and the regulations promulgated thereunder;

205 [(31)] **(34)** "Recovered materials", those materials which have been
206 diverted or removed from the solid waste stream for sale, use, reuse or recycling,
207 whether or not they require subsequent separation and processing;

208 [(32)] **(35)** "Recycled content", the proportion of fiber in a newspaper
209 which is derived from postconsumer waste;

210 [(33)] **(36)** "Recycling", the separation and reuse of materials which
211 might otherwise be disposed of as solid waste;

212 [(34)] **(37)** "Resource recovery", a process by which recyclable and
213 recoverable material is removed from the waste stream to the greatest extent
214 possible, as determined by the department and pursuant to department
215 standards, for reuse or remanufacture;

216 [(35)] **(38)** "Resource recovery facility", a facility in which recyclable and
217 recoverable material is removed from the waste stream to the greatest extent
218 possible, as determined by the department and pursuant to department
219 standards, for reuse or remanufacture;

220 [(36)] **(39)** "Sanitary landfill", a solid waste disposal area which accepts
221 commercial and residential solid waste;

222 [(37)] **(40)** "Scrap tire", a tire that is no longer suitable for its original
223 intended purpose because of wear, damage, or defect;

224 [(38)] **(41)** "Scrap tire collection center", a site where scrap tires are
225 collected prior to being offered for recycling or processing and where fewer than
226 five hundred tires are kept on site on any given day;

227 [(39)] **(42)** "Scrap tire end-user facility", a site where scrap tires are used
228 as a fuel or fuel supplement or converted into a useable product. Baled or
229 compressed tires used in structures, or used at recreational facilities, or used for
230 flood or erosion control shall be considered an end use;

231 [(40)] **(43)** "Scrap tire generator", a person who sells tires at retail or any
232 other person, firm, corporation, or government entity that generates scrap tires;

233 [(41)] **(44)** "Scrap tire processing facility", a site where tires are reduced
234 in volume by shredding, cutting, or chipping or otherwise altered to facilitate
235 recycling, resource recovery, or disposal;

236 [(42)] **(45)** "Scrap tire site", a site at which five hundred or more scrap

237 tires are accumulated, but not including a site owned or operated by a scrap tire
238 end-user that burns scrap tires for the generation of energy or converts scrap
239 tires to a useful product;

240 [(43)] **(46)** "Solid waste", garbage, refuse and other discarded materials
241 including, but not limited to, solid and semisolid waste materials resulting from
242 industrial, commercial, agricultural, governmental and domestic activities, but
243 does not include hazardous waste as defined in sections 260.360 to 260.432,
244 recovered materials, overburden, rock, tailings, matte, slag or other waste
245 material resulting from mining, milling or smelting;

246 [(44)] **(47)** "Solid waste disposal area", any area used for the disposal of
247 solid waste from more than one residential premises, or one or more commercial,
248 industrial, manufacturing, recreational, or governmental operations;

249 [(45)] **(48)** "Solid waste fee", a fee imposed pursuant to sections 260.200
250 to 260.345 and may be:

- 251 (a) A solid waste collection fee imposed at the point of waste collection; or
252 (b) A solid waste disposal fee imposed at the disposal site;

253 [(46)] **(49)** "Solid waste management area", a solid waste disposal area
254 which also includes one or more of the functions contained in the definitions of
255 recycling, resource recovery facility, waste tire collection center, waste tire
256 processing facility, waste tire site or solid waste processing facility, excluding
257 incineration;

258 [(47)] **(50)** "Solid waste management system", the entire process of
259 managing solid waste in a manner which minimizes the generation and
260 subsequent disposal of solid waste, including waste reduction, source separation,
261 collection, storage, transportation, recycling, resource recovery, volume
262 minimization, processing, market development, and disposal of solid wastes;

263 [(48)] **(51)** "Solid waste processing facility", any facility where solid
264 wastes are salvaged and processed, including:

- 265 (a) A transfer station; or
266 (b) An incinerator which operates with or without energy recovery but
267 excluding waste tire end-user facilities; or
268 (c) A material recovery facility which operates with or without composting;
269 (d) A plasma arc technology facility;

270 [(49)] **(52)** "Solid waste technician", an individual who has successfully
271 completed training in the practical aspects of the design, operation and
272 maintenance of a permitted solid waste processing facility or solid waste disposal

273 area in accordance with sections 260.200 to 260.345;

274 [(50)] **(53)** "Tire", a continuous solid or pneumatic rubber covering
275 encircling the wheel of any self-propelled vehicle not operated exclusively upon
276 tracks, or a trailer as defined in chapter 301, except farm tractors and farm
277 implements owned and operated by a family farm or family farm corporation as
278 defined in section 350.010;

279 [(51)] **(54)** "Used motor oil", any motor oil which, as a result of use,
280 becomes unsuitable for its original purpose due to loss of original properties or
281 the presence of impurities, but used motor oil shall not include ethylene glycol,
282 oils used for solvent purposes, oil filters that have been drained of free flowing
283 used oil, oily waste, oil recovered from oil tank cleaning operations, oil spilled to
284 land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,
285 quenching oils, and transformer oils;

286 [(52)] **(55)** "Utility waste landfill", a solid waste disposal area used for
287 fly ash waste, bottom ash waste, slag waste and flue gas emission control waste
288 generated primarily from the combustion of coal or other fossil fuels;

289 [(53)] **(56)** "Yard waste", leaves, grass clippings, yard and garden
290 vegetation and Christmas trees. The term does not include stumps, roots or
291 shrubs with intact root balls.

292 2. For the purposes of this section and sections 260.270 to 260.279 and
293 any rules in place as of August 28, 2005, or promulgated under said sections, the
294 term "scrap" shall be used synonymously with and in place of waste, as it applies
295 only to scrap tires.

260.205. 1. It shall be unlawful for any person to operate a solid waste
2 processing facility or solid waste disposal area of a solid waste management
3 system without first obtaining an operating permit from the department. It shall
4 be unlawful for any person to construct a solid waste processing facility or solid
5 waste disposal area without first obtaining a construction permit from the
6 department pursuant to this section. A current authorization to operate issued
7 by the department pursuant to sections 260.200 to 260.345 shall be considered to
8 be a permit to operate for purposes of this section for all solid waste disposal
9 areas and processing facilities existing on August 28, 1995. A permit shall not
10 be issued for a sanitary landfill to be located in a flood area, as determined by the
11 department, where flood waters are likely to significantly erode final cover. A
12 permit shall not be required to operate a waste stabilization lagoon, settling pond
13 or other water treatment facility which has a valid permit from the Missouri

14 clean water commission even though the facility may receive solid or semisolid
15 waste materials.

16 2. No person or operator may apply for or obtain a permit to construct a
17 solid waste disposal area unless the person has requested the department to
18 conduct a preliminary site investigation and obtained preliminary approval from
19 the department. The department shall, within sixty days of such request, conduct
20 a preliminary investigation and approve or disapprove the site.

21 3. All proposed solid waste disposal areas for which a preliminary site
22 investigation request pursuant to subsection 2 of this section is received by the
23 department on or after August 28, 1999, shall be subject to a public involvement
24 activity as part of the permit application process. The activity shall consist of the
25 following:

26 (1) The applicant shall notify the public of the preliminary site
27 investigation approval within thirty days after the receipt of such approval. Such
28 public notification shall be by certified mail to the governing body of the county
29 or city in which the proposed disposal area is to be located and by certified mail
30 to the solid waste management district in which the proposed disposal area is to
31 be located;

32 (2) Within ninety days after the preliminary site investigation approval,
33 the department shall conduct a public awareness session in the county in which
34 the proposed disposal area is to be located. The department shall provide public
35 notice of such session by both printed and broadcast media at least thirty days
36 prior to such session. Printed notification shall include publication in at least one
37 newspaper having general circulation within the county in which the proposed
38 disposal area is to be located. Broadcast notification shall include public service
39 announcements on radio stations that have broadcast coverage within the county
40 in which the proposed disposal area is to be located. The intent of such public
41 awareness session shall be to provide general information to interested citizens
42 on the design and operation of solid waste disposal areas;

43 (3) At least sixty days prior to the submission to the department of a
44 report on the results of a detailed site investigation pursuant to subsection 4 of
45 this section, the applicant shall conduct a community involvement session in the
46 county in which the proposed disposal area is to be located. Department staff
47 shall attend any such session. The applicant shall provide public notice of such
48 session by both printed and broadcast media at least thirty days prior to such
49 session. Printed notification shall include publication in at least one newspaper

50 having general circulation within the county in which the proposed disposal area
51 is to be located. Broadcast notification shall include public service
52 announcements on radio stations that have broadcast coverage within the county
53 in which the proposed disposal area is to be located. Such public notices shall
54 include the addresses of the applicant and the department and information on a
55 public comment period. Such public comment period shall begin on the day of the
56 community involvement session and continue for at least thirty days after such
57 session.

58 The applicant shall respond to all persons submitting comments during the public
59 comment period no more than thirty days after the receipt of such comments;

60 (4) If a proposed solid waste disposal area is to be located in a county or
61 city that has local planning and zoning requirements, the applicant shall not be
62 required to conduct a community involvement session if the following conditions
63 are met:

64 (a) The local planning and zoning requirements include a public meeting;

65 (b) The applicant notifies the department of intent to utilize such meeting
66 in lieu of the community involvement session at least thirty days prior to such
67 meeting;

68 (c) The requirements of such meeting include providing public notice by
69 printed or broadcast media at least thirty days prior to such meeting;

70 (d) Such meeting is held at least thirty days prior to the submission to the
71 department of a report on the results of a detailed site investigation pursuant to
72 subsection 4 of this section;

73 (e) The applicant submits to the department a record of such meeting;

74 (f) A public comment period begins on the day of such meeting and
75 continues for at least fourteen days after such meeting, and the applicant
76 responds to all persons submitting comments during such public comment period
77 no more than fourteen days after the receipt of such comments.

78 4. No person may apply for or obtain a permit to construct a solid waste
79 disposal area unless the person has submitted to the department a plan for
80 conducting a detailed surface and subsurface geologic and hydrologic
81 investigation and has obtained geologic and hydrologic site approval from the
82 department. The department shall approve or disapprove the plan within thirty
83 days of receipt. The applicant shall conduct the investigation pursuant to the
84 plan and submit the results to the department. The department shall provide
85 approval or disapproval within sixty days of receipt of the investigation results.

86 5. (1) Every person desiring to construct a solid waste processing facility
87 or solid waste disposal area shall make application for a permit on forms provided
88 for this purpose by the department. Every applicant shall submit evidence of
89 financial responsibility with the application. Any applicant who relies in part
90 upon a parent corporation for this demonstration shall also submit evidence of
91 financial responsibility for that corporation and any other subsidiary thereof.

92 (2) Every applicant shall provide a financial assurance instrument or
93 instruments to the department prior to the granting of a construction permit for
94 a solid waste disposal area. The financial assurance instrument or instruments
95 shall be irrevocable, meet all requirements established by the department and
96 shall not be cancelled, revoked, disbursed, released or allowed to terminate
97 without the approval of the department. After the cessation of active operation
98 of a sanitary landfill, or other solid waste disposal area as designed by the
99 department, neither the guarantor nor the operator shall cancel, revoke or
100 disburse the financial assurance instrument or allow the instrument to terminate
101 until the operator is released from postclosure monitoring and care
102 responsibilities pursuant to section 260.227.

103 (3) The applicant for a permit to construct a solid waste disposal area
104 shall provide the department with plans, specifications, and such other data as
105 may be necessary to comply with the purpose of sections 260.200 to 260.345.
106 The application shall demonstrate compliance with all applicable local planning
107 and zoning requirements. The department shall make an investigation of the
108 solid waste disposal area and determine whether it complies with the provisions
109 of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to
110 sections 260.200 to 260.345. Within twelve consecutive months of the receipt of
111 an application for a construction permit the department shall approve or deny the
112 application. The department shall issue rules and regulations establishing time
113 limits for permit modifications and renewal of a permit for a solid waste disposal
114 area. The time limit shall be consistent with this chapter.

115 (4) The applicant for a permit to construct a solid waste processing facility
116 shall provide the department with plans, specifications and such other data as
117 may be necessary to comply with the purpose of sections 260.200 to
118 260.345. Within one hundred eighty days of receipt of the application, the
119 department shall determine whether it complies with the provisions of sections
120 260.200 to 260.345. Within twelve consecutive months of the receipt of an
121 application for a permit to construct an incinerator as defined in section 260.200

122 or a material recovery facility as defined in section 260.200, and within six
123 months for permit modifications, the department shall approve or deny the
124 application. Permits issued for solid waste facilities shall be for the anticipated
125 life of the facility.

126 (5) If the department fails to approve or deny an application for a permit
127 or a permit modification within the time limits specified in subdivisions (3) and
128 (4) of this subsection, the applicant may maintain an action in the circuit court
129 of Cole County or that of the county in which the facility is located or is to be
130 sited. The court shall order the department to show cause why it has not acted
131 on the permit and the court may, upon the presentation of evidence satisfactory
132 to the court, order the department to issue or deny such permit or permit
133 modification. Permits for solid waste disposal areas, whether issued by the
134 department or ordered to be issued by a court, shall be for the anticipated life of
135 the facility.

136 (6) The applicant for a permit to construct a solid waste processing facility
137 shall pay an application fee of one thousand dollars. Upon completion of the
138 department's evaluation of the application, but before receiving a permit, the
139 applicant shall reimburse the department for all reasonable costs incurred by the
140 department up to a maximum of four thousand dollars. The applicant for a
141 permit to construct a solid waste disposal area shall pay an application fee of two
142 thousand dollars. Upon completion of the department's evaluations of the
143 application, but before receiving a permit, the applicant shall reimburse the
144 department for all reasonable costs incurred by the department up to a maximum
145 of eight thousand dollars. Applicants who withdraw their application before the
146 department completes its evaluation shall be required to reimburse the
147 department for costs incurred in the evaluation. The department shall not collect
148 the fees authorized in this subdivision unless it complies with the time limits
149 established in this section.

150 (7) When the review reveals that the facility or area does conform with
151 the provisions of sections 260.200 to 260.345 and the rules and regulations
152 adopted pursuant to sections 260.200 to 260.345, the department shall approve
153 the application and shall issue a permit for the construction of each solid waste
154 processing facility or solid waste disposal area as set forth in the application and
155 with any permit terms and conditions which the department deems appropriate.
156 In the event that the facility or area fails to meet the rules and regulations
157 adopted pursuant to sections 260.200 to 260.345, the department shall issue a

158 report to the applicant stating the reason for denial of a permit.

159 6. Plans, designs, and relevant data for the construction of solid waste
160 processing facilities and solid waste disposal areas shall be submitted to the
161 department by a registered professional engineer licensed by the state of Missouri
162 for approval prior to the construction, alteration or operation of such a facility or
163 area.

164 7. Any person or operator as defined in section 260.200 who intends to
165 obtain a construction permit in a solid waste management district with an
166 approved solid waste management plan shall request a recommendation in
167 support of the application from the executive board created in section
168 260.315. The executive board shall consider the impact of the proposal on, and
169 the extent to which the proposal conforms to, the approved district solid waste
170 management plan prepared pursuant to section 260.325. The executive board
171 shall act upon the request for a recommendation within sixty days of receipt and
172 shall submit a resolution to the department specifying its position and its
173 recommendation regarding conformity of the application to the solid waste
174 plan. The board's failure to submit a resolution constitutes recommendation of
175 the application. The department may consider the application, regardless of the
176 board's action thereon and may deny the construction permit if the application
177 fails to meet the requirements of sections 260.200 to 260.345, or if the application
178 is inconsistent with the district's solid waste management plan.

179 8. If the site proposed for a solid waste disposal area is not owned by the
180 applicant, the owner or owners of the site shall acknowledge that an application
181 pursuant to sections 260.200 to 260.345 is to be submitted by signature or
182 signatures thereon. The department shall provide the owner with copies of all
183 communication with the operator, including inspection reports and orders issued
184 pursuant to section 260.230.

185 9. The department shall not issue a permit for the operation of a solid
186 waste disposal area designed to serve a city with a population of greater than
187 four hundred thousand located in more than one county, if the site is located
188 within one-half mile of an adjoining municipality, without the approval of the
189 governing body of such municipality. The governing body shall conduct a public
190 hearing within fifteen days of notice, shall publicize the hearing in at least one
191 newspaper having general circulation in the municipality, and shall vote to
192 approve or disapprove the land disposal facility within thirty days after the close
193 of the hearing.

194 10. Upon receipt of an application for a permit to construct a solid waste
195 processing facility or disposal area, the department shall notify the public of such
196 receipt:

197 (1) By legal notice published in a newspaper of general circulation in the
198 area of the proposed disposal area or processing facility;

199 (2) By certified mail to the governing body of the county or city in which
200 the proposed disposal area or processing facility is to be located; and

201 (3) By mail to the last known address of all record owners of contiguous
202 real property or real property located within one thousand feet of the proposed
203 disposal area and, for a proposed processing facility, notice as provided in section
204 64.875 or section 89.060, whichever is applicable.

205 (4) If an application for a construction permit meets all statutory and
206 regulatory requirements for issuance, a public hearing on the draft permit shall
207 be held by the department in the county in which the proposed solid waste
208 disposal area is to be located prior to the issuance of the permit. The department
209 shall provide public notice of such hearing by both printed and broadcast media
210 at least thirty days prior to such hearing. Printed notification shall include
211 publication in at least one newspaper having general circulation within the
212 county in which the proposed disposal area is to be located. Broadcast
213 notification shall include public service announcements on radio stations that
214 have broadcast coverage within the county in which the proposed disposal area
215 is to be located.

216 11. After the issuance of a construction permit for a solid waste disposal
217 area, but prior to the beginning of disposal operations, the owner and the
218 department shall execute an easement to allow the department, its agents or its
219 contractors to enter the premises to complete work specified in the closure plan,
220 or to monitor or maintain the site or to take remedial action during the
221 postclosure period. After issuance of a construction permit for a solid waste
222 disposal area, but prior to the beginning of disposal operations, the owner shall
223 submit evidence that he or she has recorded, in the office of the recorder of deeds
224 in the county where the disposal area is located, a notice and covenant running
225 with the land that the property has been permitted as a solid waste disposal area
226 and prohibits use of the land in any manner which interferes with the closure
227 and, where appropriate, postclosure plans filed with the department.

228 12. Every person desiring to obtain a permit to operate a solid waste
229 disposal area or processing facility shall submit applicable information and apply

230 for an operating permit from the department. The department shall review the
231 information and determine, within sixty days of receipt, whether it complies with
232 the provisions of sections 260.200 to 260.345 and the rules and regulations
233 adopted pursuant to sections 260.200 to 260.345. When the review reveals that
234 the facility or area does conform with the provisions of sections 260.200 to
235 260.345 and the rules and regulations adopted pursuant to sections 260.200 to
236 260.345, the department shall issue a permit for the operation of each solid waste
237 processing facility or solid waste disposal area and with any permit terms and
238 conditions which the department deems appropriate. In the event that the
239 facility or area fails to meet the rules and regulations adopted pursuant to
240 sections 260.200 to 260.345, the department shall issue a report to the applicant
241 stating the reason for denial of a permit.

242 13. Each solid waste disposal area, except utility waste landfills unless
243 otherwise and to the extent required by the department, and those solid waste
244 processing facilities designated by rule, shall be operated under the direction of
245 a certified solid waste technician in accordance with sections 260.200 to 260.345
246 and the rules and regulations promulgated pursuant to sections 260.200 to
247 260.345.

248 14. Base data for the quality and quantity of groundwater in the solid
249 waste disposal area shall be collected and submitted to the department prior to
250 the operation of a new or expansion of an existing solid waste disposal area. Base
251 data shall include a chemical analysis of groundwater drawn from the proposed
252 solid waste disposal area.

253 15. Leachate collection and removal systems shall be incorporated into
254 new or expanded sanitary landfills which are permitted after August 13,
255 1986. The department shall assess the need for a leachate collection system for
256 all types of solid waste disposal areas, other than sanitary landfills, and the need
257 for monitoring wells when it evaluates the application for all new or expanded
258 solid waste disposal areas. The department may require an operator of a solid
259 waste disposal area to install a leachate collection system before the beginning
260 of disposal operations, at any time during disposal operations for unfilled portions
261 of the area, or for any portion of the disposal area as a part of a remedial
262 plan. The department may require the operator to install monitoring wells before
263 the beginning of disposal operations or at any time during the operational life or
264 postclosure care period if it concludes that conditions at the area warrant such
265 monitoring. The operator of a demolition landfill or utility waste landfill shall

266 not be required to install a leachate collection and removal system or monitoring
267 wells unless otherwise and to the extent the department so requires based on
268 hazardous waste characteristic criteria or site specific geohydrological
269 characteristics or conditions.

270 16. Permits granted by the department, as provided in sections 260.200
271 to 260.345, shall be subject to suspension for a designated period of time, civil
272 penalty or revocation whenever the department determines that the solid waste
273 processing facility or solid waste disposal area is, or has been, operated in
274 violation of sections 260.200 to 260.345 or the rules or regulations adopted
275 pursuant to sections 260.200 to 260.345, or has been operated in violation of any
276 permit terms and conditions, or is creating a public nuisance, health hazard, or
277 environmental pollution. In the event a permit is suspended or revoked, the
278 person named in the permit shall be fully informed as to the reasons for such
279 action.

280 17. Each permit for operation of a facility or area shall be issued only to
281 the person named in the application. Permits are transferable as a modification
282 to the permit. An application to transfer ownership shall identify the proposed
283 permittee. A disclosure statement for the proposed permittee listing violations
284 contained in subsection [19] **20** of this section shall be submitted to the
285 department. The operation and design plans for the facility or area shall be
286 updated to provide compliance with the currently applicable law and rules. A
287 financial assurance instrument in such an amount and form as prescribed by the
288 department shall be provided for solid waste disposal areas by the proposed
289 permittee prior to transfer of the permit. The financial assurance instrument of
290 the original permittee shall not be released until the new permittee's financial
291 assurance instrument has been approved by the department and the transfer of
292 ownership is complete.

293 18. Those solid waste disposal areas permitted on January 1, 1996, shall,
294 upon submission of a request for permit modification, be granted a solid waste
295 management area operating permit if the request meets reasonable requirements
296 set out by the department.

297 19. In case a permit required pursuant to this section is denied or
298 revoked, the person may request a hearing in accordance with section 260.235.

299 20. [Any person seeking a permit or renewal of a permit to operate a
300 commercial solid waste processing facility, or a solid waste disposal area shall,
301 concurrently with the filing of application for a permit, file a disclosure statement

302 with the department of natural resources. The disclosure statement shall
303 include, but not be limited to, a listing of any felony convictions by state or
304 federal agencies, and a listing of other enforcement actions, sanctions, permit
305 revocations or denials by any state or federal authority of every person seeking
306 a permit, including officers, directors, partners and facility or location managers
307 of each person seeking a permit, any violations of Missouri environmental
308 statutes, violations of the environmental statutes of other states or federal
309 statutes and a listing of convictions for any crimes or criminal acts, an element
310 of which involves restraint of trade, price-fixing, intimidation of the customers of
311 another person or for engaging in any other acts which may have the effect of
312 restraining or limiting competition concerning activities regulated pursuant to
313 this chapter or similar laws of other states or the federal government; except that
314 convictions for violations by entities purchased or acquired by an applicant or
315 permittee which occurred prior to the purchase or acquisition shall not be
316 included. The department shall by rule, define those environmental violations
317 which must be reported pursuant to this section. For purposes of this section,
318 additional persons as required by rule shall be named in the statement and
319 violations or convictions of such persons shall be listed. The department or its
320 representative shall verify the information provided on the disclosure statement
321 prior to permit issuance. The disclosure statement shall be used by the
322 department in determining whether a permit should be granted or denied on the
323 basis of the applicant's status as a habitual violator; however, the department has
324 the authority to make a habitual violator determination independent of the
325 information contained in the disclosure statement. After permit issuance, each
326 facility shall annually file an updated disclosure statement with the department
327 of natural resources on or before March thirty-first of each year. Any county,
328 district, municipality, authority or other political subdivision of this state which
329 owns and operates a sanitary landfill shall be exempt from the provisions of this
330 subsection.

331 21. Any person seeking a permit to operate a solid waste disposal area,
332 a solid waste processing facility or a resource recovery facility shall, concurrently
333 with the filing of the application for a permit, disclose any convictions in this
334 state of municipal or county public health or land use ordinances related to the
335 management of solid waste. If the department finds that there has been a
336 continuing pattern of serious adjudicated violations by the applicant, the
337 department may deny the application.

338 22. No permit to construct or permit to operate shall be required pursuant
339 to this section for any utility waste landfill located in a county of the third
340 classification with a township form of government which has a population of at
341 least eleven thousand inhabitants and no more than twelve thousand five
342 hundred inhabitants according to the most recent decennial census, if such utility
343 waste landfill complies with all design and operating standards and closure
344 requirements applicable to utility waste landfills pursuant to sections 260.200 to
345 260.345 and provided that no waste disposed of at such utility waste landfill is
346 considered hazardous waste pursuant to the Missouri hazardous waste law.]
347 **Every applicant for a permit shall file a disclosure statement with the**
348 **information required by and on a form developed by the department of**
349 **natural resources at the same time the application for a permit is filed**
350 **with the department.**

351 21. Upon request of the director of the department of natural
352 resources, the applicant for a permit or any person that could
353 reasonably be expected to be involved in management activities of the
354 solid waste disposal area or solid waste processing facility or any
355 person who has a controlling interest in any permittee shall be
356 required to submit to a criminal background check pursuant to section
357 43.543.

358 22. All persons required to file a disclosure statement shall
359 provide any assistance or information requested by the director or by
360 the Missouri state highway patrol and shall cooperate in any inquiry
361 or investigation conducted by the department and any inquiry,
362 investigation, or hearing conducted by the director. If, upon issuance
363 of a formal request to answer any inquiry or produce information,
364 evidence, or testimony, any person required to file a disclosure
365 statement refuses to comply, the application of an applicant or the
366 permit of a permittee may be denied or revoked by the director.

367 23. If any of the information required to be included in the
368 disclosure statement changes, or if any additional information should
369 be added after the filing of the statement, the person required to file it
370 shall provide that information to the director in writing, within thirty
371 days after the change or addition. The failure to provide such
372 information within thirty days may constitute the basis for the
373 revocation, or denial of an application for any permit issued or applied
374 for in accordance with this section, but only if, prior to any such denial

375 or revocation, the director notifies the applicant or permittee of the
376 director's intention to do so and gives the applicant or permittee
377 fourteen days from the date of the notice to explain why the
378 information was not provided within the required thirty-day
379 period. The director shall consider this information when determining
380 whether to revoke or deny the permit.

381 24. No person shall be required to submit the disclosure
382 statement required by this section if the person is a corporation or an
383 officer, director or shareholder of that corporation and that
384 corporation:

385 (1) Has on file and in effect with the federal securities and
386 exchange commission a registration statement required under Section
387 5, Chapter 38, Title 1 of the Securities Act of 1933, as amended, 15
388 U.S.C. Section 77e (c);

389 (2) Submits to the director with the application for a permit
390 evidence of the registration described in subdivision (1) of this
391 subsection and a copy of the corporation's most recent annual form
392 10-K or an equivalent report; and

393 (3) Submits to the director on the anniversary of the date of the
394 issuance of any permit it holds under sections 260.200 to 260.345
395 evidence of registration described in subdivision (1) of this subsection
396 and a copy of the corporation's most recent annual form 10-K or an
397 equivalent report.

398 25. After permit issuance, each facility shall annually file an
399 update to the disclosure statement with the department of natural
400 resources on or before March thirty-first of each year. Failure to
401 provide such update may result in penalties as provided for under
402 section 260.240.

403 26. Any county, district, municipality, authority, or other
404 political subdivision of this state which owns and operates a sanitary
405 landfill shall be exempt from the requirement for the filing of the
406 disclosure statement and annual update to the disclosure statement.

407 27. Any person seeking a permit to operate a solid waste disposal
408 area, a solid waste processing facility, or a resource recovery facility
409 shall, concurrently with the filing of the application for a permit,
410 disclose any convictions in this state of municipal or county public
411 health or land use ordinances related to the management of solid waste.

412 **If the department finds that there has been a continuing pattern of**
413 **serious adjudicated violations by the applicant, the department may**
414 **deny the application.**

415 **28. No permit to construct or permit to operate shall be required**
416 **pursuant to this section for any utility waste landfill located in a**
417 **county of the third classification with a township form of government**
418 **which has a population of at least eleven thousand inhabitants and no**
419 **more than twelve thousand five hundred inhabitants according to the**
420 **most recent decennial census, if such utility waste landfill complies**
421 **with all design and operating standards and closure requirements**
422 **applicable to utility waste landfills pursuant to sections 260.200 to**
423 **260.345 and provided that no waste disposed of at such utility waste**
424 **landfill is considered hazardous waste pursuant to the Missouri**
425 **hazardous waste law.**

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

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

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

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

10 (b) Recycle your used batteries; and

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

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

15 (4) Collect at the time of sale a fee of fifty cents for each lead-acid battery
16 sold. Such fee shall be added to the total cost to the purchaser at retail after all
17 applicable sales taxes on the battery have been computed. The fee imposed, less
18 six percent of fees collected, which shall be retained by the seller as collection
19 costs, shall be paid to the department of revenue in the form and manner
20 required by the department and shall include the total number of batteries sold
21 during the preceding month. The department of revenue shall promulgate rules
22 and regulations necessary to administer the fee collection and enforcement. The

23 terms "sold at retail" and "retail sales" do not include the sale of batteries to a
24 person solely for the purpose of resale, if the subsequent retail sale in this state
25 is to the ultimate consumer and is subject to the fee. However, this fee shall not
26 be paid on batteries sold for use in agricultural operations upon written
27 certification by the purchaser; and

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

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

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

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

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

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

19 (5) Unless provided otherwise in the rules and regulations, utilize only a
20 hazardous waste transporter holding a license pursuant to sections 260.350 to
21 260.430 for the removal of all hazardous wastes from the premises where they

22 were generated;

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

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

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

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

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

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

57 (b) The hazardous waste management commission shall establish and

58 submit to the department of revenue procedures relating to the collection of the
59 fees authorized by this subdivision. Such procedures shall include, but not be
60 limited to, necessary records identifying the quantities of hazardous waste
61 registered, the form and submission of reports to accompany the payment of fees,
62 the time and manner of payment of fees, which shall not be more often than
63 quarterly;

64 **(c) The hazardous waste management commission shall have the**
65 **authority to amend the fee structure set forth in this section. The**
66 **commission shall review fee structure recommendations from the**
67 **department. If the commission approves, by vote, the hazardous waste**
68 **fee structure recommendations, the commission shall promulgate by**
69 **regulation and publish the recommended fee structure. If such rules**
70 **are not disapproved by the general assembly in the manner set out**
71 **below, they shall take effect on January first of the next odd-numbered**
72 **year. Any regulation promulgated pursuant to this subsection shall be**
73 **deemed to be beyond the scope and authority provided in this**
74 **subsection, or detrimental to permit applicants, if the general assembly,**
75 **within the first sixty calendar days of the regular session immediately**
76 **following the promulgation of such regulation, by concurrent**
77 **resolution, shall disapprove the fee structure contained in such**
78 **regulation. If the general assembly so disapproves any regulation**
79 **promulgated pursuant to this subsection, the hazardous waste**
80 **management commission shall continue to use the fee structure set**
81 **forth in the most recent preceding regulation promulgated pursuant to**
82 **this subsection.**

83 2. Missouri treatment, storage, or disposal facilities shall pay annually,
84 on or before January first of each year, a fee to the department equal to two
85 dollars per ton or portion thereof for all hazardous waste received from outside
86 the state. This fee shall be based on the hazardous waste received for the
87 twelve-month period ending June thirtieth of the previous year.

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

92 (1) Householders, farmers and exempted persons shall manage all
93 hazardous wastes they may generate in a manner so as not to adversely affect the

94 health of humans, or pose a threat to the environment, or create a public
95 nuisance; and

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

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

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

109 4. Failure to pay the fee, or any portion thereof, prescribed in this section
110 by the due date shall result in the imposition of a penalty equal to fifteen percent
111 of the original fee. The fee prescribed in this section shall expire December 31,
112 [2013] **2018**, except that the department shall levy and collect this fee for any
113 hazardous waste generated prior to such date and reported to the department.

260.390. 1. After six months from the effective date of the standards,
2 rules and regulations adopted by the commission pursuant to section 260.370,
3 hazardous waste facility owners or operators shall:

4 (1) Not construct, substantially alter or operate, [including all postclosure
5 activities and operations specified in the rules and regulations,] a hazardous
6 waste facility without first obtaining a hazardous waste facility permit from the
7 department as specified in section 260.395;

8 (2) Operate the facility according to the standards, rules and regulations
9 adopted under sections 260.350 to 260.430 and all terms and conditions of the
10 permit;

11 (3) Unless otherwise provided in sections 260.350 to 260.430 or the rules
12 and regulations adopted hereunder, accept delivery of hazardous waste only if
13 delivery is by a hazardous waste transporter holding a license under sections
14 260.350 to 260.430, the shipment is accompanied by a manifest properly
15 completed by both the generator and transporter and their facility is the
16 destination indicated by the generator on the manifest. Exempted from the

17 requirements of this subsection are deliveries, when directed by the department,
18 from householders, farmers and other persons exempted from generator
19 responsibilities under provisions of section 260.380 and deliveries made in
20 emergency situations as specified in sections 260.350 to 260.550 or the rules and
21 regulations adopted hereunder. For such exempted deliveries they shall make a
22 record of any waste accepted, its type, quantity, origin and the identity of the
23 person making the delivery and promptly report this information to the
24 department;

25 (4) Complete, sign and file the facility operator portion of the manifest as
26 specified in rules and regulations adopted under sections 260.350 to 260.430;

27 (5) Whenever final disposition is to be achieved at another hazardous
28 waste or exempted facility, initiate a new manifest and comply with the other
29 responsibilities of generators specified in sections 260.350 to 260.430 and in rules
30 and regulations and terms and conditions of their permit adopted or issued
31 hereunder;

32 (6) Collect and maintain such records, submit such reports and perform
33 such monitoring as specified in sections 260.350 to 260.430 and in rules and
34 regulations and terms and conditions of their permit adopted or issued hereunder;

35 (7) Make available to the department, upon request, samples of wastes
36 received and all records, for inspection and copying, relating to hazardous waste
37 management and allow the department to make unhampered inspections at any
38 reasonable time of all facilities and equipment.

39 2. All hazardous waste landfills shall collect, on behalf of the state from
40 each hazardous waste generator or transporter, a tax equal to two percent of the
41 gross charges and fees charged such generator for disposal at the landfill site to
42 be placed in the hazardous waste fund to be used solely for the administration of
43 sections 260.350 to 260.430. The tax shall be accounted for separately on the
44 statement of charges and fees made to the hazardous waste generator and shall
45 be collected at the time of the collection of such charges and fees. All moneys
46 payable under the provisions of this subsection shall be promptly transmitted to
47 the department of revenue, which shall daily deposit the same in the state
48 treasury to the credit of the hazardous waste fund. The hazardous waste
49 management commission shall establish and submit to the department of revenue
50 procedures relating to the collection of the taxes authorized by this
51 subsection. Such procedures shall include, but not be limited to, necessary
52 records identifying the quantities of hazardous waste received, the form and

53 submission of reports to accompany the payment of taxes, the time and manner
54 of payment of taxes, which shall not be more often than quarterly.

55 3. The owner or operator of a hazardous waste disposal facility must close
56 that facility upon termination of its operation, and shall after closure of the
57 facility provide for protection during a postclosure care period, in accordance with
58 the requirements of the commission, including the funds necessary for
59 same. Protection shall include, but not be limited to, monitoring and
60 maintenance subject to the rules and regulations of the hazardous waste
61 management commission. The owner or operator shall maintain a hazardous
62 waste facility permit for the postclosure care period. The operator and the state
63 may enter into an agreement consistent with the rules and regulations of the
64 hazardous waste management commission where the state may accept deed to,
65 and monitor and maintain the site.

66 4. All owners or operators of hazardous waste facilities who have
67 obtained, or are required to obtain, a hazardous waste facility permit from the
68 department and who accept, on a commercial basis for remuneration, hazardous
69 waste from off-site sources, but not including wastes generated by the same
70 person at other sites located in Missouri or within a metropolitan statistical area
71 located partially in Missouri and owned or operated by the same person and
72 transferred to the hazardous waste facility, for treatment, storage or disposal,
73 shall pay fees for inspections conducted by the department to determine
74 compliance with sections 260.350 to 260.430 and the rules promulgated
75 thereunder. Hazardous waste facility inspection fees shall be specified by the
76 hazardous waste management commission by rule. The inspection fees shall be
77 used by the department as specified in subsection 3 of section 260.391.

260.395. 1. After six months from the effective date of the standards,
2 rules and regulations adopted by the commission pursuant to section 260.370, it
3 shall be unlawful for any person to transport any hazardous waste in this state
4 without first obtaining a hazardous waste transporter license. Any person
5 transporting hazardous waste in this state shall file an application for a license
6 pursuant to this subsection which shall:

7 (1) Be submitted on a form provided for this purpose by the department
8 and shall furnish the department with such equipment identification and data as
9 may be necessary to demonstrate to the satisfaction of the department that
10 equipment engaged in such transportation of hazardous waste, and other
11 equipment as designated in rules and regulations pursuant to sections 260.350

12 to 260.430, is adequate to provide protection of the health of humans and the
13 environment and to comply with the provisions of any federal hazardous waste
14 management act and sections 260.350 to 260.430 and the standards, rules and
15 regulations adopted pursuant to sections 260.350 to 260.430. If approved by the
16 department, this demonstration of protection may be satisfied by providing
17 certification that the equipment so identified meets and will be operated in
18 accordance with the rules and regulations of the Missouri public service
19 commission and the federal Department of Transportation for the transportation
20 of the types of hazardous materials for which it will be used;

21 (2) Include, as specified by rules and regulations, demonstration of
22 financial responsibility, including, but not limited to, guarantees, liability
23 insurance, posting of bond or any combination thereof which shall be related to
24 the number of units, types and sizes of equipment to be used in the transport of
25 hazardous waste by the applicant;

26 (3) Include, as specified in rules and regulations, a fee payable to the
27 state of Missouri which shall consist of an annual application fee, plus an annual
28 use fee based upon tonnage, mileage or a combination of tonnage and
29 mileage. The fees established pursuant to this subdivision shall be set to
30 generate, as nearly as is practicable, six hundred thousand dollars annually.
31 No fee shall be collected pursuant to this subdivision from railroads that pay a
32 fee pursuant to subsection 19 of this section. Fees collected pursuant to this
33 subdivision shall be deposited in the hazardous waste fund created pursuant to
34 section 260.391.

35 2. If the department determines the application conforms to the provisions
36 of any federal hazardous waste management act and sections 260.350 to 260.430
37 and the standards, rules and regulations adopted pursuant to sections 260.350
38 to 260.430, it shall issue the hazardous waste transporter license with such terms
39 and conditions as it deems necessary to protect the health of humans and the
40 environment. The department shall act within ninety days after receipt of the
41 application. If the department denies the license, it shall issue a report to the
42 applicant stating the reason for denial of the license.

43 3. A license may be suspended or revoked whenever the department
44 determines that the equipment is or has been operated in violation of any
45 provision of sections 260.350 to 260.430 or any standard, rule or regulation, order,
46 or license term or condition adopted or issued pursuant to sections 260.350 to
47 260.430, poses a threat to the health of humans or the environment, or is creating

48 a public nuisance.

49 4. Whenever a license is issued, renewed, denied, suspended or revoked
50 by the department, any aggrieved person, by petition filed with the department
51 within thirty days of the decision, may appeal such decision and shall be entitled
52 to a hearing as provided in section 260.400.

53 5. A license shall be issued for a period of one year and shall be renewed
54 upon proper application by the holder and a determination by the department
55 that the applicant is in compliance with all provisions of sections 260.350 to
56 260.430 and all standards, rules and regulations, orders and license terms and
57 conditions adopted or issued pursuant to sections 260.350 to 260.430.

58 6. A license is not required for the transport of any hazardous waste on
59 the premises where it is generated or onto contiguous property owned by the
60 generator thereof, or for those persons exempted in section 260.380. Nothing in
61 this subsection shall be interpreted to preclude the department from inspecting
62 unlicensed hazardous waste transporting equipment and to require that it be
63 adequate to provide protection for the health of humans and the environment.

64 7. After six months from the effective date of the standards, rules and
65 regulations adopted by the commission pursuant to section 260.370, it shall be
66 unlawful for any person to construct, substantially alter or operate, including
67 [postclosure activities and] operations specified in the rules and regulations, a
68 hazardous waste facility without first obtaining a hazardous waste facility permit
69 for such construction, alteration or operation from the department. Such person
70 must submit to the department at least ninety days prior to submitting a permit
71 application a letter of intent to construct, substantially alter or operate any
72 hazardous waste disposal facility. The person must file an application within one
73 hundred eighty days of the filing of a letter of intent unless granted an extension
74 by the commission. The department shall publish such letter of intent as
75 specified in section 493.050 within ten days of receipt of such letter. The letter
76 shall be published once each week for four weeks in the county where the
77 hazardous waste disposal facility is proposed. Once such letter is submitted, all
78 conditions for the permit application evaluation purposes in existence as of the
79 date of submission shall be deemed frozen, in that no subsequent action by any
80 person to change such conditions in an attempt to thwart a fair and impartial
81 decision on the application for a permit shall be allowed as grounds for denial of
82 the permit. Any person before constructing, substantially altering or operating
83 a hazardous waste facility in this state shall file an application for a permit

84 which shall:

85 (1) Be submitted on a form provided for this purpose by the department
86 and shall furnish the department with plans, specifications and such other data
87 as may be necessary to demonstrate to the satisfaction of the department that
88 such facility does or will provide adequate protection of the health of humans and
89 the environment and does or will comply with the provisions of any federal
90 hazardous waste management act and sections 260.350 to 260.430 and the
91 standards, rules and regulations adopted pursuant to sections 260.350 to 260.430;

92 (2) Include plans, designs, engineering reports and relevant data for
93 construction, alteration or operation of a hazardous waste facility, to be submitted
94 to the department by a registered professional engineer licensed by this state;

95 (3) Include, as specified by rules and regulations, demonstration of
96 financial responsibility, including, but not limited to, guarantees, liability
97 insurance, posting of bond or any combination thereof, which shall be related to
98 type and size of facility;

99 (4) Include such environmental and geologic information, assessments and
100 studies as required by the rules and regulations of the commission;

101 (5) [Submit with the application for a hazardous waste disposal or
102 treatment facility a profile of the environmental and economic characteristics of
103 the area as required by the commission, including the extent of air pollution and
104 groundwater contamination; and a profile of the health characteristics of the area
105 which identifies all serious illness, the rate of which exceeds the state average for
106 such illness, which might be attributable to environmental contamination;

107 (6)] Include a fee payable to the state of Missouri which shall not exceed
108 one thousand dollars, which shall cover the first year of the permit, if issued, but
109 which is not refundable. If the permit is issued for more than one year, a fee
110 equal in amount to the first year's fee shall be paid to the state of Missouri prior
111 to issuance of the permit for each year the permit is to be in effect beyond the
112 first year;

113 [(7)] (6) The department shall supervise any field work undertaken to
114 collect geologic and engineering data for submission with the application. The
115 state geologist and departmental engineers shall review the geologic and
116 engineering plans, respectively, and attest to their accuracy and adequacy. The
117 applicant shall pay all reasonable costs, as determined by the commission,
118 incurred by the department pursuant to this subsection.

119 8. (1) Prior to issuing or renewing a hazardous waste facility permit, the

120 department shall issue public notice by press release or advertisement and shall
121 notify all record owners of adjoining property by mail directed to the last known
122 address, and the village, town or city, if any, and the county in which the
123 hazardous waste facility is located; and, upon request, shall hold a public hearing
124 after public notice as required in this subsection at a location convenient to the
125 area affected by the issuance of the permit.

126 (2) Prior to issuing [, reviewing every five years as required in subsection
127 12 of this section,] or renewing a hazardous waste disposal facility permit the
128 department shall issue public notice by press release and advertisement and shall
129 notify all record owners of property, within one mile of the outer boundaries of
130 the site, by mail directed to the last known address; and shall hold a public
131 hearing after public notice as required in this subsection at a location convenient
132 to the area affected by the issuance of the permit.

133 9. If the department determines that the application conforms to the
134 provisions of any federal hazardous waste management act and sections 260.350
135 to 260.430 and the standards, rules and regulations adopted pursuant to sections
136 260.350 to 260.430, it shall issue the hazardous waste facility permit, with such
137 terms and conditions and require such testing and construction supervision as it
138 deems necessary to protect the health of humans or the environment. The
139 department shall act within one hundred and eighty days after receipt of the
140 application. If the department denies the permit, it shall issue a report to the
141 applicant stating the reason for denial of a permit.

142 10. A permit may be suspended or revoked whenever the department
143 determines that the hazardous waste facility is, or has been, operated in violation
144 of any provision of sections 260.350 to 260.430 or any standard, rule or
145 regulation, order or permit term or condition adopted or issued pursuant to
146 sections 260.350 to 260.430, poses a threat to the health of humans or the
147 environment or is creating a public nuisance.

148 11. Whenever a permit is issued, renewed, denied, suspended or revoked
149 by the department, any aggrieved person, by petition filed with the department
150 within thirty days of the decision, may appeal such decision and shall be entitled
151 to a hearing as provided in section 260.400.

152 12. A permit shall be issued for a fixed term, which shall not exceed ten
153 years in the case of any land disposal facility, storage facility, incinerator, or
154 other treatment facility. [Each permit for a land disposal facility shall be
155 reviewed five years after the date of its issuance or reissuance and shall be

156 modified as necessary to assure that the facility continues to comply with the
157 currently applicable requirements of federal and state law.] Nothing in this
158 subsection shall preclude the department from reviewing and modifying a permit
159 at any time during its term. Review of any application for a permit renewal shall
160 consider improvements in the state of control and measurement technology as
161 well as changes in applicable regulations. Each permit issued pursuant to this
162 section shall contain such terms and conditions as the department determines
163 necessary to protect human health and the environment, and upon proper
164 application by the holder and a determination by the department that the
165 applicant is in compliance with all provisions of sections 260.350 to 260.430 and
166 all standards, rules and regulations, orders and permit terms and conditions
167 adopted or issued pursuant to sections 260.350 to 260.430.

168 13. A hazardous waste facility permit is not required for:

169 (1) On-site storage of hazardous wastes where such storage is exempted
170 by the commission by rule or regulation; however, such storage must conform to
171 the provisions of any federal hazardous waste management act and sections
172 260.350 to 260.430 and the applicable standards, rules and regulations adopted
173 pursuant to sections 260.350 to 260.430 and any other applicable hazardous
174 materials storage and spill-prevention requirements provided by law;

175 (2) A publicly owned treatment works which has an operating permit
176 pursuant to section 644.051 and is in compliance with that permit;

177 (3) A resource recovery facility which the department certifies uses
178 hazardous waste as a supplement to, or substitute for, nonwaste material, and
179 that the sole purpose of the facility is manufacture of a product rather than
180 treatment or disposal of hazardous wastes;

181 (4) That portion of a facility engaged in hazardous waste resource
182 recovery, when the facility is engaged in both resource recovery and hazardous
183 waste treatment or disposal, provided the owner or operator can demonstrate to
184 the department's satisfaction and the department finds that such portion is not
185 intended and is not used for hazardous waste treatment or disposal.

186 14. Facilities exempted pursuant to subsection 13 of this section must
187 comply with the provisions of subdivisions (3) to (7) of section 260.390 and such
188 other requirements, to be specified by rules and regulations, as are necessary to
189 comply with any federal hazardous waste management act or regulations
190 hereunder. Generators who use such an exempted facility shall keep records of
191 hazardous wastes transported, except by legal flow through sewer lines, to the

192 facility and submit such records to the department in accordance with the
193 provisions of section 260.380 and the standards, rules and regulations adopted
194 pursuant to sections 260.350 to 260.430. Any person, before constructing,
195 altering or operating a resource recovery facility in this state shall file an
196 application for a certification. Such application shall include:

197 (1) Plans, designs, engineering reports and other relevant information as
198 specified by rule that demonstrate that the facility is designed and will operate
199 in a manner protective of human health and the environment; and

200 (2) An application fee of not more than five hundred dollars for a facility
201 that recovers waste generated at the same facility or an application fee of not
202 more than one thousand dollars for a facility that recovers waste generated at
203 off-site sources. Such fees shall be deposited in the hazardous waste fund created
204 in section 260.391. The department shall review such application for conformance
205 with applicable laws, rules and standard engineering principles and
206 practices. The applicant shall pay to the department all reasonable costs, as
207 determined by the commission, incurred by the department pursuant to this
208 subsection. All such funds shall be deposited in the hazardous waste fund
209 created in section 260.391.

210 15. The owner or operator of any hazardous waste facility in existence on
211 September 28, 1977, who has achieved federal interim status pursuant to 42
212 U.S.C. 6925(e), and who has submitted to the department Part A of the federal
213 facility permit application, may continue to receive and manage hazardous wastes
214 in the manner as specified in the Part A application, and in accordance with
215 federal interim status requirements, until completion of the administrative
216 disposition of a permit application submitted pursuant to sections 260.350 to
217 260.430. The department may at any time require submission of, or the owner
218 or operator may at any time voluntarily submit, a complete application for a
219 permit pursuant to sections 260.350 to 260.430 and commission regulations. The
220 authority to operate pursuant to this subsection shall cease one hundred eighty
221 days after the department has notified an owner or operator that an application
222 for permit pursuant to sections 260.350 to 260.430 must be submitted, unless
223 within such time the owner or operator submits a completed application
224 therefor. Upon submission of a complete application, the authority to operate
225 pursuant to this subsection shall continue for such reasonable time as is required
226 to complete the administrative disposition of the permit application. If a facility
227 loses its federal interim status, or the Environmental Protection Agency requires

228 the owner or operator to submit Part B of the federal application, the department
229 shall notify the owner or operator that an application for a permit must be
230 submitted pursuant to this subsection. In addition to compliance with the federal
231 interim status requirements, the commission shall have the authority to adopt
232 regulations requiring persons operating pursuant to this subsection to meet
233 additional state interim status requirements.

234 16. [A license or permit shall not be issued to any person who is
235 determined by the department to habitually engage in or to have habitually
236 engaged in hazardous waste management practices which pose a threat to the
237 health of humans or the environment or who is determined by the department to
238 habitually violate or to have habitually violated the requirements of the Missouri
239 solid or hazardous waste laws, the solid or hazardous waste laws of other states
240 or federal laws pertaining to hazardous waste. Nor shall a license or permit be
241 issued to any person who has been adjudged in contempt of any court order
242 enforcing the provisions of the Missouri solid or hazardous waste laws, the solid
243 or hazardous waste laws of other states or federal laws pertaining to hazardous
244 waste or who has offered, in person or through an agent, any inducement,
245 including any discussion of potential employment opportunities, to any employee
246 of the department when such person has an application for a permit pending or
247 a permit under review. For the purposes of this subsection, the term "person"
248 shall include any officer or management employee of the applicant, or any officer
249 or management employee of any corporation or business which owns an interest
250 in the applicant, or any officer or management employee of any business which
251 is owned either wholly or in part by any person, corporation, or business which
252 owns an interest in the applicant.

253 17.] No person, otherwise qualified pursuant to sections 260.350 to
254 260.430 for a license to transport hazardous wastes or for a permit to construct,
255 substantially alter or operate a hazardous waste facility, shall be denied such
256 license or permit on the basis of a lack of need for such transport service or such
257 facility because of the existence of other services or facilities capable of meeting
258 that need; except that permits for hazardous waste facilities may be denied on
259 determination made by the department that the financial resources of the persons
260 applying are such that the continued operation of the sites in accordance with
261 sections 260.350 to 260.430 cannot be reasonably assured or on determination
262 made by the department that the probable volume of business is insufficient to
263 ensure and maintain the solvency of then existing permitted hazardous waste

264 facilities.

265 [18.] 17. All hazardous waste landfills constructed after October 31, 1980,
266 shall have a leachate collection system. The rules and regulations of the
267 commission shall treat and protect all aquifers to the same level of
268 protection. The provisions of this subsection shall not apply to the disposal of
269 tailings and slag resulting from mining, milling and primary smelting operations.

270 [19.] 18. Any railroad corporation as defined in section 388.010 that
271 transports any hazardous waste as defined in section 260.360 or any hazardous
272 substance as defined in section 260.500 shall pay an annual fee of three hundred
273 fifty dollars. Fees collected pursuant to this subsection shall be deposited in the
274 hazardous waste fund created in section 260.391.

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

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

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

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

17 (4) Cement kiln dust waste;

18 (5) Waste oil; or

19 (6) Hazardous waste that is:

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

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

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

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

24 2. The fees imposed in this section shall be reported and paid to the
25 department on an annual basis not later than the first of January. The payment

26 shall be accompanied by a return in such form as the department may prescribe.

27 3. All moneys collected or received by the department pursuant to this
28 section shall be transmitted to the department of revenue for deposit in the state
29 treasury to the credit of the hazardous waste fund created pursuant to section
30 260.391. Following each annual reporting date, the state treasurer shall certify
31 the amount deposited in the fund to the commission.

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

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

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

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

51 **8. The director of the department of natural resources may**
52 **conduct a comprehensive review of the fee structure set forth in this**
53 **section. The comprehensive review shall include stakeholder meetings**
54 **in order to solicit stakeholder input. Upon completion of the**
55 **comprehensive review, the department shall submit proposed changes**
56 **to the fee structure to the hazardous waste management**
57 **commission. The commission shall, upon receiving the department's**
58 **recommendations, review such recommendations at the forthcoming**
59 **regular meeting. The commission shall not take a vote on the fee**
60 **structure until the following regular meeting. If the commission**
61 **approves, by vote, the hazardous waste fee structure recommendations,**

62 **the commission shall promulgate by regulation and publish the**
63 **recommended fee structure. If such rules are not disapproved by the**
64 **general assembly in the manner set out below, they shall take effect on**
65 **January first of the next odd-numbered year. Any regulation**
66 **promulgated pursuant to this subsection shall be deemed to be beyond**
67 **the scope and authority provided in this subsection, or detrimental to**
68 **permit applicants, if the general assembly, within the first sixty**
69 **calendar days of the regular session immediately following the**
70 **promulgation of such regulation, by concurrent resolution, shall**
71 **disapprove the fee structure contained in such regulation. If the**
72 **general assembly so disapproves any regulation promulgated pursuant**
73 **to this subsection, the hazardous waste management commission shall**
74 **continue to use the fee structure set forth in the most recent preceding**
75 **regulation promulgated pursuant to this subsection.**

444.772. 1. Any operator desiring to engage in surface mining shall make
2 written application to the director for a permit.

3 2. Application for permit shall be made on a form prescribed by the
4 commission and shall include:

5 (1) The name of all persons with any interest in the land to be mined;

6 (2) The source of the applicant's legal right to mine the land affected by
7 the permit;

8 (3) The permanent and temporary post office address of the applicant;

9 (4) Whether the applicant or any person associated with the applicant
10 holds or has held any other permits pursuant to sections 444.500 to 444.790, and
11 an identification of such permits;

12 (5) The written consent of the applicant and any other persons necessary
13 to grant access to the commission or the director to the area of land affected
14 under application from the date of application until the expiration of any permit
15 granted under the application and thereafter for such time as is necessary to
16 assure compliance with all provisions of sections 444.500 to 444.790 or any rule
17 or regulation promulgated pursuant to them. Permit applications submitted by
18 operators who mine an annual tonnage of less than ten thousand tons shall be
19 required to include written consent from the operator to grant access to the
20 commission or the director to the area of land affected;

21 (6) A description of the tract or tracts of land and the estimated number
22 of acres thereof to be affected by the surface mining of the applicant for the next

23 succeeding twelve months; and

24 (7) Such other information that the commission may require as such
25 information applies to land reclamation.

26 3. The application for a permit shall be accompanied by a map in a scale
27 and form specified by the commission by regulation.

28 4. The application shall be accompanied by a bond, security or certificate
29 meeting the requirements of section 444.778, a geologic resources fee authorized
30 under section 256.700, and a permit fee approved by the commission not to exceed
31 one thousand dollars. The commission may also require a fee for each site listed
32 on a permit not to exceed four hundred dollars for each site. If mining operations
33 are not conducted at a site for six months or more during any year, the fee for
34 such site for that year shall be reduced by fifty percent. The commission may
35 also require a fee for each acre bonded by the operator pursuant to section
36 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the
37 per-acre fee on all acres bonded by a single operator that exceed a total of two
38 hundred acres shall be reduced by fifty percent. In no case shall the total fee for
39 any permit be more than three thousand dollars. Permit and renewal fees shall
40 be established by rule, except for the initial fees as set forth in this subsection,
41 and shall be set at levels that recover the cost of administering and enforcing
42 sections 444.760 to 444.790, making allowances for grants and other sources of
43 funds. The director shall submit a report to the commission and the public each
44 year that describes the number of employees and the activities performed the
45 previous calendar year to administer sections 444.760 to 444.790. For any
46 operator of a gravel mining operation where the annual tonnage of gravel mined
47 by such operator is less than five thousand tons, the total cost of submitting an
48 application shall be three hundred dollars. The issued permit shall be valid from
49 the date of its issuance until the date specified in the mine plan unless sooner
50 revoked or suspended as provided in sections 444.760 to 444.790. Beginning
51 August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a
52 site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum
53 fee of three thousand dollars. Fees may be raised as allowed in this subsection
54 after a regulation change that demonstrates the need for increased fees.

55 5. An operator desiring to have his or her permit amended to cover
56 additional land may file an amended application with the commission. Upon
57 receipt of the amended application, and such additional fee and bond as may be
58 required pursuant to the provisions of sections 444.760 to 444.790, the director

59 shall, if the applicant complies with all applicable regulatory requirements, issue
60 an amendment to the original permit covering the additional land described in
61 the amended application.

62 6. An operation may withdraw any land covered by a permit, excepting
63 affected land, by notifying the commission thereof, in which case the penalty of
64 the bond or security filed by the operator pursuant to the provisions of sections
65 444.760 to 444.790 shall be reduced proportionately.

66 7. Where mining or reclamation operations on acreage for which a permit
67 has been issued have not been completed, the permit shall be renewed. The
68 operator shall submit a permit renewal form furnished by the director for an
69 additional permit year and pay a fee equal to an application fee calculated
70 pursuant to subsection 4 of this section, but in no case shall the renewal fee for
71 any operator be more than three thousand dollars. For any operator involved in
72 any gravel mining operation where the annual tonnage of gravel mined by such
73 operator is less than five thousand tons, the permit as to such acreage shall be
74 renewed by applying on a permit renewal form furnished by the director for an
75 additional permit year and payment of a fee of three hundred dollars. Upon
76 receipt of the completed permit renewal form and fee from the operator, the
77 director shall approve the renewal. With approval of the director and operator,
78 the permit renewal may be extended for a portion of an additional year with a
79 corresponding prorating of the renewal fee.

80 8. Where one operator succeeds another at any uncompleted operation,
81 either by sale, assignment, lease or otherwise, the commission may release the
82 first operator from all liability pursuant to sections 444.760 to 444.790 as to that
83 particular operation if both operators have been issued a permit and have
84 otherwise complied with the requirements of sections 444.760 to 444.790 and the
85 successor operator assumes as part of his or her obligation pursuant to sections
86 444.760 to 444.790 all liability for the reclamation of the area of land affected by
87 the former operator.

88 9. The application for a permit shall be accompanied by a plan of
89 reclamation that meets the requirements of sections 444.760 to 444.790 and the
90 rules and regulations promulgated pursuant thereto, and shall contain a verified
91 statement by the operator setting forth the proposed method of operation,
92 reclamation, and a conservation plan for the affected area including approximate
93 dates and time of completion, and stating that the operation will meet the
94 requirements of sections 444.760 to 444.790, and any rule or regulation

95 promulgated pursuant to them.

96 10. At the time that a permit application is deemed complete by the
97 director, the operator shall publish a notice of intent to operate a surface mine
98 in any newspaper qualified pursuant to section 493.050 to publish legal notices
99 in any county where the land is located. If the director does not respond to a
100 permit application within forty-five calendar days, the application shall be
101 deemed to be complete. Notice in the newspaper shall be posted once a week for
102 four consecutive weeks beginning no more than ten days after the application is
103 deemed complete. The operator shall also send notice of intent to operate a
104 surface mine by certified mail to the governing body of the counties or cities in
105 which the proposed area is located, and to the last known addresses of all record
106 landowners of contiguous real property or real property located adjacent to the
107 proposed mine plan area. The notices shall include the name and address of the
108 operator, a legal description consisting of county, section, township and range, the
109 number of acres involved, a statement that the operator plans to mine a specified
110 mineral during a specified time, and the address of the commission. The notices
111 shall also contain a statement that any person with a direct, personal interest in
112 one or more of the factors the commission may consider in issuing a permit may
113 request a public meeting, a public hearing or file written comments to the director
114 no later than fifteen days following the final public notice publication date.

115 11. The commission may approve a permit application or permit
116 amendment whose operation or reclamation plan deviates from the requirements
117 of sections 444.760 to 444.790 if it can be demonstrated by the operator that the
118 conditions present at the surface mining location warrant an exception. The
119 criteria accepted for consideration when evaluating the merits of an exception or
120 variance to the requirements of sections 444.760 to 444.790 shall be established
121 by regulations.

122 12. Fees imposed pursuant to this section shall become effective August
123 28, 2007, and shall expire on December 31, [2013] **2018**. No other provisions of
124 this section shall expire.

643.079. 1. Any air contaminant source required to obtain a permit
2 issued under sections 643.010 to 643.355 shall pay annually beginning April 1,
3 1993, a fee as provided herein. For the first year the fee shall be twenty-five
4 dollars per ton of each regulated air contaminant emitted. Thereafter, the fee
5 shall be set every three years by the commission by rule and shall be at least
6 twenty-five dollars per ton of regulated air contaminant emitted but not more

7 than forty dollars per ton of regulated air contaminant emitted in the previous
8 calendar year. If necessary, the commission may make annual adjustments to the
9 fee by rule. The fee shall be set at an amount consistent with the need to fund
10 the reasonable cost of administering sections 643.010 to 643.355, taking into
11 account other moneys received pursuant to sections 643.010 to 643.355. For the
12 purpose of determining the amount of air contaminant emissions on which the
13 fees authorized under this section are assessed, a facility shall be considered one
14 source under the definition of subsection 2 of section 643.078, except that a
15 facility with multiple operating permits shall pay the emission fees authorized
16 under this section separately for air contaminants emitted under each individual
17 permit.

18 2. A source which produces charcoal from wood shall pay an annual
19 emission fee under this subsection in lieu of the fee established in subsection 1
20 of this section. The fee shall be based upon a maximum fee of twenty-five dollars
21 per ton and applied upon each ton of regulated air contaminant emitted for the
22 first four thousand tons of each contaminant emitted in the amount established
23 by the commission pursuant to subsection 1 of this section, reduced according to
24 the following schedule:

25 (1) For fees payable under this subsection in the years 1993 and 1994, the
26 fee shall be reduced by one hundred percent;

27 (2) For fees payable under this subsection in the years 1995, 1996 and
28 1997, the fee shall be reduced by eighty percent;

29 (3) For fees payable under this subsection in the years 1998, 1999 and
30 2000, the fee shall be reduced by sixty percent.

31 3. The fees imposed in subsection 2 of this section shall not be imposed
32 or collected after the year 2000 unless the general assembly reimposes the fee.

33 4. Each air contaminant source with a permit issued under sections
34 643.010 to 643.355 shall pay the fee for the first four thousand tons of each
35 regulated air contaminant emitted each year but no air contaminant source shall
36 pay fees on total emissions of regulated air contaminants in excess of twelve
37 thousand tons in any calendar year. A permitted air contaminant source which
38 emitted less than one ton of all regulated pollutants shall pay a fee equal to the
39 amount per ton set by the commission. An air contaminant source which pays
40 emission fees to a holder of a certificate of authority issued pursuant to section
41 643.140 may deduct such fees from any amount due under this section. The fees
42 imposed in this section shall not be applied to carbon oxide emissions. The fees

43 imposed in subsection 1 and this subsection shall not be applied to sulfur dioxide
44 emissions from any Phase I affected unit subject to the requirements of Title IV,
45 Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq., any
46 sooner than January 1, 2000. The fees imposed on emissions from Phase I
47 affected units shall be consistent with and shall not exceed the provisions of the
48 federal Clean Air Act, as amended, and the regulations promulgated
49 thereunder. Any such fee on emissions from any Phase I affected unit shall be
50 reduced by the amount of the service fee paid by that Phase I affected unit
51 pursuant to subsection 8 of this section in that year. Any fees that may be
52 imposed on Phase I sources shall follow the procedures set forth in subsection 1
53 and this subsection and shall not be applied retroactively.

54 5. Moneys collected under this section shall be transmitted to the director
55 of revenue for deposit in appropriate subaccounts of the natural resources
56 protection fund created in section 640.220. A subaccount shall be maintained for
57 fees paid by air contaminant sources which are required to be permitted under
58 Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section 7661, et seq.,
59 and used, upon appropriation, to fund activities by the department to implement
60 the operating permits program authorized by Title V of the federal Clean Air Act,
61 as amended. Another subaccount shall be maintained for fees paid by air
62 contaminant sources which are not required to be permitted under Title V of the
63 federal Clean Air Act as amended, and used, upon appropriation, to fund other
64 air pollution control program activities. Another subaccount shall be maintained
65 for service fees paid under subsection 8 of this section by Phase I affected units
66 which are subject to the requirements of Title IV, Section 404, of the federal
67 Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon
68 appropriation, to fund air pollution control program activities. The provisions of
69 section 33.080 to the contrary notwithstanding, moneys in the fund shall not
70 revert to general revenue at the end of each biennium. Interest earned by
71 moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees
72 established under subsection 1 of this section may be adjusted annually,
73 consistent with the need to fund the reasonable costs of the program, but shall
74 not be less than twenty-five dollars per ton of regulated air contaminant nor more
75 than forty dollars per ton of regulated air contaminant. The first adjustment
76 shall apply to moneys payable on April 1, 1994, and shall be based upon the
77 general price level for the twelve-month period ending on August thirty-first of
78 the previous calendar year.

79 6. The department may initiate a civil action in circuit court against any
80 air contaminant source which has not remitted the appropriate fees within thirty
81 days. In any judgment against the source, the department shall be awarded
82 interest at a rate determined pursuant to section 408.030 and reasonable
83 attorney's fees. In any judgment against the department, the source shall be
84 awarded reasonable attorney's fees.

85 7. The department shall not suspend or revoke a permit for an air
86 contaminant source solely because the source has not submitted the fees pursuant
87 to this section.

88 8. Any Phase I affected unit which is subject to the requirements of Title
89 IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall
90 pay annually beginning April 1, 1993, and terminating December 31, 1999, a
91 service fee for the previous calendar year as provided herein. For the first year,
92 the service fee shall be twenty-five thousand dollars for each Phase I affected
93 generating unit to help fund the administration of sections 643.010 to
94 643.355. Thereafter, the service fee shall be annually set by the commission by
95 rule, following public hearing, based on an annual allocation prepared by the
96 department showing the details of all costs and expenses upon which such fees
97 are based consistent with the department's reasonable needs to administer and
98 implement sections 643.010 to 643.355 and to fulfill its responsibilities with
99 respect to Phase I affected units, but such service fee shall not exceed twenty-five
100 thousand dollars per generating unit. Any such Phase I affected unit which is
101 located on one or more contiguous tracts of land with any Phase II generating
102 unit that pays fees under subsection 1 or subsection 2 of this section shall be
103 exempt from paying service fees under this subsection. A "contiguous tract of
104 land" shall be defined to mean adjacent land, excluding public roads, highways
105 and railroads, which is under the control of or owned by the permit holder and
106 operated as a single enterprise.

107 9. The department of natural resources shall determine the fees due
108 pursuant to this section by the state of Missouri and its departments, agencies
109 and institutions, including two- and four-year institutions of higher
110 education. The director of the department of natural resources shall forward the
111 various totals due to the joint committee on capital improvements and the
112 directors of the individual departments, agencies and institutions. The
113 departments, as part of the budget process, shall annually request by specific line
114 item appropriation funds to pay said fees and capital funding for projects

115 determined to significantly improve air quality. If the general assembly fails to
116 appropriate funds for emissions fees as specifically requested, the departments,
117 agencies and institutions shall pay said fees from other sources of revenue or
118 funds available. The state of Missouri and its departments, agencies and
119 institutions may receive assistance from the small business technical assistance
120 program established pursuant to section 643.173.

121 **10. The director of the department of natural resources may**
122 **conduct a comprehensive review of the fee structure set forth in this**
123 **section. The comprehensive review shall include stakeholder meetings**
124 **in order to solicit stakeholder input. Upon completion of the**
125 **comprehensive review, the department shall submit proposed changes**
126 **to the fee structure to the air conservation commission. The**
127 **commission shall, upon receiving the department's recommendations,**
128 **review such recommendations at the forthcoming regular or special**
129 **meeting. The commission shall not take a vote on the fee structure**
130 **recommendations until the following regular or special meeting. The**
131 **commission shall review fee structure recommendations from the**
132 **department. If the commission approves, by vote, the fee structure**
133 **recommendations, the commission shall promulgate by regulation and**
134 **publish the recommended fee structure. If such rules are not**
135 **disapproved by the general assembly in the manner set out below, they**
136 **shall take effect on January first of the next odd-numbered year. Any**
137 **regulation promulgated pursuant to this subsection shall be deemed to**
138 **be beyond the scope and authority provided in this subsection, or**
139 **detrimental to permit applicants, if the general assembly, within the**
140 **first sixty calendar days of the regular session immediately following**
141 **the promulgation of such regulation, by concurrent resolution, shall**
142 **disapprove the fee structure contained in such regulation. If the**
143 **general assembly so disapproves any regulation promulgated pursuant**
144 **to this subsection, the clean water commission shall continue to use the**
145 **fee structure set forth in the most recent preceding regulation**
146 **promulgated pursuant to this subsection.**

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except
2 for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section
3 644.052, become effective October 1, 1990, and shall expire [September 1, 2013]
4 **December 31, 2018.** Fees imposed pursuant to subsection 4 and subsections 6
5 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire

6 on [September 1, 2013] **December 31, 2018**. The clean water commission shall
7 promulgate rules and regulations on the procedures for billing and collection. All
8 sums received through the payment of fees shall be placed in the state treasury
9 and credited to an appropriate subaccount of the natural resources protection
10 fund created in section 640.220. Moneys in the subaccount shall be expended,
11 upon appropriation, solely for the administration of sections 644.006 to
12 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a
13 public sewer district, a public water district or other publicly owned treatment
14 works are state fees. Five percent of the fee revenue collected shall be retained
15 by the city, public sewer district, public water district or other publicly owned
16 treatment works as reimbursement of billing and collection expenses.

17 2. The commission may grant a variance pursuant to section 644.061 to
18 reduce fees collected pursuant to section 644.052 for facilities that adopt systems
19 or technologies that reduce the discharge of water contaminants substantially
20 below the levels required by commission rules.

21 3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on
22 the date of application and on each anniversary date of permit issuance thereafter
23 until the permit is terminated.

24 4. The director of the department of natural resources shall conduct a
25 comprehensive review of the fee structure in sections 644.052 and 644.053. The
26 review shall include stakeholder meetings in order to solicit stakeholder
27 input. The director shall submit a report to the general assembly by December
28 31, 2012, which shall include its findings and a recommended plan for the fee
29 structure. The plan shall also include time lines for permit issuance, provisions
30 for expedited permits, and recommendations for any other improved services
31 provided by the fee funding.

644.057. The director of the department of natural resources may
2 **conduct a comprehensive review of the clean water fee structure set**
3 **forth in sections 644.052 and 644.053. The comprehensive review shall**
4 **include stakeholder meetings in order to solicit stakeholder input from**
5 **each of the following groups: agriculture, industry, municipalities,**
6 **private wastewater facilities, and the development community. Upon**
7 **completion of the comprehensive review, the department shall submit**
8 **proposed changes to the fee structure to the clean water**
9 **commission. The commission shall, upon receiving the department's**
10 **recommendations, review such recommendations at the forthcoming**

11 regular or special meeting pursuant to subsection 3 of section
12 644.021. The commission shall not take a vote on the clean water fee
13 structure recommendations until the following regular or special
14 meeting. If the commission approves, by vote, the clean water fee
15 structure recommendations, the commission shall promulgate by
16 regulation and publish the recommended clean water fee structure by
17 December thirty-first of the same year beginning December 31, 2013. If
18 such rules are not disapproved by the general assembly in the manner
19 set out below, they shall take effect on January first of the next odd-
20 numbered year. Any regulation promulgated pursuant to this
21 subsection shall be deemed to be beyond the scope and authority
22 provided in this subsection, or detrimental to permit applicants, if the
23 general assembly, within the first sixty calendar days of the regular
24 session immediately following the promulgation of such regulation, by
25 concurrent resolution, shall disapprove the fee structure contained in
26 such regulation. If the general assembly so disapproves any regulation
27 promulgated pursuant to this subsection, the clean water commission
28 shall continue to use the fee structure set forth in the most recent
29 preceding regulation promulgated pursuant to this subsection.

[260.379. 1. The department of natural resources shall not
2 issue a permit to any person for the operation of any facility or
3 issue any license to any person under the authority of sections
4 260.350 to 260.434, if such person has had three or more
5 convictions, which convictions occurred after July 9, 1990, and
6 within any five-year period within the courts of the United States
7 or of any state except Missouri or had two or more convictions
8 within a Missouri court after July 9, 1990, and within any five-year
9 period, for any crimes or criminal acts, an element of which
10 involves restraint of trade, price-fixing, intimidation of the
11 customers of any person or for engaging in any other acts which
12 may have the effect of restraining or limiting competition
13 concerning activities regulated under this chapter or similar laws
14 of other states or the federal government; except that convictions
15 for violations by entities purchased or acquired by an applicant or
16 permittee which occurred prior to the purchase or acquisition shall
17 not be included. For the purpose of this section, the term "person"

18 shall include any business organization or entity, successor
19 corporation, partnership or subsidiary of any business organization
20 or entity, and the owners and officers thereof, or the entity
21 submitting the application.

22 2. The director shall suspend, revoke or not renew the
23 permit or license of any person issued pursuant to sections 260.350
24 to 260.434, if such person has had two or more convictions in any
25 court of the United States or of any state other than Missouri or
26 two or more convictions within a Missouri court for crimes as
27 specified herein if such conviction occurred after July 9, 1990, and
28 within any five-year period.

29 3. Any person applying for a permit or license under
30 sections 260.350 to 260.434 shall notify the director of any
31 conviction for any act which would have the effect of limiting
32 competition. Any person with a permit or license shall notify the
33 department of any such conviction within thirty days of the
34 conviction or plea. Failure to notify the director is a class D felony
35 and subject to a fine of one thousand dollars per day for each day
36 unreported.

37 4. Provided that after a period of five years after a permit
38 has been revoked under the provisions of this section, the person,
39 firm or corporation affected may apply for rehabilitation and
40 reinstatement to the director of the department. The department
41 shall promulgate the necessary rules and regulations for
42 rehabilitation and reinstatement. The time period for same shall
43 not exceed five years.]

2 [260.434. 1. The department shall assess the
3 transportation system serving a proposed site for a new hazardous
4 waste resource recovery, treatment or disposal facility as a part of
5 its review of the application for a permit. The department shall
6 examine the transportation route or routes to ensure that the
7 design and maintenance of such route or routes provides adequate
8 safety for the public using or living near the route or routes. The
9 department may designate or prohibit specific routes, limit use of
10 approved routes during certain time periods or impose other
reasonable restrictions upon the transportation of hazardous waste

11 to or from the facility.

12 2. The department shall review the capability of local
13 governments near a proposed site to respond to an emergency
14 involving the transportation of hazardous waste or an emergency
15 at the hazardous waste resource recovery, treatment or disposal
16 facility when it reviews an application for a permit. The
17 department shall reassess that capability whenever the operator
18 proposes recovering, treating or disposing of a hazardous waste
19 which is substantially more toxic, corrosive, ignitable or reactive
20 than those wastes approved under the current permit. The
21 department may require the operator to provide supplemental
22 emergency response capability to ensure public safety.

23 3. The department shall enter into an interagency
24 agreement with the department of transportation and the
25 department of public safety to permit the sharing of information
26 and to assign responsibility for performing the assessment required
27 in this section.]

Section B. Because immediate action is necessary to ensure an operational
2 clean water fee structure, the enactment of section 644.057 of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and the enactment of section 644.057 of this act shall be in full force
6 and effect upon its passage and approval.

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