

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/HCS/House Bill Nos. 802, 807 & 886, Page 1, Section TITLE, Line 2,

2 by striking the words "conveyance of certain state property"
 3 and inserting in lieu thereof the following: "regulation of
 4 real property" and further amend said bill and page, section
 5 1, line 1, by inserting immediately before all of said line
 6 the following:

7 "260.205. 1. It shall be unlawful for any person to
 8 operate a solid waste processing facility or solid waste
 9 disposal area of a solid waste management system without
 10 first obtaining an operating permit from the department. It
 11 shall be unlawful for any person to construct a solid waste
 12 processing facility or solid waste disposal area without
 13 first obtaining a construction permit from the department
 14 pursuant to this section. A current authorization to
 15 operate issued by the department pursuant to sections
 16 260.200 to 260.345 shall be considered to be a permit to
 17 operate for purposes of this section for all solid waste
 18 disposal areas and processing facilities existing on August
 19 28, 1995. A permit shall not be issued for a sanitary
 20 landfill to be located in a flood area, as determined by the
 21 department, where flood waters are likely to significantly
 22 erode final cover. A permit shall not be required to
 23 operate a waste stabilization lagoon, settling pond or other
 24 water treatment facility which has a valid permit from the
 25 Missouri clean water commission even though the facility may
 26 receive solid or semisolid waste materials.

27 2. No person or operator may apply for or obtain a
28 permit to construct a solid waste disposal area unless the
29 person has requested the department to conduct a preliminary
30 site investigation and obtained preliminary approval from
31 the department. The department shall, within sixty days of
32 such request, conduct a preliminary investigation and
33 approve or disapprove the site.

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

40 (1) The applicant shall notify the public of the
41 preliminary site investigation approval within thirty days
42 after the receipt of such approval. Such public
43 notification shall be by certified mail to the governing
44 body of the county or city in which the proposed disposal
45 area is to be located and by certified mail to the solid
46 waste management district in which the proposed disposal
47 area is to be located;

48 (2) Within ninety days after the preliminary site
49 investigation approval, the department shall conduct a
50 public awareness session in the county in which the proposed
51 disposal area is to be located. The department shall
52 provide public notice of such session by both printed and
53 broadcast media at least thirty days prior to such session.
54 Printed notification shall include publication in at least
55 one newspaper having general circulation within the county
56 in which the proposed disposal area is to be located.
57 Broadcast notification shall include public service
58 announcements on radio stations that have broadcast coverage
59 within the county in which the proposed disposal area is to

60 be located. The intent of such public awareness session
61 shall be to provide general information to interested
62 citizens on the design and operation of solid waste disposal
63 areas;

64 (3) At least sixty days prior to the submission to the
65 department of a report on the results of a detailed site
66 investigation pursuant to subsection 4 of this section, the
67 applicant shall conduct a community involvement session in
68 the county in which the proposed disposal area is to be
69 located. Department staff shall attend any such session.
70 The applicant shall provide public notice of such session by
71 both printed and broadcast media at least thirty days prior
72 to such session. Printed notification shall include
73 publication in at least one newspaper having general
74 circulation within the county in which the proposed disposal
75 area is to be located. Broadcast notification shall include
76 public service announcements on radio stations that have
77 broadcast coverage within the county in which the proposed
78 disposal area is to be located. Such public notices shall
79 include the addresses of the applicant and the department
80 and information on a public comment period. Such public
81 comment period shall begin on the day of the community
82 involvement session and continue for at least thirty days
83 after such session. The applicant shall respond to all
84 persons submitting comments during the public comment period
85 no more than thirty days after the receipt of such comments;

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

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

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

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

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

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

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

110 4. No person may apply for or obtain a permit to
111 construct a solid waste disposal area unless the person has
112 submitted to the department a plan for conducting a detailed
113 surface and subsurface geologic and hydrologic investigation
114 and has obtained geologic and hydrologic site approval from
115 the department. The department shall approve or disapprove
116 the plan within thirty days of receipt. The applicant shall
117 conduct the investigation pursuant to the plan and submit
118 the results to the department. The department shall provide
119 approval or disapproval within sixty days of receipt of the
120 investigation results.

121 5. (1) Every person desiring to construct a solid
122 waste processing facility or solid waste disposal area shall
123 make application for a permit on forms provided for this
124 purpose by the department. Every applicant shall submit
125 evidence of financial responsibility with the application.

126 Any applicant who relies in part upon a parent corporation
127 for this demonstration shall also submit evidence of
128 financial responsibility for that corporation and any other
129 subsidiary thereof.

130 (2) Every applicant shall provide a financial
131 assurance instrument or instruments to the department prior
132 to the granting of a construction permit for a solid waste
133 disposal area. The financial assurance instrument or
134 instruments shall be irrevocable, meet all requirements
135 established by the department and shall not be cancelled,
136 revoked, disbursed, released or allowed to terminate without
137 the approval of the department. After the cessation of
138 active operation of a sanitary landfill, or other solid
139 waste disposal area as designed by the department, neither
140 the guarantor nor the operator shall cancel, revoke or
141 disburse the financial assurance instrument or allow the
142 instrument to terminate until the operator is released from
143 postclosure monitoring and care responsibilities pursuant to
144 section 260.227.

145 (3) The applicant for a permit to construct a solid
146 waste disposal area shall provide the department with plans,
147 specifications, and such other data as may be necessary to
148 comply with the purpose of sections 260.200 to 260.345. The
149 application shall demonstrate compliance with all applicable
150 local planning and zoning requirements. The department
151 shall make an investigation of the solid waste disposal area
152 and determine whether it complies with the provisions of
153 sections 260.200 to 260.345 and the rules and regulations
154 adopted pursuant to sections 260.200 to 260.345. Within
155 twelve consecutive months of the receipt of an application
156 for a construction permit the department shall approve or
157 deny the application. The department shall issue rules and
158 regulations establishing time limits for permit

159 modifications and renewal of a permit for a solid waste
160 disposal area. The time limit shall be consistent with this
161 chapter.

162 (4) The applicant for a permit to construct a solid
163 waste processing facility shall provide the department with
164 plans, specifications and such other data as may be
165 necessary to comply with the purpose of sections 260.200 to
166 260.345. Within one hundred eighty days of receipt of the
167 application, the department shall determine whether it
168 complies with the provisions of sections 260.200 to
169 260.345. Within twelve consecutive months of the receipt of
170 an application for a permit to construct an incinerator as
171 described in the definition of solid waste processing
172 facility in section 260.200 or a material recovery facility
173 as described in the definition of solid waste processing
174 facility in section 260.200, and within six months for
175 permit modifications, the department shall approve or deny
176 the application. Permits issued for solid waste facilities
177 shall be for the anticipated life of the facility.

178 (5) If the department fails to approve or deny an
179 application for a permit or a permit modification within the
180 time limits specified in subdivisions (3) and (4) of this
181 subsection, the applicant may maintain an action in the
182 circuit court of Cole County or that of the county in which
183 the facility is located or is to be sited. The court shall
184 order the department to show cause why it has not acted on
185 the permit and the court may, upon the presentation of
186 evidence satisfactory to the court, order the department to
187 issue or deny such permit or permit modification. Permits
188 for solid waste disposal areas, whether issued by the
189 department or ordered to be issued by a court, shall be for
190 the anticipated life of the facility.

191 (6) The applicant for a permit to construct a solid
192 waste processing facility shall pay an application fee of
193 one thousand dollars. Upon completion of the department's
194 evaluation of the application, but before receiving a
195 permit, the applicant shall reimburse the department for all
196 reasonable costs incurred by the department up to a maximum
197 of four thousand dollars. The applicant for a permit to
198 construct a solid waste disposal area shall pay an
199 application fee of two thousand dollars. Upon completion of
200 the department's evaluations of the application, but before
201 receiving a permit, the applicant shall reimburse the
202 department for all reasonable costs incurred by the
203 department up to a maximum of eight thousand dollars.
204 Applicants who withdraw their application before the
205 department completes its evaluation shall be required to
206 reimburse the department for costs incurred in the
207 evaluation. The department shall not collect the fees
208 authorized in this subdivision unless it complies with the
209 time limits established in this section.

210 (7) When the review reveals that the facility or area
211 does conform with the provisions of sections 260.200 to
212 260.345 and the rules and regulations adopted pursuant to
213 sections 260.200 to 260.345, the department shall approve
214 the application and shall issue a permit for the
215 construction of each solid waste processing facility or
216 solid waste disposal area as set forth in the application
217 and with any permit terms and conditions which the
218 department deems appropriate. In the event that the
219 facility or area fails to meet the rules and regulations
220 adopted pursuant to sections 260.200 to 260.345, the
221 department shall issue a report to the applicant stating the
222 reason for denial of a permit.

223 6. Plans, designs, and relevant data for the
224 construction of solid waste processing facilities and solid
225 waste disposal areas shall be submitted to the department by
226 a registered professional engineer licensed by the state of
227 Missouri for approval prior to the construction, alteration
228 or operation of such a facility or area.

229 7. Any person or operator as defined in section
230 260.200 who intends to obtain a construction permit in a
231 solid waste management district with an approved solid waste
232 management plan shall request a recommendation in support of
233 the application from the executive board created in section
234 260.315. The executive board shall consider the impact of
235 the proposal on, and the extent to which the proposal
236 conforms to, the approved district solid waste management
237 plan prepared pursuant to section 260.325. The executive
238 board shall act upon the request for a recommendation within
239 sixty days of receipt and shall submit a resolution to the
240 department specifying its position and its recommendation
241 regarding conformity of the application to the solid waste
242 plan. The board's failure to submit a resolution
243 constitutes recommendation of the application. The
244 department may consider the application, regardless of the
245 board's action thereon and may deny the construction permit
246 if the application fails to meet the requirements of
247 sections 260.200 to 260.345, or if the application is
248 inconsistent with the district's solid waste management plan.

249 8. If the site proposed for a solid waste disposal
250 area is not owned by the applicant, the owner or owners of
251 the site shall acknowledge that an application pursuant to
252 sections 260.200 to 260.345 is to be submitted by signature
253 or signatures thereon. The department shall provide the
254 owner with copies of all communication with the operator,

255 including inspection reports and orders issued pursuant to
256 section 260.230.

257 9. The department shall not issue a permit for the
258 operation of a solid waste disposal area designed to serve a
259 city with a population of greater than four hundred thousand
260 located in more than one county, if the site is located
261 within [one-half] one mile of an adjoining municipality,
262 without the approval of the governing body of such
263 municipality. The governing body shall conduct a public
264 hearing within fifteen days of notice, shall publicize the
265 hearing in at least one newspaper having general circulation
266 in the municipality, and shall vote to approve or disapprove
267 the land disposal facility within thirty days after the
268 close of the hearing.

269 10. (1) Upon receipt of an application for a permit
270 to construct a solid waste processing facility or disposal
271 area, the department shall notify the public of such receipt:

272 (a) By legal notice published in a newspaper of
273 general circulation in the area of the proposed disposal
274 area or processing facility;

275 (b) By certified mail to the governing body of the
276 county or city in which the proposed disposal area or
277 processing facility is to be located; and

278 (c) By mail to the last known address of all record
279 owners of contiguous real property or real property located
280 within one thousand feet of the proposed disposal area and,
281 for a proposed processing facility, notice as provided in
282 section 64.875 or section 89.060, whichever is applicable.

283 (2) If an application for a construction permit meets
284 all statutory and regulatory requirements for issuance, a
285 public hearing on the draft permit shall be held by the
286 department in the county in which the proposed solid waste
287 disposal area is to be located prior to the issuance of the

288 permit. The department shall provide public notice of such
289 hearing by both printed and broadcast media at least thirty
290 days prior to such hearing. Printed notification shall
291 include publication in at least one newspaper having general
292 circulation within the county in which the proposed disposal
293 area is to be located. Broadcast notification shall include
294 public service announcements on radio stations that have
295 broadcast coverage within the county in which the proposed
296 disposal area is to be located.

297 11. After the issuance of a construction permit for a
298 solid waste disposal area, but prior to the beginning of
299 disposal operations, the owner and the department shall
300 execute an easement to allow the department, its agents or
301 its contractors to enter the premises to complete work
302 specified in the closure plan, or to monitor or maintain the
303 site or to take remedial action during the postclosure
304 period. After issuance of a construction permit for a solid
305 waste disposal area, but prior to the beginning of disposal
306 operations, the owner shall submit evidence that such owner
307 has recorded, in the office of the recorder of deeds in the
308 county where the disposal area is located, a notice and
309 covenant running with the land that the property has been
310 permitted as a solid waste disposal area and prohibits use
311 of the land in any manner which interferes with the closure
312 and, where appropriate, postclosure plans filed with the
313 department.

314 12. Every person desiring to obtain a permit to
315 operate a solid waste disposal area or processing facility
316 shall submit applicable information and apply for an
317 operating permit from the department. The department shall
318 review the information and determine, within sixty days of
319 receipt, whether it complies with the provisions of sections
320 260.200 to 260.345 and the rules and regulations adopted

321 pursuant to sections 260.200 to 260.345. When the review
322 reveals that the facility or area does conform with the
323 provisions of sections 260.200 to 260.345 and the rules and
324 regulations adopted pursuant to sections 260.200 to 260.345,
325 the department shall issue a permit for the operation of
326 each solid waste processing facility or solid waste disposal
327 area and with any permit terms and conditions which the
328 department deems appropriate. In the event that the
329 facility or area fails to meet the rules and regulations
330 adopted pursuant to sections 260.200 to 260.345, the
331 department shall issue a report to the applicant stating the
332 reason for denial of a permit.

333 13. Each solid waste disposal area, except utility
334 waste landfills unless otherwise and to the extent required
335 by the department, and those solid waste processing
336 facilities designated by rule, shall be operated under the
337 direction of a certified solid waste technician in
338 accordance with sections 260.200 to 260.345 and the rules
339 and regulations promulgated pursuant to sections 260.200 to
340 260.345.

341 14. Base data for the quality and quantity of
342 groundwater in the solid waste disposal area shall be
343 collected and submitted to the department prior to the
344 operation of a new or expansion of an existing solid waste
345 disposal area. Base data shall include a chemical analysis
346 of groundwater drawn from the proposed solid waste disposal
347 area.

348 15. Leachate collection and removal systems shall be
349 incorporated into new or expanded sanitary landfills which
350 are permitted after August 13, 1986. The department shall
351 assess the need for a leachate collection system for all
352 types of solid waste disposal areas, other than sanitary
353 landfills, and the need for monitoring wells when it

354 evaluates the application for all new or expanded solid
355 waste disposal areas. The department may require an
356 operator of a solid waste disposal area to install a
357 leachate collection system before the beginning of disposal
358 operations, at any time during disposal operations for
359 unfilled portions of the area, or for any portion of the
360 disposal area as a part of a remedial plan. The department
361 may require the operator to install monitoring wells before
362 the beginning of disposal operations or at any time during
363 the operational life or postclosure care period if it
364 concludes that conditions at the area warrant such
365 monitoring. The operator of a demolition landfill or
366 utility waste landfill shall not be required to install a
367 leachate collection and removal system or monitoring wells
368 unless otherwise and to the extent the department so
369 requires based on hazardous waste characteristic criteria or
370 site specific geohydrological characteristics or conditions.

371 16. Permits granted by the department, as provided in
372 sections 260.200 to 260.345, shall be subject to suspension
373 for a designated period of time, civil penalty or revocation
374 whenever the department determines that the solid waste
375 processing facility or solid waste disposal area is, or has
376 been, operated in violation of sections 260.200 to 260.345
377 or the rules or regulations adopted pursuant to sections
378 260.200 to 260.345, or has been operated in violation of any
379 permit terms and conditions, or is creating a public
380 nuisance, health hazard, or environmental pollution. In the
381 event a permit is suspended or revoked, the person named in
382 the permit shall be fully informed as to the reasons for
383 such action.

384 17. Each permit for operation of a facility or area
385 shall be issued only to the person named in the
386 application. Permits are transferable as a modification to

387 the permit. An application to transfer ownership shall
388 identify the proposed permittee. A disclosure statement for
389 the proposed permittee listing violations contained in the
390 definition of disclosure statement found in section 260.200
391 shall be submitted to the department. The operation and
392 design plans for the facility or area shall be updated to
393 provide compliance with the currently applicable law and
394 rules. A financial assurance instrument in such an amount
395 and form as prescribed by the department shall be provided
396 for solid waste disposal areas by the proposed permittee
397 prior to transfer of the permit. The financial assurance
398 instrument of the original permittee shall not be released
399 until the new permittee's financial assurance instrument has
400 been approved by the department and the transfer of
401 ownership is complete.

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

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

410 20. Every applicant for a permit shall file a
411 disclosure statement with the information required by and on
412 a form developed by the department of natural resources at
413 the same time the application for a permit is filed with the
414 department.

415 21. Upon request of the director of the department of
416 natural resources, the applicant for a permit, any person
417 that could reasonably be expected to be involved in
418 management activities of the solid waste disposal area or
419 solid waste processing facility, or any person who has a

420 controlling interest in any permittee shall be required to
421 submit to a criminal background check under section 43.543.

422 22. All persons required to file a disclosure
423 statement shall provide any assistance or information
424 requested by the director or by the Missouri state highway
425 patrol and shall cooperate in any inquiry or investigation
426 conducted by the department and any inquiry, investigation
427 or hearing conducted by the director. If, upon issuance of
428 a formal request to answer any inquiry or produce
429 information, evidence or testimony, any person required to
430 file a disclosure statement refuses to comply, the
431 application of an applicant or the permit of a permittee may
432 be denied or revoked by the director.

433 23. If any of the information required to be included
434 in the disclosure statement changes, or if any additional
435 information should be added after the filing of the
436 statement, the person required to file it shall provide that
437 information to the director in writing, within thirty days
438 after the change or addition. The failure to provide such
439 information within thirty days may constitute the basis for
440 the revocation of or denial of an application for any permit
441 issued or applied for in accordance with this section, but
442 only if, prior to any such denial or revocation, the
443 director notifies the applicant or permittee of the
444 director's intention to do so and gives the applicant or
445 permittee fourteen days from the date of the notice to
446 explain why the information was not provided within the
447 required thirty-day period. The director shall consider
448 this information when determining whether to revoke, deny or
449 conditionally grant the permit.

450 24. No person shall be required to submit the
451 disclosure statement required by this section if the person
452 is a corporation or an officer, director or shareholder of

453 that corporation or any subsidiary thereof, and that
454 corporation:

455 (1) Has on file and in effect with the federal
456 Securities and Exchange Commission a registration statement
457 required under Section 5, Chapter 38, Title 1 of the
458 Securities Act of 1933, as amended, 15 U.S.C. Section 77e(c);

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

463 (3) Submits to the director on the anniversary date of
464 the issuance of any permit it holds under the Missouri solid
465 waste management law evidence of registration described in
466 subdivision (1) of this subsection and a copy of the
467 corporation's most recent annual form 10-K or an equivalent
468 report.

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

474 26. Any county, district, municipality, authority, or
475 other political subdivision of this state which owns and
476 operates a sanitary landfill shall be exempt from the
477 requirement for the filing of the disclosure statement and
478 annual update to the disclosure statement.

479 27. Any person seeking a permit to operate a solid
480 waste disposal area, a solid waste processing facility, or a
481 resource recovery facility shall, concurrently with the
482 filing of the application for a permit, disclose any
483 convictions in this state, county or county-equivalent
484 public health or land use ordinances related to the
485 management of solid waste. If the department finds that

486 there has been a continuing pattern of adjudicated
487 violations by the applicant, the department may deny the
488 application.

489 28. No permit to construct or permit to operate shall
490 be required pursuant to this section for any utility waste
491 landfill located in a county of the third classification
492 with a township form of government which has a population of
493 at least eleven thousand inhabitants and no more than twelve
494 thousand five hundred inhabitants according to the most
495 recent decennial census, if such utility waste landfill
496 complies with all design and operating standards and closure
497 requirements applicable to utility waste landfills pursuant
498 to sections 260.200 to 260.345 and provided that no waste
499 disposed of at such utility waste landfill is considered
500 hazardous waste pursuant to the Missouri hazardous waste law.

501 29. Advanced recycling facilities are not subject to
502 the requirements of this section as long as the feedstocks
503 received by such facility are source-separated or diverted
504 or recovered from municipal or other waste streams prior to
505 acceptance at the advanced recycling facility."; and

506 Further amend the title and enacting clause accordingly.