

SECOND REGULAR SESSION

SENATE BILL NO. 1586

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

6560S.04I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 260.213, 260.300, 260.302, 260.305, 260.310, 260.315, 260.320, 260.324, 260.325, 260.330, 260.335, and 260.345, RSMo, and to enact in lieu thereof five new sections relating to solid waste management.

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

Section A. Sections 260.213, 260.300, 260.302, 260.305, 260.310, 260.315, 260.320, 260.324, 260.325, 260.330, 260.335, and 260.345, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 260.213, 260.324, 260.330, 260.335, and 260.336, to read as follows:

260.213. No person may knowingly sell, convey or transfer title to any property that contains a permitted or unpermitted solid waste disposal site or demolition landfill, without disclosing [to] **the sale, conveyance, or transfer to the department of natural resources. The seller shall inform the buyer with a written notice signed and dated by the seller** early in the negotiation process **about the existence and location of the disposal or landfill site. If the seller fails to inform the buyer with the written notice about the existence and location of the disposal or landfill site under this section, the buyer may cancel the sale agreement and the seller shall be required to disburse to the buyer any earnest money paid by the buyer to the seller.** The seller shall also notify the buyer that

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

15 he may be assuming liability to the state for any remedial
16 action at the site, except that the sale, conveyance or
17 transfer of property shall not absolve any person
18 responsible for the illegal disposition of solid waste,
19 including the seller, of liability for any remedial action
20 at the site.

260.324. [1.] Any person or entity that applies for a
2 grant under section 260.335 shall not be disqualified from
3 receiving such grant on the basis that there exists a
4 familial relationship between the applicant and any member
5 of the [solid waste management district executive board
6 within the fourth degree by consanguinity or affinity. For
7 applicants with a familial relationship with any member of
8 the solid waste management district executive board within
9 the fourth degree by consanguinity or affinity, the solid
10 waste management district executive board shall only approve
11 such grant application if approved by a vote of two-thirds
12 of the solid waste management district executive board]
13 **department.**

14 [2. If a person, who by virtue of his or her
15 membership on a solid waste management district executive
16 board, does not abstain from a vote to award a solid waste
17 management district grant to any person or entity providing
18 solid waste management services who is a relative within the
19 fourth degree by consanguinity or affinity, the person shall
20 forfeit membership on the solid waste management district
21 executive board and the solid waste management district
22 council.]

260.330. 1. Except as otherwise provided in
2 subsection 6 of this section, effective October 1, 1990,
3 each operator of a solid waste sanitary landfill shall
4 collect a charge equal to one dollar and fifty cents per ton

5 or its volumetric equivalent of solid waste accepted and
6 each operator of the solid waste demolition landfill shall
7 collect a charge equal to one dollar per ton or its
8 volumetric equivalent of solid waste accepted. Each
9 operator shall submit the charge, less collection costs, to
10 the department of natural resources for deposit in the
11 "Solid Waste Management Fund" which is hereby created. On
12 October 1, 1992, and thereafter, the charge imposed herein
13 shall be adjusted annually by the same percentage as the
14 increase in the general price level as measured by the
15 Consumer Price Index for All Urban Consumers for the United
16 States, or its successor index, as defined and officially
17 recorded by the United States Department of Labor or its
18 successor agency. No annual adjustment shall be made to the
19 charge imposed under this subsection during October 1, 2005,
20 to October 1, 2027, except an adjustment amount consistent
21 with the need to fund the operating costs of the department
22 and taking into account any annual percentage increase in
23 the total of the volumetric equivalent of solid waste
24 accepted in the prior year at solid waste sanitary landfills
25 and demolition landfills and solid waste to be transported
26 out of this state for disposal that is accepted at transfer
27 stations. No annual increase during October 1, 2005, to
28 October 1, 2027, shall exceed the percentage increase
29 measured by the Consumer Price Index for All Urban Consumers
30 for the United States, or its successor index, as defined
31 and officially recorded by the United States Department of
32 Labor or its successor agency and calculated on the
33 percentage of revenues dedicated under subdivision (1) of
34 subsection 2 of section 260.335. Any such annual adjustment
35 shall only be made at the discretion of the director,
36 subject to appropriations. **After October 1, 2027, an annual**

37 **adjustment shall be based on the percentage increase**
38 **measured by the Consumer Price Index for All Urban Consumers**
39 **for the United States, or its successor index, as defined**
40 **and officially recorded by the United States Department of**
41 **Labor or its successor agency, for the preceding year.**

42 Collection costs shall be established by the department and
43 shall not exceed two percent of the amount collected
44 pursuant to this section.

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

47 3. The charges established in this section shall be
48 enumerated separately from the disposal fee charged by the
49 landfill and may be passed through to persons who generated
50 the solid waste. Moneys transmitted to the department shall
51 be no less than the amount collected less collection costs
52 and in a form, manner and frequency as the department shall
53 prescribe. The provisions of section 33.080 to the contrary
54 notwithstanding, moneys in the account shall not lapse to
55 general revenue at the end of each biennium. Failure to
56 collect the charge does not relieve the operator from
57 responsibility for transmitting an amount equal to the
58 charge to the department.

59 4. The department may examine or audit financial
60 records and landfill activity records and measure landfill
61 usage to verify the collection and transmittal of the
62 charges established in this section. The department may
63 promulgate by rule and regulation procedures to ensure and
64 to verify that the charges imposed herein are properly
65 collected and transmitted to the department.

66 5. Effective October 1, 1990, any person who operates
67 a transfer station in Missouri shall transmit a fee to the
68 department for deposit in the solid waste management fund

69 which is equal to one dollar and fifty cents per ton or its
70 volumetric equivalent of solid waste accepted. Such fee
71 shall be applicable to all solid waste to be transported out
72 of the state for disposal. On October 1, 1992, and
73 thereafter, the charge imposed herein shall be adjusted
74 annually by the same percentage as the increase in the
75 general price level as measured by the Consumer Price Index
76 for All Urban Consumers for the United States, or its
77 successor index, as defined and officially recorded by the
78 United States Department of Labor or its successor agency.
79 No annual adjustment shall be made to the charge imposed
80 under this subsection during October 1, 2005, to October 1,
81 2027, except an adjustment amount consistent with the need
82 to fund the operating costs of the department and taking
83 into account any annual percentage increase in the total of
84 the volumetric equivalent of solid waste accepted in the
85 prior year at solid waste sanitary landfills and demolition
86 landfills and solid waste to be transported out of this
87 state for disposal that is accepted at transfer stations.
88 No annual increase during October 1, 2005, to October 1,
89 2027, shall exceed the percentage increase measured by the
90 Consumer Price Index for All Urban Consumers for the United
91 States, or its successor index, as defined and officially
92 recorded by the United States Department of Labor or its
93 successor agency and calculated on the percentage of
94 revenues dedicated under subdivision (1) of subsection 2 of
95 section 260.335. Any such annual adjustment shall only be
96 made at the discretion of the director, subject to
97 appropriations. **After October 1, 2027, an annual adjustment**
shall be based on the percentage increase measured by the
Consumer Price Index for All Urban Consumers for the United
States, or its successor index, as defined and officially

101 **recorded by the United States Department of Labor or its**
102 **successor agency, for the preceding year.** The department
103 shall prescribe rules and regulations governing the
104 transmittal of fees and verification of waste volumes
105 transported out of state from transfer stations. Collection
106 costs shall also be established by the department and shall
107 not exceed two percent of the amount collected pursuant to
108 this subsection. A transfer station with the sole function
109 of separating materials for recycling or resource recovery
110 activities shall not be subject to the fee imposed in this
111 subsection.

112 6. Each political subdivision which owns an
113 operational solid waste disposal area may designate,
114 pursuant to this section, up to two free disposal days
115 during each calendar year. On any such free disposal day,
116 the political subdivision shall allow residents of the
117 political subdivision to dispose of any solid waste which
118 may be lawfully disposed of at such solid waste disposal
119 area free of any charge, and such waste shall not be subject
120 to any state fee pursuant to this section. Notice of any
121 free disposal day shall be posted at the solid waste
122 disposal area site and in at least one newspaper of general
123 circulation in the political subdivision no later than
124 fourteen days prior to the free disposal day.

260.335. 1. **The department shall have the authority**
2 **to assess, investigate, test, remediate, and manage**
3 **abandoned solid waste disposal areas. For purposes of this**
4 **section, "abandoned" means that a legally responsible person**
5 **for the site cannot be identified, located, or was**
6 **determined to be financially insolvent by the department.**

7 Each fiscal year eight hundred thousand dollars from the
8 solid waste management fund shall be made available, upon

9 appropriation, to the department and the environmental
10 improvement and energy resources authority to fund
11 activities that promote the development and maintenance of
12 markets for recovered materials. [Each fiscal year up to
13 two hundred thousand dollars from the solid waste management
14 fund may be used by the department upon appropriation for
15 grants to solid waste management districts for district
16 grants and district operations. Only those solid waste
17 management districts that are allocated fewer funds under
18 subsection 2 of this section than if revenues had been
19 allocated based on the criteria in effect in this section on
20 August 27, 2004, are eligible for these grants. An eligible
21 district shall receive a proportionate share of these grants
22 based on that district's share of the total reduction in
23 funds for eligible districts calculated by comparing the
24 amount of funds allocated under subsection 2 of this section
25 with the amount of funds that would have been allocated
26 using the criteria in effect in this section on August 27,
27 2004.] The department and the authority shall establish a
28 joint interagency agreement with the department of economic
29 development to identify state priorities for market
30 development and to develop the criteria to be used to judge
31 proposed projects. Additional moneys may be appropriated in
32 subsequent fiscal years if requested. The authority shall
33 establish a procedure to measure the effectiveness of the
34 grant program under this subsection and shall provide a
35 report to the governor and general assembly by January
36 fifteenth of each year regarding the effectiveness of the
37 program.

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

(2) [Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, 2027, which shall be used solely to fund the operating costs of the department, shall be allocated to solid waste management districts. Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. No more than fifty percent of the revenue allocable under this subdivision may be allocated to the districts upon approval of the department for implementation of a solid waste management plan and district operations, and at least fifty percent of the revenue allocable to the districts under this subdivision shall be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services]

73 in these cities and counties. Each district shall receive a
74 minimum of seventy-five thousand dollars under this
75 subdivision. After August 28, 2015, each district shall
76 receive a minimum of ninety-five thousand dollars under this
77 subdivision for district grants and district operations.
78 Each district receiving moneys under this subdivision shall
79 expend such moneys pursuant to a solid waste management plan
80 required under section 260.325, and only in the case that
81 the district is in compliance with planning requirements
82 established by the department. Moneys shall be awarded
83 based upon grant applications.] **Any remaining revenue shall**
84 **be made available annually for grants awarded by the**
85 **department based upon applications.** The following criteria
86 may be considered to establish the order of [district] grant
87 priority:

88 (a) Grants to facilities of organizations employing
89 individuals with disabilities under sections 178.900 to
90 178.960 or sections 205.968 to 205.972;

91 (b) [Grants for proposals that will promote and
92 maximize the sharing of district resources;

93 (c)] Grants for proposals which provide methods of
94 recycling and solid waste reduction; and

95 [(d)] (c) All other grants. Any allocated [district]
96 moneys remaining in any fiscal year due to insufficient or
97 inadequate grant applications shall be reallocated for grant
98 applications in subsequent years or for [solid waste
99 management projects other than district operations,
100 including a district's next request for solid waste
101 management project proposals] **department operations,**
102 **including investigation and remediation work.**

103 [Any allocated district moneys remaining after a period
104 of five years shall revert to the credit of the solid waste
105 management fund created under section 260.330;]

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

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

114 [(5) The department and the environmental improvement
115 and energy resources authority shall conduct sample audits
116 of grants provided under this subsection.]

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

127 **The department shall promulgate criteria for evaluating
128 grants by rule and regulation. Any rule or portion of a
129 rule, as that term is defined in section 536.010, that is
130 created under the authority delegated in this section shall
131 become effective only if it complies with and is subject to
132 all of the provisions of chapter 536 and, if applicable,
133 section 536.028. This section and chapter 536 are
134 nonseverable and if any of the powers vested with the**

135 **general assembly pursuant to chapter 536 to review, to delay**
136 **the effective date, or to disapprove and annul a rule are**
137 **subsequently held unconstitutional, then the grant of**
138 **rulemaking authority and any rule proposed or adopted after**
139 **August 28, 2026, shall be invalid and void.**

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

146 5. Once grants are approved by the solid waste
147 management district, the district shall submit to the
148 department the appropriate forms associated with the grant
149 application and any supporting information to verify that
150 appropriate public notice procedures were followed, that
151 grant proposals were reviewed and ranked by the district,
152 and that only eligible costs as set forth in regulations are
153 to be funded. Within thirty days, the department shall
154 review the grant application. If the department finds any
155 deficiencies, or needs more information in order to evaluate
156 the grant application, the department shall notify the
157 district in writing. The district shall have an additional
158 thirty days to respond to the department's request and to
159 submit any additional information to the department. Within
160 thirty days of receiving additional information, the
161 department shall either approve or deny the grant
162 application. If the department takes no action, the grant
163 application shall be deemed approved.] The department[, in
164 conjunction with the solid waste advisory board,] shall
165 review the performance of all grant recipients to ensure
166 that grant moneys were appropriately and effectively

167 expended to further the purposes of the grant, as expressed
168 in the recipient's grant application. The grant application
169 shall contain specific goals and implementation dates, and
170 grant recipients shall be contractually obligated to fulfill
171 same. The department may require the recipient to submit
172 periodic reports and such other data as are necessary, both
173 during the grant period and up to five years thereafter, to
174 ensure compliance with this section. The department may
175 audit the records of any recipient to ensure compliance with
176 this section. Recipients of grants [under sections 260.300
177 to 260.345] shall maintain such records as required by the
178 department. If a grant recipient fails to maintain records
179 or submit reports as required herein, refuses the department's
180 access to the records, or fails to meet the department's
181 performance standards, the department may withhold
182 subsequent grant payments, if any, and may compel the
183 repayment of funds provided to the recipient pursuant to a
184 grant.

185 [6.] 5. The department shall provide for a security
186 interest in any machinery or equipment purchased through
187 grant moneys distributed pursuant to this section.

188 [7.] 6. If the moneys are not transmitted to the
189 department within the time frame established by the rule
190 promulgated, interest shall be imposed on the moneys due the
191 department at the rate of ten percent per annum from the
192 prescribed due date until payment is actually made. These
193 interest amounts shall be deposited to the credit of the
194 solid waste management fund.

260.336. 1. **The state solid waste management**
2 **districts shall be dissolved effective August 28, 2026. By**
3 **December 31, 2026, each solid waste management district**
4 **shall:**

5 (1) Submit a final financial audit that includes a
6 comprehensive financial balance sheet clearly showing, at a
7 minimum, bank account numbers and balances, assets, and
8 debts;

9 (2) Remit any leftover moneys to the solid waste
10 management fund; and

11 (3) Provide a list of open grants, including a time
12 frame for closure of each grant.

13 2. Effective August 28, 2026, the department shall
14 take over the oversight of open district grants.

1 [260.300. 1. The department shall propose
2 a plan to divide the state into proposed solid
3 waste management regions in consultation with
4 the governing bodies of the counties of the
5 state. The department shall propose the
6 boundaries of solid waste management regions by
7 March 1, 1991.

8 2. The department shall hold public
9 meetings in each of the regions proposed
10 pursuant to subsection 1 of this section within
11 three months of its division of the state into
12 proposed regions. Any county may request that
13 it be placed with another regional grouping, and
14 the department shall authorize any such change
15 if the county clearly and convincingly
16 demonstrates that the change is necessary for
17 effective solid waste management within the
18 county and will not negatively affect the solid
19 waste management system of either region. The
20 department shall adopt final boundaries for the
21 regions by June 30, 1991.

22 3. Counties may, for the purpose of
23 managing districts, cooperate as provided in
24 sections 260.300 to 260.345 or formulate an
25 alternative management structure agreed to by
26 each county in the district. A solid waste
27 management district, regardless of how formed,
28 shall be governed by an executive board and
29 comply with the provisions of sections 260.200
30 to 260.345.]

2 [260.302. On June 19, 1992, and for three
3 months thereafter and for the last three months
4 of the year 1994 and every third year
5 thereafter, the governing body of a county may
6 apply to the department to request that the
7 county be placed with another regional grouping
8 or, if necessary, in a new regional grouping.
9 After public notice and comment and within no
10 more than ninety days after the completed
11 application has been submitted, the department
12 shall authorize any such change if the county
13 clearly and convincingly demonstrates that the
14 change is necessary for effective solid waste
15 management within the county and will not
16 negatively affect the solid waste management
17 system of either region. The procedure for
18 establishing solid waste management regions set
19 forth in section 260.300 shall take priority
20 over and be followed in exclusion to the
21 rulemaking procedure set forth in chapter 536
and section 260.225.]

2 [260.305. 1. A solid waste management
3 district may be created and incorporated in each
4 solid waste management region as provided in
5 sections 260.300 to 260.345 and may exercise the
6 powers granted to it in sections 260.300 to
260.345.

7 2. When a solid waste management district
8 is organized it shall be a body corporate of the
9 state and shall be known as " _____ Solid Waste
10 Management District".

11 3. A county or two or more counties within
12 a region may form or join a district as provided
13 herein. The governing body of any county, by
14 adoption of an ordinance or order, may join an
15 existing district or form a district if the
16 county is located in a region which does not
17 have an existing district. The governing body
18 of any two or more counties within the same
19 region may join together to form a district by
20 adoption of an ordinance or order. A city
21 located in more than one county may join a
22 district which encompasses any one of the

23 counties within which it is located, regardless
24 of whether the remaining counties containing the
25 city join the district.

26 4. A solid waste management district
27 created and organized under authority of
28 sections 260.300 to 260.345 shall become a body
29 corporate and politic of the state at the time
30 the governing body of the county or counties
31 forming the district has adopted an order or
32 ordinance to form the district under the
33 provisions of this section and has provided
34 written notice to the department of natural
35 resources of the adoption of such order or
36 ordinance. A county shall become a part of an
37 existing district at the time the governing body
38 of such county has adopted an order or ordinance
39 to join the district and has provided written
40 notice to the governing body of each county in
41 the existing district and has provided written
42 notice to the department of natural resources.

43 5. If a county governing body does not
44 form or join a district, the question of forming
45 or joining a district may be submitted to the
46 voters of any county on any regular election day
47 as provided in section 115.123. The question
48 may be submitted or resubmitted to the voters of
49 any county upon the submission of a petition
50 signed by a number of voters which is at least
51 equal to five percent of those voting in the
52 most recent gubernatorial election. The
53 question shall be submitted in substantially
54 either of the following forms:

55 Shall _____ (insert county name) become a
56 member of the _____ (insert name) solid waste
57 management district?; or if a solid waste management district has not
58 been formed within the region:

60 Shall _____ (insert county name) form the
61 _____ (insert name) solid waste management
62 district?

63 The election authority shall notify the
64 secretary of state as to the results of the
65 election. The secretary of state shall transmit
66 the election results to the director of the

67 department of natural resources who shall
68 declare districts created within all counties of
69 each region wherein the question received a
70 majority of the votes cast. The director's
71 declaration shall be transmitted to the
72 governing body of each county within the
73 district.]

[260.310. 1. The authority of the
2 district shall not extend to any county within
3 the region which has not joined the district.

4 2. The district may enter into a contract
5 with any city or county within the district to
6 provide all or part of the solid waste
7 management services for the city or county. A
8 city or county shall not be required to meet the
9 provisions of section 260.220 or of section
10 260.325 if a district includes the city or
11 county within its solid waste plan and the city
12 or county has by contract given the district
13 complete authority for managing the solid waste
14 of the city or county.

15 3. The district and the counties and
16 cities within the district may enter into
17 whatever contracts or agreements they deem
18 necessary to fulfill their responsibilities
19 under this chapter. Nothing in this section
20 shall preclude the transfer of solid waste
21 outside the boundaries of the district.

22 4. Contracts issued for the collection or
23 disposal of solid waste in cities, counties, and
24 districts shall not require either security
25 instruments or performance bonds in excess of
26 twenty percent of the total cost of the contract.

27 5. Any county or counties which are within
28 a solid waste management district may, in
29 cooperation with the district, require by
30 ordinance or order that any solid waste
31 transported from outside the district to a solid
32 waste processing facility or solid waste
33 disposal area within the district be subject to
34 the same requirements as solid waste originating
35 from within the district as set forth in the
36 solid waste management plan under section

37 260.325, including the separation of recyclable
38 or compostable materials from the solid waste
39 stream before entering a district's solid waste
40 management system.

41 6. A solid waste management district may
42 be created and incorporated in each solid waste
43 management region as provided in sections
44 260.200 to 260.345 and may exercise the powers
45 granted to it in sections 260.200 to 260.345.]

1 [260.315. 1. There is hereby established
2 a solid waste management council for each solid
3 waste management district, except for those
4 districts which formulate an alternative
5 management structure pursuant to section
6 260.300. The governing body of each city with a
7 population over five hundred within the district
8 shall appoint one member of the city governing
9 body and the governing body of each county
10 within the district shall appoint two members of
11 the county governing body to the council.

12 2. Council members shall serve a term of
13 two years and may be reappointed thereafter;
14 however, members whose elected term of office in
15 a city or county has expired shall be
16 expeditiously replaced by the governing bodies
17 from whence they were selected.

18 3. The council shall meet within thirty
19 days of the receipt of notification of formation
20 of the district at the call of the governing
21 body of the county containing the largest
22 population among those counties approving the
23 formation of the district or, at the call of the
24 director of the department, if the county does
25 not call the meeting. A majority of the council
26 shall constitute a quorum.

27 4. The council shall:

28 (1) Organize itself and select a chairman
29 and such other officers as it deems appropriate;

30 (2) Select seven persons to serve on the
31 executive board, at least a majority of whom
32 shall be selected from members of the council.
33 The council shall establish the terms of office
34 for members of the executive board. The balance

35 shall be selected in any manner approved by the
36 council, including district-wide elections. Any
37 subsequent member of the board shall be selected
38 in the same manner as the person he replaces.
39 If the council is composed of twelve or fewer
40 members, the council shall act as the executive
41 board;

42 (3) Meet at least twice annually and upon
43 the call of either the chairman of the council
44 or the chairman of the executive board; and

45 (4) Review and act upon the solid waste
46 management plan recommended by the executive
47 board.]

2 [260.320. 1. The executive board shall
3 meet within thirty days after the selection of
4 the initial members. The time and place of the
5 first meeting of the board shall be designated
6 by the council. A majority of the members of
7 the board shall constitute a quorum. At its
8 first meeting the board shall elect a chairman
9 from its members and select a secretary,
10 treasurer and such officers or employees as it
11 deems expedient or necessary for the
12 accomplishment of its purposes. The secretary
13 and treasurer need not be members of the board.

13 2. The executive board may adopt, alter or
14 repeal its own bylaws, rules and regulations
15 governing the manner in which its business may
16 be transacted, including procedures for the
17 replacement of persons who habitually fail to
18 attend board meetings, and may establish its
19 fiscal year, adopt an official seal, apply for
20 and accept grants, gifts or appropriations from
21 any public or private sector, make all
22 expenditures which are incidental and necessary
23 to carry out its purposes and powers, and take
24 such action, enter into such agreements and
25 exercise all other powers and functions
26 necessary or appropriate to carry out the duties
27 and purposes of sections 260.200 to 260.345.

28 3. The executive board shall:

29 (1) Review and comment upon applications
30 for permits submitted pursuant to section

31 260.205, for solid waste processing facilities
32 and solid waste disposal areas which are to be
33 located within the region or, if located in an
34 adjacent region, which will impact solid waste
35 management practices within the region;

36 (2) Prepare and recommend to the council a
37 solid waste management plan for the district;

38 (3) Identify illegal dump sites and
39 provide all available information about such
40 sites to the appropriate county prosecutor and
41 to the department;

42 (4) Establish an education program to
43 inform the public about responsible solid waste
44 management practices;

45 (5) Establish procedures to minimize the
46 introduction of small quantities of hazardous
47 waste, including household hazardous waste, into
48 the solid waste stream;

49 (6) Assure adequate capacity to manage
50 waste which is not otherwise removed from the
51 solid waste stream; and

52 (7) Appoint one or more geographically
53 balanced advisory committees composed of the
54 representatives of commercial generators,
55 representatives of the solid waste management
56 industry, and two citizens unaffiliated with a
57 solid waste facility or operation to assess and
58 make recommendations on solid waste management.

59 4. The executive board may enter into
60 contracts with any person or entity for services
61 related to any component of the solid waste
62 management system. Bid specifications for solid
63 waste management services shall be designed to
64 meet the objectives of sections 260.200 to
65 260.345, encourage small businesses to engage
66 and compete in the delivery of solid waste
67 management services and to minimize the long-run
68 cost of managing solid waste. Bid
69 specifications shall enumerate the minimum
70 components and minimum quantities of waste
71 products which shall be recycled by the
72 successful bidder. The board shall divide the
73 district into units to maximize access for small
74 businesses when it requests bids for solid waste

75 management services, but in no case shall a
76 district executive board perform solid waste
77 management projects that compete with a
78 qualified private enterprise.

79 5. No person shall serve as a member of
80 the council or of the executive board who is a
81 stockholder, officer, agent, attorney or
82 employee or who is in any way pecuniarily
83 interested in any business which engages in any
84 aspect of solid waste management regulated under
85 sections 260.200 to 260.345; provided, however,
86 that such member may own stock in a publicly
87 traded corporation which may be involved in
88 solid waste management as long as such holdings
89 are not substantial.]

2 [260.325. 1. The executive board of each
3 district shall submit to the department a plan
4 which has been approved by the council for a
5 solid waste management system serving areas
6 within its jurisdiction and shall, from time to
7 time, submit officially adopted revisions of its
8 plan as it deems necessary or the department may
9 require. In developing the district's solid
10 waste management plan, the board shall consider
11 the model plan distributed to the board pursuant
12 to section 260.225. Districts may contract with
13 a licensed professional engineer or as provided
14 in chapter 70 for the development and submission
of a joint plan.

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

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

26 4. Each plan shall:

- (1) Delineate areas within the district where solid waste management systems are in existence;
- (2) Reasonably conform to the rules and regulations adopted by the department for implementation of sections 260.200 to 260.345;
- (3) Delineate provisions for the collection of recyclable materials or collection points for recyclable materials;
- (4) Delineate provisions for the collection of compostable materials or collection points for compostable materials;
- (5) Delineate provisions for the separation of household waste and other small quantities of hazardous waste at the source or prior to disposal;
- (6) Delineate provisions for the orderly extension of solid waste management services in a manner consistent with the needs of the district, including economic impact, and in a manner which will minimize degradation of the waters or air of the state, prevent public nuisances or health hazards, promote recycling and waste minimization and otherwise provide for the safe and sanitary management of solid waste;
- (7) Take into consideration existing comprehensive plans, population trend projections, engineering and economics so as to delineate those portions of the district which may reasonably be expected to be served by a solid waste management system;
- (8) Specify how the district will achieve a reduction in solid waste placed in sanitary landfills through waste minimization, reduction and recycling;
- (9) Establish a timetable, with milestones, for the reduction of solid waste placed in a landfill through waste minimization, reduction and recycling;
- (10) Establish an education program to inform the public about responsible waste management practices;
- (11) Establish procedures to minimize the introduction of small quantities of hazardous

71 waste, including household hazardous waste, into
72 the solid waste stream;

73 (12) Establish a time schedule and
74 proposed method of financing for the
75 development, construction and operation of the
76 planned solid waste management system together
77 with the estimated cost thereof;

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

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

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

92 6. In the event any plan or part thereof
93 is disapproved, the department shall furnish any
94 and all reasons for such disapproval and shall
95 offer assistance for correcting deficiencies.

96 The executive board shall within sixty days
97 revise and resubmit the plan for approval or
98 request a hearing in accordance with section
99 260.235. Any plan submitted by a district shall
100 stand approved one hundred twenty days after
101 submission unless the department disapproves the
102 plan or some provision thereof.

103 7. The director may institute appropriate
104 action under section 260.240 to compel
105 submission of plans in accordance with sections
106 260.200 to 260.345 and the rules and regulations
107 adopted pursuant to sections 260.200 to 260.345.

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

112 9. Based upon the financial assistance
113 amounts set forth in this section, the district
114 executive board shall arrange for an independent

115 financial statement audit of the records and
116 accounts of its operations by a certified public
117 accountant or a firm of certified public
118 accountants. Districts receiving more than
119 eight hundred thousand dollars of financial
120 assistance annually shall have annual
121 independent financial statement audits;
122 districts receiving between two hundred fifty
123 thousand dollars and eight hundred thousand
124 dollars of financial assistance annually shall
125 have a biennial independent financial statement
126 audit for the two-year period. All other
127 districts shall be monitored biennially by the
128 department and, based upon the findings within
129 the monitoring report, may be required to
130 arrange for an independent financial statement
131 audit for the biennial monitoring period under
132 review. Subject to limitations caused by the
133 availability of resources, the department shall
134 conduct a performance audit of grants to each
135 district at least once every five years, or as
136 deemed necessary by the department based upon
137 district grantee performance.]

[260.345. 1. A state "Solid Waste

2 Advisory Board" is created within the department
3 of natural resources. The advisory board shall
4 be composed of the chairman of the executive
5 board of each of the solid waste management
6 districts or his or her designee, and other
7 members as provided in this section. Up to five
8 additional members shall be appointed by the
9 program director of the solid waste management
10 program of which two members shall represent the
11 solid waste management industry and have an
12 economic interest in or activity with any solid
13 waste facility or operation, one member may
14 represent the solid waste composting or
15 recycling industry businesses, and the remaining
16 members shall be public members who have
17 demonstrated interest in solid waste management
18 issues and shall have no economic interest in or
19 activity with any solid waste facility or
20 operation but may own stock in a publicly traded

21 corporation which may be involved in waste
22 management as long as such holdings are not
23 substantial. Beginning January 1, 2016, the
24 advisory board shall prepare an annual report
25 due on or before January first advising the
26 department regarding:

- 27 (1) The efficacy of its technical
28 assistance program;
- 29 (2) Solid waste management problems
30 experienced by solid waste management districts;
- 31 (3) The effects of proposed rules and
32 regulations upon solid waste management within
33 the districts;
- 34 (4) Criteria to be used in awarding grants
35 pursuant to section 260.335;
- 36 (5) Waste management issues pertinent to
37 the districts;
- 38 (6) The development of improved methods of
39 solid waste minimization, recycling and resource
40 recovery;
- 41 (7) Unfunded solid waste management
42 projects; and
- 43 (8) Such other matters as the advisory
44 board may determine.

45 2. The advisory board shall also prepare a
46 report on the subjects listed in subdivisions
47 (1) to (8) of subsection 1 of this section for
48 any standing, statutory, interim, or select
49 committee or task force of the general assembly
50 having jurisdiction over solid waste. If a
51 report is so prepared, it shall be delivered to
52 the chair and vice chair of each committee or
53 task force having such jurisdiction. Such a
54 report shall not be generated and distributed on
55 more than an annual basis.

56 3. The advisory board shall hold regular
57 meetings on a quarterly basis. A special
58 meeting of the advisory board may occur upon a
59 majority vote of all advisory board members at a
60 regular quarterly meeting. Reasonable written
61 notice of all meetings shall be given by the
62 director of the solid waste management program
63 to all members of the advisory board. A
64 majority of advisory board members shall

65 constitute a quorum for the transaction of
66 business. All actions of the advisory board
67 shall be taken at regular quarterly meetings
68 open to the public.¹

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