

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 1586  
AN ACT

To repeal sections 260.213, 260.330, and 260.335, RSMo, and to enact in lieu thereof three new sections relating to solid waste management.

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

Section A. Sections 260.213, 260.330, and 260.335, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 260.213, 260.330, and 260.335, to read as follows: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 he may be assuming liability to the state for any remedial action at the site, except that the sale, conveyance or transfer of property shall not absolve any person responsible for the illegal disposition of solid waste,

19 including the seller, of liability for any remedial action  
20 at the site.

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  
98 shall be based on the percentage increase measured by the  
99 Consumer Price Index for All Urban Consumers for the United  
100 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 two  
13 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:

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

52           (2) ~~Sixty-one~~ Fifty-one percent of the revenues,  
53 except any annual increases in the charge under section  
54 260.330 during October 1, 2005, to October 1, 2027, which  
55 shall be used solely to fund the operating costs of the  
56 department, shall be allocated to solid waste management  
57 districts. Revenues to be allocated under this subdivision  
58 shall be divided as follows: forty percent shall be  
59 allocated based on the population of each district in the  
60 latest decennial census, and sixty percent shall be  
61 allocated based on the amount of revenue generated within  
62 each district. For the purposes of this subdivision,  
63 revenue generated within each district shall be determined  
64 from the previous year's data. No more than fifty percent  
65 of the revenue allocable under this subdivision may be  
66 allocated to the districts upon approval of the department  
67 for implementation of a solid waste management plan and  
68 district operations, and at least fifty percent of the  
69 revenue allocable to the districts under this subdivision  
70 shall be allocated to the cities and counties of the

71 district or to persons or entities providing solid waste  
72 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. The following criteria may  
84 be considered to establish the order of district grant  
85 priority:

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

89 (b) Grants for proposals that will promote and  
90 maximize the sharing of district resources;

91 (c) Grants for proposals which provide methods of  
92 recycling and solid waste reduction; and

93 (d) All other grants. Any allocated district moneys  
94 remaining in any fiscal year due to insufficient or  
95 inadequate grant applications shall be reallocated for grant  
96 applications in subsequent years or for solid waste  
97 management projects other than district operations,  
98 including a district's next request for solid waste  
99 management project proposals.

100 Any allocated district moneys remaining after a period of  
101 five years shall revert to the credit of the solid waste  
102 management fund created under section 260.330;

103           (3) ~~Except for the amount up to one-fourth of the~~  
104 ~~department's previous fiscal year expense, any remaining~~  
105 ~~unencumbered funds generated under subdivision (1) of this~~  
106 ~~subsection in prior fiscal years shall be reallocated under~~  
107 ~~this section]~~ Ten percent of revenue shall be allocated to  
108 the department for the purpose of administering the  
109 provisions of subsection 1 of this section relating to the  
110 assessment, investigation, testing, remediation, and  
111 managing of abandoned solid waste disposal areas;

112           (4) If there are no more abandoned solid waste  
113 disposal areas left in existence in the state in any given  
114 year, the percentage of revenue shall increase from fifty-  
115 one to sixty-one percent for the purpose of administering  
116 the provisions of subdivision (2) of subsection 2 of this  
117 section;

118           ~~[(4)]~~ (5) Funds may be made available under this  
119 subsection for the administration and grants of the used  
120 motor oil program described in section 260.253;

121           ~~[(5)]~~ (6) The department and the environmental  
122 improvement and energy resources authority shall conduct  
123 sample audits of grants provided under this subsection.

124           3. In addition to the criteria listed in this section,  
125 the advisory board created in section 260.345 shall  
126 recommend criteria to be used to allocate grant moneys to  
127 districts, cities and counties. These criteria shall  
128 establish a priority for proposals which provide methods of  
129 solid waste reduction and recycling. The department shall  
130 promulgate criteria for evaluating grants by rule and  
131 regulation. Projects of cities and counties located within  
132 a district which are funded by grants under this section  
133 shall conform to the district solid waste management plan.

134           4. The funds awarded to the districts pursuant to this  
135 section shall be used for the purposes set forth in sections

136 260.300 to 260.345, and shall be used in addition to  
137 existing funds appropriated by counties and cities for solid  
138 waste management and shall not supplant county or city  
139 appropriated funds.

140 5. Once grants are approved by the solid waste  
141 management district, the district shall submit to the  
142 department the appropriate forms associated with the grant  
143 application and any supporting information to verify that  
144 appropriate public notice procedures were followed, that  
145 grant proposals were reviewed and ranked by the district,  
146 and that only eligible costs as set forth in regulations are  
147 to be funded. Within thirty days, the department shall  
148 review the grant application. If the department finds any  
149 deficiencies, or needs more information in order to evaluate  
150 the grant application, the department shall notify the  
151 district in writing. The district shall have an additional  
152 thirty days to respond to the department's request and to  
153 submit any additional information to the department. Within  
154 thirty days of receiving additional information, the  
155 department shall either approve or deny the grant  
156 application. If the department takes no action, the grant  
157 application shall be deemed approved. The department, in  
158 conjunction with the solid waste advisory board, shall  
159 review the performance of all grant recipients to ensure  
160 that grant moneys were appropriately and effectively  
161 expended to further the purposes of the grant, as expressed  
162 in the recipient's grant application. The grant application  
163 shall contain specific goals and implementation dates, and  
164 grant recipients shall be contractually obligated to fulfill  
165 same. The department may require the recipient to submit  
166 periodic reports and such other data as are necessary, both  
167 during the grant period and up to five years thereafter, to  
168 ensure compliance with this section. The department may

169 audit the records of any recipient to ensure compliance with  
170 this section. Recipients of grants under sections 260.300  
171 to 260.345 shall maintain such records as required by the  
172 department. If a grant recipient fails to maintain records  
173 or submit reports as required herein, refuses the department  
174 access to the records, or fails to meet the department's  
175 performance standards, the department may withhold  
176 subsequent grant payments, if any, and may compel the  
177 repayment of funds provided to the recipient pursuant to a  
178 grant.

179         6. The department shall provide for a security  
180 interest in any machinery or equipment purchased through  
181 grant moneys distributed pursuant to this section.

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