

SENATE SUBSTITUTE
 FOR
 SENATE COMMITTEE SUBSTITUTE
 FOR
 HOUSE COMMITTEE SUBSTITUTE
 FOR
 HOUSE BILL NO. 2485

AN ACT

To repeal sections 260.200, 260.205, 260.373, 260.437, and 260.520, RSMo, and to enact in lieu thereof eight new sections relating to environmental regulation.

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

Section A. Sections 260.200, 260.205, 260.373, 260.437, 2 and 260.520, RSMo, are repealed and eight new sections enacted 3 in lieu thereof, to be known as sections 260.200, 260.205, 4 260.221, 260.373, 260.437, 260.520, 640.095, and 644.060, to 5 read as follows:

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

3 (1) "Advanced recycling", a set of manufacturing
 4 processes for the conversion of recovered post-use polymers
 5 such as plastics into plastic and chemical feedstocks, raw
 6 materials, and recycled plastics for reuse through processes
 7 that include pyrolysis, gasification, depolymerization,
 8 catalytic cracking, reforming, hydrogenation, solvolysis,
 9 and other similar technologies. "Advanced recycling" does
 10 not include solid waste disposal, solid waste processing,
 11 solid waste management, or incineration;

12 (2) "Advanced recycling facility", a manufacturing
 13 facility that receives, stores, and converts recovered post-
 14 use polymers using advanced recycling to produce plastics

15 and chemical feedstocks, raw materials, and recycled
16 plastics. "Advanced recycling facility" does not include
17 solid waste disposal areas, solid waste processing
18 facilities, solid waste management facilities, or
19 incinerators. Advanced recycling facilities are subject to
20 all applicable laws and regulations for manufacturers;

21 (3) "Alkaline-manganese battery" or "alkaline
22 battery", a battery having a manganese dioxide positive
23 electrode, a zinc negative electrode, an alkaline
24 electrolyte, including alkaline-manganese button cell
25 batteries intended for use in watches, calculators, and
26 other electronic products, and larger-sized alkaline-
27 manganese batteries in general household use;

28 [(2)] (4) "Applicant", a person or persons seeking or
29 holding a facility permit;

30 [(3)] (5) "Bioreactor", a municipal solid waste
31 disposal area or portion of a municipal solid waste disposal
32 area where the controlled addition of liquid waste or water
33 accelerates both the decomposition of waste and landfill gas
34 generation;

35 [(4)] (6) "Button cell battery" or "button cell", any
36 small alkaline-manganese or mercuric-oxide battery having
37 the size and shape of a button;

38 [(5)] (7) "City", any incorporated city, town, or
39 village;

40 [(6)] (8) "Clean fill", uncontaminated soil, rock,
41 sand, gravel, concrete, asphaltic concrete, cinderblocks,
42 brick, minimal amounts of wood and metal, and inert solids
43 as approved by rule or policy of the department for fill,
44 reclamation or other beneficial use;

45 [(7)] (9) "Closure", the permanent cessation of active
46 disposal operations, abandonment of the disposal area,
47 revocation of the permit or filling with waste of all areas

48 and volumes specified in the permit and preparing the area
49 for long-term care;

50 [(8)] (10) "Closure plan", plans, designs and relevant
51 data which specify the methods and schedule by which the
52 operator will complete or cease disposal operations, prepare
53 the area for long-term care, and make the area suitable for
54 other uses, to achieve the purposes of sections 260.200 to
55 260.345 and the regulations promulgated thereunder;

56 [(9)] (11) "Conference, conciliation and persuasion",
57 a process of verbal or written communications consisting of
58 meetings, reports, correspondence or telephone conferences
59 between authorized representatives of the department and the
60 alleged violator. The process shall, at a minimum, consist
61 of one offer to meet with the alleged violator tendered by
62 the department. During any such meeting, the department and
63 the alleged violator shall negotiate in good faith to
64 eliminate the alleged violation and shall attempt to agree
65 upon a plan to achieve compliance;

66 [(10)] (12) "Construction and demolition waste", waste
67 materials from the construction and demolition of
68 residential, industrial, or commercial structures, but shall
69 not include materials defined as clean fill under this
70 section;

71 [(11)] (13) "Demolition landfill", a solid waste
72 disposal area used for the controlled disposal of demolition
73 wastes, construction materials, brush, wood wastes, soil,
74 rock, concrete and inert solids insoluble in water;

75 [(12)] (14) "Department", the department of natural
76 resources;

77 [(13)] (15) "Depolymerization", a manufacturing
78 process in which post-use polymers are broken into smaller
79 molecules such as monomers and plastic and chemical
80 feedstocks or products;

81 (16) "Director", the director of the department of
82 natural resources;

83 [(14)] (17) "Disclosure statement", a sworn statement
84 or affirmation, in such form as may be required by the
85 director of the department of natural resources, which
86 includes:

87 (a) The full names and business address of key
88 personnel;

89 (b) The full name and business address of any entity,
90 other than a natural person, that collects, transfers,
91 processes, treats, stores, or disposes of solid waste in
92 which all key personnel holds an equity interest of seven
93 percent or more;

94 (c) A description of the business experience of all
95 key personnel listed in the disclosure statement;

96 (d) For the five-year period ending on the date the
97 sworn disclosure statement or affirmation is signed by key
98 personnel:

99 a. A listing organized by issuing federal, state, or
100 county or county-equivalent regulatory body of all
101 environmental permits or licenses for the collection,
102 transfer, treatment, processing, storage, or disposal of
103 solid waste issued to or held by any key personnel;

104 b. A listing and explanation of notices of violation
105 which shall by rule be defined, prosecutions, or other
106 administrative enforcement actions resulting in an
107 adjudication or conviction;

108 c. A listing of license or permit suspensions,
109 revocations, or denials issued by any state, the federal
110 government or a county or county equivalent, which are
111 pending or have concluded with a finding of violation or
112 entry of a consent agreement regarding an allegation of
113 civil or criminal violation of law, regulation or

114 requirement relating to the collection, transfer, treatment,
115 processing, storage, or disposal of solid waste or violation
116 of the environmental statutes of other states or federal
117 statutes;

118 d. An itemized list of all felony convictions under
119 the laws of the state of Missouri or the equivalent thereof
120 under the laws of any other jurisdiction; and a listing of
121 any findings of guilt for any crimes or criminal acts an
122 element of which involves restraint of trade, price-fixing,
123 intimidation of the customers of another person or for
124 engaging in any other acts which may have the effect of
125 restraining or limiting competition concerning activities
126 regulated pursuant to this chapter or similar laws of other
127 states or the federal government including, but not limited
128 to, racketeering or violation of antitrust laws of any key
129 personnel;

130 [(15)] (18) "District", a solid waste management
131 district established under section 260.305;

132 [(16)] (19) "Financial assurance instrument", an
133 instrument or instruments, including, but not limited to,
134 cash or surety bond, letters of credit, corporate guarantee
135 or secured trust fund, submitted by the applicant to ensure
136 proper closure and postclosure care and corrective action of
137 a solid waste disposal area in the event that the operator
138 fails to correctly perform closure and postclosure care and
139 corrective action requirements, except that the financial
140 test for the corporate guarantee shall not exceed one and
141 one-half times the estimated cost of closure and
142 postclosure. The form and content of the financial
143 assurance instrument shall meet or exceed the requirements
144 of the department. The instrument shall be reviewed and
145 approved or disapproved by the attorney general;

146 [(17)] (20) "Flood area", any area inundated by the
147 one hundred year flood event, or the flood event with a one
148 percent chance of occurring in any given year;

149 [(18)] (21) "Gasification", a manufacturing process
150 through which recovered feedstocks are heated and converted
151 into a fuel-gas mixture in an oxygen-deficient atmosphere
152 and the mixture is converted into reuseable plastic and
153 chemical feedstocks or products;

154 (22) "Household consumer", an individual who generates
155 used motor oil through the maintenance of the individual's
156 personal motor vehicle, vessel, airplane, or other machinery
157 powered by an internal combustion engine;

158 [(19)] (23) "Household consumer used motor oil
159 collection center", any site or facility that accepts or
160 aggregates and stores used motor oil collected only from
161 household consumers or farmers who generate an average of
162 twenty-five gallons per month or less of used motor oil in a
163 calendar year. This section shall not preclude a commercial
164 generator from operating a household consumer used motor oil
165 collection center;

166 [(20)] (24) "Household consumer used motor oil
167 collection system", any used motor oil collection center at
168 publicly owned facilities or private locations, any curbside
169 collection of household consumer used motor oil, or any
170 other household consumer used motor oil collection program
171 determined by the department to further the purposes of
172 sections 260.200 to 260.345;

173 [(21)] (25) "Infectious waste", waste in quantities
174 and characteristics as determined by the department by rule,
175 including isolation wastes, cultures and stocks of etiologic
176 agents, blood and blood products, pathological wastes, other
177 wastes from surgery and autopsy, contaminated laboratory
178 wastes, sharps, dialysis unit wastes, discarded biologicals

179 known or suspected to be infectious; provided, however, that
180 infectious waste does not mean waste treated to department
181 specifications;

182 [(22)] (26) "Key personnel", the applicant itself and
183 any person employed by the applicant in a managerial
184 capacity, or empowered to make discretionary decisions with
185 respect to the solid waste operations of the applicant in
186 Missouri, but shall not include employees exclusively
187 engaged in the physical or mechanical collection, transfer,
188 transportation, treatment, processing, storage, or disposal
189 of solid waste and such other employees as the director of
190 the department of natural resources may designate by
191 regulation. If the applicant has not previously conducted
192 solid waste operations in Missouri, the term also includes
193 any officer, director, partner of the applicant, or any
194 holder of seven percent or more of the equity or debt of the
195 applicant. If any holder of seven percent or more of the
196 equity or debt of the applicant or of any key personnel is
197 not a natural person, the term includes all key personnel of
198 that entity, provided that where such entity is a chartered
199 lending institution or a reporting company under the federal
200 Securities Exchange Act of 1934, the term does not include
201 key personnel of such entity. Provided further that the
202 term means the chief executive officer of any agency of the
203 United States or of any agency or political subdivision of
204 the state of Missouri, and all key personnel of any person,
205 other than a natural person, that operates a landfill or
206 other facility for the collection, transfer, treatment,
207 processing, storage, or disposal of nonhazardous solid waste
208 under contract with or for one of those governmental
209 entities;

210 [(23)] (27) "Lead-acid battery", a battery designed to
211 contain lead and sulfuric acid with a nominal voltage of at

212 least six volts and of the type intended for use in motor
213 vehicles and watercraft;

214 [(24)] (28) "Major appliance", clothes washers and
215 dryers, water heaters, trash compactors, dishwashers,
216 conventional ovens, ranges, stoves, woodstoves, air
217 conditioners, refrigerators and freezers;

218 (29) "Mechanical processing", any mechanical, manual,
219 or other method that transforms a recoverable material into
220 a specification-grade commodity. Mechanical processing is
221 often multi-step with different steps at different locations
222 and involves recycling that is a series of activities that
223 may include collection, processing, or brokering and shall
224 result in subsequent consumption by a materials manufacturer;

225 [(25)] (30) "Mercuric-oxide battery" or "mercury
226 battery", a battery having a mercuric-oxide positive
227 electrode, a zinc negative electrode, and an alkaline
228 electrolyte, including mercuric-oxide button cell batteries
229 generally intended for use in hearing aids and larger size
230 mercuric-oxide batteries used primarily in medical equipment;

231 (31) "Mill scale and slag", coproducts of the steel
232 manufacturing process that are managed, used, or placed as
233 items of value in a controlled manner but do not include by-
234 products that are a result of the steel manufacturing
235 process that would otherwise qualify as hazardous waste;

236 [(26)] (32) "Minor violation", a violation which
237 possesses a small potential to harm the environment or human
238 health or cause pollution, was not knowingly committed, and
239 is not defined by the United States Environmental Protection
240 Agency as other than minor;

241 [(27)] (33) "Motor oil", any oil intended for use in a
242 motor vehicle, as defined in section 301.010, train, vessel,
243 airplane, heavy equipment, or other machinery powered by an
244 internal combustion engine;

245 [(28)] (34) "Motor vehicle", as defined in section
246 301.010;

247 [(29)] (35) "Operator" and "permittee", anyone so
248 designated, and shall include cities, counties, other
249 political subdivisions, authority, state agency or
250 institution, or federal agency or institution;

251 [(30)] (36) "Permit modification", any permit issued
252 by the department which alters or modifies the provisions of
253 an existing permit previously issued by the department;

254 [(31)] (37) "Person", any individual, partnership,
255 limited liability company, corporation, association, trust,
256 institution, city, county, other political subdivision,
257 authority, state agency or institution, or federal agency or
258 institution, or any other legal entity;

259 [(32)] (38) "Plasma arc technology", a process that
260 converts electrical energy into thermal energy. This
261 electric arc is created when an ionized gas transfers
262 electric power between two or more electrodes;

263 [(33)] (39) "Postclosure plan", plans, designs and
264 relevant data which specify the methods and schedule by
265 which the operator shall perform necessary monitoring and
266 care for the area after closure to achieve the purposes of
267 sections 260.200 to 260.345 and the regulations promulgated
268 thereunder;

269 (40) "Post-use polymer", a plastic polymer to which
270 all of the following apply:

271 (a) It is derived from any industrial, commercial,
272 agricultural, or household activities;

273 (b) The plastic's use or intended use is as a
274 feedstock for the manufacturing of other feedstocks, raw
275 materials, recycled plastics, or intermediate products or
276 final products using advanced recycling;

277 (c) The plastic has been presorted or diverted from
278 solid waste and other regulated waste but may contain
279 residual amounts of solid waste such as organic material and
280 incidental contaminants or impurities such as paper labels
281 and metal rings; and

282 (d) The plastic is converted at an advanced recycling
283 facility or held at such facility prior to conversion;

284 (41) "Pyrolysis", a manufacturing process through
285 which post-use polymers are heated in the absence of oxygen
286 until melted and thermally decomposed and are then cooled,
287 condensed, and converted into reuseable plastic and chemical
288 feedstocks or raw constituents to be used for manufacturing
289 of new products;

290 (42) "Recovered feedstock", one or more of the
291 following materials that has been processed so that it may
292 be used as input feedstock in an advanced recycling
293 facility, excluding municipal solid waste or feedstocks
294 mixed with solid waste or hazardous waste:

295 (a) Post-use polymers that are source-separated or
296 have been recovered or diverted from a waste stream for
297 reuse; or

298 (b) Materials for which the United States
299 Environmental Protection Agency has made a nonwaste
300 determination or has otherwise determined are feedstocks and
301 not solid waste;

302 [(34)] (43) "Recovered materials", those materials
303 which have been diverted or removed from the solid waste
304 stream for sale, use, reuse or recycling, whether or not
305 they require subsequent separation and processing;

306 [(35)] (44) "Recycled content", [the proportion of
307 fiber in a newspaper which is derived from postconsumer
308 waste] any raw product used as a constituent for the
309 manufacturing of new products that is generated as a result

310 from mechanical processing or advanced recycling shall be
311 considered recycled content. "Recycled content" includes,
312 but is not limited to, the proportion of fiber in a
313 newspaper that is derived from postconsumer waste and
314 recycled plastics as defined in this section;

315 (45) "Recycled plastics", plastics produced from
316 mechanical recycling using preconsumer recovered materials
317 and postconsumer materials or from advanced recycling
318 feedstocks or advanced recycling products via mass balance
319 attribution certified under an approved certification
320 system. "Recycled plastics" shall be considered "recycled
321 content" as defined in this section;

322 [(36)] (46) "Recycling", the separation and reuse of
323 materials which might otherwise be disposed of as solid
324 waste;

325 [(37)] (47) "Resource recovery", a process by which
326 recyclable and recoverable material is removed from the
327 waste stream to the greatest extent possible, as determined
328 by the department and pursuant to department standards, for
329 reuse or remanufacture;

330 [(38)] (48) "Resource recovery facility", a facility
331 in which recyclable and recoverable material is removed from
332 the waste stream to the greatest extent possible, as
333 determined by the department and pursuant to department
334 standards, for reuse or remanufacture;

335 [(39)] (49) "Sanitary landfill", a solid waste
336 disposal area which accepts commercial and residential solid
337 waste;

338 [(40)] (50) "Scrap tire", a tire that is no longer
339 suitable for its original intended purpose because of wear,
340 damage, or defect;

341 [(41)] (51) "Scrap tire collection center", a site
342 where scrap tires are collected prior to being offered for

343 recycling or processing and where fewer than five hundred
344 tires are kept on site on any given day;

345 [(42)] (52) "Scrap tire end-user facility", a site
346 where scrap tires are used as a fuel or fuel supplement or
347 converted into a usable product. Baled or compressed tires
348 used in structures, or used at recreational facilities, or
349 used for flood or erosion control shall be considered an end
350 use;

351 [(43)] (53) "Scrap tire generator", a person who sells
352 tires at retail or any other person, firm, corporation, or
353 government entity that generates scrap tires;

354 [(44)] (54) "Scrap tire processing facility", a site
355 where tires are reduced in volume by shredding, cutting, or
356 chipping or otherwise altered to facilitate recycling,
357 resource recovery, or disposal;

358 [(45)] (55) "Scrap tire site", a site at which five
359 hundred or more scrap tires are accumulated, but not
360 including a site owned or operated by a scrap tire end-user
361 that burns scrap tires for the generation of energy or
362 converts scrap tires to a useful product;

363 [(46)] (56) "Solid waste", garbage, refuse and other
364 discarded materials including, but not limited to, solid and
365 semisolid waste materials resulting from industrial,
366 commercial, agricultural, governmental and domestic
367 activities, but does not include hazardous waste as defined
368 in sections 260.360 to 260.432, recovered materials, post-
369 use polymers, recovered feedstocks, overburden, rock,
370 tailings, matte, mill scale and slag or other waste material
371 resulting from mining, milling or smelting;

372 [(47)] (57) "Solid waste disposal area", any area used
373 for the disposal of solid waste from more than one
374 residential premises, or one or more commercial, industrial,
375 manufacturing, recreational, or governmental operations;

376 [(48)] (58) "Solid waste fee", a fee imposed pursuant
377 to sections 260.200 to 260.345 and may be:

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

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

382 [(49)] (59) "Solid waste management area", a solid
383 waste disposal area which also includes one or more of the
384 functions contained in the definitions of recycling,
385 resource recovery facility, waste tire collection center,
386 waste tire processing facility, waste tire site or solid
387 waste processing facility, excluding incineration;

388 [(50)] (60) "Solid waste management project", a
389 targeted project that meets statewide waste reduction and
390 recycling priorities, and for which no solid waste
391 management district grant applicant has applied to perform,
392 and for which no qualified applicants have applied to
393 perform such project by a competitive bid issued by the
394 solid waste management district for the completion of such
395 project;

396 [(51)] (61) "Solid waste management system", the
397 entire process of managing solid waste in a manner which
398 minimizes the generation and subsequent disposal of solid
399 waste, including waste reduction, source separation,
400 collection, storage, transportation, recycling, resource
401 recovery, volume minimization, processing, market
402 development, and disposal of solid wastes;

403 [(52)] (62) "Solid waste processing facility", any
404 facility where solid wastes are salvaged and processed,
405 including:

406 (a) A transfer station; or

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

410 (c) A material recovery facility which operates with
411 or without composting;

412 (d) A plasma arc technology facility;

413 [(53)] (63) "Solid waste technician", an individual
414 who has successfully completed training in the practical
415 aspects of the design, operation and maintenance of a
416 permitted solid waste processing facility or solid waste
417 disposal area in accordance with sections 260.200 to 260.345;

418 [(54)] (64) "Solvolysis", a manufacturing process
419 through which post-use polymers are purified with the aid of
420 solvents while heated at low temperatures or pressurized, or
421 both, to make reusable plastic and chemical feedstocks or
422 products, allowing additives and contaminants to be removed.
423 The process includes, but is not limited to, hydrolysis,
424 aminolysis, ammonolysis, methanolysis, and glycolysis;

425 (65) "Tire", a continuous solid or pneumatic rubber
426 covering encircling the wheel of any self-propelled vehicle
427 not operated exclusively upon tracks, or a trailer as
428 defined in chapter 301, except farm tractors and farm
429 implements owned and operated by a family farm or family
430 farm corporation as defined in section 350.010;

431 [(55)] (66) "Used motor oil", any motor oil which, as
432 a result of use, becomes unsuitable for its original purpose
433 due to loss of original properties or the presence of
434 impurities, but used motor oil shall not include ethylene
435 glycol, oils used for solvent purposes, oil filters that
436 have been drained of free flowing used oil, oily waste, oil
437 recovered from oil tank cleaning operations, oil spilled to
438 land or water, or industrial nonlube oils such as hydraulic

439 oils, transmission oils, quenching oils, and transformer
440 oils;

441 [(56)] (67) "Utility waste landfill", a solid waste
442 disposal area used for fly ash waste, bottom ash waste, slag
443 waste and flue gas emission control waste generated
444 primarily from the combustion of coal or other fossil fuels;

445 [(57)] (68) "Yard waste", leaves, grass clippings,
446 yard and garden vegetation and Christmas trees. The term
447 does not include stumps, roots or shrubs with intact root
448 balls.

449 2. For the purposes of this section and sections
450 260.270 to 260.279 and any rules in place as of August 28,
451 2005, or promulgated under said sections, the term "scrap"
452 shall be used synonymously with and in place of waste, as it
453 applies only to scrap tires.

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

19 Missouri clean water commission even though the facility may
20 receive solid or semisolid waste materials.

21 2. No person or operator may apply for or obtain a
22 permit to construct a solid waste disposal area unless the
23 person has requested the department to conduct a preliminary
24 site investigation and obtained preliminary approval from
25 the department. The department shall, within sixty days of
26 such request, conduct a preliminary investigation and
27 approve or disapprove the site.

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

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

42 (2) Within ninety days after the preliminary site
43 investigation approval, the department shall conduct a
44 public awareness session in the county in which the proposed
45 disposal area is to be located. The department shall
46 provide public notice of such session by both printed and
47 broadcast media at least thirty days prior to such session.
48 Printed notification shall include publication in at least
49 one newspaper having general circulation within the county
50 in which the proposed disposal area is to be located.
51 Broadcast notification shall include public service

52 announcements on radio stations that have broadcast coverage
53 within the county in which the proposed disposal area is to
54 be located. The intent of such public awareness session
55 shall be to provide general information to interested
56 citizens on the design and operation of solid waste disposal
57 areas;

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

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

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

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

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

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

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

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

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

115 5. (1) Every person desiring to construct a solid
116 waste processing facility or solid waste disposal area shall
117 make application for a permit on forms provided for this

118 purpose by the department. Every applicant shall submit
119 evidence of financial responsibility with the application.
120 Any applicant who relies in part upon a parent corporation
121 for this demonstration shall also submit evidence of
122 financial responsibility for that corporation and any other
123 subsidiary thereof.

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

139 (3) The applicant for a permit to construct a solid
140 waste disposal area shall provide the department with plans,
141 specifications, and such other data as may be necessary to
142 comply with the purpose of sections 260.200 to 260.345. The
143 application shall demonstrate compliance with all applicable
144 local planning and zoning requirements. The department
145 shall make an investigation of the solid waste disposal area
146 and determine whether it complies with the provisions of
147 sections 260.200 to 260.345 and the rules and regulations
148 adopted pursuant to sections 260.200 to 260.345. Within
149 twelve consecutive months of the receipt of an application
150 for a construction permit the department shall approve or

151 deny the application. The department shall issue rules and
152 regulations establishing time limits for permit
153 modifications and renewal of a permit for a solid waste
154 disposal area. The time limit shall be consistent with this
155 chapter.

156 (4) The applicant for a permit to construct a solid
157 waste processing facility shall provide the department with
158 plans, specifications and such other data as may be
159 necessary to comply with the purpose of sections 260.200 to
160 260.345. Within one hundred eighty days of receipt of the
161 application, the department shall determine whether it
162 complies with the provisions of sections 260.200 to 260.345.

163 Within twelve consecutive months of the receipt of an
164 application for a permit to construct an incinerator as
165 [defined] described in the definition of "solid waste
166 processing facility" in section 260.200 or a material
167 recovery facility as [defined] described in the definition
168 of "solid waste processing facility" in section 260.200, and
169 within six months for permit modifications, the department
170 shall approve or deny the application. Permits issued for
171 solid waste facilities shall be for the anticipated life of
172 the facility.

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

184 department or ordered to be issued by a court, shall be for
185 the anticipated life of the facility.

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

205 (7) When the review reveals that the facility or area
206 does conform with the provisions of sections 260.200 to
207 260.345 and the rules and regulations adopted pursuant to
208 sections 260.200 to 260.345, the department shall approve
209 the application and shall issue a permit for the
210 construction of each solid waste processing facility or
211 solid waste disposal area as set forth in the application
212 and with any permit terms and conditions which the
213 department deems appropriate. In the event that the
214 facility or area fails to meet the rules and regulations
215 adopted pursuant to sections 260.200 to 260.345, the

216 department shall issue a report to the applicant stating the
217 reason for denial of a permit.

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

224 7. Any person or operator as defined in section
225 260.200 who intends to obtain a construction permit in a
226 solid waste management district with an approved solid waste
227 management plan shall request a recommendation in support of
228 the application from the executive board created in section
229 260.315. The executive board shall consider the impact of
230 the proposal on, and the extent to which the proposal
231 conforms to, the approved district solid waste management
232 plan prepared pursuant to section 260.325. The executive
233 board shall act upon the request for a recommendation within
234 sixty days of receipt and shall submit a resolution to the
235 department specifying its position and its recommendation
236 regarding conformity of the application to the solid waste
237 plan. The board's failure to submit a resolution
238 constitutes recommendation of the application. The
239 department may consider the application, regardless of the
240 board's action thereon and may deny the construction permit
241 if the application fails to meet the requirements of
242 sections 260.200 to 260.345, or if the application is
243 inconsistent with the district's solid waste management plan.

244 8. If the site proposed for a solid waste disposal
245 area is not owned by the applicant, the owner or owners of
246 the site shall acknowledge that an application pursuant to
247 sections 260.200 to 260.345 is to be submitted by signature
248 or signatures thereon. The department shall provide the

249 owner with copies of all communication with the operator,
250 including inspection reports and orders issued pursuant to
251 section 260.230.

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

264 10. (1) Upon receipt of an application for a permit
265 to construct a solid waste processing facility or disposal
266 area, the department shall notify the public of such receipt:

267 **[(1)]** (a) By legal notice published in a newspaper of
268 general circulation in the area of the proposed disposal
269 area or processing facility;

270 **[(2)]** (b) By certified mail to the governing body of
271 the county or city in which the proposed disposal area or
272 processing facility is to be located; and

273 **[(3)]** (c) By mail to the last known address of all
274 record owners of contiguous real property or real property
275 located within one thousand feet of the proposed disposal
276 area and, for a proposed processing facility, notice as
277 provided in section 64.875 or section 89.060, whichever is
278 applicable.

279 (2) If an application for a construction permit meets
280 all statutory and regulatory requirements for issuance, a
281 public hearing on the draft permit shall be held by the

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

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

310 12. Every person desiring to obtain a permit to
311 operate a solid waste disposal area or processing facility
312 shall submit applicable information and apply for an
313 operating permit from the department. The department shall
314 review the information and determine, within sixty days of

315 receipt, whether it complies with the provisions of sections
316 260.200 to 260.345 and the rules and regulations adopted
317 pursuant to sections 260.200 to 260.345. When the review
318 reveals that the facility or area does conform with the
319 provisions of sections 260.200 to 260.345 and the rules and
320 regulations adopted pursuant to sections 260.200 to 260.345,
321 the department shall issue a permit for the operation of
322 each solid waste processing facility or solid waste disposal
323 area and with any permit terms and conditions which the
324 department deems appropriate. In the event that the
325 facility or area fails to meet the rules and regulations
326 adopted pursuant to sections 260.200 to 260.345, the
327 department shall issue a report to the applicant stating the
328 reason for denial of a permit.

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

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

344 15. Leachate collection and removal systems shall be
345 incorporated into new or expanded sanitary landfills which
346 are permitted after August 13, 1986. The department shall
347 assess the need for a leachate collection system for all

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

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

380 17. Each permit for operation of a facility or area
381 shall be issued only to the person named in the application.
382 Permits are transferable as a modification to the permit.
383 An application to transfer ownership shall identify the
384 proposed permittee. A disclosure statement for the proposed
385 permittee listing violations contained in the definition of
386 disclosure statement found in section 260.200 shall be
387 submitted to the department. The operation and design plans
388 for the facility or area shall be updated to provide
389 compliance with the currently applicable law and rules. A
390 financial assurance instrument in such an amount and form as
391 prescribed by the department shall be provided for solid
392 waste disposal areas by the proposed permittee prior to
393 transfer of the permit. The financial assurance instrument
394 of the original permittee shall not be released until the
395 new permittee's financial assurance instrument has been
396 approved by the department and the transfer of ownership is
397 complete.

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

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

406 20. Every applicant for a permit shall file a
407 disclosure statement with the information required by and on
408 a form developed by the department of natural resources at
409 the same time the application for a permit is filed with the
410 department.

411 21. Upon request of the director of the department of
412 natural resources, the applicant for a permit, any person

413 that could reasonably be expected to be involved in
414 management activities of the solid waste disposal area or
415 solid waste processing facility, or any person who has a
416 controlling interest in any permittee shall be required to
417 submit to a criminal background check under section 43.543.

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

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

446 24. No person shall be required to submit the
447 disclosure statement required by this section if the person
448 is a corporation or an officer, director or shareholder of
449 that corporation or any subsidiary thereof, and that
450 corporation:

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

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

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

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

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

475 27. Any person seeking a permit to operate a solid
476 waste disposal area, a solid waste processing facility, or a
477 resource recovery facility shall, concurrently with the
478 filing of the application for a permit, disclose any

479 convictions in this state, county or county-equivalent
480 public health or land use ordinances related to the
481 management of solid waste. If the department finds that
482 there has been a continuing pattern of adjudicated
483 violations by the applicant, the department may deny the
484 application.

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

497 29. Advanced recycling facilities are not subject to
498 the requirements of this section as long as the feedstocks
499 received by such facility are source-separated or diverted
500 or recovered from municipal or other waste streams prior to
501 acceptance at the advanced recycling facility.

2 260.221. 1. As used in this section, the following
3 terms mean:

4 (1) "Processed recycled asphalt shingles", recycled
5 asphalt shingles that do not contain extraneous metals,
6 glass, rubber, nails, soil, brick, tars, paper, wood, and
7 plastics and that have been reduced in size to produce a
8 commercially reasonable usable product. "Processed recycled
9 asphalt shingles" shall also be considered clean fill, as
such term is defined in section 260.200;

10 (2) "Recycled asphalt shingles", manufacture waste
11 scrap shingles and post-consumer, tear-off scrap shingles
12 that are accumulated as products for commercial purposes
13 related to recycling or reuse as processed recycled asphalt
14 shingles.

15 2. Processed recycled asphalt shingles may be used for
16 fill, reclamation, and other beneficial purposes without a
17 permit under sections 260.200 to 260.345 if such processed
18 recycled asphalt shingles are inspected for toxic and
19 hazardous substances in accordance with requirements
20 established by the department of natural resources, provided
21 that processed recycled asphalt shingles shall not be used
22 for such purposes within five hundred feet of any lake,
23 river, sink hole, perennial stream, or ephemeral stream, and
24 shall not be used for such purposes below surface level and
25 closer than fifty feet above the water table.

26 3. This section shall not be construed to authorize
27 the abandonment, accumulation, placement, or storage of
28 recycled asphalt shingles or processed recycled asphalt
29 shingles on any real property without the consent of the
30 real property owner.

 260.373. 1. After August 28, 2012, the authority of
2 the commission to promulgate rules under sections 260.350 to
3 260.391 and 260.393 to 260.433 is subject to the following:

4 (1) The commission shall not promulgate rules that are
5 stricter than [or implement requirements], apply prior to,
6 or apply mandatory obligations outside of the requirements
7 of Title 40, U.S. Code of Federal Regulations, Parts 260,
8 261, 262, 264, 265, 268, and 270, as promulgated pursuant to
9 Subtitle C of the Resource Conservation and Recovery Act, as
10 amended;

11 (2) The commission shall not implement requirements
12 prior to the requirements of Title 40, U.S. Code of Federal

13 Regulations, Parts 260, 261, 262, 264, 265, 268, and 270, as
14 promulgated pursuant to Subtitle C of the Resource
15 Conservation and Recovery Act, as amended;

16 (3) Notwithstanding the limitations of [subdivision]
17 subdivisions (1) and (2) of this subsection, where state
18 statutes expressly prescribe standards or requirements that
19 are stricter than or implement requirements prior to any
20 federal requirements, or where state statutes allow the
21 establishment or collection of fees, costs, or taxes, the
22 commission may promulgate rules as necessary to implement
23 such statutes;

24 [(3)] (4) Notwithstanding the limitations of
25 subdivision (1) of this subsection, the commission may
26 retain, modify, or repeal any current rules pertaining to
27 the following:

28 (a) [Thresholds for determining whether a hazardous
29 waste generator is a large quantity generator, small
30 quantity generator, or conditionally exempt small quantity
31 generator;

32 (b)] Descriptions of applicable registration
33 requirements; and

34 [(c)] (b) The reporting of hazardous waste activities
35 to the department; provided, however, that the commission
36 shall promulgate rules, effective beginning with the
37 reporting period July 1, [2015] 2017 - June 30, [2016] 2018,
38 that allow for the submittal of reporting data in [an
39 electronic] any format on an annual basis by large quantity
40 generators and treatment storage and disposal facilities[;

41 (d) Rules requiring hazardous waste generators to
42 display hazard labels (e.g., Department of Transportation
43 (DOT) labels) on containers and tanks during the time
44 hazardous waste is stored on-site;

45 (e) The exclusion for hazardous secondary materials
46 used to make zinc fertilizers in 40 CFR 261.4; and

47 (f) The exclusions for hazardous secondary materials
48 that are burned for fuel or that are recycled].

49 2. Nothing in this section shall be construed to
50 repeal any other provision of law, and the commission and
51 the department shall continue to have the authority to
52 implement and enforce other statutes, and the rules
53 promulgated pursuant to their authority.

54 3. [No later than December 31, 2013, the department
55 shall identify rules in Title 10, Missouri Code of State
56 Regulations, Division 25, Chapters 3, 4, 5, and 7 that are
57 inconsistent with the provisions of subsection 1 of this
58 section. The department shall thereafter file with the
59 Missouri secretary of state any amendments necessary to
60 ensure that such rules are not inconsistent with the
61 provisions of subsection 1 of this section.] On December
62 31, [2015] 2017, any rule contained in Title 10, Missouri
63 Code of State Regulations, Division 25, Chapters 3, 4, 5,
64 [or] 7, 9, and 11, that [remains] is inconsistent with the
65 provisions of subsection 1 above shall be null and void to
66 the extent that it is inconsistent, and the least stringent
67 rule shall control. Any such rule that applies mandatory
68 obligations outside of the requirements of Title 40, U.S.
69 Code of Federal Regulations, Parts 260, 261, 262, 264, 265,
70 268, and 270, as promulgated pursuant to Subtitle C of the
71 Resource Conservation and Recovery Act, as amended, shall be
72 null and void. The department shall file with the Missouri
73 secretary of state any amendments necessary to ensure that
74 rules are not inconsistent with the provisions of subsection
75 1 of this section.

76 4. Nothing in this section shall be construed to
77 effectuate a modification of any permit. Upon request, the

78 department shall modify as appropriate any permit containing
79 requirements no longer in effect due to this section.

80 5. The department is prohibited from selectively
81 excluding any rule or portion of a rule promulgated by the
82 commission from any authorization application package, or
83 program revision, submitted to the U.S. Environmental
84 Protection Agency under Title 40, U.S. Code of Federal
85 Regulations, Sections 271.5 or 271.21.

86 6. Any rule or portion of a rule, as that term is
87 defined in section 536.010, that is created under the
88 authority delegated in this section shall become effective
89 only if it complies with and is subject to all of the
90 provisions of chapter 536 and, if applicable, section
91 536.028. This section and chapter 536 are nonseverable and
92 if any of the powers vested with the general assembly under
93 chapter 536 to review, to delay the effective date, or to
94 disapprove and annul a rule are subsequently held
95 unconstitutional, then the grant of rulemaking authority and
96 any rule proposed or adopted after August 28, 2012, shall be
97 invalid and void.

260.437. 1. In addition to any other powers vested in
2 it by law, the commission shall have the power to adopt,
3 amend or repeal, after due notice and public hearing,
4 standards, rules and regulations to implement sections
5 260.435 to ~~[260.480]~~ 260.482.

6 2. Except as provided in sections 260.565 to 260.573,
7 the commission shall not promulgate rules that are stricter
8 than, apply prior to, or apply mandatory obligations outside
9 of the requirements of Title 40, U.S. Code of Federal
10 Regulations, Part 300, as promulgated pursuant to the
11 Comprehensive Environmental Response, Compensation, and
12 Liability Act, as amended.

13 3. The commission shall file with the Missouri
14 secretary of state any amendments necessary to ensure that
15 rules are not inconsistent with the provisions of this
16 section. Any rule contained in the Missouri code of state
17 regulations that is inconsistent with the provisions of this
18 section shall be null and void to the extent that it is
19 inconsistent, and the least stringent rule shall control.
20 Any such rule that applies mandatory obligations outside of
21 the requirements of Title 40, U.S. Code of Federal
22 Regulations, Part 300, as promulgated pursuant to the
23 Comprehensive Environmental Response, Compensation, and
24 Liability Act, as amended, shall be null and void.

25 4. Any rule or portion of a rule, as that term is
26 defined in section 536.010, that is created under the
27 authority delegated in sections 260.435 to 260.482 shall
28 become effective only if it complies with and is subject to
29 all of the provisions of chapter 536 and, if applicable,
30 section 536.028. This section and chapter 536 are
31 nonseverable and if any of the powers vested with the
32 general assembly pursuant to chapter 536 to review, to delay
33 the effective date, or to disapprove and annul a rule are
34 subsequently held unconstitutional, then the grant of
35 rulemaking authority and any rule proposed or adopted after
36 August 28, 2022, shall be invalid and void.

 260.520. 1. The director may adopt, amend, promulgate
2 or repeal, after due notice and hearing, rules and
3 regulations to implement sections 260.500 to [260.550]
4 260.552 pursuant to this section and chapter 536. No rule
5 or portion of a rule promulgated under the authority of
6 sections 260.500 to [260.550] 260.552 shall become effective
7 unless it has been promulgated pursuant to the provisions of
8 section 536.024.

9 2. Except as provided in sections 260.565 to 260.573,
10 the director shall not promulgate rules that are stricter
11 than, apply prior to, or apply mandatory obligations outside
12 of the requirements of Title 40, U.S. Code of Federal
13 Regulations, as promulgated pursuant to the Comprehensive
14 Environmental Response, Compensation, and Liability Act, as
15 amended.

16 3. The director shall file with the Missouri secretary
17 of state any amendments necessary to ensure that rules are
18 not inconsistent with the provisions of this section. Any
19 rule contained in the Missouri code of state regulations
20 that is inconsistent with the provisions of this section
21 shall be null and void to the extent that it is
22 inconsistent, and the least stringent rule shall control.
23 Any such rule that applies mandatory obligations outside of
24 the requirements of Title 40, U.S. Code of Federal
25 Regulations, Part 300, as promulgated pursuant to the
26 Comprehensive Environmental Response, Compensation, and
27 Liability Act, as amended, shall be null and void.

640.095. In all instances where the department of
2 natural resources has authority to issue penalties and
3 determines that a penalty should be levied, the department
4 shall provide in writing to the alleged violator, together
5 with any claim or demand for a penalty, the factual basis
6 for the violation and a copy of the rules or statutory
7 provisions upon which the department relies for alleging a
8 violation has occurred and determining the appropriate
9 penalty, along with a statement of facts specifying each
10 element of the violation and basis for the penalty,
11 including how the department calculated the penalty, with
12 particularity. This information shall be a complete record
13 so that an alleged violator can understand the alleged
14 violation, the applicability of the rules or statutory

15 provisions, appropriateness of the penalty, and the accuracy
16 of the calculation so that the alleged violator can respond
17 properly to the department. Any statement provided by the
18 department in compliance with this section shall be treated
19 as confidential information and shall not be disclosed to
20 any party except the alleged violator.

2 644.060. 1. Processed recycled asphalt shingles, as
3 defined in section 260.221, may be used for fill,
4 reclamation, and other beneficial purposes without a permit
5 under sections 644.006 to 644.141 if such processed recycled
6 asphalt shingles are inspected for toxic and hazardous
7 substances in accordance with requirements established by
8 the department of natural resources, provided that processed
9 recycled asphalt shingles shall not be used for such
10 purposes within five hundred feet of any lake, river, sink
11 hole, perennial stream, or ephemeral stream, and shall not
12 be used for such purposes below surface level and closer
13 than fifty feet above the water table.

14 2. This section shall not be construed to authorize
15 the abandonment, accumulation, placement, or storage of
16 recycled asphalt shingles or processed recycled asphalt
17 shingles on any real property without the consent of the
real property owner.