

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 13
97TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, February 20, 2013, with recommendation that the Senate Committee Substitute do pass.

0185S.03C

TERRY L. SPIELER, Secretary.

AN ACT

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

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

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A. Sections 260.300, 260.302, 260.305, 260.310, 260.315, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 260.330 and 260.335, to read as follows:

260.330. 1. Except as otherwise provided in subsection 6 of this section, effective October 1, ~~[1990]~~ **2013**, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and ~~[fifty]~~ **seventy-one** cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar **and twenty cents** per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the department of natural resources for deposit in the "Solid Waste Management Fund" which is hereby created. On October 1, ~~[1992]~~ **2014**, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection during October 1, ~~[2005]~~ **2014**, to October 1, 2017, except an adjustment amount

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

16 consistent with the need to fund the operating costs of the department and taking
17 into account any annual percentage increase in the total of the volumetric
18 equivalent of solid waste accepted in the prior year at solid waste sanitary
19 landfills and demolition landfills and solid waste to be transported out of this
20 state for disposal that is accepted at transfer stations. No annual increase during
21 October 1, [2005] **2014**, to October 1, 2017, shall exceed the percentage increase
22 measured by the Consumer Price Index for All Urban Consumers for the United
23 States, or its successor index, as defined and officially recorded by the United
24 States Department of Labor or its successor agency and calculated on the
25 percentage of revenues dedicated under subdivision (1) of subsection 2 of section
26 260.335. Any such annual adjustment shall only be made at the discretion of the
27 director, subject to appropriations. Collection costs shall be established by the
28 department and shall not exceed two percent of the amount collected pursuant to
29 this section.

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

32 3. The charges established in this section shall be enumerated separately
33 from the disposal fee charged by the landfill and may be passed through to
34 persons who generated the solid waste. Moneys [shall be] transmitted to the
35 department shall be no less than the amount collected less collection costs and
36 in a form, manner and frequency as the department shall prescribe. The
37 provisions of section 33.080 to the contrary notwithstanding, moneys in the
38 account shall not lapse to general revenue at the end of each biennium. Failure
39 to collect the charge does not relieve the operator from responsibility for
40 transmitting an amount equal to the charge to the department.

41 4. The department may examine or audit financial records and landfill
42 activity records and measure landfill usage to verify the collection and
43 transmittal of the charges established in this section. The department may
44 promulgate by rule and regulation procedures to ensure and to verify that the
45 charges imposed herein are properly collected and transmitted to the department.

46 5. Effective October 1, [1990] **2013**, any person who operates a transfer
47 station in Missouri shall transmit a fee to the department for deposit in the solid
48 waste management fund which is equal to one dollar and [fifty] **seventy-one**
49 cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall
50 be applicable to all solid waste to be transported out of the state for disposal. On
51 October 1, [1992] **2014**, and thereafter, the charge imposed herein shall be

52 adjusted annually by the same percentage as the increase in the general price
53 level as measured by the Consumer Price Index for All Urban Consumers for the
54 United States, or its successor index, as defined and officially recorded by the
55 United States Department of Labor or its successor agency. No annual
56 adjustment shall be made to the charge imposed under this subsection during
57 October 1, [2005] **2014**, to October 1, 2017, except an adjustment amount
58 consistent with the need to fund the operating costs of the department and taking
59 into account any annual percentage increase in the total of the volumetric
60 equivalent of solid waste accepted in the prior year at solid waste sanitary
61 landfills and demolition landfills and solid waste to be transported out of this
62 state for disposal that is accepted at transfer stations. No annual increase during
63 October 1, [2005] **2014**, to October 1, 2017, shall exceed the percentage increase
64 measured by the Consumer Price Index for All Urban Consumers for the United
65 States, or its successor index, as defined and officially recorded by the United
66 States Department of Labor or its successor agency and calculated on the
67 percentage of revenues dedicated under subdivision (1) of subsection 2 of section
68 260.335. Any such annual adjustment shall only be made at the discretion of the
69 director, subject to appropriations. The department shall prescribe rules and
70 regulations governing the transmittal of fees and verification of waste volumes
71 transported out of state from transfer stations. Collection costs shall also be
72 established by the department and shall not exceed two percent of the amount
73 collected pursuant to this subsection. A transfer station with the sole function
74 of separating materials for recycling or resource recovery activities shall not be
75 subject to the fee imposed in this subsection.

76 6. Each political subdivision which owns an operational solid waste
77 disposal area may designate, pursuant to this section, up to two free disposal
78 days during each calendar year. On any such free disposal day, the political
79 subdivision shall allow residents of the political subdivision to dispose of any
80 solid waste which may be lawfully disposed of at such solid waste disposal area
81 free of any charge, and such waste shall not be subject to any state fee pursuant
82 to this section. Notice of any free disposal day shall be posted at the solid waste
83 disposal area site and in at least one newspaper of general circulation in the
84 political subdivision no later than fourteen days prior to the free disposal day.

260.335. 1. Each fiscal year eight hundred thousand dollars from the
2 solid waste management fund shall be made available, upon appropriation, to the
3 department and the environmental improvement and energy resources authority

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

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

26 (1) [Thirty-nine] **Fifty-seven** percent of the revenues shall be dedicated,
27 upon appropriation, to the elimination of illegal solid waste disposal, to identify
28 and prosecute persons disposing of solid waste illegally, to conduct solid waste
29 permitting activities, to administer grants and perform other duties imposed in
30 sections 260.200 to [260.345] **260.335** and section 260.432. In addition to the
31 thirty-nine percent of the revenues, the department may receive any annual
32 increase in the charge during October 1, [2005] **2014**, to October 1, [2014] **2017**,
33 under section 260.330 and such increases shall be used solely to fund the
34 operating costs of the department;

35 (2) [Sixty-one] **Forty-three** percent of the revenues, except any annual
36 increases in the charge under section 260.330 during October 1, [2005] **2014**, to
37 October 1, [2014] **2017**, which shall be used solely to fund the operating costs of
38 the department, shall be allocated through grants, upon appropriation, to
39 [participating cities, counties and districts. Revenues to be allocated under this

40 subdivision shall be divided as follows: forty percent shall be allocated based on
41 the population of each district in the latest decennial census, and sixty percent
42 shall be allocated based on the amount of revenue generated within each
43 district. For the purposes of this subdivision, revenue generated within each
44 district shall be determined from the previous year's data. No more than fifty
45 percent of the revenue allocable under this subdivision may be allocated to the
46 districts upon approval of the department for implementation of a solid waste
47 management plan and district operations, and at least fifty percent of the revenue
48 allocable to the districts under this subdivision shall be allocated to the] cities
49 [and], counties [of the district], or to persons or entities providing solid waste
50 management, waste reduction, recycling and related services [in these cities and
51 counties. Each district shall receive a minimum of seventy-five thousand dollars
52 under this subdivision. After August 28, 2005, each district shall receive a
53 minimum of ninety-five thousand dollars under this subdivision for district grants
54 and district operations. Each district receiving moneys under this subdivision
55 shall expend such moneys pursuant to a solid waste management plan required
56 under section 260.325, and only in the case that the district is in compliance with
57 planning requirements established by the department]. Moneys shall be awarded
58 based upon grant applications. Any moneys remaining in any fiscal year due to
59 insufficient or inadequate applications may be reallocated pursuant to this
60 subdivision;

61 (3) Except for the amount up to one-fourth of the department's previous
62 fiscal year expense, any remaining unencumbered funds generated under
63 subdivision (1) of this subsection in prior fiscal years shall be reallocated under
64 this section;

65 (4) Funds may be made available under this subsection for the
66 administration and grants of the used motor oil program described in section
67 260.253;

68 (5) The department and the environmental improvement and energy
69 resources authority shall conduct sample audits of grants provided under this
70 subsection.

71 3. [The advisory board created in section 260.345 shall recommend
72 criteria to be used to allocate grant moneys to districts, cities and
73 counties. These criteria shall establish a priority for proposals which provide
74 methods of solid waste reduction and recycling.] The department shall
75 promulgate criteria for evaluating grants by rule and regulation. [Projects of

76 cities and counties located within a district which are funded by grants under this
77 section shall conform to the district solid waste management plan.] **These**
78 **criteria shall establish the following order of priority:**

79 **(1) Grants to facilities of organizations employing individuals**
80 **with disabilities under sections 178.900 to 178.960 or sections 205.968**
81 **to 205.972;**

82 **(2) Grants for proposals which provide methods of solid waste**
83 **reduction and recycling; and**

84 **(3) All other grants.**

85 4. The funds awarded [to the districts, counties and cities] pursuant to
86 this section [shall be used for the purposes set forth in sections 260.300 to
87 260.345, and] shall be used in addition to existing funds appropriated by counties
88 and cities for solid waste management and shall not supplant county or city
89 appropriated funds.

90 5. The department[, in conjunction with the solid waste advisory board,]
91 shall review the performance of all grant recipients to ensure that grant moneys
92 were appropriately and effectively expended to further the purposes of the grant,
93 as expressed in the recipient's grant application. The grant application shall
94 contain specific goals and implementation dates, and grant recipients shall be
95 contractually obligated to fulfill same. The department may require the recipient
96 to submit periodic reports and such other data as are necessary, both during the
97 grant period and up to five years thereafter, to ensure compliance with this
98 section. The department may audit the records of any recipient to ensure
99 compliance with this section. Recipients of grants under sections 260.300 to
100 260.345 shall maintain such records as required by the department. If a grant
101 recipient fails to maintain records or submit reports as required herein, refuses
102 the department access to the records, or fails to meet the department's
103 performance standards, the department may withhold subsequent grant
104 payments, if any, and may compel the repayment of funds provided to the
105 recipient pursuant to a grant.

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

109 7. If the moneys are not transmitted to the department within the time
110 frame established by the rule promulgated, interest shall be imposed on the
111 moneys due the department at the rate of ten percent per annum from the

112 prescribed due date until payment is actually made. These interest amounts
113 shall be deposited to the credit of the solid waste management fund.

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

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

16 3. Counties may, for the purpose of managing districts,
17 cooperate as provided in sections 260.300 to 260.345 or formulate
18 an alternative management structure agreed to by each county in
19 the district. A solid waste management district, regardless of how
20 formed, shall be governed by an executive board and comply with
21 the provisions of sections 260.200 to 260.345.]

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

14 over and be followed in exclusion to the rulemaking procedure set
15 forth in chapter 536 and section 260.225.]

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

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

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

20 4. A solid waste management district created and organized
21 under authority of sections 260.300 to 260.345 shall become a body
22 corporate and politic of the state at the time the governing body of
23 the county or counties forming the district has adopted an order or
24 ordinance to form the district under the provisions of this section
25 and has provided written notice to the department of natural
26 resources of the adoption of such order or ordinance. A county
27 shall become a part of an existing district at the time the governing
28 body of such county has adopted an order or ordinance to join the
29 district and has provided written notice to the governing body of
30 each county in the existing district and has provided written notice
31 to the department of natural resources.

32 5. If a county governing body does not form or join a
33 district, the question of forming or joining a district may be
34 submitted to the voters of any county on any regular election day
as provided in section 115.123. The question may be submitted or

35 resubmitted to the voters of any county upon the submission of a
36 petition signed by a number of voters which is at least equal to five
37 percent of those voting in the most recent gubernatorial
38 election. The question shall be submitted in substantially either
39 of the following forms:

40 Shall (insert county name) become a member of the
41 (insert name) solid waste management district?; or if a solid
42 waste management district has not been formed within the region:

43 Shall (insert county name) form the (insert
44 name) solid waste management district? The election authority
45 shall notify the secretary of state as to the results of the
46 election. The secretary of state shall transmit the election results
47 to the director of the department of natural resources who shall
48 declare districts created within all counties of each region wherein
49 the question received a majority of the votes cast. The director's
50 declaration shall be transmitted to the governing body of each
51 county within the district.]

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

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

11 3. The district and the counties and cities within the
12 district may enter into whatever contracts or agreements they
13 deem necessary to fulfill their responsibilities under this
14 chapter. Nothing in this section shall preclude the transfer of solid
15 waste outside the boundaries of the district.

16 4. Contracts issued for the collection or disposal of solid
17 waste in cities, counties, and districts shall not require either
18 security instruments or performance bonds in excess of twenty
19 percent of the total cost of the contract.

20 5. Any county or counties which are within a solid waste
21 management district may, in cooperation with the district, require
22 by ordinance or order that any solid waste transported from outside
23 the district to a solid waste processing facility or solid waste
24 disposal area within the district be subject to the same
25 requirements as solid waste originating from within the district as
26 set forth in the solid waste management plan under section
27 260.325, including the separation of recyclable or compostable
28 materials from the solid waste stream before entering a district's
29 solid waste management system.

30 6. A solid waste management district may be created and
31 incorporated in each solid waste management region as provided
32 in sections 260.200 to 260.345 and may exercise the powers granted
33 to it in sections 260.200 to 260.345.]

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

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

13 3. The council shall meet within thirty days of the receipt
14 of notification of formation of the district at the call of the
15 governing body of the county containing the largest population
16 among those counties approving the formation of the district or, at
17 the call of the director of the department, if the county does not call
18 the meeting. A majority of the council shall constitute a quorum.

19 4. The council shall:

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

22 (2) Select seven persons to serve on the executive board, at

23 least a majority of whom shall be selected from members of the
24 council. The council shall establish the terms of office for members
25 of the executive board. The balance shall be selected in any
26 manner approved by the council, including district-wide
27 elections. Any subsequent member of the board shall be selected
28 in the same manner as the person he replaces. If the council is
29 composed of twelve or fewer members, the council shall act as the
30 executive board;

31 (3) Meet at least twice annually and upon the call of either
32 the chairman of the council or the chairman of the executive board;
33 and

34 (4) Review and act upon the solid waste management plan
35 recommended by the executive board.]

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

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

21 3. The executive board shall:

22 (1) Review and comment upon applications for permits
23 submitted pursuant to section 260.205, for solid waste processing

24 facilities and solid waste disposal areas which are to be located
25 within the region or, if located in an adjacent region, which will
26 impact solid waste management practices within the region;

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

29 (3) Identify illegal dump sites and provide all available
30 information about such sites to the appropriate county prosecutor
31 and to the department;

32 (4) Establish an education program to inform the public
33 about responsible waste management practices;

34 (5) Establish procedures to minimize the introduction of
35 small quantities of hazardous waste, including household
36 hazardous waste, into the solid waste stream;

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

39 (7) Appoint one or more geographically balanced advisory
40 committees composed of the representatives of commercial
41 generators, representatives of the solid waste management
42 industry, and two citizens unaffiliated with a solid waste facility or
43 operation to assess and make recommendations on solid waste
44 management.

45 4. The executive board may enter into contracts with any
46 person for services related to any component of the solid waste
47 management system. Bid specifications for solid waste
48 management services shall be designed to meet the objectives of
49 sections 260.200 to 260.345, encourage small businesses to engage
50 and compete in the delivery of waste management services and to
51 minimize the long-run cost of managing solid waste. Bid
52 specifications shall enumerate the minimum components and
53 minimum quantities of waste products which shall be recycled by
54 the successful bidder. The board shall divide the district into units
55 to maximize access for small businesses when it requests bids for
56 solid waste management services.

57 5. No person shall serve as a member of the council or of
58 the executive board who is a stockholder, officer, agent, attorney or
59 employee or who is in any way pecuniarily interested in any

60 business which engages in any aspect of solid waste management
61 regulated under sections 260.200 to 260.345; provided, however,
62 that such member may own stock in a publicly traded corporation
63 which may be involved in waste management as long as such
64 holdings are not substantial.]

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

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

16 3. The solid waste management plan shall be submitted to
17 the department within eighteen months of the formation of the
18 district. The plan shall be prepared and submitted according to the
19 procedures specified in section 260.220 and this section.

20 4. Each plan shall:

21 (1) Delineate areas within the district where solid waste
22 management systems are in existence;

23 (2) Reasonably conform to the rules and regulations
24 adopted by the department for implementation of sections 260.200
25 to 260.345;

26 (3) Delineate provisions for the collection of recyclable
27 materials or collection points for recyclable materials;

28 (4) Delineate provisions for the collection of compostable
29 materials or collection points for compostable materials;

30 (5) Delineate provisions for the separation of household
31 waste and other small quantities of hazardous waste at the source
or prior to disposal;

32 (6) Delineate provisions for the orderly extension of solid
33 waste management services in a manner consistent with the needs
34 of the district, including economic impact, and in a manner which
35 will minimize degradation of the waters or air of the state, prevent
36 public nuisances or health hazards, promote recycling and waste
37 minimization and otherwise provide for the safe and sanitary
38 management of solid waste;

39 (7) Take into consideration existing comprehensive plans,
40 population trend projections, engineering and economics so as to
41 delineate those portions of the district which may reasonably be
42 expected to be served by a solid waste management system;

43 (8) Specify how the district will achieve a reduction in solid
44 waste placed in sanitary landfills through waste minimization,
45 reduction and recycling;

46 (9) Establish a timetable, with milestones, for the reduction
47 of solid waste placed in a landfill through waste minimization,
48 reduction and recycling;

49 (10) Establish an education program to inform the public
50 about responsible waste management practices;

51 (11) Establish procedures to minimize the introduction of
52 small quantities of hazardous waste, including household
53 hazardous waste, into the solid waste stream;

54 (12) Establish a time schedule and proposed method of
55 financing for the development, construction and operation of the
56 planned solid waste management system together with the
57 estimated cost thereof;

58 (13) Identify methods by which rural households that are
59 not served by a regular solid waste collection service may
60 participate in waste reduction, recycling and resource recovery
61 efforts within the district; and

62 (14) Include such other reasonable information as the
63 department shall require.

64 5. The board shall review the district's solid waste
65 management plan at least every twenty-four months for the
66 purpose of evaluating the district's progress in meeting the
67 requirements and goals of the plan, and shall submit plan revisions

68 to the department and council.

69 6. In the event any plan or part thereof is disapproved, the
70 department shall furnish any and all reasons for such disapproval
71 and shall offer assistance for correcting deficiencies. The executive
72 board shall within sixty days revise and resubmit the plan for
73 approval or request a hearing in accordance with section
74 260.235. Any plan submitted by a district shall stand approved one
75 hundred twenty days after submission unless the department
76 disapproves the plan or some provision thereof.

77 7. The director may institute appropriate action under
78 section 260.240 to compel submission of plans in accordance with
79 sections 260.200 to 260.345 and the rules and regulations adopted
80 pursuant to sections 260.200 to 260.345.

81 8. The provisions of section 260.215 to the contrary
82 notwithstanding, any county within a region which on or after
83 January 1, 1995, is not a member of a district shall by June 30,
84 1995, submit a solid waste management plan to the department of
85 natural resources. Any county which withdraws from a district and
86 all cities within the county with a population over five hundred
87 shall submit a solid waste plan or a revision to an existing plan to
88 the department of natural resources within one hundred eighty
89 days of its decision not to participate. The plan shall meet the
90 requirements of section 260.220 and this section.

91 9. Funds may, upon appropriation, be made available to
92 cities, counties and districts, under section 260.335, for the purpose
93 of implementing the requirements of this section.

94 10. The district board shall arrange for independent
95 financial audits of the records and accounts of its operations by a
96 certified public accountant or a firm of certified public
97 accountants. Districts receiving two hundred thousand dollars or
98 more of financial assistance shall have annual independent
99 financial audits and districts receiving less than two hundred
100 thousand dollars of financial assistance shall have independent
101 financial audits at least once every two years. The state auditor
102 may examine the findings of such audits and may conduct audits
103 of the districts. Subject to limitations caused by the availability

104 resources, the department shall conduct a performance audit of
105 grants to each district at least once every three years.]

[260.345. A state "Solid Waste Advisory Board" is created
2 within the department of natural resources. The advisory board
3 shall be composed of the chairman of the executive board of each
4 of the solid waste management districts and other members as
5 provided in this section. Up to five additional members shall be
6 appointed by the director of which two members shall represent the
7 solid waste management industry and have an economic interest
8 in or activity with any solid waste facility or operation, one member
9 may represent the solid waste composting or recycling industry
10 businesses, and the remaining members shall be public members
11 who have demonstrated interest in solid waste management issues
12 and shall have no economic interest in or activity with any solid
13 waste facility or operation but may own stock in a publicly traded
14 corporation which may be involved in waste management as long
15 as such holdings are not substantial. The advisory board shall
16 advise the department regarding:

- 17 (1) The efficacy of its technical assistance program;
- 18 (2) Solid waste management problems experienced by solid
19 waste management districts;
- 20 (3) The effects of proposed rules and regulations upon solid
21 waste management within the districts;
- 22 (4) Criteria to be used in awarding grants pursuant to
23 section 260.335;
- 24 (5) Waste management issues pertinent to the districts;
- 25 (6) The development of improved methods of solid waste
26 minimization, recycling and resource recovery; and
- 27 (7) Such other matters as the advisory board may
28 determine.]

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