

SENATE BILL NO. 1115

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

5423S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 260.200, 260.205, 260.210, and 260.212, RSMo, and to enact in lieu thereof four new sections relating to promoting advanced recycling, with an existing penalty provision.

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

Section A. Sections 260.200, 260.205, 260.210, and
2 260.212, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 260.200, 260.205, 260.210,
4 and 260.212, to 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 manufacturing process for**
4 **the conversion of post-use polymers and recovered feedstocks**
5 **into basic hydrocarbon raw materials, feedstocks, chemicals,**
6 **and other products such as waxes and lubricants through**
7 **processes that include pyrolysis, gasification,**
8 **depolymerization, catalytic cracking, reforming,**
9 **hydrogenation, solvolysis, and other similar technologies.**
10 **The recycled products produced at advanced recycling**
11 **facilities include, but are not limited to, monomers,**
12 **oligomers, plastics, plastics and chemical feedstocks, basic**
13 **and unfinished chemicals, waxes, lubricants, coatings, and**
14 **other basic hydrocarbons. Advanced recycling shall not be**
15 **considered solid waste disposal, solid waste processing,**
16 **solid waste management, or incineration;**

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

17 (2) "Advanced recycling facility", a facility that
18 receives, stores, and converts post-use polymers and
19 recovered feedstocks the facility receives using advanced
20 recycling. An advanced recycling facility is a
21 manufacturing facility subject to applicable department
22 manufacturing regulations for air, water, waste, and land
23 use. An advanced recycling facility shall not be considered
24 a solid waste disposal area, solid waste processing
25 facility, solid waste management facility, or an incinerator;

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

33 [(2)] (4) "Applicant", a person or persons seeking or
34 holding a facility permit;

35 [(3)] (5) "Bioreactor", a municipal solid waste
36 disposal area or portion of a municipal solid waste disposal
37 area where the controlled addition of liquid waste or water
38 accelerates both the decomposition of waste and landfill gas
39 generation;

40 [(4)] (6) "Button cell battery" or "button cell", any
41 small alkaline-manganese or mercuric-oxide battery having
42 the size and shape of a button;

43 [(5)] (7) "City", any incorporated city, town, or
44 village;

45 [(6)] (8) "Clean fill", uncontaminated soil, rock,
46 sand, gravel, concrete, asphaltic concrete, cinderblocks,
47 brick, minimal amounts of wood and metal, and inert solids

48 as approved by rule or policy of the department for fill,
49 reclamation or other beneficial use;

50 [(7)] (9) "Closure", the permanent cessation of active
51 disposal operations, abandonment of the disposal area,
52 revocation of the permit or filling with waste of all areas
53 and volumes specified in the permit and preparing the area
54 for long-term care;

55 [(8)] (10) "Closure plan", plans, designs and relevant
56 data which specify the methods and schedule by which the
57 operator will complete or cease disposal operations, prepare
58 the area for long-term care, and make the area suitable for
59 other uses, to achieve the purposes of sections 260.200 to
60 260.345 and the regulations promulgated thereunder;

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

71 [(10)] (12) "Construction and demolition waste", waste
72 materials from the construction and demolition of
73 residential, industrial, or commercial structures, but shall
74 not include materials defined as clean fill under this
75 section;

76 [(11)] (13) "Demolition landfill", a solid waste
77 disposal area used for the controlled disposal of demolition
78 wastes, construction materials, brush, wood wastes, soil,
79 rock, concrete and inert solids insoluble in water;

80 [(12)] (14) "Department", the department of natural
81 resources;

82 [(13)] (15) "Depolymerization", a manufacturing
83 process in which post-use polymers are broken into smaller
84 molecules such as monomers and oligomers or raw,
85 intermediate, or final products, plastics and chemical
86 feedstocks, basic and unfinished chemicals, waxes,
87 lubricants, coatings, and other basic hydrocarbons;

88 (16) "Director", the director of the department of
89 natural resources;

90 [(14)] (17) "Disclosure statement", a sworn statement
91 or affirmation, in such form as may be required by the
92 director of the department of natural resources, which
93 includes:

94 (a) The full names and business address of key
95 personnel;

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

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

103 (d) For the five-year period ending on the date the
104 sworn disclosure statement or affirmation is signed by key
105 personnel:

106 a. A listing organized by issuing federal, state, or
107 county or county-equivalent regulatory body of all
108 environmental permits or licenses for the collection,
109 transfer, treatment, processing, storage, or disposal of
110 solid waste issued to or held by any key personnel;

111 b. A listing and explanation of notices of violation
112 which shall by rule be defined, prosecutions, or other
113 administrative enforcement actions resulting in an
114 adjudication or conviction;

115 c. A listing of license or permit suspensions,
116 revocations, or denials issued by any state, the federal
117 government or a county or county equivalent, which are
118 pending or have concluded with a finding of violation or
119 entry of a consent agreement regarding an allegation of
120 civil or criminal violation of law, regulation or
121 requirement relating to the collection, transfer, treatment,
122 processing, storage, or disposal of solid waste or violation
123 of the environmental statutes of other states or federal
124 statutes;

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

137 [(15)] (18) "District", a solid waste management
138 district established under section 260.305;

139 [(16)] (19) "Financial assurance instrument", an
140 instrument or instruments, including, but not limited to,
141 cash or surety bond, letters of credit, corporate guarantee
142 or secured trust fund, submitted by the applicant to ensure

143 proper closure and postclosure care and corrective action of
144 a solid waste disposal area in the event that the operator
145 fails to correctly perform closure and postclosure care and
146 corrective action requirements, except that the financial
147 test for the corporate guarantee shall not exceed one and
148 one-half times the estimated cost of closure and
149 postclosure. The form and content of the financial
150 assurance instrument shall meet or exceed the requirements
151 of the department. The instrument shall be reviewed and
152 approved or disapproved by the attorney general;

153 [(17)] (20) "Flood area", any area inundated by the
154 one hundred year flood event, or the flood event with a one
155 percent chance of occurring in any given year;

156 [(18)] (21) **"Gasification", a manufacturing process**
157 **through which recovered feedstocks are heated and converted**
158 **into a fuel-gas mixture in an oxygen-deficient atmosphere**
159 **and the mixture is converted into valuable raw materials and**
160 **intermediate and final products including, but not limited**
161 **to, plastic monomers, chemicals, waxes, lubricants, plastic**
162 **and chemical feedstocks, and other basic hydrocarbons, that**
163 **are returned to economic utility in the form of raw**
164 **materials and products;**

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

169 [(19)] (23) "Household consumer used motor oil
170 collection center", any site or facility that accepts or
171 aggregates and stores used motor oil collected only from
172 household consumers or farmers who generate an average of
173 twenty-five gallons per month or less of used motor oil in a
174 calendar year. This section shall not preclude a commercial

175 generator from operating a household consumer used motor oil
176 collection center;

177 [(20)] (24) "Household consumer used motor oil
178 collection system", any used motor oil collection center at
179 publicly owned facilities or private locations, any curbside
180 collection of household consumer used motor oil, or any
181 other household consumer used motor oil collection program
182 determined by the department to further the purposes of
183 sections 260.200 to 260.345;

184 [(21)] (25) "Infectious waste", waste in quantities
185 and characteristics as determined by the department by rule,
186 including isolation wastes, cultures and stocks of etiologic
187 agents, blood and blood products, pathological wastes, other
188 wastes from surgery and autopsy, contaminated laboratory
189 wastes, sharps, dialysis unit wastes, discarded biologicals
190 known or suspected to be infectious; provided, however, that
191 infectious waste does not mean waste treated to department
192 specifications;

193 [(22)] (26) "Key personnel", the applicant itself and
194 any person employed by the applicant in a managerial
195 capacity, or empowered to make discretionary decisions with
196 respect to the solid waste operations of the applicant in
197 Missouri, but shall not include employees exclusively
198 engaged in the physical or mechanical collection, transfer,
199 transportation, treatment, processing, storage, or disposal
200 of solid waste and such other employees as the director of
201 the department of natural resources may designate by
202 regulation. If the applicant has not previously conducted
203 solid waste operations in Missouri, the term also includes
204 any officer, director, partner of the applicant, or any
205 holder of seven percent or more of the equity or debt of the
206 applicant. If any holder of seven percent or more of the

207 equity or debt of the applicant or of any key personnel is
208 not a natural person, the term includes all key personnel of
209 that entity, provided that where such entity is a chartered
210 lending institution or a reporting company under the federal
211 Securities Exchange Act of 1934 **(15 U.S.C. Section 78a et**
212 **seq.) , as amended,** the term does not include key personnel
213 of such entity. Provided further that the term means the
214 chief executive officer of any agency of the United States
215 or of any agency or political subdivision of the state of
216 Missouri, and all key personnel of any person, other than a
217 natural person, that operates a landfill or other facility
218 for the collection, transfer, treatment, processing,
219 storage, or disposal of nonhazardous solid waste under
220 contract with or for one of those governmental entities;

221 [(23)] (27) "Lead-acid battery", a battery designed to
222 contain lead and sulfuric acid with a nominal voltage of at
223 least six volts and of the type intended for use in motor
224 vehicles and watercraft;

225 [(24)] (28) "Major appliance", clothes washers and
226 dryers, water heaters, trash compactors, dishwashers,
227 conventional ovens, ranges, stoves, woodstoves, air
228 conditioners, refrigerators and freezers;

229 [(25)] (29) "Mercuric-oxide battery" or "mercury
230 battery", a battery having a mercuric-oxide positive
231 electrode, a zinc negative electrode, and an alkaline
232 electrolyte, including mercuric-oxide button cell batteries
233 generally intended for use in hearing aids and larger size
234 mercuric-oxide batteries used primarily in medical equipment;

235 [(26)] (30) "Minor violation", a violation which
236 possesses a small potential to harm the environment or human
237 health or cause pollution, was not knowingly committed, and

238 is not defined by the United States Environmental Protection
239 Agency as other than minor;

240 [(27)] (31) "Motor oil", any oil intended for use in a
241 motor vehicle, as defined in section 301.010, train, vessel,
242 airplane, heavy equipment, or other machinery powered by an
243 internal combustion engine;

244 [(28)] (32) "Motor vehicle", as defined in section
245 301.010;

246 [(29)] (33) "Operator" and "permittee", anyone so
247 designated, and shall include cities, counties, other
248 political subdivisions, authority, state agency or
249 institution, or federal agency or institution;

250 [(30)] (34) "Permit modification", any permit issued
251 by the department which alters or modifies the provisions of
252 an existing permit previously issued by the department;

253 [(31)] (35) "Person", any individual, partnership,
254 limited liability company, corporation, association, trust,
255 institution, city, county, other political subdivision,
256 authority, state agency or institution, or federal agency or
257 institution, or any other legal entity;

258 [(32)] (36) "Plasma arc technology", a process that
259 converts electrical energy into thermal energy. This
260 electric arc is created when an ionized gas transfers
261 electric power between two or more electrodes;

262 [(33)] (37) "Post-use polymer", a plastic polymer to
263 which all of the following apply:

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

266 (b) It is not mixed with solid waste or hazardous
267 waste on-site or during conversion at the advanced recycling
268 facility;

269 (c) The plastic's use or intended use is as a
270 feedstock for the manufacture of feedstocks, other basic
271 hydrocarbons, raw materials, or other intermediate products
272 or final products using advanced recycling;

273 (d) The plastic has been sorted from solid waste and
274 other regulated waste but may contain residual amounts of
275 solid waste such as organic material and incidental
276 contaminants or impurities including, but not limited to,
277 paper labels and metal rings; and

278 (e) The plastic is converted at an advanced recycling
279 facility or held at such facility prior to conversion;

280 (38) "Postclosure plan", plans, designs and relevant
281 data which specify the methods and schedule by which the
282 operator shall perform necessary monitoring and care for the
283 area after closure to achieve the purposes of sections
284 260.200 to 260.345 and the regulations promulgated
285 thereunder;

286 [(34)] (39) "Pyrolysis", a manufacturing process
287 through which post-use polymers are heated in the absence of
288 oxygen until melted and thermally decomposed and are then
289 cooled, condensed, and converted into valuable raw materials
290 and intermediate and final products including, but not
291 limited to, plastic monomers, chemicals, waxes, lubricants,
292 plastic and chemical feedstocks, and other basic
293 hydrocarbons that are returned to economic utility in the
294 form of raw materials and products;

295 (40) "Recovered feedstock", one or more of the
296 following materials that has been converted so that it may
297 be used as feedstock in an advanced recycling facility:

298 (a) Post-use polymers; or

299 (b) Materials for which the United States
300 Environmental Protection Agency has made a nonwaste

301 **determination under 40 CFR 241.3(c) or has otherwise**
302 **determined are feedstocks and not solid waste;**

303 **Recovered feedstock does not include unprocessed municipal**
304 **solid waste. Recovered feedstock is not mixed with solid**
305 **waste or hazardous waste on-site or during conversion at an**
306 **advanced recycling facility;**

307 **(41)** "Recovered materials", those materials which have
308 been diverted or removed from the solid waste stream for
309 sale, use, reuse or recycling, whether or not they require
310 subsequent separation and processing;

311 **[(35)] (42)** "Recycled content", the proportion of
312 fiber in a newspaper which is derived from postconsumer
313 waste;

314 **[(36)] (43)** "Recycling", the separation and reuse of
315 materials which might otherwise be disposed of as solid
316 waste;

317 **[(37)] (44)** "Resource recovery", a process by which
318 recyclable and recoverable material is removed from the
319 waste stream to the greatest extent possible, as determined
320 by the department and pursuant to department standards, for
321 reuse or remanufacture;

322 **[(38)] (45)** "Resource recovery facility", a facility
323 in which recyclable and recoverable material is removed from
324 the waste stream to the greatest extent possible, as
325 determined by the department and pursuant to department
326 standards, for reuse or remanufacture;

327 **[(39)] (46)** "Sanitary landfill", a solid waste
328 disposal area which accepts commercial and residential solid
329 waste;

330 [(40)] (47) "Scrap tire", a tire that is no longer
331 suitable for its original intended purpose because of wear,
332 damage, or defect;

333 [(41)] (48) "Scrap tire collection center", a site
334 where scrap tires are collected prior to being offered for
335 recycling or processing and where fewer than five hundred
336 tires are kept on site on any given day;

337 [(42)] (49) "Scrap tire end-user facility", a site
338 where scrap tires are used as a fuel or fuel supplement or
339 converted into a usable product. Baled or compressed tires
340 used in structures, or used at recreational facilities, or
341 used for flood or erosion control shall be considered an end
342 use;

343 [(43)] (50) "Scrap tire generator", a person who sells
344 tires at retail or any other person, firm, corporation, or
345 government entity that generates scrap tires;

346 [(44)] (51) "Scrap tire processing facility", a site
347 where tires are reduced in volume by shredding, cutting, or
348 chipping or otherwise altered to facilitate recycling,
349 resource recovery, or disposal;

350 [(45)] (52) "Scrap tire site", a site at which five
351 hundred or more scrap tires are accumulated, but not
352 including a site owned or operated by a scrap tire end-user
353 that burns scrap tires for the generation of energy or
354 converts scrap tires to a useful product;

355 [(46)] (53) "Solid waste", garbage, refuse and other
356 discarded materials including, but not limited to, solid and
357 semisolid waste materials resulting from industrial,
358 commercial, agricultural, governmental and domestic
359 activities, but does not include hazardous waste as defined
360 in sections 260.360 to 260.432, recovered materials, **post-**
361 **use polymers, recovered feedstocks, overburden, rock,**

362 tailings, matte, slag or other waste material resulting from
363 mining, milling or smelting;

364 [(47)] (54) "Solid waste disposal area", any area used
365 for the disposal of solid waste from more than one
366 residential premises, or one or more commercial, industrial,
367 manufacturing, recreational, or governmental operations;

368 [(48)] (55) "Solid waste fee", a fee imposed pursuant
369 to sections 260.200 to 260.345 and may be:

370 (a) A solid waste collection fee imposed at the point
371 of waste collection; or

372 (b) A solid waste disposal fee imposed at the disposal
373 site;

374 [(49)] (56) "Solid waste management area", a solid
375 waste disposal area which also includes one or more of the
376 functions contained in the definitions of recycling,
377 resource recovery facility, waste tire collection center,
378 waste tire processing facility, waste tire site or solid
379 waste processing facility, excluding incineration. **A solid
380 waste management area does not include an advanced recycling
381 facility;**

382 [(50)] (57) "Solid waste management project", a
383 targeted project that meets statewide waste reduction and
384 recycling priorities, and for which no solid waste
385 management district grant applicant has applied to perform,
386 and for which no qualified applicants have applied to
387 perform such project by a competitive bid issued by the
388 solid waste management district for the completion of such
389 project;

390 [(51)] (58) "Solid waste management system", the
391 entire process of managing solid waste in a manner which
392 minimizes the generation and subsequent disposal of solid
393 waste, including waste reduction, source separation,

394 collection, storage, transportation, recycling, resource
395 recovery, volume minimization, processing, market
396 development, and disposal of solid wastes, **but does not**
397 **include advanced recycling;**

398 [(52)] (59) "Solid waste processing facility", any
399 facility, **except an advanced recycling facility**, where solid
400 wastes are salvaged and processed, including:

401 (a) A transfer station; or

402 (b) An incinerator which operates with or without
403 energy recovery but excluding waste tire end-user
404 facilities; or

405 (c) A material recovery facility which operates with
406 or without composting;

407 (d) A plasma arc technology facility;

408 [(53)] (60) "Solid waste technician", an individual
409 who has successfully completed training in the practical
410 aspects of the design, operation and maintenance of a
411 permitted solid waste processing facility or solid waste
412 disposal area in accordance with sections 260.200 to 260.345;

413 [(54)] (61) "Solvolysis", a manufacturing process
414 **through which post-use polymers are purified with the aid of**
415 **solvents while heated at low temperatures or pressurized to**
416 **make useful products, which allows additives and**
417 **contaminants to be removed. The products of solvolysis**
418 **include, but are not limited to, monomers, intermediates,**
419 **and valuable chemicals and raw materials. The process**
420 **includes, but is not limited to, hydrolysis, aminolysis,**
421 **ammonolysis, methanolysis, and glycolysis;**

422 (62) "Tire", a continuous solid or pneumatic rubber
423 covering encircling the wheel of any self-propelled vehicle
424 not operated exclusively upon tracks, or a trailer as
425 defined in chapter 301, except farm tractors and farm

426 implements owned and operated by a family farm or family
427 farm corporation as defined in section 350.010;

428 [(55)] (63) "Used motor oil", any motor oil which, as
429 a result of use, becomes unsuitable for its original purpose
430 due to loss of original properties or the presence of
431 impurities, but used motor oil shall not include ethylene
432 glycol, oils used for solvent purposes, oil filters that
433 have been drained of free flowing used oil, oily waste, oil
434 recovered from oil tank cleaning operations, oil spilled to
435 land or water, or industrial nonlube oils such as hydraulic
436 oils, transmission oils, quenching oils, and transformer
437 oils;

438 [(56)] (64) "Utility waste landfill", a solid waste
439 disposal area used for fly ash waste, bottom ash waste, slag
440 waste and flue gas emission control waste generated
441 primarily from the combustion of coal or other fossil fuels;

442 [(57)] (65) "Yard waste", leaves, grass clippings,
443 yard and garden vegetation and Christmas trees. The term
444 does not include stumps, roots or shrubs with intact root
445 balls.

446 2. For the purposes of this section and sections
447 260.270 to 260.279 and any rules in place as of August 28,
448 2005, or promulgated under said sections, the term "scrap"
449 shall be used synonymously with and in place of waste, as it
450 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
163 260.345. Within twelve consecutive months of the receipt of
164 an 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
382 application. Permits are transferable as a modification to
383 the permit. An application to transfer ownership shall
384 identify the proposed permittee. A disclosure statement for
385 the proposed permittee listing violations contained in the
386 definition of disclosure statement found in section 260.200
387 shall be submitted to the department. The operation and
388 design plans for the facility or area shall be updated to
389 provide compliance with the currently applicable law and
390 rules. A financial assurance instrument in such an amount

391 and form as prescribed by the department shall be provided
392 for solid waste disposal areas by the proposed permittee
393 prior to transfer of the permit. The financial assurance
394 instrument of the original permittee shall not be released
395 until the new permittee's financial assurance instrument has
396 been approved by the department and the transfer of
397 ownership is 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]
405 **appeal such decision** in 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.**

260.210. 1. It is unlawful for any person to:

2 (1) Dump or deposit, or permit dumping or depositing
3 of any solid wastes onto the surface of the ground or into
4 streams, springs, and all bodies of surface or ground water,
5 whether natural or artificial, within the boundaries of the
6 state except in a solid waste processing facility or solid
7 waste disposal area having a permit as required by section
8 260.205; provided that, this subdivision shall not prohibit
9 the use or require a permit for the use of solid wastes in
10 normal farming operations or in the processing or
11 manufacturing of other products **including, but not limited**
12 **to, the use of advanced recycling at advanced recycling**
13 **facilities**, in a manner that will not create a public
14 nuisance or adversely affect the public health, and shall
15 not prohibit the disposal of or require a permit for the
16 disposal by an individual of solid wastes resulting from
17 **[his or her] such individual's** own residential activities on
18 property owned or lawfully occupied by **[him or her] such**
19 **individual** when such wastes do not thereby create a public
20 nuisance or adversely affect the public health;

21 (2) Construct or alter a solid waste processing
22 facility or solid waste disposal area of a solid waste
23 management system without approval from the department;

24 (3) Conduct any solid waste burning operations in
25 violation of the rules and regulations of the Missouri air
26 conservation commission or the department;

27 (4) Except as otherwise provided, store, collect,
28 transport, process, or dispose of solid waste in violation
29 of the rules, regulations or orders of the department or in
30 such a manner as to create a public nuisance or adversely
31 affect the public health; or

32 (5) Refuse entry or access, requested for purposes of
33 inspecting solid waste processing facilities or solid waste
34 disposal areas, to an agent or employee of the department
35 who presents appropriate credentials, or hinder the agent or
36 employee in carrying out the inspection. A suitably
37 restricted search warrant, upon a showing of probable cause
38 in writing and upon oath, shall be issued by any circuit or
39 associate circuit judge having jurisdiction to any such
40 agent or employee for the purpose of enabling him to make
41 such inspection.

42 2. Information obtained from waste disposed or
43 deposited in violation of this section may be a rebuttable
44 presumption that the person so identified committed the
45 violation of sections 260.200 to 260.345. If the operator
46 or passenger of any vehicle is witnessed by a peace officer
47 or employee of the department of natural resources to have
48 violated the provisions of this section and the identity of
49 the operator is not determined or otherwise apparent, it may
50 be a rebuttable presumption that the person in whose name
51 such vehicle is registered committed the violation.

52 3. No person shall be held responsible pursuant to
53 this section for the dumping or depositing of any solid
54 waste on land owned or lawfully occupied by [him or her]
55 **such person** without [his or her] **such person's** express or
56 implied consent, permission or knowledge.

57 4. The department shall investigate reports of the
58 dumping or depositing of solid waste or demolition waste in
59 a manner contrary to the requirements of sections 260.200 to
60 260.345. The department shall immediately issue a cease and
61 desist order if it determines that any person has been or is
62 dumping or depositing solid waste or demolition waste, or
63 has allowed the dumping or disposal of solid waste or
64 demolition waste or has received compensation for same, in a
65 manner contrary to sections 260.200 to 260.345. The
66 department shall order the owner of the property or the
67 person placing solid waste or demolition waste thereon, or
68 both, to remove all solid waste from the premises if it
69 determines that the waste might be reasonably expected to
70 cause a public nuisance or health hazard.

71 5. The department shall order a site cleaned up
72 pursuant to the provisions of section 260.230, when it
73 determines that the property owner or the operator has
74 accepted remuneration or otherwise benefitted financially
75 for placing solid waste or demolition waste in or on the
76 site in contravention of this section. Persons who
77 knowingly haul solid waste or demolition waste to a site
78 which is operating without a permit, persons who operate
79 such a site and persons who own the property where the solid
80 waste or demolition waste is being dumped or deposited shall
81 be jointly and severally liable for cleanup costs and any
82 damage to third parties caused by the dumping or disposing
83 of solid waste or demolition waste on the property if the

84 owner or operator has accepted remuneration or otherwise
85 benefitted financially from such disposal. The provisions
86 of sections 260.230 and 260.240, relating to the issuance of
87 orders, shall be applicable to an action pursuant to this
88 section. Any person aggrieved by any action of the
89 department pursuant to this section may appeal in the manner
90 provided in section 260.235. Any person may bring civil
91 action for actual and exemplary damages against the
92 responsible party if the person has sustained injury due to
93 violations of this section.

94 6. Notwithstanding subsection 1 of section 260.250,
95 any solid waste disposal area or solid waste processing
96 facility serving a city with a population of more than four
97 hundred thousand inhabitants may accept yard waste
98 commingled with solid waste that results from an illegal
99 dump cleanup activity or program conducted by the local
100 government of such city pursuant to this section. The local
101 government of such city shall provide certification to the
102 solid waste disposal area or solid waste processing facility
103 that the origin of the yard waste is from the cleanup of
104 illegally dumped solid waste.

105 7. Any person who engages in building construction,
106 modification or in construction, modification or demolition
107 which produces demolition waste, in types and quantities
108 established by the department, shall dispose of such waste
109 in a demolition or sanitary landfill or other authorized
110 sites as provided by rule. Each such person shall maintain
111 records of sites used for demolition disposal for a period
112 of one year. These records shall be made available to the
113 department upon request.

114 8. Cities and counties which issue building permits
115 shall reprint the following on each permit or on a separate
116 notice:

117 "Notice: The disposal of demolition waste is
118 regulated by the department of natural resources
119 pursuant to chapter 260, RSMo. Such waste, in
120 types and quantities established by the
121 department, shall be taken to a demolition
122 landfill or a sanitary landfill for disposal."

123 9. A demolition landfill may accept clean fill, waste
124 resulting from building or demolishing structures and all
125 other waste not required to be placed in a sanitary landfill
126 or a hazardous waste disposal facility for final disposition.

127 10. Notwithstanding subsection 7 of this section,
128 certain wastes may be disposed of as provided by this
129 subsection:

130 (1) A person engaged in any activity which produces
131 clean fill may use such material for fill, reclamation or
132 other beneficial purposes on [his or her] **such person's** own
133 property or on the property of another person with the
134 permission of the owner of such property, provided that such
135 use does not violate any state law or local ordinance or
136 order;

137 (2) A person engaged in any activity which produces
138 wood waste may reuse or recycle such waste or may dispose of
139 wood waste on the site where generated if such disposal is
140 in compliance with applicable state law or local ordinances
141 or orders;

142 (3) A person who engages in clearance, trimming or
143 removal of trees, brush or other vegetation may use wood
144 wastes from such activities for beneficial purposes

145 including, but not limited to, firewood, ground cover,
146 erosion control, mulch, compost or cover for wildlife.

260.212. 1. A person commits the offense of criminal
2 disposition of solid waste if he purposely or knowingly
3 disposes of or causes the disposal of more than five hundred
4 pounds or one hundred cubic feet of commercial or
5 residential solid waste on property in this state other than
6 a solid waste processing facility or solid waste disposal
7 area having a permit as required by section 260.205;
8 provided that, this subsection shall not prohibit the use or
9 require a solid waste permit for the use of solid wastes in
10 normal farming operations or in the processing or
11 manufacturing of other products **including, but not limited**
12 **to, the use of advanced recycling at advanced recycling**
13 **facilities** in a manner that will not create a public
14 nuisance or adversely affect public health and shall not
15 prohibit the disposal of or require a solid waste permit for
16 the disposal by an individual of solid wastes resulting from
17 **[his or her] such individual's** own residential activities on
18 property owned or lawfully occupied by **[him or her] such**
19 **individual** when such wastes do not thereby create a public
20 nuisance or adversely affect the public health. Criminal
21 disposition of solid waste is a class E felony. In addition
22 to other penalties prescribed by law, a person convicted of
23 criminal disposition of solid waste is subject to a fine,
24 and the magnitude of the fine shall reflect the seriousness
25 or potential seriousness of the threat to human health and
26 the environment posed by the violation, but shall not exceed
27 twenty thousand dollars, except that if a court of competent
28 jurisdiction determines that the person responsible for
29 illegal disposal of solid waste under this subsection did so
30 for remuneration as a part of an ongoing commercial

31 activity, the court shall set a fine which reflects the
32 seriousness or potential threat to human health and the
33 environment which at least equals the economic gain obtained
34 by the person, and such fine may exceed the maximum
35 established herein.

36 2. The court shall order any person convicted of
37 illegally disposing of solid waste upon [his or her] **such**
38 **person's** own property for remuneration to clean up such
39 waste and, if [he or she] **such person** fails to clean up the
40 waste or if [he or she] **such person** is unable to clean up
41 the waste, the court may notify the county recorder of the
42 county containing the illegal disposal site. The notice
43 shall be designed to be recorded on the record.

44 3. The court may order restitution by requiring any
45 person convicted under this section to clean up any
46 commercial or residential solid waste [he] **such person**
47 illegally dumped and the court may require any such person
48 to perform additional community service by cleaning up
49 commercial or residential solid waste illegally dumped by
50 other persons.

51 4. The prosecutor of any county or circuit attorney of
52 any city not within a county may, by information or
53 indictment, institute a prosecution for any violation of the
54 provisions of this section.

55 5. Any person shall be guilty of conspiracy as defined
56 in section 562.014 if [he] **such person** knows or should have
57 known that [his or her] **such person's** agent or employee has
58 committed the acts described in sections 260.210 to 260.212
59 while engaged in the course of employment.

✓