

PUBLIC INVOLVEMENT AND INFORMATION PLAN

CITY OF COLUMBIA LANDFILL EXPANSION
COLUMBIA, MISSOURI

PREPARED BY



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Frequently used Acronyms/Abbreviations

“Boring” refers to a cylindrical sample of earth strata obtained by boring a vertical hole

“City” refers to **The City of Columbia, Missouri**

“CQA” refers to **Construction Quality Assurance**

“DSI” refers to the **Detailed Site Investigation**

“IP” refers to **Interested Parties**

“Landfill” refers to a **Solid Waste Disposal Area**

“Leachate” refers to liquid that has drained from a landfill

“Master Plan” refers to the **City of Columbia Landfill Site Master Plan, prepared by Burns & McDonnell Engineering Company, Inc.**

“MDNR” refers to the **Missouri Department of Natural Resources**

“MDNR-APCP” refers to the **Missouri Department of Natural Resources – Air Pollution Control Program**

“MDNR-MGS” refers to the **Missouri Department of Natural Resources – Missouri Geologic Survey**

“MDNR-SWMP” refers to the **Missouri Department of Natural Resources – Solid Waste Management Program**

“MDNR-WPP” refers to the **Missouri Department of Natural Resources – Water Protection Program**

“NPDES” refers to **National Pollutant Discharge Elimination System**

“P.E.” refers to a **Professional Engineer**

“Piezometric Surface” refers to the imaginary surface to which groundwater rises under hydrostatic pressure in wells or springs.

“PIP” refers to this **Public Involvement Plan**

“PSI” refers to the **Preliminary Site Investigation**

“R.G.” refers to a **Registered Geologist**

“RSMo.” refers to the **Revised Missouri Statutes**

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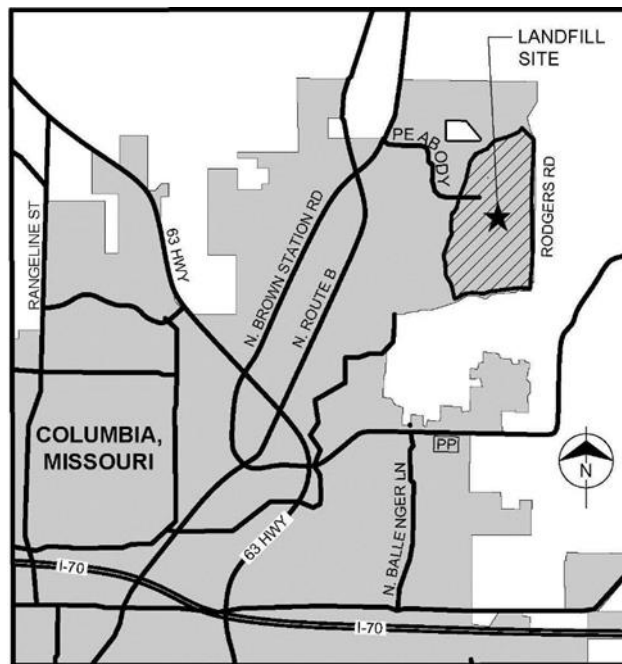
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1 INTRODUCTION & OVERVIEW OF PLAN

1.1 Introduction

The City of Columbia, Missouri (City) owns and operates a sanitary landfill in Boone County, Missouri. The landfill has been in operation at this location since 1985. The Columbia Sanitary Landfill is located in northeast Columbia, approximately 1 mile east of Route B at 5700 Peabody Road in the Northeast 1/4 of Section 22, Township 49 North, Range 12 West. The site is bordered by Rogers Road to the east, Hinkson Creek to the north and west, and North Wyatt Lane to the south. A location map of the Landfill site is provided below:

Figure 1: Site Location Map



The City's residents and businesses enjoy the benefit of comprehensive solid waste services at low costs, provided in a manner which prioritizes the protection of the environment and natural resources. Operating the Landfill in close proximity to the residents and businesses is a significant driver of low costs and quality service for the City of Columbia solid waste rate payers. In order for the Solid Waste Utility to continue this quality and cost efficient service, it is in the City's interest to sustain the long-term operation of the Landfill Site.

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1.2 Master Plan

In August 2017 the Solid Waste Utility presented the “City of Columbia Landfill Site Master Plan”, (Master Plan) prepared by Burns & McDonnell Engineering Company, Inc., to the City Council. The Master Plan identified the need for the City to expand the capacity of the existing Landfill in order to maintain the comprehensive services to the residents of Columbia. The current Landfill is projected to reach capacity sometime between 2026 and 2031. Expansion alternatives were identified and evaluated in the Master Plan, but in order for the City to maintain and expand exceptional solid waste services to the residents at an affordable cost, it was recommended to expand the Landfill on current property owned by the City to the south of the existing landfill. Other items evaluated in the Master Plan were ecological and natural resource impact, clean power generation potential, development plan and a timeline for permitting and development. The Master Plan can be found and viewed at the City’s webpage provided in **Section 4.3**.

1.3 Public Involvement Plan Overview

A Public Involvement Plan (PIP) is not required by current rules and regulation for landfill permitting. The City is being proactive and incorporating the public and community throughout the permitting process that exceeds the requirements by rules and regulation. Past experience from successful landfill site developments shows that consulting with the public is as important to success as performing good technical studies and superior operations. Involving the public is not intended to create a favorable impression; instead, effective public involvement requires integrating public concerns and values at every stage of the permitting process. This formal PIP is being prepared at the beginning of the permitting process. The plan describes in detail the activities that will be conducted, their sequence and timing, responsibility for carrying out the plan, and opportunities for the public to get involved.

1.4 Preliminary Site Investigation (PSI) Results

The PSI was requested on November 8, 2018 and conducted at the proposed disposal area on November 29, 2018. The PSI was approved by the Missouri Department of Natural Resources – Missouri Geologic Survey (MDNR-MGS) on December 31, 2018. The PSI concluded there are no known sinkholes, faults, or other geologic structures mapped within one mile of the proposed expansion area and that the site has an insignificant collapse potential rating. The proposed tract was approved at this preliminary phase. The proposed

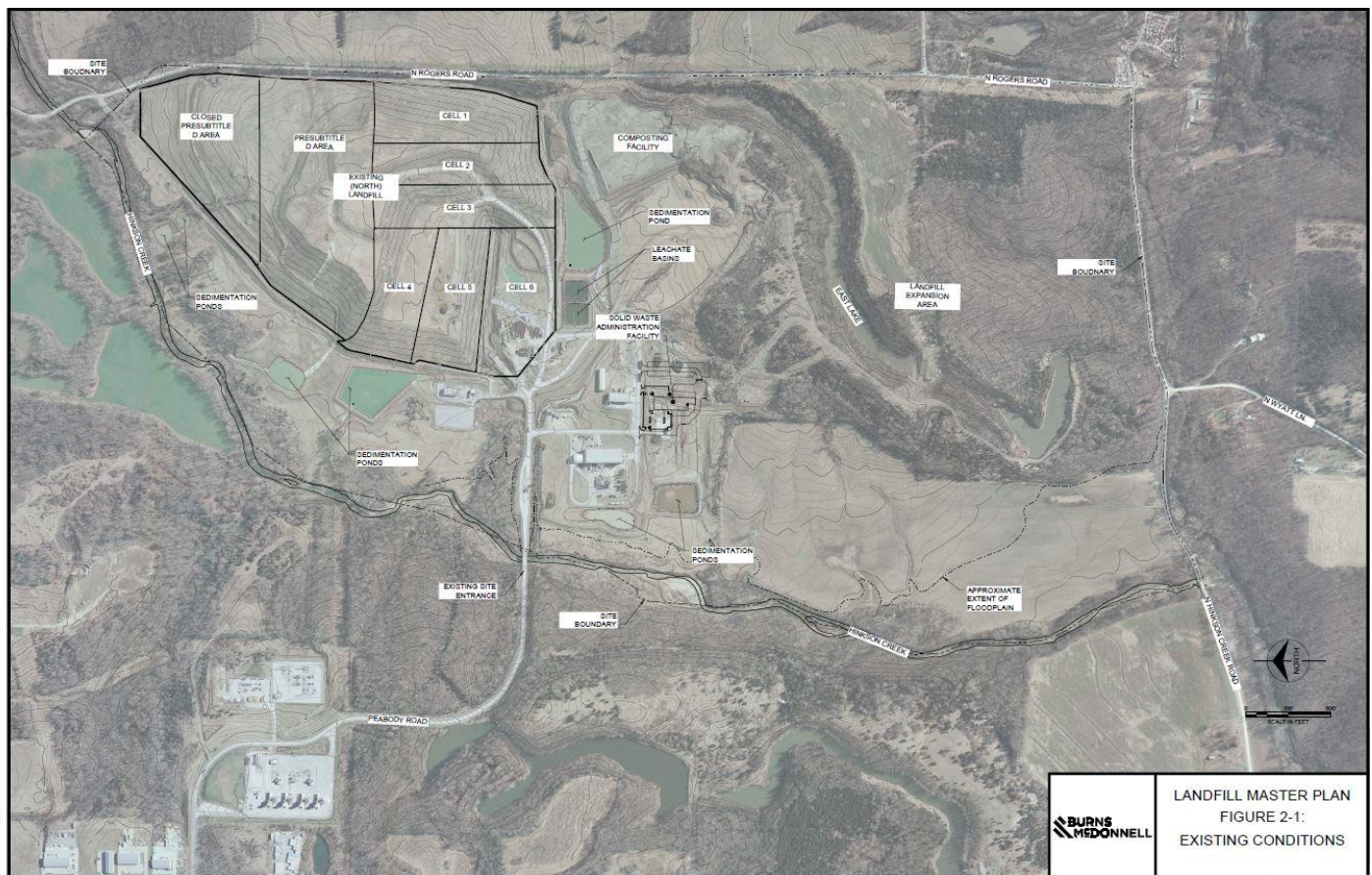
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area may now advance to the Detailed Site Investigation (DSI) phase to further evaluate whether it is geologically and hydrologically suitable as a solid waste disposal area.

2 SITE BACKGROUND & HISTORY

The Columbia Landfill property contains approximately 720 acres, which consists of 160 acres of property west of Hinkson Creek and 560 acres of property east of Hinkson Creek. The 160 acres of Landfill property located west of Hinkson Creek was purchased to provide a buffer for the Landfill. The 560 acres of Landfill property located east of Hinkson Creek contains the current permitted area for solid waste disposal activities and several support facilities. The current permitted solid waste disposal area contains approximately 107 acres and is located in the northeastern portion of the property and is operated under Solid Waste Permit #0101908. Located south and west of the current permitted area are several facilities that support the Landfill and the Solid Waste Utility. South of these facilities is an undeveloped area of the property consisting of open crop fields, ponds resulting from prior strip mining, and forested areas. The south, undeveloped portion of the Site has been envisioned by the City for many years as a physically separated Landfill expansion area. The Existing Landfill Property is shown in Figure 2.

Figure 2 – Existing Landfill Property



The majority of the Landfill site was previously owned by the Peabody Coal Company, which strip-mined the site for coal until the early 1970s. Much of the mined land within the north portion of the property has been modified by landfill operation.

3 PERMITTING PROCESS

There is a multi-step permitting process prescribed by Missouri State Laws and Regulations. Prior to applying for a Solid Waste Disposal Area Permit, an applicant must first obtain approval for the site's geologic and hydrologic conditions from the Missouri Department of Natural Resources' Missouri Geologic Survey (MDNR-MGS). Before constructing a solid waste disposal area (landfill), an applicant must first obtain a construction permit and operating permit from the MDNR Solid Waste Management Program (MDNR-SWMP). Other permits needed include an Air Construction Permit and an Air Operating Permit Modification required by MDNR – Air Pollution Control Program (MDNR-APCP), National Pollutant Discharge Elimination System (NPDES) Land Disturbance Permit and NPDES Permit Modification required by MDNR – Water Protection Program (MDNR-WPP). All permitting efforts will include the lateral expansion into the Site's current operating permits.

The permitting process to laterally expand landfill can be generally defined by the four phases below:

- Phase 1 – Site Location Restriction Demonstration
- Phase 2 – Detailed Site Investigation
- Phase 3 – Permitting and Design
- Phase 4 – Construction and Operation

Each Phase is better defined below.

3.1 Phase 1 – Site Location Restriction Demonstration

In the Site Location Restriction Demonstration portion of the project, the following individual tasks will be completed: Preliminary Site Investigation (PSI) completed November 29, 2018 and approved by MDNR-MGS on December 31, 2018, Phase I/II Archeological Study, Endangered Species Study, and a Wetlands Survey.

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- The **PSI** has been conducted and completed. Findings from the PSI can be found in **Section 1.4**. PSI request and approval letters can be found on the City's informational website, which is provided in **Section 4.4**.
- The **Phase I/II Archeological Study** is tentatively scheduled to be conducted in 1st half of 2019. The goal of the study will be to determine the presence or absence, of significant or potentially significant, archaeological resources in the proposed landfill area. Depending on the results of the Phase I, a Phase II study may also be necessary.
- The **Endangered Species Study** will be conducted specifically for endangered species of bats including the Gray Bat, Indiana Bat, and Northern Long-Eared Bat. The habitat assessment portion of the study will be conducted in 1st quarter of 2019. Further studies and assessments on the endangered bats will be conducted to determine the impact on endangered species that may be present. IF endangered species are present, findings from the studies will be presented to the U.S. Fisheries and Wildlife Service, where they will determine potential mitigation measures. Various portions of the study are tentatively scheduled to be conducted 1st quarter through 3rd quarter 2019.
- The **Wetlands Study** will be conducted to delineate the area of wetlands contained in the potential expansion area. Hinkson Creek is located on the west end of the proposed expansion area and Nelson Creek, a tributary to Hinkson Creek, is located on the adjacent property to the south. According to the USFWS National Wetland Inventory, two forested wetlands occur along the west bank of Hinkson Creek, three emergent wetlands occur in the crop field along the west edge of the property, and several strip-mined ponds in the middle of the proposed expansion area. The Wetland Study will delineate these areas and address the potential need to mitigate any impacts on the wetland areas with the proposed expansion. Significant opportunities exist on the City's property to mitigate these wetland areas to ensure there are no adverse impacts to the environment. The study will be conducted during 1st quarter through 2nd quarter 2019.

The compilation of data from the studies and investigations listed above will determine areas suitable for landfill expansion.

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3.2 Phase 2 – Detailed Site Investigation

Before the **Detailed Site Investigation (DSI)** is conducted, a **DSI Work Plan** must first be approved by MDNR-MGS. The DSI Work Plan will layout the steps to conduct the DSI. The DSI Work Plan will contain the following information and will be reviewed and approved by MDNR-MGS: Topographic maps containing boundaries, proposed solid waste disposal area, and potential borrow areas; Site map containing proposed pit, boring, and piezometer locations; general description of the proposed facility; description of proposed methods for the site exploration activities; and recordkeeping procedures for the proposed data collection.

The goal of the DSI is to properly identify, through field activities, laboratory analysis, and data collection, the subsurface characteristics of the proposed disposal area. A drill rig will create a number of borings (n. a cylindrical sample of earth strata obtained by boring a vertical hole) over the proposed disposal area. The number of borings to be drilled will be outlined and followed from the DSI Work Plan approved by MDNR-MGS. The number of borings will be subject to change as subsurface data is collected. Soil and rock material from the borings will be collected and analyzed by a reputable laboratory to properly characterize the material. Piezometers will be installed in a number of the borings to collect groundwater level measurements to determine the piezometric surface. Data and interpretations from the field activities will be collected and presented to MDNR-MGS in the form of a DSI Report. At least sixty days prior to the submission of the DSI Report, the City will conduct, by regulation, a community involvement session, informing the public on the findings of the DSI. More information on this community involvement session can be found in **Section 4.2**. The DSI Report will be reviewed and approved (if satisfactory) by MDNR-MGS.

3.3 Phase 3 – Permitting and Design

The DSI must be approved by MGS before an application for a **Permit to Construct a Solid Waste Disposal area** can be submitted to the MDNR – Solid Waste Management Program (MDNR-SWMP). The permit application must contain a detailed design of the facility, a site location and demonstration report, and other reports and plans. Specific items to be included in the application listed below:

- Layout of Site Infrastructure to Support Expansion

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- Development of Final Grading Plan and Base Grading Plans for each Landfill Cell disposal area
- Phased Development Plan
- Soil Balance Calculations
- Landfill Gas System Layout and Details
- Landfill Gas Collection System Sizing Calculations
- Liner and Leachate Collection System Details
- Leachate/Storm Water Injection System Details (if designed as Bioreactor)
- Leachate Management Plan
- Design Capacity and Life of Site Calculations
- Hydrology and Hydraulic Calculations
- Geotechnical and Stability Evaluation
- Feed Water Design and Water Demand Modeling
- Other Engineering Calculations and Plans required by MDNR-SWMP

Other permits to be obtained before (and/or during) operation of a new solid waste disposal area include an **Air Construction Permit** (MDNR-APCP), **NDPES Land Disturbance Permit** (MDNR-Land Reclamation Program), **NDPES Permit Modification** (MDNR-WPP), **Air Operation Permit Modification** (MDNR-APCP).

3.4 Phase 4 – Construction and Operation

When the proper permits described above are obtained, the landfill may be constructed and operated. The first cell will be designed according to the approved permit documents. When construction is complete, the construction quality assurance (CQA) officer will prepare a CQA report, documenting the data and procedures used to construct the landfill cell. Upon review and approval from MDNR-SWMP, a **Solid Waste Operating Permit** is obtained and the permittee may begin placing waste in the landfill cell. Operation of the facility will be conducted according to the design and operating plans approved by the MDNR-SWMP in the solid waste disposal area permit application.

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4 OPPORTUNITY FOR INVOLVEMENT

Citizen input is important. The City is requesting residents to be involved in the permitting process by providing local insights and suggestions. Frustration results when all parties involved are not as open as they can be or as informed as possible regarding details of the process. It is a goal of the City to be transparent in the permitting process and keep a balance involvement and input from the City, its residents, and the regulators.

4.1 Regulatory Requirements

Missouri's public participation law, included as **Appendix B** in the form of 260.205 RSMo, requires public participation outlined in this section. In summary, three (3) public participation events are conducted throughout the entire permitting process. The **public awareness session** is held after PSI approval, the **community involvement session** is held before DSI Report submission, and the **public hearing** is held after the draft solid waste construction permit. Each event is described in further detail below.

4.1.1 Public Awareness Session

The **public awareness session** is required after PSI approval. The following bulleted items have been completed, or are scheduled to be completed by March 2019. The sub bullets explain any requirements that have been met, or are currently scheduled to be met.

- All PSI requests received by the MDNR-MGS will be subject to a public involvement activity as part of the permit application process – 260.205.3 RSMo.
 - In summary: PSI request was received by the MDNR-MGS on November 8, 2018, and the PSI was conducted on November 29, 2018. The PSI was approved on December 31, 2018. Notification letters were sent on January 24, 2019. The public awareness session is scheduled to be held on February 26, 2019. Notification of the public awareness session was sent to local press outlets by MDNR-SWMP on January 15, 2019. These requirements and dates are further explained in this section.
- The applicant will notify the public of the approval of the PSI within 30 days of obtaining the approval – 260.205.3(1).
 - PSI was approved on December 31, 2018. Notification activities described below.

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- Public notification will be by certified mail to the county or city government in which the proposed disposal area is to be located and by certified mail to the solid waste management district where the proposed solid waste disposal area is to be located – 260.205.3(1).
 - Notification letters were sent to Boone County, City of Columbia, and Solid Waste Management District H on January 24, 2019.
- Within 90 days after the PSI approval, the MDNR-SWMP will hold a **public awareness session** in the county where the proposed disposal area is to be located – 260.205.3(2)
 - The **public awareness session** is scheduled to be held at the City of Columbia City Hall, 701 E Broadway Columbia, MO 65205, Room 1B from 6pm – 8pm on February 26, 2019.
- The MDNR-SWMP will notify the public at least 30 days before the meeting by both print and broadcast media serving the area where the disposal site is to be located. (Specific public notice requirements are detailed in the law). The **public awareness session** is intended to provide general information to interested citizens on the design and operation of solid waste disposal areas – 260.205.3(2) RSMo. (In addition, information on other department services, disposal alternatives and other current solid waste management issues may be made available.)
 - MDNR-SWMP sent notification of the February 26, 2019 **public awareness session** to local press outlets on January 15, 2019.

4.1.2 Community Involvement Session

The **community involvement session** is required before submission of the DSI Report to MDNR-MGS. The following bulleted items are requirements to be completed.

- At least 60 days before the MDNR-MGS receives a report on the results of a DSI, the permit applicant will hold a **community involvement session** in the county where the proposed disposal site is to be located – 260.205.3(3) RSMo. MDNR staff will be available at this session as well to answer immediate questions from the public.

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- At least 30 days before a **community involvement session**, the permit applicant will provide public notice in print and broadcast media serving the county where the proposed disposal site is to be located – 260.205(3) RSMo. (Specific notice requirements are detailed in the law.)
- Public notices will include the addresses of the applicant, the MDNR and information on the public comment period. The public comment period on the DSI will begin on the day of the **community involvement session** and continue for at least 30 days after the session – 260.205.3(3) RSMo.
- The applicant will respond to all persons submitting comments during the public comment period no more than 30 days after they are received – 260.205.3(3) RSMo.

4.1.3 Public Hearing

The **public hearing** is required when a draft solid waste construction permit is complete. The following bulleted items are requirements to be completed.

- After an application for a landfill construction permit meets all statutory and regulatory requirements of issuance (as determined by MDNR-SWMP review), a **public hearing** on the draft permit will be held by MDNR-SWMP in the county where the proposed solid waste disposal area is to be located.
 - The draft permit, permit application, and any other correspondence will be available to the public at a local library to review and formulate comments before the **public hearing** is conducted. The public will be given the opportunity at the public hearing to present comments to MDNR-SWMP. Comments will also be received up to two weeks after the public hearing.
- The MDNR-SWMP will notify the public with notices in both print and broadcast media serving the area affected by the proposed landfill development at least 30 days prior to the **public hearing**.

4.2 Interested Parties Meeting

In addition to the regulatory requirements for public participation, the City conducted an Interested Parties (IP) Meeting at the Landfill located at 5700 Peabody Road. The purpose of the meeting was to present information on the proposed landfill expansion and gather

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feedback the community including nearby property owners. The IP Meeting was not required by Solid Waste Laws and Regulations. The IP Meeting offered both citizens and officials a chance to increase their familiarity with how the permitting process works, increase awareness of solid waste management and actively promote public participation. Although this meeting has already been conducted, the City anticipates having other informal meetings (IP Meetings) during the permitting process.

4.3 Informational Website

The City has set up a web link on the City's website (como.gov) to provide the public ease of access to pertinent information related to the permitting activities for the landfill expansion. The website is updated when additional correspondence to/from MDNR is submitted. The link is provided below:

<https://www.como.gov/utilities/solidwaste/landfill-expansion-project/>

5 POINTS OF CONTACT

The information below provides pertinent contact information for individuals with knowledge of the Columbia Landfill and their role in the project. Please note the contacts below are subject to change throughout the permitting process.

Owner/Operator	
City of Columbia Solid Waste Utility 5700 Peabody Rd. Columbia, MO 65201 www.como.gov	Steve Hunt, P.E. Director, Solid Waste Utility 573-874-7264 Steve.hunt@como.gov Adam White Landfill Superintendent 573-874-7555 Adam.White@como.gov
Lead Consultant	
Weaver Consultants Group 6301 E Hwy AB Columbia, MO 65201 www.wcgrp.com	Dustin Thoenen, P.E. Project Manager 573-301-5105 dthoenen@wcgrp.com

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	<p>Michele Clark Senior Project Director 573-289-3379 mclark@wcgrp.com</p> <p>Andy Limmer, R.G. Senior Project Manager 855-457-1710 alimmer@wcgrp.com</p>
Regulatory Agencies	
<p>Missouri Department of Natural Resources Solid Waste Management Program 1730 E Elm St. Jefferson City, MO 65101 573-751-5401</p> <p>Missouri Department of Natural Resources Solid Waste Management Program 1730 E Elm St. Jefferson City, MO 65101 573-751-5401</p>	<p>Chris Nagel Director 573-751-5401 Chris.nagel@dnr.mo.gov</p> <p>Darryl Hartley, P.E. Chief, Permits Section 573-751-5401 Darryl.hartley@dnr.mo.gov</p>
<p>Missouri Department of Natural Resources Missouri Geologic Survey 111 Fairgrounds Road PO Box 250 Rolla, MO 65402 573-368-2100</p>	<p>Jeremiah Jackson, R.G. Chief, Environmental Assistance Unit 573-368-2100 Jeremiah.jackson@dnr.mo.gov</p> <p>Amber Steele, R.G. Director, Geological Survey Program 573-368-2100 Amber.Steele@dnr.mo.gov</p>
<p>Missouri Department of Natural Resources Air Pollution Control Program 1659 E Elm St. Jefferson City, MO 65101 573-751-4817</p>	<p>Kendall Hale Chief, Permits Section 573-751-4817 Kendale.Hale@dnr.mo.gov</p>
Missouri Department of Natural Resources	Michael Abbott

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Water Protection Program 1101 Riverside Dr. Jefferson City, MO 65101 573-751-1300	Chief, Permits Section 573-751-1300 Michael.Abbott@dnr.mo.gov
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APPENDIX A

Project Timelines

APPENDIX B

Missouri Revised Statutes 260.205

*260.205. Permit required to operate facility, and construction permit to construct facility, requirements, exceptions, fees — plans to be submitted — permits revoked or suspended, when — disclosure statement, requirements. — 1. It shall be unlawful for any person to operate a solid waste processing facility or solid waste disposal area of a solid waste management system without first obtaining an operating permit from the department. It shall be unlawful for any person to construct a solid waste processing facility or solid waste disposal area without first obtaining a construction permit from the department pursuant to this section. A current authorization to operate issued by the department pursuant to sections 260.200 to 260.345 shall be considered to be a permit to operate for purposes of this section for all solid waste disposal areas and processing facilities existing on August 28, 1995. A permit shall not be issued for a sanitary landfill to be located in a flood area, as determined by the department, where flood waters are likely to significantly erode final cover. A permit shall not be required to operate a waste stabilization lagoon, settling pond or other water treatment facility which has a valid permit from the Missouri clean water commission even though the facility may receive solid or semisolid waste materials.

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

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

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

(2) Within ninety days after the preliminary site investigation approval, the department shall conduct a public awareness session in the county in which the proposed disposal area is to be located. The department shall provide public notice of such session by both printed and broadcast media at least thirty days prior to such session. Printed notification shall include publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located. The intent of such public awareness session shall be to provide general information to interested citizens on the design and operation of solid waste disposal areas;

(3) At least sixty days prior to the submission to the department of a report on the results of a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct a community involvement session in the county in which the proposed disposal area is to be located. Department staff shall attend any such

session. The applicant shall provide public notice of such session by both printed and broadcast media at least thirty days prior to such session. Printed notification shall include publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located. Such public notices shall include the addresses of the applicant and the department and information on a public comment period. Such public comment period shall begin on the day of the community involvement session and continue for at least thirty days after such session. The applicant shall respond to all persons submitting comments during the public comment period no more than thirty days after the receipt of such comments;

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

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

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

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

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

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

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

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

5. (1) Every person desiring to construct a solid waste processing facility or solid waste disposal area shall make application for a permit on forms provided for this purpose by the department. Every applicant shall submit evidence of financial responsibility with the application. Any applicant who relies in part upon a parent corporation for this demonstration shall also submit evidence of financial responsibility for that corporation and any other subsidiary thereof.

(2) Every applicant shall provide a financial assurance instrument or instruments to the department prior to the granting of a construction permit for a solid waste disposal

area. The financial assurance instrument or instruments shall be irrevocable, meet all requirements established by the department and shall not be cancelled, revoked, disbursed, released or allowed to terminate without the approval of the department. After the cessation of active operation of a sanitary landfill, or other solid waste disposal area as designed by the department, neither the guarantor nor the operator shall cancel, revoke or disburse the financial assurance instrument or allow the instrument to terminate until the operator is released from postclosure monitoring and care responsibilities pursuant to section 260.227.

(3) The applicant for a permit to construct a solid waste disposal area shall provide the department with plans, specifications, and such other data as may be necessary to comply with the purpose of sections 260.200 to 260.345. The application shall demonstrate compliance with all applicable local planning and zoning requirements. The department shall make an investigation of the solid waste disposal area and determine whether it complies with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a construction permit the department shall approve or deny the application. The department shall issue rules and regulations establishing time limits for permit modifications and renewal of a permit for a solid waste disposal area. The time limit shall be consistent with this chapter.

(4) The applicant for a permit to construct a solid waste processing facility shall provide the department with plans, specifications and such other data as may be necessary to comply with the purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the application, the department shall determine whether it complies with the provisions of sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a permit to construct an incinerator as defined in section 260.200 or a material recovery facility as defined in section 260.200, and within six months for permit modifications, the department shall approve or deny the application. Permits issued for solid waste facilities shall be for the anticipated life of the facility.

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

(6) The applicant for a permit to construct a solid waste processing facility shall pay an application fee of one thousand dollars. Upon completion of the department's evaluation of the application, but before receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred by the department up to a maximum of four thousand dollars. The applicant for a permit to construct a solid waste disposal area shall pay an application fee of two thousand dollars. Upon completion of the department's evaluations of the application, but before receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred by the department up to a

maximum of eight thousand dollars. Applicants who withdraw their application before the department completes its evaluation shall be required to reimburse the department for costs incurred in the evaluation. The department shall not collect the fees authorized in this subdivision unless it complies with the time limits established in this section.

(7) When the review reveals that the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall approve the application and shall issue a permit for the construction of each solid waste processing facility or solid waste disposal area as set forth in the application and with any permit terms and conditions which the department deems appropriate. In the event that the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

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

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

8. If the site proposed for a solid waste disposal area is not owned by the applicant, the owner or owners of the site shall acknowledge that an application pursuant to sections 260.200 to 260.345 is to be submitted by signature or signatures thereon. The department shall provide the owner with copies of all communication with the operator, including inspection reports and orders issued pursuant to section 260.230.

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

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

(1) By legal notice published in a newspaper of general circulation in the area of the proposed disposal area or processing facility;

(2) By certified mail to the governing body of the county or city in which the proposed disposal area or processing facility is to be located; and

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

If an application for a construction permit meets all statutory and regulatory requirements for issuance, a public hearing on the draft permit shall be held by the department in the county in which the proposed solid waste disposal area is to be located prior to the issuance of the permit. The department shall provide public notice of such hearing by both printed and broadcast media at least thirty days prior to such hearing. Printed notification shall include publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located.

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

12. Every person desiring to obtain a permit to operate a solid waste disposal area or processing facility shall submit applicable information and apply for an operating permit from the department. The department shall review the information and determine, within sixty days of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a permit for the operation of each solid waste processing facility or solid waste disposal area and with any permit terms and conditions which the department deems appropriate. In the event that the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

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

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

15. Leachate collection and removal systems shall be incorporated into new or expanded sanitary landfills which are permitted after August 13, 1986. The department shall assess the need for a leachate collection system for all types of solid waste disposal areas, other than sanitary landfills, and the need for monitoring wells when it evaluates the application for all new or expanded solid waste disposal areas. The department may require an operator of a solid waste disposal area to install a leachate collection system before the beginning of disposal operations, at any time during disposal operations for unfilled portions of the area, or for any portion of the disposal area as a part of a remedial plan. The department may require the operator to install monitoring wells before the beginning of disposal operations or at any time during the operational life or postclosure care period if it concludes that conditions at the area warrant such monitoring. The operator of a demolition landfill or utility waste landfill shall not be required to install a leachate collection and removal system or monitoring wells unless otherwise and to the extent the department so requires based on hazardous waste characteristic criteria or site specific geohydrological characteristics or conditions.

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

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

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

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

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

21. Upon request of the director of the department of natural resources, the applicant for a permit, any person that could reasonably be expected to be involved in management activities of the solid waste disposal area or solid waste processing facility, or any person who has a controlling interest in any permittee shall be required to submit to a criminal background check under section 43.543.

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

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

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

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

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

(3) Submits to the director on the anniversary date of the issuance of any permit it holds under the Missouri solid waste management law evidence of registration described

in subdivision (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent report.

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

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

27. Any person seeking a permit to operate a solid waste disposal area, a solid waste processing facility, or a resource recovery facility shall, concurrently with the filing of the application for a permit, disclose any convictions in this state, county or county-equivalent public health or land use ordinances related to the management of solid waste. If the department finds that there has been a continuing pattern of adjudicated violations by the applicant, the department may deny the application.

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

(L. 1972 S.B. 387 § 2, A.L. 1975 S.B. 98, A.L. 1986 S.B. 475, A.L. 1988 H.B. 1207 merged with S.B. 535, A.L. 1990 S.B. 530, A.L. 1991 S.B. 45, A.L. 1995 S.B. 60 & 112, A.L. 1999 H.B. 603, et al., A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28); 10-11-13 (H.B. 650)

*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.