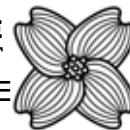




RULES OF
Department of Natural Resources
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund

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TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 80 – Solid Waste Management
Chapter 9 – Solid Waste Management Fund

**10 CSR 80-9.010 Solid Waste Management Fund – Planning/
Organizational Grants**

(Rescinded October 30, 2007)

AUTHORITY: sections 260.225 and 260.335, RSMo Supp. 1990. Emergency rule filed Aug. 15, 1991, effective Aug. 25, 1991, expired Dec. 13, 1991. Original rule filed Aug. 15, 1991, effective Feb. 6, 1992. Emergency amendment filed Sept. 15, 1993, effective Sept. 25, 1993, expired Jan. 22, 1994. Amended: Filed Sept. 15, 1993, effective May 9, 1994. Rescinded: Filed Jan. 5, 2007, effective Oct. 30, 2007.

**10 CSR 80-9.020 Solid Waste Management Fund – Solid
Waste Management Areas**

*Original rule filed March 17, 1992.** Emergency rescission of the 1992 rule filed March 19, 1997, effective April 1, 1997, expired Sept. 27, 1997. Rescission of the 1992 rule filed April 3, 1997, effective Aug. 30, 1997.*

***The Missouri Supreme Court in Missouri Coalition for the Environment, et al., v. Joint Committee on Administrative Rules, et al., Case No. 78628, dated February 25, 1997, ordered the secretary of state to publish this rule. The Missouri Department of Natural Resources subsequently filed an emergency rescission of this rule as well as a proposed rescission on this rule which became effective August 30, 1997. See the above authority section for filing dates.*

10 CSR 80-9.030 Scrap Tire Grants

PURPOSE: This rule provides a statewide plan for the use of monies received under section 260.273, RSMo.

(1) Statewide Plan.

(A) General. In combination with 10 CSR 80-9.035 Scrap Tire Cleanup Contracts, this is a statewide plan to implement section 260.273, RSMo.

(B) Goals. The goals of the statewide plan are to reduce the number of scrap tires produced and encourage sustainable scrap tire markets for reuse, remanufacturing, and reprocessing of scrap tires; divert the stream of scrap tires from being landfilled or illegally dumped; and mitigate the adverse public health, welfare and environmental impacts of illegal scrap tire sites.

(2) Grant Types. The department may provide grants not to exceed forty-five percent (45%) of the monies received under section 260.273, RSMo, for the following grant types subject to financial resources, appropriations, eligibility requirements, and application priorities:

(A) Demonstration grants may be available to pay testing costs required to demonstrate the technical and economic feasibility of utilizing scrap tire materials in the manufacture of a product, as tire-derived fuel, or as a fuel supplement. Grants may also be available for end use as shock absorbing scrap tire playground, running track material, or other eligible end uses as approved by the department; and

(B) Capital expenditure grants may be available for equipment to convert/modify existing facilities for the purpose of

using scrap tires as a fuel or fuel supplement; or for equipment to convert or modify existing facilities to manufacture products made from scrap tires.

(3) Eligibility.

(A) This rule applies to any person located in Missouri involved in any activity funded under section (2) of this rule.

(B) Applications for activities that, in the department's professional judgment, would cause a public nuisance or environmental, safety, or health hazards, will be disqualified.

(C) Grants will only be awarded for an activity which uses at least forty percent (40%) of its tires from Missouri scrap tire sites, retailers processors, or residents. The burden of proof shall be on the applicant to show that the eligibility requirements have been met.

(D) Grants will not be awarded to activities for projects that result in the landfilling of scrap tires.

(4) Application Requirements for Grants. An application shall –

(A) Be completed on forms provided by the department and include all required documentation;

(B) Be received by the deadline established by the department to be eligible for funding; and

(C) Include documentation to the department's satisfaction that the use being proposed is an eligible use as described in sections (2) and (3) of this rule.

(5) Application Review and Evaluation. Applications will be reviewed for completeness and ranked according to the evaluation criteria established by the department with the advice of the Scrap Tire Advisory Group and in light of the goals as set forth in subsection (1)(B) of this rule.

(6) Grant Awards.

(A) Prior to award of funding, the recipient shall –

1. Provide verification to the department that all applicable federal, state, and local permits, approvals, licenses, or waivers required by law to implement the activity have been obtained or applied for; and

2. Enter into a financial assistance agreement issued by the department.

(B) Funds awarded by the department must be disbursed in accordance with the financial assistance agreement, the department's general terms and conditions, special terms and conditions (if applicable), and applicable contracts.

(7) Costs and Record Keeping.

(A) All general and special terms and conditions of the department applicable to the activity will be applicable to recipients of awards made available by this chapter; and

(B) Persons eligible to receive grants through this rule shall comply with the department's reporting requirements, financial assistance agreements and contracts, general and special terms and conditions, as well as any applicable federal, state, and local laws, permits, approvals, licenses, or waivers necessary to implement the activity.

AUTHORITY: sections 260.225, 260.273, and 260.276, RSMo 2016. Emergency rule filed Oct. 5, 1992, effective Nov. 4, 1992, expired March 3, 1993. Original rule filed Oct. 5, 1992, effective June 7, 1993. Amended: Filed April 16, 1997, effective Dec. 30, 1997. Amended: Filed Jan. 2, 2007, effective Sept. 30, 2007. Amended: Filed April 13, 2018, effective Feb. 28, 2019.*

**Original authority: 260.225, RSMo 1972, amended 1975, 1986, 1988, 1990, 1993, 1995,*



2015; 260.273, RSMo 1990, amended 1995, 1999, 2005, 2009, 2014; and 260.276, RSMo 1990, amended 1995, 2005, 2009.

10 CSR 80-9.035 Scrap Tire Cleanup Contracts

PURPOSE: This rule complies with section 260.276, RSMo which allows for any person, firm, corporation, state agency, charitable, fraternal, or other nonprofit organization to bid on a contract for resource recovery or nuisance abatement activities authorized under this section.

(1) General. This rule applies to any person involved in the activities set forth in this rule. The department shall fully or partially bid, in accordance with the terms and conditions of the state of Missouri Office of Administration's bid process, contracts for removing and properly disposing of scrap tires that are stored in violation of the Solid Waste Management Law and implementing rules and/or to those that pose a public nuisance or a threat to the health or welfare of the public.

(A) Bid applications will be reviewed and ranked in accordance with the state of Missouri Office of Administration's bid procedure authorized in Chapter 34, RSMo.

(B) Bids for cleanups will be awarded in accordance with state of Missouri Office of Administration's contract award procedures authorized in Chapter 34, RSMo.

(C) Awarded bids will be ranked pursuant to the criteria set forth in section (3) of this rule.

(D) Cleanup Contract Payment and Records. Contractors shall be paid and records kept in accordance with the state of Missouri Office of Administration's bid document terms and conditions.

(E) All cleanup contracts are subject to the department's funding availability and appropriation.

(F) All scrap tire site cleanups must adhere to Best Management Practices (BMPs) for water pollution control as follows:

1. Erosion and sediment control.

A. Stabilize all high traffic areas, including entrance and exit areas, to minimize vehicle tracking.

B. Minimize run-on from adjacent properties through the use of diversion dikes, berms, or equivalent.

C. Trap sediment at down-gradient locations and outlets serving unstabilized areas. This may include filter fabric fences, sediment traps, vegetated swales or strips, diversion structures, retention/detention basins or equivalent;

2. Oil and grease.

A. Maintain equipment to prevent leaks and spills.

B. Use drip pans or other containment under equipment or around petroleum storage areas.

C. Have materials such as absorbent pads easily accessible to clean up spills and leakage.

3. Application of fertilizers, pesticides, and herbicides.

A. Observe all applicable federal, state, and local regulations when using these products.

B. Strictly follow recommended applications rates and methods (i.e., do not apply in excess of vegetative requirements).

C. Have materials such as absorbent pads easily accessible to clean up spills.

D. Properly dispose of all containers.

E. The use of petroleum products for vegetative control is prohibited;

4. Maintenance.

A. Conduct inspections of BMPs.

B. Perform preventative maintenance as needed on BMPs;

5. Provide employee training on proper handling and maintenance practices; and

6. Discharges shall not cause violations of the general criteria in the Water Quality Standards in 10 CSR 20-7.031(3).

(2) Eligibility. Any person, firm, corporation, state agency, charitable, fraternal, or other nonprofit organization may bid on a contract for each resource recovery or nuisance abatement activity.

(A) Vender Preference. In letting contracts for the performance of any job or service for the removal or cleanup of scrap tires under this chapter, the Department of Natural Resources shall follow sections 34.073, 34.076, and 260.279, RSMo.

(3) Nuisance Abatement and Resource Recovery Activities.

(A) The department shall give first priority to cleanup of illegal scrap tire sites owned by persons who present satisfactory evidence that such persons were not responsible for the creation of the nuisance conditions or any violations of sections 260.270 through 260.278, RSMo at the site. In evaluating whether a site qualifies for cleanup under this subsection, the department may consider:

1. The degree of responsibility or culpability of such persons for the creation or maintenance of the scrap tire site;

2. The extent to which such persons profited from the hauling, disposal, and/or storage of the scrap tires;

3. The extent to which such persons took steps to stop the illegal deposition of tires on the property;

4. The nature of such persons' interest in the property on which the scrap tires were deposited; and

5. The degree of cooperation that such persons provide to the department in abating the scrap tire violations, including the willingness of such persons to allow timely access to the property to conduct any nuisance abatement or resource recovery activities.

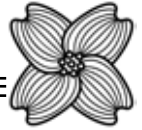
(B) The department shall conduct resource recovery or nuisance abatement activities designed to reduce the volume of scrap tires or alleviate any nuisance condition at any site if the owner or operator of such a site fails to comply with the regulations under sections 260.270 through 260.278, RSMo, or if the site remains in violation of such statutes and rules. The department reserves all rights to recover all or a portion of the costs of cleanup from the property owner and any other parties responsible for creation of the scrap tire site except where the property owner presents evidence that such persons were not responsible for the creation of the nuisance conditions or any violations of sections 260.270 through 260.278, RSMo at the site.

(4) Any charitable, fraternal, or other nonprofit organization that voluntarily cleans up land or water resources may be reimbursed for properly disposing of scrap tires collected in the course of such cleanup. Funds will be allocated each year for these types of activities. The amount of funds allocated will depend on funding availability and amount of appropriations.

(A) A portion of the funds allocated will be available to any charitable, fraternal, or other nonprofit organization that wishes to clean up small, illegal, scrap tire sites in their area. These funds will be awarded under the following conditions:

1. On a first-come-first-served basis;

2. The organization(s) shall receive written approval from the department prior to conducting the cleanup, state where they will dispose of the tires, and estimate the number of tires,



and the associated disposal costs for which the organization plans to seek reimbursement from the department; and

3. Reimbursement shall be for disposal costs only.

(B) Another portion of the funds allocated will be available for tires picked up as incidental wastes by nonprofit groups which voluntarily clean up land or water resources and collect scrap tires in the course of such cleanup. These funds will be awarded under the following conditions:

1. On a first-come-first-served basis;

2. The organization(s) shall receive written approval from the department prior to conducting the cleanup. The organization(s) shall state where they will dispose of the tires and shall estimate the number of tires and the associated disposal costs for which the organization plans to seek reimbursement from the department; and

3. Reimbursement shall be for disposal costs only.

(5) The department reserves the right to deny funding under section (4) to any charitable, fraternal, or other nonprofit organization if adequate funds are not available or if the requirements of this section are not met.

(6) The charitable, fraternal or other not-for-profit organization shall submit documentation (on forms provided by the department) of the number of tires picked up and disposed of before reimbursement will be approved or made.

AUTHORITY: sections 260.225, 260.273, and 260.276, RSMo 2016. Original rule filed April 16, 1997, effective Dec. 30, 1997. Amended: Filed Jan. 2, 2007, effective Sept. 30, 2007. Amended: Filed April 13, 2018, effective Feb. 28, 2019.*

**Original authority: 260.225, RSMo 1972, amended 1975, 1986, 1988, 1990, 1993, 1995, 2015; 260.273, RSMo 1990, amended 1995, 1999, 2005, 2009, 2014; and 260.276, RSMo 1990, amended 1995, 2005, 2009.*

10 CSR 80-9.040 Solid Waste Management Fund – Financial Assistance for Waste Reduction and Recycling Projects
(Rescinded August 30, 2018)

AUTHORITY: sections 260.225 and 260.335, RSMo Supp. 1999. Emergency rule filed Aug. 4, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Original rule filed Aug. 4, 1992, effective April 8, 1993. Amended: Filed Dec. 14, 1999, effective Aug. 30, 2000. Rescinded: Filed Dec. 29, 2017, effective Aug. 30, 2018.

10 CSR 80-9.050 Solid Waste Management Fund – District Grants
(Terminated October 24, 2023)

AUTHORITY: sections 260.225, RSMo 2000, and 260.335, RSMo Supp. 2006. Emergency rule filed Dec. 2, 1992, effective Dec. 12, 1992, expired April 11, 1993. Original rule filed Dec. 2, 1992, effective Aug. 9, 1993. Amended: Filed Dec. 14, 1999, effective Aug. 30, 2000. Amended: Filed Jan. 5, 2007, effective Oct. 30, 2007.

In the case of St. Louis–Jefferson Solid Waste Management District v. Department of Natural Resources, State of Missouri WD 85984, the court terminated 10 CSR 80-9.050, effective Oct. 24, 2023.