

Rules of
Department of Natural Resources
Division 80—Solid Waste Management
Chapter 10—Statewide Solid Waste Management

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

**Division 80—Solid Waste Management
Chapter 10—Statewide Solid Waste
Management**

**10 CSR 80-10.020 Procedures to Obtain
Exemption For Plastic Bottle or Rigid
Plastic Container Labeling**
(Rescinded August 30, 1997)

*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 80-10.040 Target Recycled Content
Newsprint**

*PURPOSE: This rule describes procedures
used to demonstrate that the target recycled
content usage goals of newsprint are obtained
or waived as provided in section 260.255.2,
RSMo.*

(1) Definitions. Definitions for key words used in this rule may be found in 10 CSR 80-2.010. Additional definitions specific to this rule are as follows:

(A) Average daily distribution equals the total annual distribution, divided by the number of days published during the year and is used by each newspaper publisher to determine his/her applicability to this rule;

(B) Newspaper means any publication published, printed or distributed in Missouri printed on newsprint excluding supplements as defined in this rule;

(C) Newspaper publisher means a person who exercises control over the newsprint used in the production of a newspaper;

(D) Newsprint means uncoated paper of the type generally used for the publication of newspapers. Newsprint includes paper made from old newspapers or other post-consumer waste paper that has been processed into recycled pulp in lieu of virgin pulp and all grades of paper sold as newsprint;

(E) Post-consumer waste paper means the fiber derived from paper which has been recovered from or otherwise diverted from the solid waste stream for the purpose of recycling;

(F) Statement means the Recycled Content Usage Statement document, provided by the department, and submitted annually by the newspaper publishers subject to this rule;

(G) Supplements mean printed materials inserted into a newspaper furnished by advertisers or other third parties and printed beyond the control of the newspaper publisher;

(H) Usage means the number of short tons or metric tons of newsprint purchased during the reporting period; and

(I) Waiver means a formal acknowledgment granted by the department to a newspaper publisher that has been determined exempt from meeting the target recycled content goals.

(2) Applicability. This rule applies to any newspaper publisher with an average daily distribution on days published during the previous year of more than fifteen thousand (15,000) copies.

(3) Exemptions. Newspaper publishers not required under section 351.572, RSMo to register as a foreign corporation to transact business in Missouri shall not be required to file a statement or seek a waiver from the department.

(4) Target Recycled Content Usage Goals. The target recycled content usage for each newspaper publisher for each year shall be—

(A) 1993, ten percent (10%);

(B) 1994, twenty percent (20%);

(C) 1995, thirty percent (30%);

(D) 1996, forty percent (40%); and

(E) 2000 and subsequent years, fifty percent (50%).

(5) Waivers. Newspaper publishers seeking a waiver must submit a completed Recycled Content Usage Exemption form and annually provide the required documentation to the department before March 1. A waiver is only valid for one (1) calendar year. A waiver shall be granted if the department determines that a newspaper publisher has met the requirements of one (1) or more of the following stipulations:

(A) Newsprint meeting the target recycled content goal was not available from at least three (3) suppliers;

(B) Newsprint meeting the target recycled content goal was unavailable at a cost not greater than the cost of newsprint made from virgin material purchased during the reporting period; and

(C) Newsprint meeting the target recycled content goal available to the newspaper publisher did not meet quality standards, as determined through the department's review of supporting documentation.

(6) Certification of Usage. Each newspaper publisher subject to this rule annually shall submit before March 1, a Recycled Content Newsprint Usage Statement form certifying the total number of tons of newsprint used and the average recycled content of that newsprint during the past calendar year. The records cited in this statement are subject to audit by the department or its designated representative. Public availability of these statements are subject to Chapter 610, RSMo.

(7) Recordkeeping Requirements. Each newspaper publisher required to submit a statement shall maintain records of verification of target recycled content usage. All records required by this rule shall be maintained for at least three (3) years from the date of submittal. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. Upon request the records shall be made available for audit by the department or its designated representative. The records shall include at least the following:

(A) The number of newspapers printed, published or distributed in the state listed by each publication that the newspaper publisher exercises control over;

(B) Documentation from supplier certifying the recycled content of the newsprint purchased; and

(C) Documentation utilized by newspaper publisher to certify waiver.

(8) Penalties. A newspaper publisher determined by the department to be in violation of this rule will be officially notified and subject to penalties as set forth in section 260.255, RSMo. For each day following notification until a waiver or certification is filed, the department may assess a civil penalty of not more than one hundred dollars (\$100) per day for each day of the violation period.

(9) The department shall maintain the recycled content usage statements and shall compile a listing of recycled content suppliers/distributors to be made available upon request.

AUTHORITY: section 260.255.2, RSMo Supp. 1990. Original rule filed Sept. 15, 1992, effective June 7, 1993.*

**Original authority: 260.255.2, RSMo 1990.*



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 SOLID WASTE MANAGEMENT PROGRAM
 P.O. BOX 176, JEFFERSON CITY, Missouri 65102, or
 205 JEFFERSON STREET, JEFFERSON CITY, MISSOURI 65101

RECYCLED CONTENT NEWSPRINT USAGE STATEMENT

According to Section 260.255, RSMo., all newspaper publishers in Missouri whose publication averages a daily distribution on days published in 1993 of more than fifteen thousand (15000) copies, who use newsprint in the publication of their product, and who are included in the following definitions:

- *Newspaper Publisher* means a person who exercises control over the newsprint used in the production of a newspaper.
- *Newspaper* means any publication published, printed or distributed in the state of Missouri printed on newsprint excluding supplements as defined below.
- *Newsprint* means uncoated paper of the type generally used for the publication of newspapers. Newsprint includes paper made from old newspapers or other post-consumer waste paper that has been processed into recycled pulp in lieu of virgin pulp. Newsprint includes all grades of paper sold as newsprint.
- *Post-Consumer Waste Paper* means fiber derived from paper which has been recovered from or otherwise diverted from the solid waste stream for the purpose of recycling.
- *Recycled content* means the proportion of fiber in a newspaper which is derived from post-consumer waste.
- *Usage* means the number of short tons or metric tons of newsprint purchased during the reporting period.
- *Supplements* means printed materials inserted into a newspaper furnished by advertisers or other third parties and printed beyond the control of the newspaper publisher.

How To File:
 Use a separate reporting form for each newspaper and/or publication. This report is due by March 1 for newsprint purchased during the previous calendar year. This report must be filed with the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

SECTION I - INFORMATION			
PUBLICATION NAME		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP

SECTION II - AVERAGE DAILY DISTRIBUTION ON DAYS PUBLISHED	
Total Annual Distribution <hr style="width: 50%; margin: 0 auto;"/> Number of Days Published Per Year	Average Daily Distribution on Day Published <hr style="width: 50%; margin: 0 auto;"/>
To determine your publication's average daily distribution on days published, take the total annual distribution and divide by the number of days published during the year. If the average daily distribution on days published is less than 15,000 copies, you do not need to file this report.	



SECTION III - NEWSPRINT PURCHASED				
If the average daily distribution on days published is more than 15,000 copies, you must file this form. To calculate the recycled content in the newsprint purchased for your publication in the reporting period complete the following section:				
Supplier (Name Optional)	(A) Tons Purchased	A / B = (C) % of Total Tons Purchased	(D) % of Recycled Content per Supplier	C x D = (E) Total Recycled Content Percentage
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
TOTALS	(B)			(F)
F = <input style="width: 100px;" type="text"/>	Total Tons Purchased	Column should total 100%		Total Recycled Content Percentage
Total Recycled Content Percentage For All Ton Purchased During the Reporting Period				
I am reporting my newsprint purchases in <input type="checkbox"/> Short Tons <input type="checkbox"/> Metric Tons.				
Explanation: List each company from whom you purchased newsprint in the reporting period. List the tons purchased and the recycled content of those tons from information supplied by the company. In case virgin and recycled newsprint are purchased from the same company, provide two listings.				
Calculations: To calculate the % of Total Tons Purchased - Divide the Tons purchased from each supplier by the Total Tons purchased during the reporting period. To calculate Total Recycled Content Percentage -Multiply the % of Total Tons Purchased x Recycled Content per supplier. To calculate Recycled Percentage for All Tons Purchased - Add the Total Recycled Content Percentage column.				
Exemptions - Submit accompanying exemption form if you did not meet the recycled content use goal for the reporting period.				
Penalty - Any newspaper publisher who fails to file a statement with or seek a waiver from the Department of Natural Resources, or who files a statement containing misleading or deceptive information, shall be in violation of Section 260.255, RSMo., punishable by a civil penalty of not more than one hundred dollars (\$100.00) per day for each day the violation continues.				
Records - Records cited in this report are subject to audit by the Department. Availability of records are subject to Chapter 610, RSMo.				
I certify that this document and all attachments were prepared under my direction or supervision, that to the best of my knowledge and belief, the information provided is true, accurate, and complete.				
SIGNATURE OF PERSON COMPLETING FORM			DATE	
PRINT NAME AND TITLE OF THE INDIVIDUAL WHO SIGNED ABOVE				
SIGNATURE OF PUBLISHER (OR AUTHORIZED REPRESENTATIVE)			DATE	
PRINT NAME AND TITLE OF THE INDIVIDUAL WHO SIGNED ABOVE FOR THE PUBLISHER				



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 SOLID WASTE MANAGEMENT PROGRAM
 P.O. BOX 176, JEFFERSON CITY, Missouri 65102, or
 205 JEFFERSON STREET, JEFFERSON CITY, MISSOURI 65101

RECYCLED CONTENT NEWSPRINT USAGE EXEMPTION

According to Section 260.255, RSMo., all newspaper publishers in Missouri whose publication averages a daily distribution on days published in 1993 of more than fifteen thousand (15000) copies, who use newsprint in the publication of their product, and who are included in the following definitions:

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- *Newspaper* means any publication published, printed or distributed in the state of Missouri printed on newsprint excluding supplements as defined below.
- *Newsprint* means uncoated paper of the type generally used for the publication of newspapers. Newsprint includes paper made from old newspapers or other post-consumer waste paper that has been processed into recycled pulp in lieu of virgin pulp. Newsprint includes all grades of paper sold as newsprint.
- *Post-Consumer Waste Paper* means fiber derived from paper which has been recovered from or otherwise diverted from the solid waste stream for the purpose of recycling.
- *Recycled content* means the proportion of fiber in a newspaper which is derived from post-consumer waste.
- *Usage* means the number of short tons or metric tons of newsprint purchased during the reporting period.
- *Supplements* are printed materials inserted into a newspaper furnished by advertisers or other third parties and printed beyond the control of the newspaper publisher.

How To File:
 Use a separate reporting form for each newspaper and/or publication. This report is due by March 1 for newsprint purchased during the previous calendar year. This report must be filed with the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

SECTION I - INFORMATION			
PUBLICATION NAME		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP
SECTION II - AVERAGE DAILY DISTRIBUTION ON DAYS PUBLISHED			
Total Annual Distribution _____		_____	
Number of Days Published Per Year		Average Daily Distribution on Day Published	
To determine your publication's average daily distribution on days published, take the total annual distribution and divide by the number of days published during the year. If the average daily distribution on days published is less than 15,000 copies, you do not need to file this report.			

SECTION III - EXEMPTIONS	
<p>Complete this section if you did not meet the target recycled content use goal. The target recycled content usage for each newspaper publisher for each year shall be: 1993 - 10%; 1994 - 20%; 1995 - 30%; 1996 - 40%; 2000, and subsequent years - 50%. There are only three conditions that exempt a publisher from meeting the recycled content requirements for any reporting period. Select the appropriate exemption or exemptions you claim:</p>	
<p><input type="checkbox"/> 1. An adequate quantity of newsprint meeting the target recycled content goal was not available during the reporting period.</p> <p style="text-align: center;"><i>To claim exemption #1 you must submit documentation from your newsprint supplier(s) that you could not obtain enough newsprint to meet the recycled content goal. Submit copies of correspondence between you and at least three (3) newsprint mills, newsprint brokers or other suppliers.</i></p>	
<p><input type="checkbox"/> 2. Newsprint meeting the recycled content goal was unavailable at a cost not greater than the average delivered cost of newsprint made from virgin pulp purchased during the reporting period.</p> <p style="text-align: center;"><i>To claim exemption #2 you must submit copies of invoices, newsprint price quotations and/or other correspondence from your newsprint supplier(s) showing that newsprint meeting the recycled content goal was unavailable at a cost not greater than the average delivered cost of newsprint made from virgin pulp purchased during the reporting period.</i></p>	
<p><input type="checkbox"/> 3. The recycled content newsprint that was available during the reporting period did not meet the quality standards as determined by the department.</p> <p style="text-align: center;"><i>To claim exemption #3 you must submit comparative information between recycled content newsprint and virgin content newsprint you have used, documentation of web break caused by lack of tensile strength of recycled content newsprint, newsprint samples documenting color and/or opaqueness problems of recycled content newsprint, or documentation of other quality problems you may have experienced during the reporting period.</i></p>	
<p>These exemption qualifications entitle you to be eligible for consideration of a waiver by the Department of Natural Resources. Additional information may be required by the Department in considering your exemption request.</p>	
<p>Availability of records are subject to Chapter 610, RSMo.</p>	
<p>I certify that this document and all attachments were prepared under my direction or supervision, that to the best of my knowledge and belief, the information provided is true, accurate, and complete.</p>	
SIGNATURE OF PERSON COMPLETING FORM	DATE
PRINT NAME AND TITLE OF THE INDIVIDUAL WHO SIGNED ABOVE	
SIGNATURE OF PUBLISHER (OR AUTHORIZED REPRESENTATIVE)	DATE
PRINT NAME AND TITLE OF THE INDIVIDUAL WHO SIGNED ABOVE FOR THE PUBLISHER	