

By: Chism

To: Conservation and
Water Resources

HOUSE BILL NO. 1297

1 AN ACT TO AMEND SECTION 17-17-425, MISSISSIPPI CODE OF 1972,
2 TO REGULATE CERTAIN SALES OF WASTE TIRE FUEL SUPPLEMENTS; TO
3 PROVIDE THAT IF A WASTE TIRE PROCESSOR AND A USER OF WASTE TIRES
4 AS A FUEL SUPPLEMENT HAVE EACH RECEIVED AN INCENTIVE GRANT, FROM
5 THE PORTION OF THE ENVIRONMENTAL PROTECTION TRUST FUND GENERATED
6 BY WASTE TIRE FEES, THEN THE AMOUNT CHARGED BY THE PROCESSOR TO
7 THE USER SHALL BE CAPPED; TO PROVIDE THAT THE MAXIMUM AMOUNT THAT
8 THE PROCESSOR MAY CHARGE IN SUCH A CASE SHALL BE THE AMOUNT
9 ESTABLISHED AT THE TIME THE USER, NOT THE PROCESSOR, RECEIVED AN
10 INCENTIVE GRANT; TO REQUIRE THE PROCESSOR TO FIRST OFFER TO SELL
11 WASTE TIRE FUEL SUPPLEMENTS TO THOSE USERS WHO ALSO HAVE RECEIVED
12 AN INCENTIVE GRANT; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. Section 17-17-425, Mississippi Code of 1972, is
15 amended as follows:[HS1]

16 17-17-425. (1) Beginning July 1, 1995, monies allocated to
17 the Environmental Protection Trust Fund from waste tire fees shall
18 be accounted for in a waste tire account and shall be utilized for
19 the following purposes:

20 (a) Not more than thirty percent (30%) shall be
21 utilized for making grants to counties, municipalities or regional
22 solid waste management authorities for providing a waste tire
23 collection program for small quantity waste tire generators as
24 provided in Section 17-17-409 and for use in clean-up of small
25 scattered unauthorized waste tire dumps not abated under Section
26 17-17-419;

27 (b) Not more than twenty percent (20%) shall be
28 utilized by the department for abatement of unauthorized waste
29 tire dumps as provided in Section 17-17-419;

30 (c) Not more than twenty-five percent (25%) shall be
31 utilized (i) to provide incentive grants to persons that will

32 manufacture products from waste tires, use recovered rubber from
33 waste tires or use waste tires as a fuel or fuel supplement,
34 (ii) to provide funding for research and demonstration projects
35 directly related to solving solid waste problems resulting from
36 waste tires, including the use of innovative technologies for the
37 processing of waste tires, (iii) to provide an incentive
38 reimbursement to end users for the costs of using waste tires or
39 waste tire derived materials where those tires originate in the
40 State of Mississippi, if the commission determines an incentive is
41 necessary to promote market development. The commission may
42 determine legitimate end uses that may be eligible for
43 reimbursement and an acceptable rate of reimbursement.

44 (d) Not more than twenty-five percent (25%) shall be
45 utilized by the department to pay the costs of administering these
46 funds and the waste tire management program required under
47 Sections 17-17-405, 17-17-407, 17-17-411, 17-17-413, 17-17-419 and
48 17-17-423.

49 (2) To provide for the maximum effective use of funds in the
50 waste tire account, the commission, upon determination that unused
51 funds are available in a particular program as described above,
52 may reallocate funds between the programs described in paragraphs
53 (a) through (c) of subsection (1) to exceed the percentage
54 thresholds.

55 (3) The commission may consolidate any grant provided under
56 this section with any grant provided under the local governments
57 solid waste assistance program or the Right-Way-To-Throw-Away
58 Program. Funds provided through any consolidated grant shall be
59 used in accordance with the program under which the funds are
60 provided.

61 (4) The commission shall establish a statewide plan for the
62 use of monies received under Sections 17-17-401 through 17-17-427
63 and shall adopt regulations for administering this fund. The
64 regulations shall include eligibility requirements for persons
65 requesting incentive grants and funding for research and
66 demonstration projects. No incentive grant or research and
67 demonstration project funding may be awarded for an activity which
68 receives less than seventy-five percent (75%) of its waste tires

69 from Mississippi waste tires sites, retailers or residents. The
70 commission may consider requests for funding from applicants who
71 do not meet this requirement contingent upon the applicant
72 demonstrating that the activity does or will accept Mississippi
73 tires and that the award of the requested funding would be in the
74 best interest of the State of Mississippi. The burden of proof
75 shall be on the applicant to show that eligibility requirements
76 have been met.

77 (5) For the purpose of establishing a statewide plan for the
78 use of monies received under Sections 17-17-401 through 17-17-427
79 and proposing regulations for administering this fund, including
80 eligibility requirements and application priorities, the
81 commission shall create an advisory council consisting of members
82 of the tire industry, the general public, the department, and the
83 Department of Economic and Community Development.

84 (6) The department shall provide technical assistance, upon
85 written request, to a municipality, county or group of counties
86 desiring assistance in applying for waste tire grants or choosing
87 a method of waste tire management which would be an eligible use
88 of the grant funds.

89 (7) Subject to the authority of the commission in subsection
90 (2) of this section, monies existing in the waste tire account of
91 the Environmental Protection Trust Fund on July 1, 1995, shall
92 remain in the account as previously allocated but those monies
93 which have been allocated for incentive grants or research and
94 demonstration awards shall be combined as described in subsection
95 (1)(c) of this section.

96 (8) If a waste tire processor and a user of waste tires as a
97 fuel supplement have each received an incentive grant under
98 subsection (1)(c)(i), then the amount charged, per ton of the
99 waste tire fuel supplement, by the processor to the user may not
100 exceed the amount established at the time the grant was awarded to
101 the user. Further, any waste tire processor who has received such

102 a grant must first offer to sell any waste tire fuel supplements
103 that it produces to those users of waste tires as a fuel
104 supplement who also have received a grant.

105 SECTION 2. This act shall take effect and be in force from
106 and after July 1, 2000.