AN ACT TO CREATE A NEW CODE SECTION THAT REVISES THE
COLLECTION, PROCESSING AND DISPOSAL OF WASTE TIRES AND PROMULGATES
NEW RULES AND REGULATIONS FOR THE COMMISSION ON ENVIRONMENTAL
QUALITY AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY; TO AMEND
SECTIONS 17-17-407 AND 17-17-423, MISSISSIPPI CODE OF 1972, IN
CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Waste tires that are not subjected to
processing or recycling may not be knowingly and intentionally
deposited in a landfill as a method of disposal after July 1,
2001. Except as otherwise provided, waste tires which have been
prepared for disposal by cutting, separating, shredding, or other
means in accordance with the rules or standards of the department
may be disposed of in a landfill.

(2) The department shall encourage the voluntary
establishment of waste tire collection centers at all retail
outlets that are engaged in the sale of tires. Such centers shall
be open to the public and programs to encourage the return of
waste tires to collection centers shall be regulated by the
department.

(3) This chapter shall not be construed to prohibit the
collection, transportation or disposal of waste tires mixed or
commingled with solid waste by any person engaged in the
collection, transportation or disposal of solid waste, if it can
be shown that the person knew that such waste tires had been mixed
or commingled with solid waste collected, transported, and/or
disposed and it can be shown that it is economically and
environmentally possible to remove and recover the waste tires
from the solid waste collected, transported, and/or disposed.

(4) An owner or operator of a waste tire collection center
may store waste tires for up to one (1) year if the storage is
only for the accumulation of such quantities of waste tires as is
necessary to facilitate proper recovery, processing or disposal.

(5) Any fees collected, under the commission's rules and
regulations, on the sale of new tires, and any other
appropriations, gift, grants, or other monies received by the
Department of Environmental Quality for the credit of the
Environmental Protection Trust Fund, shall be remitted to the
State Treasury. All interest earned on money from this fund and
invested by the State Treasurer shall be credited to the fund.
The monies of the fund shall be administered by the commission
solely for the purposes of solving the state's waste tire problem,
as provided in Section 17-17-425.

(6) On or before December 1, 2001, the commission shall
promulgate regulations and guidelines in addition to those
provided in Section 17-17-405, for the administration and
enforcement of the waste tire program provided for in this
chapter. The new regulations and guidelines shall be subject to
legislative review and approval by the Senate Committee on
Environmental, Protection, Conservation and Water Resources and
the House Committee on Conservation and Water Resources. The
regulations and guidelines shall provide for but not be limited
to:

(a) Establishing standards, requirements and permitting
procedures for waste tire transporters, collection sites and
processors. Requirements shall include proof of liability
insurance in a sufficient amount and other evidence of financial
responsibility as determined by the commission.
(b) Encouraging local governing authorities to establish advisory councils to advise the commission regarding waste tire clean up.

(c) Providing technical assistance and incentives to encourage market research and development projects and public education concerning waste tires.

(d) Providing incentives and assistance for those persons who collect and remit the fee imposed on the sale of new tires.

(e) Providing incentives and assistance for collection and transportation of waste tires including, but not limited to, incentives and assistance for local governing authorities which shall be given the highest priority. Except as otherwise provided in paragraph (g) of this section, this paragraph shall not prohibit local governing authorities from splitting, slicing, shredding or baling tires as part of the disposal process or other beneficial use.

(f) Establishing a priority system for the clean up of existing waste tires.

(g) Providing incentives and assistance to waste tire processing facilities, but only if such facilities use, consume or process the tires so that they may be reused as a raw material, product or fuel source.

(h) Remediating environmental and public health problems caused by waste tires.

(i) The fee on tires authorized is to be levied under Section 17-17-423 shall not exceed Two Dollars ($2.00) per tire for new tires weighing one hundred (100) pounds or less. For new tires weighing more than one hundred (100) pounds, a fee of One Dollar ($1.00) per twenty (20) pounds will be assessed. The commission may provide exemptions from the fees levied on the sale of tires under this chapter in the regulations provided for in subsection (6) of this act.
(7) Beginning December 1, 2002, the commission shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Senate Committee on Environmental Protection, Conservation and Water Resources, and to the House Committee on Conservation and Water Resources detailing the progress of the waste tire program for the preceding year.

(8) (a) Except as provided in paragraph (b) of this subsection, the governing authority of each municipality is authorized to govern the siting of waste tire collection, processing, storage and depository facilities within their respective jurisdictions. The department shall not issue any permit allowing the establishment of a waste tire collection, processing, storage or depository facility unless the governing authority of the municipality in which the proposed facility is to be located is first notified by the department of the proposed permit.

(b) The permit application submitted to the department shall be accompanied by a letter of compliance and certification of premises and buildings from the State Fire Marshal. The applicant shall post a bond in accordance with the requirements of the department sufficient to cover the costs of removal of tires from the site in the event operations cease.

(c) Copies of permit applications to the department shall be made available to the public at local governmental office. The department shall hold a public hearing within sixty (60) days of submission of an application. The applicant shall cause the notice of the hearing to be published in the official journal of the municipality on two (2) separate days preceding the hearing. The last day of publication of such notice shall be at least ten (10) days prior to the hearing. The applicant shall post a notice of the hearing at least two (2) weeks prior to the hearing in the courthouse, city hall and all of the libraries. A
public comment period of at least thirty (30) days shall be allowed following the public hearing.

(9) The commission shall promulgate rules and regulations providing incentives, including, but not limited to, financial rewards for the reporting of the unauthorized disposal of waste tires.

SECTION 2. Section 17-17-407, Mississippi Code of 1972, is amended as follows:

17-17-407. The commission may promulgate and enforce rules and regulations pertaining to collection, transportation, storage, processing and disposal of waste tires and may modify, repeal, make exceptions to and grant exemptions and variances from the rules and regulations. The rules and regulations shall include:

(a) Methods of collection, storage, processing and disposal of waste tires. The following are permissible methods of waste tire processing and disposal:

(i) Controlling soil erosion, when whole tires are not used;

(ii) Grinding into crumbs for use in road asphalt, tire derived fuel and as raw materials for other products;

(iii) Pyrolyzing or other physico-chemical processing;

(iv) Incineration;

(v) Landfilling split, ground, chopped, sliced or shredded waste tires until July 1, 2000. Beginning July 1, 2000, the landfilling of waste tires in any form, including, but not limited to, split, ground, chopped, sliced, shredded or whole waste tires is prohibited, unless the commission grants an exception. In determining whether to grant an exception, the commission shall consider the following factors: A. whether sufficient end-use or recycling markets have developed in all or parts of the state, B. whether the condition of the waste tire or waste tire derived material prevents recycling, C. whether the
prohibition on landfilling waste tires will place a financial burden on local governments, or D. other factors the commission deems relevant. It is the intent of the Legislature that the commission shall, to the extent practicable, grant exceptions in areas of the state where the prohibition against landfilling waste tires will pose a demonstrated, unfunded financial burden on local governments;

(vi) Other methods as approved by the commission;
(b) Procedures for authorization or permitting for waste tire collection sites, waste tire processing facilities, waste tire haulers and waste tire disposal sites, including a review of the applicant’s performance history;
(c) Requirements for location of facilities at which waste tires are collected, stored, processed or disposed, with regards to property boundaries and buildings, pest control, accessibility by fire fighting equipment and other considerations as they relate to protection of public health and safety and the environment; * * *
(d) Requirements for any financial assurance for waste tire haulers, waste tire collection sites, waste tire processing facilities and waste tire disposal facilities; and
(e) Regulations prescribed in Section 1(6) of this act.

SECTION 3. Section 17-17-423, Mississippi Code of 1972, is amended as follows:

17-17-423. (1) There is imposed a waste tire fee upon the sale of each new tire sold at retail. The fee shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the tire retailer to the person who purchases a tire for use on a motor vehicle. The fee shall be imposed at the rate of no more than Two Dollars ($2.00) for weighing one hundred (100) pounds or less. For new tires weighing more than one hundred (100) pounds, a fee of One Dollar ($1.00) per twenty (20) pounds will be assessed.
The fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less five percent (5%) of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the State Tax Commission in the form and manner required by the State Tax Commission and shall include a statement showing the total number of new tires sold during the preceding month. The State Tax Commission shall promulgate rules and regulations necessary to administer the fee collection and enforcement.

(2) The State Tax Commission shall administer, collect and enforce the fee authorized under this section under the same procedures used in the administration, collection and enforcement of the state sales tax imposed under Chapter 65, Title 27, Mississippi Code of 1972, except as provided in this section. The proceeds of the waste tire fee, less five percent (5%) of the proceeds, which shall be retained by the State Tax Commission as collection costs, shall be transferred by the State Tax Commission into the waste tire account of the Environmental Protection Trust Fund.

SECTION 4. Section 1 of this act shall be codified in Title 17, Chapter 17, Mississippi Code of 1972.

SECTION 5. This act shall take effect and be in force from and after July 1, 2001.