

By: Representative Ketchings

To: Conservation and Water Resources

HOUSE BILL NO. 1092

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

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

8 SECTION 1. (1) Waste tires that are not subjected to  
9 processing or recycling may not be knowingly and intentionally  
10 deposited in a landfill as a method of disposal after July 1,  
11 2001. Except as otherwise provided, waste tires which have been  
12 prepared for disposal by cutting, separating, shredding, or other  
13 means in accordance with the rules or standards of the department  
14 may be disposed of in a landfill.

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

21 (3) This chapter shall not be construed to prohibit the  
22 collection, transportation or disposal of waste tires mixed or  
23 commingled with solid waste by any person engaged in the  
24 collection, transportation or disposal of solid waste, if it can  
25 be shown that the person knew that such waste tires had been mixed  
26 or commingled with solid waste collected, transported, and/or  
27 disposed and it can be shown that it is economically and

28 environmentally possible to remove and recover the waste tires  
29 from the solid waste collected, transported, and/or disposed.

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

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

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

54 (a) Establishing standards, requirements and permitting  
55 procedures for waste tire transporters, collection sites and  
56 processors. Requirements shall include proof of liability  
57 insurance in a sufficient amount and other evidence of financial  
58 responsibility as determined by the commission.

59           (b) Encouraging local governing authorities to  
60 establish advisory councils to advise the commission regarding  
61 waste tire clean up.

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

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

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

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

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

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

84           (i) The fee on tires authorized is to be levied under  
85 Section 17-17-423 shall not exceed Two Dollars (\$2.00) per tire  
86 for new tires weighing one hundred (100) pounds or less. For new  
87 tires weighing more than one hundred (100) pounds, a fee of One  
88 Dollar (\$1.00) per twenty (20) pounds will be assessed. The  
89 commission may provide exemptions from the fees levied on the sale  
90 of tires under this chapter in the regulations provided for in  
91 subsection (6) of this act.

92           (7) Beginning December 1, 2002, the commission shall submit  
93 an annual report to the President of the Senate, the Speaker of  
94 the House of Representatives, the Senate Committee on  
95 Environmental Protection, Conservation and Water Resources, and to  
96 the House Committee on Conservation and Water Resources detailing  
97 the progress of the waste tire program for the preceding year.

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

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

114           (c) Copies of permit applications to the department  
115 shall be made available to the public at local governmental  
116 office. The department shall hold a public hearing within sixty  
117 (60) days of submission of an application. The applicant shall  
118 cause the notice of the hearing to be published in the official  
119 journal of the municipality on two (2) separate days preceding the  
120 hearing. The last day of publication of such notice shall be at  
121 least ten (10) days prior to the hearing. The applicant shall  
122 post a notice of the hearing at least two (2) weeks prior to the  
123 hearing in the courthouse, city hall and all of the libraries. A

124 public comment period of at least thirty (30) days shall be  
125 allowed following the public hearing.

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

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

132 17-17-407. The commission may promulgate and enforce rules  
133 and regulations pertaining to collection, transportation, storage,  
134 processing and disposal of waste tires and may modify, repeal,  
135 make exceptions to and grant exemptions and variances from the  
136 rules and regulations. The rules and regulations shall include:

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

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

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

144 (iii) Pyrolizing or other physico-chemical  
145 processing;

146 (iv) Incineration;

147 (v) Landfilling split, ground, chopped, sliced or  
148 shredded waste tires until July 1, 2000. Beginning July 1, 2000,  
149 the landfilling of waste tires in any form, including, but not  
150 limited to, split, ground, chopped, sliced, shredded or whole  
151 waste tires is prohibited, unless the commission grants an  
152 exception. In determining whether to grant an exception, the  
153 commission shall consider the following factors: A. whether  
154 sufficient end-use or recycling markets have developed in all or  
155 parts of the state, B. whether the condition of the waste tire or  
156 waste tire derived material prevents recycling, C. whether the

157 prohibition on landfilling waste tires will place a financial  
158 burden on local governments, or D. other factors the commission  
159 deems relevant. It is the intent of the Legislature that the  
160 commission shall, to the extent practicable, grant exceptions in  
161 areas of the state where the prohibition against landfilling waste  
162 tires will pose a demonstrated, unfunded financial burden on local  
163 governments;

164 (vi) Other methods as approved by the commission;

165 (b) Procedures for authorization or permitting for  
166 waste tire collection sites, waste tire processing facilities,  
167 waste tire haulers and waste tire disposal sites, including a  
168 review of the applicant's performance history;

169 (c) Requirements for location of facilities at which  
170 waste tires are collected, stored, processed or disposed, with  
171 regards to property boundaries and buildings, pest control,  
172 accessibility by fire fighting equipment and other considerations  
173 as they relate to protection of public health and safety and the  
174 environment; \* \* \*

175 (d) Requirements for any financial assurance for waste  
176 tire haulers, waste tire collection sites, waste tire processing  
177 facilities and waste tire disposal facilities; and

178 (e) Regulations prescribed in Section 1(6) of this act.

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

181 17-17-423. (1) There is imposed a waste tire fee upon the  
182 sale of each new tire sold at retail. The fee shall be imposed on  
183 any person engaging in the business of making retail sales of new  
184 tires within this state. The fee shall be charged by the tire  
185 retailer to the person who purchases a tire for use on a motor  
186 vehicle. The fee shall be imposed at the rate of no more than Two  
187 Dollars (\$2.00) for weighing one hundred (100) pounds or less.  
188 For new tires weighing more than one hundred (100) pounds, a fee  
189 of One Dollar (\$1.00) per twenty (20) pounds will be assessed.

190 The fee shall be added to the total cost to the purchaser at  
191 retail after all applicable sales taxes on the tires have been  
192 computed. The fee imposed, less five percent (5%) of fees  
193 collected, which shall be retained by the tire retailer as  
194 collection costs, shall be paid to the State Tax Commission in the  
195 form and manner required by the State Tax Commission and shall  
196 include a statement showing the total number of new tires sold  
197 during the preceding month. The State Tax Commission shall  
198 promulgate rules and regulations necessary to administer the fee  
199 collection and enforcement.

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

210 \* \* \*

211 SECTION 4. Section 1 of this act shall be codified in Title  
212 17, Chapter 17, Mississippi Code of 1972.

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