

By: Representative Franks

To: Conservation and Water
ResourcesHOUSE BILL NO. 896
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 17-17-227 AND 17-17-229, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THE MISSISSIPPI COMMISSION ON
3 ENVIRONMENTAL QUALITY WITH SOLE AUTHORITY TO CONSIDER NEED IN
4 REVIEWING AND APPROVING OR DISAPPROVING LOCAL NONHAZARDOUS SOLID
5 WASTE MANAGEMENT PLANS AND TO REMOVE NEED CONSIDERATION IN
6 ISSUANCE OF PERMITS FOR NONHAZARDOUS SOLID WASTE FACILITIES; TO
7 AMEND SECTION 17-17-33, MISSISSIPPI CODE OF 1972, TO ADD RECYCLING
8 TO THE AUTHORIZATION TO PARTICIPATE IN REGIONAL SOLID WASTE
9 DISPOSAL AND RECOVERY SYSTEMS; TO AMEND SECTION 17-17-101,
10 MISSISSIPPI CODE OF 1972, TO REVISE THE LEGISLATIVE INTENT OF SUCH
11 FUND; TO AMEND SECTION 17-17-203, MISSISSIPPI CODE OF 1972, TO
12 CLARIFY THE INTENT FOR THE NONHAZARDOUS SOLID WASTE PLANNING ACT;
13 TO AMEND SECTION 49-31-11, MISSISSIPPI CODE OF 1972, TO REVISE THE
14 RULES AND REGULATIONS OF THE MULTIMEDIA POLLUTION PREVENTION ACT;
15 TO AMEND SECTION 49-31-13, MISSISSIPPI CODE OF 1972, TO CLARIFY
16 THE STATUS OF POLLUTION ACTIVITIES; TO AMEND SECTION 49-31-15,
17 MISSISSIPPI CODE OF 1972, TO REVISE THE ESTABLISHMENT OF RECYCLING
18 PROGRAMS AND SOURCE REDUCTION PROGRAMS; TO AMEND SECTION 49-31-17,
19 MISSISSIPPI CODE OF 1972, TO PROMOTE THE RECYCLING INDUSTRY; TO
20 AMEND SECTION 49-31-19, MISSISSIPPI CODE OF 1972, RELATING TO THE
21 DEVELOPMENT OF A WASTE MINIMIZATION AWARENESS PROGRAM; TO AMEND
22 SECTION 49-31-21, MISSISSIPPI CODE OF 1972, TO CLARIFY FILING
23 REQUIREMENTS OF GENERATORS OF HAZARDOUS WASTE FILING; AND FOR
24 RELATED PURPOSES.

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

26 **SECTION 1.** Section 17-17-227, Mississippi Code of 1972, is
27 amended as follows:

28 17-17-227. (1) Each county, in cooperation with
29 municipalities within the county, shall prepare, adopt and submit
30 to the commission for review and approval a local nonhazardous
31 solid waste management plan for the county. Each local
32 nonhazardous solid waste management plan shall include, at a
33 minimum, the following:

34 (a) An inventory of the sources, composition and
35 quantities by weight or volume of municipal solid waste annually
36 generated within the county, and the source, composition and
37 quantity by weight or volume of municipal solid waste currently
38 transported into the county for management;

39 (b) An inventory of all existing facilities where
40 municipal solid waste is currently being managed, including the
41 environmental suitability and operational history of each
42 facility, and the remaining available permitted capacity for each
43 facility;

44 (c) An inventory of existing solid waste collection
45 systems and transfer stations within the county. The inventory
46 shall identify the entities engaging in municipal solid waste
47 collection within the county;

48 (d) A strategy for achieving a twenty-five percent
49 (25%) waste reduction goal through source reduction, recycling or
50 other waste reduction technologies;

51 (e) A projection, using acceptable averaging methods,
52 of municipal solid waste generated within the boundaries of the
53 county over the next twenty (20) years;

54 (f) An identification of the additional municipal solid
55 waste management facilities, including an evaluation of
56 alternative management technologies, and the amount of additional
57 capacity needed to manage the quantities projected in paragraph
58 (e);

59 (g) An estimation of development, construction,
60 operational, closure and post-closure costs, including a proposed
61 method for financing those costs;

62 (h) A plan for meeting any projected capacity
63 shortfall, including a schedule and methodology for attaining the
64 required capacity; * * *

65 (i) A determination of need by the county,
66 municipality, authority or district that is submitting the plan,
67 for any new or expanded facilities. A determination of need shall
68 include, at a minimum, the following:

69 (i) Verification that the proposed facility meets
70 needs identified in the approved local nonhazardous solid waste
71 management plan which shall take into account the quantities of

72 municipal solid waste generated and the design capacities of
73 existing facilities;

74 (ii) Certification that the proposed facility
75 complies with local land use and zoning requirements, if any;

76 (iii) Demonstration, to the extent possible, that
77 operation of the proposed facility will not negatively impact the
78 waste reduction strategy of the county, municipality, authority or
79 district that is submitting the plan;

80 (iv) Certification that the proposed service area
81 of the proposed facility is consistent with the local nonhazardous
82 solid waste management plan; and

83 (v) A description of the extent to which the
84 proposed facility is needed to replace other facilities; and

85 (j) Any other information the commission may require.

86 (2) Each local nonhazardous solid waste management plan may
87 include:

88 (a) The preferred site or alternative sites for the
89 construction of any additional municipal solid waste management
90 facilities needed to properly manage the quantities of municipal
91 solid waste projected for the service areas covered by the plan,
92 including the factors which provided the basis for identifying the
93 preferred or alternative sites; and

94 (b) The method of implementation of the plan with
95 regard to the person who will apply for and acquire the permit for
96 any planned additional facilities and the person who will own or
97 operate any of the facilities.

98 (3) Each municipality shall cooperate with the county in
99 planning for the management of municipal solid waste generated
100 within its boundaries or the area served by that municipality.
101 The governing authority of any municipality which does not desire
102 to be included in the local nonhazardous solid waste management
103 plan shall adopt a resolution stating its intent not to be
104 included in the county plan. The resolution shall be provided to

105 the board of supervisors and the commission. Any municipality
106 resolving not to be included in a county waste plan shall prepare
107 a local nonhazardous solid waste management plan in accordance
108 with this section.

109 (4) The board of supervisors of any county may enter into
110 interlocal agreements with one or more counties as provided by law
111 to form a regional solid waste management authority or other
112 district to provide for the management of municipal solid waste
113 for all participating counties. For purposes of Section 17-17-221
114 through Section 17-17-227, a local nonhazardous solid waste
115 management plan prepared, adopted, submitted and implemented by
116 the regional solid waste management authority or other district is
117 sufficient to satisfy the planning requirements for the counties
118 and municipalities within the boundaries of the authority or
119 district.

120 (5) (a) Upon completion of its local nonhazardous solid
121 waste management plan, the board of supervisors of the county
122 shall publish in at least one (1) newspaper as defined in Section
123 13-3-31, having general circulation within the county a public
124 notice that describes the plan, specifies the location where it is
125 available for review, and establishes a period of thirty (30) days
126 for comments concerning the plan and a mechanism for submitting
127 those comments. The board of supervisors shall also notify the
128 board of supervisors of adjacent counties of the plan and shall
129 make it available for review by the board of supervisors of each
130 adjacent county. During the comment period, the board of
131 supervisors of the county shall conduct at least one (1) public
132 hearing concerning the plan. The board of supervisors of the
133 county shall publish twice in at least one (1) newspaper as
134 defined in Section 13-3-31, having general circulation within the
135 county, a notice conspicuously displayed containing the time and
136 place of the hearing and the location where the plan is available
137 for review.

138 (b) After the public hearing, the board of supervisors
139 of the county may modify the plan based upon the public's
140 comments. Within ninety (90) days after the public hearing, each
141 board of supervisors shall approve a local nonhazardous solid
142 waste management plan by resolution.

143 (c) A regional solid waste management authority or
144 other district shall declare the plan to be approved as the
145 authority's or district's solid waste management plan upon written
146 notification, including a copy of the resolution, that the board
147 of supervisors of each county forming the authority or district
148 has approved the plan.

149 (6) Upon ratification of the plan, the governing body of the
150 county, authority or district shall submit it to the commission
151 for review and approval in accordance with Section 17-17-225. The
152 commission shall, by order, approve or disapprove the plan within
153 one hundred eighty (180) days after its submission. The
154 commission shall include with an order disapproving a plan a
155 statement outlining the deficiencies in the plan and directing the
156 governing body of the county, authority or district to submit,
157 within one hundred twenty (120) days after issuance of the order,
158 a revised plan that remedies those deficiencies. If the governing
159 body of the county, authority or district, by resolution, requests
160 an extension of the time for submission of a revised plan, the
161 commission may, for good cause shown, grant one (1) extension for
162 a period of not more than sixty (60) additional days.

163 (7) After approval of the plan or revised plan by the
164 commission, the governing body of the county, authority or
165 district shall implement the plan in compliance with the
166 implementation schedule contained in the approved plan.

167 (8) The governing body of the county, authority or district
168 shall annually review implementation of the approved plan. The
169 commission may require the governing body of each local government
170 or authority to revise the local nonhazardous solid waste

171 management plan as necessary, but not more than once every five
172 (5) years.

173 (9) If the commission finds that the governing body of a
174 county, authority or district has failed to submit a local
175 nonhazardous solid waste management plan, obtain approval of its
176 local nonhazardous solid waste management plan or materially fails
177 to implement its local nonhazardous solid waste management plan,
178 the commission shall issue an order in accordance with Section
179 17-17-29, to the governing body of the county, authority or
180 district.

181 (10) The commission may, by regulation, adopt an alternative
182 procedure to the procedure described in this section for the
183 preparation, adoption, submission, review and approval of minor
184 modifications of an approved local nonhazardous solid waste
185 management plan. For purposes of this section, minor
186 modifications may include administrative changes or the addition
187 of any noncommercial nonhazardous solid waste management facility.

188 (11) The executive director of the department shall maintain
189 a copy of all local nonhazardous solid waste management plans that
190 the commission has approved and any orders issued by the
191 commission.

192 (12) If a public notice required in subsection (5) was
193 published in a newspaper as defined in Section 13-3-31, having
194 general circulation within the county but was not published in a
195 daily newspaper of general circulation as required by subsection
196 (5) before April 20, 1993, the commission shall not disapprove the
197 plan for failure to publish the notice in a daily newspaper. Any
198 plan disapproved for that reason by the commission shall be deemed
199 approved after remedying any other deficiencies in the plan.

200 **SECTION 2.** Section 17-17-229, Mississippi Code of 1972, is
201 amended as follows:

202 17-17-229. (1) After approval of a local nonhazardous solid
203 waste management plan by the commission, neither the department,

204 the permit board nor any other agency of the State of Mississippi
205 shall issue any permit, grant or loan for any nonhazardous solid
206 waste management facility in a county, municipality region, or
207 district which is not consistent with the approved local
208 nonhazardous solid waste management plan. * * *

209 * * *

210 (2) The commission shall adopt criteria to be considered in
211 location and permitting of nonhazardous solid waste management
212 facilities. The criteria shall be developed through public
213 participation, shall be enforced by the permit board and shall
214 include, in addition to all applicable state and federal rules and
215 regulations, consideration of:

216 (a) Hydrological and geological factors, such as
217 floodplains, depth to water table, soil composition, and
218 permeability, cavernous bedrock, seismic activity, and slope;

219 (b) Natural resources factors, such as wetlands,
220 endangered species habitats, proximity to parks, forests,
221 wilderness areas and historical sites, and air quality;

222 (c) Land use factors, such as local land use, whether
223 residential, industrial, commercial, recreational, agricultural,
224 proximity to public water supplies, and proximity to incompatible
225 structures such as schools, churches and airports;

226 (d) Transportation factors, such as proximity to waste
227 generators and to population, route safety and method of
228 transportation; and

229 (e) Aesthetic factors, such as the visibility,
230 appearance and noise level of the facility.

231 **SECTION 3.** Section 17-17-33, Mississippi Code of 1972, is
232 amended as follows:

233 17-17-33. Counties, municipal and private companies are
234 hereby authorized to participate in applicable approved regional
235 solid waste disposal, recycling and recovery systems.

236 **SECTION 4.** Section 17-17-101, Mississippi Code of 1972, is
237 amended as follows:

238 17-17-101. It is the intent of the Legislature by the
239 passage of Sections 17-17-101 through 17-17-135 to authorize
240 municipalities to acquire, own and lease a project for the purpose
241 of promoting the construction and installation of projects for the
242 sale, collection, treatment, processing, reprocessing, generation,
243 distribution, recycling, elimination, or disposal of solid and
244 hazardous waste products, as hereinafter defined, by inducing
245 manufacturing and industrial enterprises, qualified persons,
246 firms, or corporations to locate and construct said projects in
247 this state. It is intended that each project be self-liquidating.
248 Sections 17-17-101 through 17-17-135 shall be construed to conform
249 with its intent. Except as otherwise provided for projects to
250 recycle solid waste products, the powers hereby conferred upon the
251 municipalities shall be exercised only after such municipality has
252 obtained a certificate of public convenience and necessity from
253 the Mississippi Board of Economic Development as provided in
254 Sections 57-1-19, 57-1-21, 57-1-23 and 57-1-27; provided, however,
255 that if a project is constructed solely with revenue bonds the
256 board shall not be required to adjudicate that there are adequate
257 property values and suitable financial conditions so that the
258 total bonded indebtedness of the municipality, solely for the
259 purposes authorized by Sections 17-17-101 through 17-17-135, shall
260 not exceed twenty percent (20%) of the total assessed valuation of
261 the property in the municipality. The powers conferred in this
262 section to municipalities for projects to recycle or sell recycled
263 solid waste products shall be exercised only after such project
264 has been approved by the Department of Environmental Quality and
265 the Mississippi Development Authority.

266 **SECTION 5.** Section 17-17-203, Mississippi Code of 1972, is
267 amended as follows:

268 17-17-203. (1) The Legislature finds that:

269 (a) Over one million five hundred thousand (1,500,000)
270 tons of municipal solid waste are generated in Mississippi each
271 year of which an estimated fifty thousand (50,000) tons is not
272 even collected for disposal;

273 (b) On the average, each Mississippian currently
274 discards approximately four (4) pounds of municipal solid waste
275 each day;

276 (c) There are currently ninety-eight (98) commercial
277 nonhazardous solid waste management facilities in this state;

278 (d) Most of the permitted sanitary landfill capacity
279 will be used within the next ten (10) years;

280 (e) Monthly household collection fees have increased
281 approximately fifteen percent (15%) in the last year. The costs
282 of nonhazardous solid waste management will increase significantly
283 due to decreased landfill capacity and more stringent federal
284 requirements for nonhazardous solid waste management facilities.
285 More stringent federal requirements may force an estimated eighty
286 percent (80%) of the existing permitted facilities to close;

287 (f) Mississippians are spending approximate Fifty-five
288 Million Dollars (\$55,000,000.00) on nonhazardous solid waste
289 management;

290 (g) Inefficient and improper methods of managing
291 nonhazardous solid waste create hazards to the public health,
292 cause pollution of air and water resources, constitute a waste of
293 natural resources, have an adverse effect on land values and
294 create public nuisances;

295 (h) Problems of nonhazardous solid waste management
296 have become a matter statewide in scope and necessitate state
297 action to assist local governments in identifying, financing, and
298 improving methods and processes for more efficient management and
299 collection of nonhazardous solid waste; and

300 (i) The economic and population growth of our state and
301 improvements in the standard of living enjoyed by our population

302 have resulted in a rising tide of unwanted and discarded
303 materials.

304 (2) It is the intent of the Legislature that the provisions
305 of Sections 17-17-201 through 17-17-235 shall:

306 (a) In order to protect the public health, safety and
307 well-being of its citizens and to protect and enhance the quality
308 of its environment, institute and maintain a comprehensive program
309 for state and local solid waste management planning which will
310 assure that solid waste management facilities * * * meet the needs
311 of the state and its localities, whether publicly or privately
312 operated, are planned, developed and constructed in a timely
313 manner;

314 (b) Reaffirm the state's policy of minimizing the
315 amount of nonhazardous solid waste being generated and managed at
316 facilities in the state and the commitment to reach the state's
317 goal of reducing and minimizing waste generated in Mississippi by
318 a minimum of twenty-five percent (25%) by January 1, 1996;

319 (c) Provide that a county shall have the power and its
320 duty shall be to ensure the availability of adequate permitted
321 management capacity for the nonhazardous solid waste which is
322 generated within its boundaries;

323 (d) Establish that a municipality shall have the power
324 and its duty shall be to assure the proper and adequate
325 collection, transportation and storage of the nonhazardous solid
326 waste generated or present within the area served by such
327 municipality and in cooperation with the county, to assure
328 adequate capacity for the processing, recycling and disposal of
329 nonhazardous solid waste generated or present within the area
330 served by such municipality; and

331 (e) Reaffirm that the state shall have the power and
332 its duty shall be to regulate the management of nonhazardous solid
333 waste and ensure that all nonhazardous solid waste management

334 planning results in strategies for environmentally sound
335 nonhazardous solid waste management systems.

336 (3) It is further the intent of the Legislature that, in
337 light of the impending issuance of the Final Subtitle D
338 regulations, the existing laws and regulations with regard to
339 permitted sanitary landfills should be consistently enforced.

340 **SECTION 6.** Section 49-31-11, Mississippi Code of 1972, is
341 amended as follows:

342 49-31-11 (1) There is hereby created in the Department of
343 Environmental Quality, the Mississippi Multimedia Pollution
344 Prevention Program, herein referred to as "program," for the
345 following purposes:

346 (a) To compile, organize and make available for
347 distribution information on pollution prevention and recycling
348 technologies and procedures;

349 (b) To sponsor and conduct conferences and workshops on
350 pollution prevention and recycling;

351 (c) To facilitate and promote the transfer of pollution
352 prevention and recycling technologies and procedures among
353 business, industry, academic institutions and governmental
354 entities;

355 (d) To provide funds, as may be appropriated or
356 otherwise made available therefor, to business, industry,
357 academic institutions, private organizations and governmental
358 entities:

359 (i) To conduct demonstrations or pilot programs
360 utilizing innovative pollution prevention and recycling
361 technologies and procedures;

362 (ii) To defray costs of basic and applied research
363 on pollution prevention and recycling; and

364 (iii) To subsidize costs of conducting pollution
365 prevention potential analyses and studies, and developing,

366 purchasing and implementing pollution prevention and recycling
367 technologies and procedures or for other related purposes;

368 (e) To develop the necessary programs, information and
369 materials:

370 (i) To collect data to assist in establishing
371 program priorities and evaluation of the progress of pollution
372 prevention and recycling;

373 (ii) To train business, industry, academic
374 institutions and governmental entities to promote and provide
375 information about pollution prevention and recycling practices and
376 their applicability; * * *

377 (iii) To establish and implement waste exchange
378 programs;

379 (iv) To prioritize current state grant funding
380 assistance for local government recycling;

381 (v) To provide technical assistance programs
382 specific to the development of businesses that recycle;

383 (vi) To produce a report that shall be available
384 to the public with information on the amount of unrecycled
385 products within the state;

386 (f) To increase public education and public awareness
387 of waste management issues;

388 (g) To provide pollution prevention and recycling
389 technical assistance to industries, businesses and local
390 governments; and

391 (h) To participate in state, federal and industrial
392 networks of individuals and groups actively involved in pollution
393 prevention and recycling activities and promotion.

394 (2) The Commission on Environmental Quality may adopt,
395 modify, repeal and promulgate, after due notice and hearing, and
396 where not otherwise prohibited by federal or state law, to make
397 exceptions to and grant exemptions and variances from, and to

398 enforce rules and regulations implementing or effectuating the
399 powers and duties of the commission under this chapter.

400 (3) The Commission on Environmental Quality shall coordinate
401 recycling activities among municipalities and local governing
402 authorities and promote pollution prevention, recycling, reuse of
403 wastes, in lieu of treatment and disposal of such wastes.

404 **SECTION 7.** Section 49-31-13, Mississippi Code of 1972, is
405 amended as follows:

406 49-31-13. (1) * * * The department shall complete a
407 comprehensive study of the status of pollution prevention and
408 recycling activities in Mississippi. The study shall address, but
409 not be limited to, the following:

410 (a) The types and quantities of wastes generated in the
411 state, the existing system for management of wastes, and pollution
412 prevention and recycling efforts to date in the state;

413 (b) The advisability, feasibility and potential impacts
414 of waste stream reduction through statutory restraints;

415 (c) The identification of key business, industry,
416 academic institutions and governmental entities which should
417 receive priorities in technical assistance;

418 (d) The establishment of the program priorities,
419 objectives, missions and goals for pollution prevention and
420 recycling in the state, including a methodology for assessing the
421 efficiency and effectiveness of the program in attaining program
422 goals and objectives;

423 (e) The development of a methodology to assess progress
424 in minimizing waste, preventing pollution and recycling in the
425 state; and

426 (f) Any other information deemed necessary by the
427 department to carry out the purposes of this chapter.

428 (2) The study shall be presented to the Chairman of the
429 Conservation and Water Resources Committee of the Mississippi
430 House of Representatives and the Environmental Protection,

431 Conservation and Water Resources Committee of the Mississippi
432 Senate by the second day of each legislative session.

433 **SECTION 8.** Section 49-31-15, Mississippi Code of 1972, is
434 amended as follows:

435 49-31-15. It shall be the duty of each state agency, the
436 judicial branch of state government, the state institutions of
437 higher learning and community colleges * * * to:

438 (a) Establish a program, in cooperation with the
439 Department of Environmental Quality and the Department of Finance
440 and Administration, for the collection of recyclable materials as
441 determined by the Department of Environmental Quality, generated
442 in state offices throughout the state.

443 (b) Provide procedures for collecting and storing
444 recyclable materials, containers for storing recyclable materials
445 and contractual arrangements with buyers of recyclable materials.

446 (c) Evaluate the amount of recyclable materials
447 recycled and make all necessary modifications to the recycling
448 program to ensure that recyclable materials, as determined by the
449 Department of Environmental Quality, are effectively and
450 practically recycled.

451 (d) Establish and implement, in cooperation with the
452 Department of Environmental Quality and the Department of Finance
453 and Administration, a source reduction program for materials, as
454 determined by the Department of Environmental Quality, used in the
455 course of agency operations. The program shall be designed and
456 implemented to achieve the maximum feasible source reduction of
457 waste as a result of agency operations.

458 **SECTION 9.** Section 49-31-17, Mississippi Code of 1972, is
459 amended as follows:

460 49-31-17. (1) The Mississippi Department of Environmental
461 Quality and the Mississippi Development Authority shall assist and
462 actively promote the recycling industry in the state. Assistance

463 and promotion of the recycling industry shall include, but is not
464 limited to:

465 (a) Identification and analysis, in cooperation with
466 the Department of Environmental Quality, of components of the
467 state's recycling industry and present and potential markets for
468 recyclable materials in the state or other states;

469 (b) Provision of information on the availability and
470 benefits of using recycled materials to business, industry,
471 academic institutions and governmental entities within the state;

472 (c) Distribution of any material prepared in
473 implementing this section to business, industry, academic
474 institutions, governmental entities and the general public upon
475 request; and

476 (d) Active promotion of the present markets and
477 development of the potential markets of recyclable materials
478 through the resources of the Mississippi Department of
479 Environmental Quality and the Mississippi Development Authority.

480 (2) By December 31, 2006, the Mississippi Development
481 Authority shall assist the Task Force on Recycling in preparing a
482 report assessing the recycling industry and recyclable materials
483 markets in the state for the Mississippi Legislature.

484 * * *

485 **SECTION 10.** Section 49-31-19, Mississippi Code of 1972, is
486 amended as follows:

487 49-31-19. (1) On or before July 1, 2007, the Department of
488 Education with advice of the Department of Environmental Quality
489 is directed to develop or select curriculum, including materials
490 and resource guides, for a waste minimization awareness program at
491 the elementary and secondary levels of education.

492 (2) In order to orient students and their families to the
493 minimization of waste and to encourage the participation of
494 schools, communities and families in waste minimization programs,
495 the school board of each school district in the state shall

496 provide a program of student instruction in the minimization of
497 waste materials * * *. The instruction shall be provided at both
498 the elementary and secondary levels of education.

499 **SECTION 11.** Section 49-31-21, Mississippi Code of 1972, is
500 amended as follows:

501 49-31-21. (1) * * * The department shall require waste
502 minimization plans to be provided by each generator of hazardous
503 waste who is regulated as a large quantity generator or a small
504 quantity generator under Mississippi hazardous waste management
505 regulations and each facility operator required to file a report
506 under Section 313 of EPCRA. The generators and facility operators
507 shall provide a plan for each site where waste is generated or
508 chemicals are released.

509 (2) Waste minimization plans for large quantity generators
510 and for facility operators required to file a report under Section
511 313 of EPCRA, shall include, at a minimum:

512 (a) A written policy describing ownership and
513 management support for pollution prevention and waste minimization
514 and implementation of the plan;

515 (b) The scope and objectives of the plan, including the
516 evaluation of technologies, procedures and personnel training
517 programs to ensure waste minimization;

518 (c) An explanation and documentation of waste
519 minimization efforts completed or in progress before the first
520 reporting date;

521 (d) An analysis of waste streams, and identification of
522 opportunities to eliminate waste generation. The analysis shall
523 include review of individual processes and facilities and other
524 activities where wastes may be generated, evaluation of data on
525 the types, amounts and hazardous and toxic constituents of waste
526 generated, and potential waste minimization techniques applicable
527 to those wastes;

528 (e) An identification of waste management costs;

529 (f) An identification of employee awareness and
530 training programs to involve employees in waste minimization
531 planning and implementation to the maximum extent feasible;

532 (g) The establishment of performance goals for the
533 minimization of wastes which shall be expressed in numeric terms,
534 to the extent practicable.

535 (3) The department shall develop appropriate, but less
536 stringent, requirements for waste minimization plans to be
537 prepared by small quantity generators.

538 (4) All generators and facility operators required to
539 prepare a waste minimization plan shall update annually their
540 waste minimization plan. The annual update shall include at a
541 minimum:

542 (a) An analysis and quantification of progress made, if
543 any, in waste minimization, relative to each performance goal
544 established under subsection (2)(g) of this section; and

545 (b) Any amendments to the waste minimization plan and
546 an explanation of the need for the amendments.

547 (5) For purposes of this section, a generator or facility
548 operator shall permit the department or its designee to review the
549 waste minimization plan.

550 (6) From the waste minimization plan and each annual update,
551 the generator or facility operator shall submit to the department
552 a certified report of the types and quantities of wastes
553 generated, and the types and quantities of wastes minimized. To
554 the extent practicable, the department shall coordinate the
555 submission of this certified report with other reporting
556 requirements placed on large quantity and small quantity hazardous
557 waste generators and facility operators.

558 (7) The certified report shall include a narrative summary
559 explaining the waste generation and minimization data, a
560 description of goals and progress made in minimizing the

561 generation of wastes, and a description of any impediments to the
562 minimization of wastes.

563 **SECTION 12.** This act shall take effect and be in force from
564 and after July 1, 2006.