

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 896: Mississippi Commission on Environmental Quality; expand authority.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Franks

X (SIGNED)  
Ishee

X (SIGNED)  
Dedeaux

CONFEREES FOR THE SENATE

X (SIGNED)  
Moffatt

X (SIGNED)  
Lee (35th)

X (SIGNED)  
Chaney