

Senate Amendments to House Bill No. 896

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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

11 17-17-227. (1) Each county, in cooperation with
12 municipalities within the county, shall prepare, adopt and submit
13 to the commission for review and approval a local nonhazardous
14 solid waste management plan for the county. Each local
15 nonhazardous solid waste management plan shall include, at a
16 minimum, the following:

17 (a) An inventory of the sources, composition and
18 quantities by weight or volume of municipal solid waste annually
19 generated within the county, and the source, composition and
20 quantity by weight or volume of municipal solid waste currently
21 transported into the county for management;

22 (b) An inventory of all existing facilities where
23 municipal solid waste is currently being managed, including the
24 environmental suitability and operational history of each
25 facility, and the remaining available permitted capacity for each
26 facility;

27 (c) An inventory of existing solid waste collection
28 systems and transfer stations within the county. The inventory
29 shall identify the entities engaging in municipal solid waste
30 collection within the county;

31 (d) A strategy for achieving a twenty-five percent
32 (25%) waste reduction goal through source reduction, recycling or
33 other waste reduction technologies;

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

37 (f) An identification of the additional municipal solid
38 waste management facilities, including an evaluation of
39 alternative management technologies, and the amount of additional
40 capacity needed to manage the quantities projected in paragraph
41 (e);

42 (g) An estimation of development, construction,
43 operational, closure and post-closure costs, including a proposed
44 method for financing those costs;

45 (h) A plan for meeting any projected capacity
46 shortfall, including a schedule and methodology for attaining the
47 required capacity; * * *

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

52 (i) Verification that the proposed facility meets
53 needs identified in the approved local nonhazardous solid waste
54 management plan which shall take into account the quantities of
55 municipal solid waste generated and the design capacities of
56 existing facilities;

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

59 (iii) Demonstration, to the extent possible, that
60 operation of the proposed facility will not negatively impact the
61 waste reduction strategy of the county, municipality, authority or
62 district that is submitting the plan;

63 (iv) Certification that the proposed service area
64 of the proposed facility is consistent with the local nonhazardous
65 solid waste management plan; and

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

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

69 (2) Each local nonhazardous solid waste management plan may
70 include:

71 (a) The preferred site or alternative sites for the
72 construction of any additional municipal solid waste management
73 facilities needed to properly manage the quantities of municipal
74 solid waste projected for the service areas covered by the plan,
75 including the factors which provided the basis for identifying the
76 preferred or alternative sites; and

77 (b) The method of implementation of the plan with
78 regard to the person who will apply for and acquire the permit for
79 any planned additional facilities and the person who will own or
80 operate any of the facilities.

81 (3) Each municipality shall cooperate with the county in
82 planning for the management of municipal solid waste generated
83 within its boundaries or the area served by that municipality.
84 The governing authority of any municipality which does not desire
85 to be included in the local nonhazardous solid waste management
86 plan shall adopt a resolution stating its intent not to be
87 included in the county plan. The resolution shall be provided to
88 the board of supervisors and the commission. Any municipality
89 resolving not to be included in a county waste plan shall prepare
90 a local nonhazardous solid waste management plan in accordance
91 with this section.

92 (4) The board of supervisors of any county may enter into
93 interlocal agreements with one or more counties as provided by law
94 to form a regional solid waste management authority or other
95 district to provide for the management of municipal solid waste
96 for all participating counties. For purposes of Section 17-17-221
97 through Section 17-17-227, a local nonhazardous solid waste
98 management plan prepared, adopted, submitted and implemented by
99 the regional solid waste management authority or other district is
100 sufficient to satisfy the planning requirements for the counties
101 and municipalities within the boundaries of the authority or
102 district.

103 (5) (a) Upon completion of its local nonhazardous solid
104 waste management plan, the board of supervisors of the county
105 shall publish in at least one (1) newspaper as defined in Section
106 13-3-31, having general circulation within the county a public
107 notice that describes the plan, specifies the location where it is
108 available for review, and establishes a period of thirty (30) days
109 for comments concerning the plan and a mechanism for submitting
110 those comments. The board of supervisors shall also notify the
111 board of supervisors of adjacent counties of the plan and shall
112 make it available for review by the board of supervisors of each
113 adjacent county. During the comment period, the board of
114 supervisors of the county shall conduct at least one (1) public
115 hearing concerning the plan. The board of supervisors of the
116 county shall publish twice in at least one (1) newspaper as
117 defined in Section 13-3-31, having general circulation within the
118 county, a notice conspicuously displayed containing the time and
119 place of the hearing and the location where the plan is available
120 for review.

121 (b) After the public hearing, the board of supervisors
122 of the county may modify the plan based upon the public's
123 comments. Within ninety (90) days after the public hearing, each
124 board of supervisors shall approve a local nonhazardous solid
125 waste management plan by resolution.

126 (c) A regional solid waste management authority or
127 other district shall declare the plan to be approved as the
128 authority's or district's solid waste management plan upon written
129 notification, including a copy of the resolution, that the board
130 of supervisors of each county forming the authority or district
131 has approved the plan.

132 (6) Upon ratification of the plan, the governing body of the
133 county, authority or district shall submit it to the commission
134 for review and approval in accordance with Section 17-17-225. The
135 commission shall, by order, approve or disapprove the plan within
136 one hundred eighty (180) days after its submission. The
137 commission shall include with an order disapproving a plan a

138 statement outlining the deficiencies in the plan and directing the
139 governing body of the county, authority or district to submit,
140 within one hundred twenty (120) days after issuance of the order,
141 a revised plan that remedies those deficiencies. If the governing
142 body of the county, authority or district, by resolution, requests
143 an extension of the time for submission of a revised plan, the
144 commission may, for good cause shown, grant one (1) extension for
145 a period of not more than sixty (60) additional days.

146 (7) After approval of the plan or revised plan by the
147 commission, the governing body of the county, authority or
148 district shall implement the plan in compliance with the
149 implementation schedule contained in the approved plan.

150 (8) The governing body of the county, authority or district
151 shall annually review implementation of the approved plan. The
152 commission may require the governing body of each local government
153 or authority to revise the local nonhazardous solid waste
154 management plan as necessary, but not more than once every five
155 (5) years.

156 (9) If the commission finds that the governing body of a
157 county, authority or district has failed to submit a local
158 nonhazardous solid waste management plan, obtain approval of its
159 local nonhazardous solid waste management plan or materially fails
160 to implement its local nonhazardous solid waste management plan,
161 the commission shall issue an order in accordance with Section
162 17-17-29, to the governing body of the county, authority or
163 district.

164 (10) The commission may, by regulation, adopt an alternative
165 procedure to the procedure described in this section for the
166 preparation, adoption, submission, review and approval of minor
167 modifications of an approved local nonhazardous solid waste
168 management plan. For purposes of this section, minor
169 modifications may include administrative changes or the addition
170 of any noncommercial nonhazardous solid waste management facility.

171 (11) The executive director of the department shall maintain
172 a copy of all local nonhazardous solid waste management plans that

173 the commission has approved and any orders issued by the
174 commission.

175 (12) If a public notice required in subsection (5) was
176 published in a newspaper as defined in Section 13-3-31, having
177 general circulation within the county but was not published in a
178 daily newspaper of general circulation as required by subsection
179 (5) before April 20, 1993, the commission shall not disapprove the
180 plan for failure to publish the notice in a daily newspaper. Any
181 plan disapproved for that reason by the commission shall be deemed
182 approved after remedying any other deficiencies in the plan.

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

185 17-17-229. (1) After approval of a local nonhazardous solid
186 waste management plan by the commission, neither the department,
187 the permit board nor any other agency of the State of Mississippi
188 shall issue any permit, grant or loan for any nonhazardous solid
189 waste management facility in a county, municipality region, or
190 district which is not consistent with the approved local
191 nonhazardous solid waste management plan. * * *

192 * * *

193 (2) The commission shall adopt criteria to be considered in
194 location and permitting of nonhazardous solid waste management
195 facilities. The criteria shall be developed through public
196 participation, shall be enforced by the permit board and shall
197 include, in addition to all applicable state and federal rules and
198 regulations, consideration of:

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

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

205 (c) Land use factors, such as local land use, whether
206 residential, industrial, commercial, recreational, agricultural,

207 proximity to public water supplies, and proximity to incompatible
208 structures such as schools, churches and airports;

209 (d) Transportation factors, such as proximity to waste
210 generators and to population, route safety and method of
211 transportation; and

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

214 **SECTION 3.** This act shall take effect and be in force from
215 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; AND
7 FOR RELATED PURPOSES.

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John O. Gilbert
Secretary of the Senate