

By: Senator(s) Burton

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2071

1 AN ACT TO AMEND SECTION 17-17-229, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT A NONHAZARDOUS SOLID WASTE MANAGEMENT FACILITY FROM
3 BEING LOCATED WITHIN CERTAIN DISTANCE OF A COUNTY LINE; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 17-17-229, Mississippi Code of 1972, is
7 amended as follows:

8 17-17-229. (1) After approval of a local nonhazardous solid
9 waste management plan by the commission, neither the department,
10 the permit board nor any other agency of the State of Mississippi
11 shall issue any permit, grant or loan for any nonhazardous solid
12 waste management facility in a county, municipality region, or
13 district which is not consistent with the approved local
14 nonhazardous solid waste management plan.

15 (2) The commission shall adopt criteria to be considered in
16 location and permitting of nonhazardous solid waste management
17 facilities. The criteria shall be developed through public
18 participation, shall be enforced by the permit board and shall
19 include, in addition to all applicable state and federal rules and
20 regulations, consideration of:

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

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

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

29 proximity to public water supplies, and proximity to incompatible
30 structures such as schools, churches and airports;

31 (d) Transportation factors, such as proximity to waste
32 generators and to population, route safety and method of
33 transportation; and

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

36 (3) (a) A nonhazardous solid waste management facility
37 shall not be located within one (1) mile of a county line and
38 neither the department, the permit board nor any other agency of
39 the state shall issue any permit, grant or loan for any
40 nonhazardous solid waste management facility in a county,
41 municipality region, or district which is located within one (1)
42 mile of a county line.

43 (b) This subsection shall not apply to any nonhazardous
44 solid waste management facility sited before July 1, 2007.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2007.