

By: Representatives Powell, Brown (20th)

To: Conservation and Water Resources

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1135

1 AN ACT TO AMEND SECTION 17-17-3, MISSISSIPPI CODE OF 1972, TO
2 DEFINE THE TERMS "ADVANCED PLASTIC RECYCLING," "DEPOLYMERIZATION,"
3 "GASIFICATION," "PYROLYSIS," "SOLVOLYSIS," "ADVANCED PLASTIC
4 RECYCLING FACILITY," "POST-USE POLYMER" AND "RECOVERED FEEDSTOCK"
5 FOR PURPOSES RELATING TO SOLID WASTE DISPOSAL; TO AMEND SECTION
6 17-17-205, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF
7 "MUNICIPAL SOLID WASTE" FOR PURPOSES RELATING TO SOLID WASTE
8 DISPOSAL; TO AMEND SECTION 17-17-305, MISSISSIPPI CODE OF 1972, TO
9 REVISE THE DEFINITIONS OF "MUNICIPAL SOLID WASTE," "RESOURCE
10 RECOVERY FACILITY," AND "MUNICIPAL SOLID WASTE MANAGEMENT
11 FACILITY" FOR PURPOSES RELATING TO SOLID WASTE DISPOSAL; AND FOR
12 RELATED PURPOSES.

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

14 **SECTION 1.** Section 17-17-3, Mississippi Code of 1972, is
15 amended as follows:

16 17-17-3. For purposes of this chapter, the following words
17 shall have the following definitions * * * unless the
18 context * * * indicates otherwise:

19 (a) "Advanced plastic recycling" means a manufacturing
20 process for the conversion of post-use polymers and recovered
21 feedstocks into basic hydrocarbon raw materials, feedstocks,
22 chemicals, and other products including, but not limited to,
23 monomers, oligomers, plastics, plastics and chemical feedstocks,



24 basic and unfinished chemicals, naphtha, waxes, lubricants,
25 coatings, and other basic hydrocarbons. For the purpose of
26 advanced recycling:

27 (i) "Depolymerization" means a manufacturing
28 process where post-use polymers are broken into smaller molecules
29 such as monomers and oligomers or raw, intermediate, or final
30 products, plastics and chemical feedstocks, basic and unfinished
31 chemicals, naphtha, waxes, lubricants, coatings, and other basic
32 hydrocarbons.

33 (ii) "Gasification" means a manufacturing process
34 through which recovered feedstocks and post-use polymers are
35 heated and converted into a fuel and gas mixture in an
36 oxygen-deficient atmosphere and the mixture is converted into
37 valuable raw materials and intermediate and final products,
38 including plastic monomers, chemicals, waxes, lubricants, chemical
39 feedstocks, that are returned to economic utility in the form of
40 raw materials, products, or other basic hydrocarbons.

41 (iii) "Pyrolysis" means a manufacturing process
42 through which post-use polymers are heated in the absence of
43 oxygen until melted and thermally decomposed and are then cooled,
44 condensed, and converted into valuable raw materials and
45 intermediate and final products, including plastic monomers,
46 chemicals, waxes, lubricants, plastic and chemical feedstocks,
47 that are returned to economic utility in the form of raw
48 materials, products, or other basic hydrocarbons.



49 (iv) "Solvolysis" means a manufacturing process
50 through which post-use polymers are reacted with the aid of
51 solvents while heated at low temperatures and/or pressurized to
52 make useful products, while allowing additives and contaminants to
53 be separated. The products of solvolysis include monomers,
54 intermediates, and valuable raw materials. The process includes
55 hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis,
56 and glycolysis.

57 (b) "Advanced plastic recycling facility" means a
58 manufacturing facility that receives, separates, stores and
59 converts post-use polymers and recovered feedstocks using advanced
60 recycling. An advanced plastic recycling facility is not a solid
61 waste processing facility, solid waste management facility,
62 materials recovery facility, waste-to-energy facility, or
63 incinerator, but the facility is subject to department inspections
64 to ensure compliance. Solid waste generated by an advanced
65 plastic recycling facility is subject to all applicable laws and
66 regulations for manufacturers relating to storage and disposal of
67 solid waste.

68 (* * *c) "Agency" means any controlling agency, public
69 or private, elected, appointed or volunteer, controlling and
70 supervising the collection and/or disposal of solid wastes.

71 (* * *d) "Ashes" means the solid residue from burning
72 of wood, coal, coke or other combustible materials used for
73 heating, or from incineration of solid wastes, but excepting solid



74 residue the storage or disposition of which is controlled by other
75 agencies.

76 (* * *e) "Commercial hazardous waste management
77 facility" means any facility engaged in the storage, treatment,
78 recovery or disposal of hazardous waste for a fee and which
79 accepts hazardous waste from more than one (1) generator. A
80 facility (i) which is designed principally for treatment of
81 aqueous hazardous wastes and residue; and (ii) which is situated
82 within an industrial park or area; and (iii) which disposes of no
83 hazardous waste within the State of Mississippi shall not
84 constitute a commercial hazardous waste management facility for
85 purposes of Section 17-17-151(3)(a) only.

86 (* * *f) "Commercial nonhazardous solid waste
87 management facility" means any facility engaged in the storage,
88 treatment, processing or disposal of nonhazardous solid waste for
89 compensation or which accepts nonhazardous solid waste from more
90 than one (1) generator not owned by the facility owner.

91 (* * *g) "Commercial oil field exploration and
92 production waste disposal" means storage, treatment, recovery,
93 processing, disposal or acceptance of oil field exploration and
94 production waste from more than one (1) generator or for a fee.

95 (* * *h) "Commercial purpose" means for the purpose of
96 economic gain.

97 (* * *i) "Commission" means the Mississippi Commission
98 on Environmental Quality.



99 (* * *j) "Composting or compost plant" means an
100 officially controlled method or operation whereby putrescible
101 solid wastes are broken down through microbic action to a material
102 offering no hazard or nuisance factors to public health or
103 well-being.

104 (* * *k) "Department" means the Mississippi Department
105 of Environmental Quality.

106 (* * *l) "Disposal" means the discharge, deposit,
107 injection, dumping, spilling, leaking or placing of any solid
108 waste or hazardous waste into or on any land or water so that such
109 solid waste or hazardous waste or any constituent thereof may
110 enter the environment or be emitted into the air or discharged
111 into any waters, including groundwaters.

112 (* * *m) "Executive director" means the Executive
113 Director of the Mississippi Department of Environmental Quality.

114 (* * *n) "Garbage" means putrescible animal and
115 vegetable wastes resulting from the handling, preparation, cooking
116 and consumption of food, including wastes from markets, storage
117 facilities, handling and sale of produce and other food products,
118 and excepting such materials that may be serviced by garbage
119 grinders and handled as household sewage.

120 (* * *o) "Hazardous wastes" means any waste or
121 combination of waste of a solid, liquid, contained gaseous, or
122 semisolid form which because of its quantity, concentration or
123 physical, chemical or infectious characteristics, may (i) cause,



124 or significantly contribute to an increase in mortality or an
125 increase in serious irreversible or incapacitating reversible
126 illness; or (ii) pose a substantial present or potential hazard to
127 human health or the environment when improperly treated, stored,
128 transported, disposed of, or otherwise managed which are listed by
129 the Environmental Protection Agency as hazardous wastes which
130 exceed the threshold limits set forth in the Environmental
131 Protection Agency regulations for classifying hazardous waste.
132 Such wastes include, but are not limited to, those wastes which
133 are toxic, corrosive, flammable, irritants, strong sensitizers, or
134 which generate pressure through decomposition, heat or other
135 means. Such wastes do not include those radioactive materials
136 regulated pursuant to the Mississippi Radiation Protection Law of
137 1976, appearing in Section 45-14-1 et seq.

138 (* * *p) "Hazardous waste management" means the
139 systematic control of the collection, source separation, storage,
140 transportation, processing, treatment, recovery and disposal of
141 hazardous waste.

142 (* * *q) "Head" means the head of the Office of
143 Pollution Control of the Mississippi Department of Environmental
144 Quality or his designee.

145 (* * *r) "Health department" means the Mississippi
146 State Health Department and every county or district health
147 department. "Health officer" means the state or affected county
148 health officer or his designee.



149 (* * *s) "Manifest" means the form used for
150 identifying the quantity, composition, origin, routing and
151 destination of hazardous waste during its transport.

152 (* * *t) "Office" means the Office of Pollution
153 Control of the Mississippi Department of Environmental Quality.

154 (* * *u) "Open dump" means any officially recognized
155 place, land or building which serves as a final depository for
156 solid wastes, whether or not burned or buried, which does not meet
157 the minimum requirements for a sanitary landfill, except approved
158 incinerators, compost plants and salvage yards.

159 (v) "Post-use polymer" means a plastic to which all of
160 the following apply:

161 (i) It is derived from any residential,
162 industrial, commercial, governmental, institutional, or
163 agricultural activities.

164 (ii) It is not mixed with solid waste or hazardous
165 waste onsite or during processing at a depolymerization,
166 gasification, pyrolysis, or solvolysis facility.

167 (iii) Its use or intended use is as a feedstock
168 for the manufacturing of feedstocks, raw materials, or other
169 intermediate products or final products using depolymerization,
170 gasification, pyrolysis, solvolysis or other similar technologies.

171 (iv) It has been sorted from solid waste and other
172 regulated waste but may contain residual amounts of solid waste



173 such as organic material and incidental contaminants or impurities
174 such as paper labels and metal rings.

175 (v) It is processed at a depolymerization,
176 gasification, pyrolysis, or solvolysis facility or held at such
177 facility prior to processing.

178 (vi) Post-use polymers meeting the requirements of
179 this section are not solid waste.

180 (w) "Recovered feedstock" means a post-use polymer or a
181 material for which the United States Environmental Protection
182 Agency, or the department, has made a nonwaste determination
183 pursuant to 40 CFR 241.3(c), or has otherwise determined is
184 feedstock that has been sorted from other solid wastes so that it
185 may be used as feedstock in an advanced plastics recycling
186 facility or other recycling operations. Recovered feedstock does
187 not include unsorted municipal solid waste or material(s) that has
188 been mixed with solid waste or hazardous waste onsite or during
189 processing at an advanced plastics recycling facility or other
190 recycling operations.

191 (* * *x) "Permit board" means the permit board created
192 by Section 49-17-28.

193 (* * *y) "Person" means any individual, trust, firm,
194 joint-stock company, public or private corporation (including a
195 government corporation), partnership, association, state, or any
196 agency or institution thereof, municipality, commission, political
197 subdivision of a state or any interstate body, and includes any



198 officer or governing or managing body of any municipality,
199 political subdivision, or the United States or any officer or
200 employee thereof.

201 (* * *z) "Pollution Emergency Fund" means the fund
202 created under Section 49-17-68.

203 (* * *aa) "Rubbish" means nonputrescible solid wastes
204 (excluding ashes) consisting of both combustible and
205 noncombustible wastes. Combustible rubbish includes paper, rags,
206 cartons, wood, furniture, rubber, plastics, yard trimmings, leaves
207 and similar materials. Noncombustible rubbish includes glass,
208 crockery, metal cans, metal furniture and like materials which
209 will not burn at ordinary incinerator temperatures (not less than
210 1600 degrees F.).

211 (* * *bb) "Sanitary landfill" means a controlled area
212 of land upon which solid waste is deposited, and is compacted and
213 covered with no on-site burning of wastes, and so located,
214 contoured, drained and operated so that it will not cause an
215 adverse effect on public health or the environment.

216 (* * *cc) "Solid wastes" means any garbage, refuse,
217 sludge from a waste treatment plant, water supply treatment plant
218 or air pollution control facility and other discarded material,
219 including solid, liquid, semisolid or contained gaseous material
220 resulting from industrial, commercial, mining and agricultural
221 operations, and from community activities, but does not include
222 solid or dissolved material in domestic sewage, or solid or



223 dissolved materials in irrigation return flows or industrial
224 discharges which are point sources subject to permits under
225 Section 402 of the Federal Water Pollution Control Act, as amended
226 (86 Stat. 880), or source, special nuclear or by-product material
227 as defined by the Atomic Energy Act of 1954.

228 (* * *dd) "Storage" means the containment of wastes,
229 either on a temporary basis or for a period of years, except as
230 provided in 40 CFR 263.12, in such a manner as not to constitute
231 disposal of such wastes.

232 (* * *ee) "Transport" means the movement of wastes
233 from the point of generation to any intermediate points, and
234 finally to the point of ultimate storage or disposal.

235 (* * *ff) "Treatment" means any method, technique or
236 process, including neutralization, designed to change the
237 physical, chemical or biological character or composition of any
238 solid waste in order to neutralize such character or composition
239 of any solid waste, neutralize such waste or render such waste,
240 safer for transport, amenable for recovery, amenable for storage
241 or reduced in volume.

242 (* * *gg) "Treatment facility" means a location at
243 which waste is subjected to treatment and may include a facility
244 where waste has been generated.

245 (* * *hh) "Unauthorized dump" means any collection of
246 solid wastes either dumped or caused to be dumped or placed on any
247 property either public or private, whether or not regularly used.



248 An abandoned automobile, large appliance, or similar large item of
249 solid waste shall be considered as forming an unauthorized dump
250 within the meaning of this chapter, but not the careless,
251 scattered littering of smaller individual items as tires, bottles,
252 cans and the like. An unauthorized dump shall also mean any solid
253 waste disposal site which does not meet the regulatory provisions
254 of this chapter.

255 **SECTION 2.** Section 17-17-205, Mississippi Code of 1972, is
256 amended as follows:

257 17-17-205. (a) "Closure" means the ceasing operation of a
258 sanitary landfill and securing the landfill so that it does not
259 pose a significant threat to public health or the environment and
260 includes long-term monitoring and maintenance of the landfill.

261 (b) "Label" means a molded, imprinted or raised symbol on or
262 near the bottom of a plastic container or bottle.

263 (c) "Local government" means a county or a municipality
264 within the State of Mississippi.

265 (d) "Municipal solid waste" means any nonhazardous solid
266 waste resulting from the operation of residential, commercial,
267 governmental, industrial or institutional establishments except
268 oil field exploration and production wastes and sewage sludge, and
269 does not include post-use polymers or recovered feedstocks as
270 defined in Section 17-17-3.

271 (e) "Owner" or "operator" means any person, corporation,
272 county, municipality or group of counties or municipalities acting



273 jointly operating a sanitary landfill or having any interest in
274 the land whereon a sanitary landfill is or has been located.

275 (f) "Plastic" means any material made of polymeric organic
276 compounds and additives that can be shaped by flow.

277 (g) "Plastic bottle" means a plastic container intended for
278 single use that:

279 (i) Has a neck smaller than the body of the container;

280 (ii) Is designed for a screw-top, snap cap or other
281 closure; and

282 (iii) Has a capacity of not less than sixteen (16)
283 fluid ounces or more than five (5) gallons.

284 (h) "Rigid plastic container" means any formed or molded
285 container intended for single use, composed predominately of
286 plastic resin, that has a relatively inflexible finite shape or
287 form with a capacity of not less than eight (8) ounces or more
288 than five (5) gallons. This term does not include a plastic
289 bottle.

290 **SECTION 3.** Section 17-17-305, Mississippi Code of 1972, is
291 amended as follows:

292 17-17-305. Whenever used in Sections 17-17-301 through
293 17-17-349, the following words and terms shall have the following
294 respective meanings unless a different meaning clearly appears
295 from the context:

296 (a) "Authority" means a regional solid waste management
297 authority created under Sections 17-17-301 through 17-17-349.



298 (b) "Board" means the board of commissioners of an
299 authority.

300 (c) "Bonds" means either revenue bonds, general
301 obligation bonds, bond anticipation notes, or other types of debt
302 instruments issued by the authority unless the reference to bonds
303 clearly indicates "revenue bonds," "general obligation bonds,"
304 "bond anticipation notes" or such other forms of debt instruments.

305 (d) "Cost of project" means all costs of site
306 preparation and other start-up costs; all costs of construction;
307 all costs of real and personal property required for the purposes
308 of the project and facilities related thereto, including land and
309 any rights or undivided interest therein, easements, franchises,
310 fees, permits, approvals, licenses, and certificates and the
311 securing of such permits, approvals, licenses, and certificates
312 and all machinery and equipment, including motor vehicles which
313 are used for project functions; and including any cost associated
314 with the closure, post-closure maintenance or corrective action,
315 financing charges and interest prior to and during construction
316 and during such additional period as the authority may reasonably
317 determine to be necessary for the placing of the project in
318 operation; costs of engineering, geotechnical, architectural and
319 legal services; costs of plans and specifications and all expenses
320 necessary or incident to determining the feasibility or
321 practicability of the project; administrative expenses; and such
322 other expenses as may be necessary or incidental to the financing



323 authorized in Sections 17-17-301 through 17-17-349. The costs of
324 any project may also include funds for the creation of a debt
325 service reserve, a renewal and replacement reserve, and such other
326 reserves as may be reasonably required by the authority for the
327 operation of its projects and as may be authorized by any bond
328 resolution or trust agreement or indenture pursuant to the
329 provisions of which the issuance of any such bonds may be
330 authorized. Any obligation or expense incurred for any of the
331 foregoing purposes shall be regarded as a part of the costs of the
332 project and may be paid or reimbursed as such out of the proceeds
333 of user fees, of revenue bonds or notes issued under Sections
334 17-17-301 through 17-17-349 for such project, or from other
335 revenues obtained by the authority.

336 (e) "County" means any county of this state.

337 (f) "Department" means the Department of Environmental
338 Quality.

339 (g) "Designated representative" means the person named
340 by resolution of the governing body of a county or municipal
341 corporation as the representative of such unit of local government
342 for the purpose of acting on their behalf as an incorporator in
343 concert with other similarly named persons in the creation and
344 incorporation of a regional authority under Sections 17-17-301
345 through 17-17-349.



346 (h) "Facilities" means any plant, structure, building,
347 improvement, land, or any other real or personal property used or
348 useful in a project under Sections 17-17-301 through 17-17-349.

349 (i) "Governing body" means the elected or duly
350 appointed officials constituting the governing body of a
351 municipality or county.

352 (j) "Incorporation agreement" means that agreement
353 between the designated representatives of various units of local
354 government setting forth the formal creation of a regional
355 authority under Sections 17-17-301 through 17-17-349.

356 (k) "Incorporator" means the "designated
357 representative."

358 (l) "Member" means a unit of local government
359 participating in an authority.

360 (m) "Municipal solid waste" means any nonhazardous
361 solid waste resulting from the operation of residential,
362 commercial, governmental, industrial or institutional
363 establishments except oil field exploration and production wastes
364 and sewage sludge, and does not include post-use polymers or
365 recovered feedstocks as defined in Section 17-17-3.

366 (n) "Municipality" means any incorporated city or town
367 in this state.

368 (o) "Person" means a person as defined in Section
369 17-17-3, Mississippi Code of 1972.



370 (p) "Post-closure" means a procedure approved by the
371 Environmental Protection Agency, or the department to provide for
372 long-term financial assurance, monitoring, and maintenance of
373 solid waste disposal sites to protect human health and the
374 environment.

375 (q) "Project" means:

376 (i) The collection, transportation, management and
377 disposal of municipal solid waste, including closure and
378 post-closure and any property, real or personal, used as or in
379 connection with a facility for the composting, extraction,
380 collection, storage, treatment, processing, utilization, or final
381 disposal of resources contained in solid waste, including the
382 conversion of municipal solid waste or resources contained therein
383 into compost, oil, charcoal, gas, steam, or any other product or
384 energy source and the collection, storage, treatment, utilization,
385 processing, or final disposal of solid waste in connection with
386 the foregoing; and

387 (ii) Any property, real or personal, used as or in
388 connection with a facility for the composting, extraction,
389 collection, storage, treatment, processing and the conversion of
390 such resources into any compost or useful form of energy.

391 (r) "Public agency" means any incorporated city or
392 town, county, political subdivision, governmental district or
393 unit, public corporation, public institution of higher learning,



394 community college district, planning and development district, or
395 governmental agency created under the laws of the state.

396 (s) "Resource recovery facility" means any facility at
397 which solid waste is processed for the purpose of extracting,
398 converting to energy or otherwise separating and preparing solid
399 waste for reuse, and does not include advanced plastic recycling
400 facilities as defined in Section 17-17-3.

401 (t) "Revenues" means all rentals, receipts, income and
402 other charges derived or received or to be derived or received by
403 the authority from any of the following: the operation by the
404 authority of a facility or facilities, or part thereof; the sale,
405 including installment sales or conditional sales, lease, sublease
406 or use or other disposition of any facility or portion thereof;
407 the sale, lease or other disposition of recovered resources;
408 contracts, agreements or franchises with respect to a facility (or
409 portion thereof), with respect to recovered resources, or with
410 respect to a facility (or portion thereof) and recovered
411 resources, including but not limited to charges with respect to
412 the management of municipal solid waste received with respect to a
413 facility, income received as a result of the sale or other
414 disposition of recovered resources; any gift or grant received
415 with respect thereto; proceeds of bonds to the extent of use
416 thereof for payment of principal of, premium, if any, or interest
417 on the bonds as authorized by the authority; proceeds from any
418 insurance, condemnation or guaranty pertaining to a facility or



419 property mortgaged to secure bonds or pertaining to the financing
420 of a facility; income and profit from the investment of the
421 proceeds of bonds or of any revenues and the proceeds of any
422 special tax to which it may be entitled.

423 (u) "Solid waste" means solid waste as defined in
424 Section 17-17-3, Mississippi Code of 1972.

425 (v) "Municipal solid waste management facility" means
426 any land, building, plant, system, motor vehicles, equipment or
427 other property, whether real, personal or mixed, or any
428 combination of either thereof, used or useful or capable of future
429 use in the collection, storage, treatment, utilization, recycling,
430 processing, transporting or disposal of municipal solid waste,
431 including transfer stations, incinerators, sanitary landfill
432 facilities or other facilities necessary or desirable, and does
433 not include advanced plastic recycling facilities as defined in
434 Section 17-17-3.

435 (w) "Solid waste landfill" means a disposal facility
436 where any amount of solid waste, whether or not mixed with or
437 including other waste allowed under Subtitle D of the Resource
438 Conservation and Recovery Act of 1976, as amended, is disposed of
439 by means of placing an approved cover thereon.

440 (x) "State" means the State of Mississippi.

441 (y) "Unit of local government" means any county or
442 municipality of the state.



443 **SECTION 4.** This act shall take effect and be in force from
444 and after July 1, 2022.

