HOUSE BILL NO. 1135
(As Passed the House)

AN ACT TO AMEND SECTION 17-17-3, MISSISSIPPI CODE OF 1972, TO
DEFINE THE TERMS "ADVANCED PLASTIC RECYCLING," "DEPOLYMERIZATION,"
"GASIFICATION," "PYROLYSIS," "SOLVOLYSIS," "ADVANCED PLASTIC
RECYCLING FACILITY," "POST-USE POLYMER" AND "RECOVERED FEEDSTOCK"
FOR PURPOSES RELATING TO SOLID WASTE DISPOSAL; TO BRING FORWARD
SECTIONS 17-17-205 AND 17-17-305, MISSISSIPPI CODE OF 1972, FOR
PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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

(a) "Advanced plastic recycling" means a manufacturing
process for the conversion of post-use polymers and recovered
feedstocks into basic hydrocarbon raw materials, feedstocks,
chemicals, and other products including, but not limited to,
monomers, oligomers, plastics, plastic and chemical feedstocks,
basic and unfinished chemicals, naphtha, waxes, lubricants,
coatings, and other basic hydrocarbons. For the purpose of advanced recycling:

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

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

(iii) "Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into valuable raw materials and intermediate and final products, including plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, that are returned to economic utility in the form of raw materials, products, or other basic hydrocarbons.
(iv) "Solvolysis" means a manufacturing process through which post-use polymers are reacted with the aid of solvents while heated at low temperatures and/or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include monomers, intermediates, and valuable raw materials. The process includes hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis, and glycolysis.

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

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

(***d) "Ashes" means the solid residue from burning of wood, coal, coke or other combustible materials used for heating, or from incineration of solid wastes, but excepting solid
residue the storage or disposition of which is controlled by other agencies.

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

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

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

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

( ** **i) "Commission" means the Mississippi Commission on Environmental Quality.
"Composting or compost plant" means an officially controlled method or operation whereby putrescible solid wastes are broken down through microbic action to a material offering no hazard or nuisance factors to public health or well-being.

"Department" means the Mississippi Department of Environmental Quality.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Executive director" means the Executive Director of the Mississippi Department of Environmental Quality.

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

"Hazardous wastes" means any waste or combination of waste of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration or physical, chemical or infectious characteristics, may (i) cause,
or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (ii) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed which are listed by the Environmental Protection Agency as hazardous wastes which exceed the threshold limits set forth in the Environmental Protection Agency regulations for classifying hazardous waste. Such wastes include, but are not limited to, those wastes which are toxic, corrosive, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means. Such wastes do not include those radioactive materials regulated pursuant to the Mississippi Radiation Protection Law of 1976, appearing in Section 45-14-1 et seq.

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

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

(* * *r) "Health department" means the Mississippi State Health Department and every county or district health department. "Health officer" means the state or affected county health officer or his designee.
"Manifest" means the form used for identifying the quantity, composition, origin, routing and destination of hazardous waste during its transport.

"Office" means the Office of Pollution Control of the Mississippi Department of Environmental Quality.

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

"Post-use polymer" means a plastic to which all of the following apply:

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

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

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

(iv) It has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste.
such as organic material and incidental contaminants or impurities such as paper labels and metal rings.

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

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

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

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

(* * *) "Person" means any individual, trust, firm, joint-stock company, public or private corporation (including a government corporation), partnership, association, state, or any agency or institution thereof, municipality, commission, political subdivision of a state or any interstate body, and includes any
officer or governing or managing body of any municipality, political subdivision, or the United States or any officer or employee thereof.

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

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

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

( * * *cc) "Solid wastes" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or...
dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954.

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

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

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

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

( * * *hh) "Unauthorized dump" means any collection of solid wastes either dumped or caused to be dumped or placed on any property either public or private, whether or not regularly used.
An abandoned automobile, large appliance, or similar large item of solid waste shall be considered as forming an unauthorized dump within the meaning of this chapter, but not the careless, scattered littering of smaller individual items as tires, bottles, cans and the like. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of this chapter.

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

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

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

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

(d) "Municipal solid waste" means any nonhazardous solid waste resulting from the operation of residential, commercial, governmental, industrial or institutional establishments except oil field exploration and production wastes and sewage sludge.

(e) "Owner" or "operator" means any person, corporation, county, municipality or group of counties or municipalities acting jointly operating a sanitary landfill or having any interest in the land whereon a sanitary landfill is or has been located.
(f) "Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.

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

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

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

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

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

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

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

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

   (b) "Board" means the board of commissioners of an authority.
(c) "Bonds" means either revenue bonds, general
obligation bonds, bond anticipation notes, or other types of debt
instruments issued by the authority unless the reference to bonds
clearly indicates "revenue bonds," "general obligation bonds,"
"bond anticipation notes" or such other forms of debt instruments.

(d) "Cost of project" means all costs of site
preparation and other start-up costs; all costs of construction;
all costs of real and personal property required for the purposes
of the project and facilities related thereto, including land and
any rights or undivided interest therein, easements, franchises,
fees, permits, approvals, licenses, and certificates and the
securing of such permits, approvals, licenses, and certificates
and all machinery and equipment, including motor vehicles which
are used for project functions; and including any cost associated
with the closure, post-closure maintenance or corrective action,
financing charges and interest prior to and during construction
and during such additional period as the authority may reasonably
determine to be necessary for the placing of the project in
operation; costs of engineering, geotechnical, architectural and
legal services; costs of plans and specifications and all expenses
necessary or incident to determining the feasibility or
practicability of the project; administrative expenses; and such
other expenses as may be necessary or incidental to the financing
authorized in Sections 17-17-301 through 17-17-349. The costs of
any project may also include funds for the creation of a debt
service reserve, a renewal and replacement reserve, and such other reserves as may be reasonably required by the authority for the operation of its projects and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any such bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the costs of the project and may be paid or reimbursed as such out of the proceeds of user fees, of revenue bonds or notes issued under Sections 17-17-301 through 17-17-349 for such project, or from other revenues obtained by the authority.

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

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

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

(h) "Facilities" means any plant, structure, building, improvement, land, or any other real or personal property used or useful in a project under Sections 17-17-301 through 17-17-349.
(i) "Governing body" means the elected or duly appointed officials constituting the governing body of a municipality or county.

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

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

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

(m) "Municipal solid waste" means any nonhazardous solid waste resulting from the operation of residential, commercial, governmental, industrial or institutional establishments except oil field exploration and production wastes and sewage sludge.

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

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

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

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

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

(r) "Public agency" means any incorporated city or town, county, political subdivision, governmental district or unit, public corporation, public institution of higher learning, community college district, planning and development district, or governmental agency created under the laws of the state.

(s) "Resource recovery facility" means any facility at which solid waste is processed for the purpose of extracting, converting to energy or otherwise separating and preparing solid waste for reuse.
(t) "Revenues" means all rentals, receipts, income and other charges derived or received or to be derived or received by the authority from any of the following: the operation by the authority of a facility or facilities, or part thereof; the sale, including installment sales or conditional sales, lease, sublease or use or other disposition of any facility or portion thereof; the sale, lease or other disposition of recovered resources; contracts, agreements or franchises with respect to a facility (or portion thereof), with respect to recovered resources, or with respect to a facility (or portion thereof) and recovered resources, including but not limited to charges with respect to the management of municipal solid waste received with respect to a facility, income received as a result of the sale or other disposition of recovered resources; any gift or grant received with respect thereto; proceeds of bonds to the extent of use thereof for payment of principal of, premium, if any, or interest on the bonds as authorized by the authority; proceeds from any insurance, condemnation or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of a facility; income and profit from the investment of the proceeds of bonds or of any revenues and the proceeds of any special tax to which it may be entitled.

(u) "Solid waste" means solid waste as defined in Section 17-17-3, Mississippi Code of 1972.
(v) "Municipal solid waste management facility" means any land, building, plant, system, motor vehicles, equipment or other property, whether real, personal or mixed, or any combination of either thereof, used or useful or capable of future use in the collection, storage, treatment, utilization, recycling, processing, transporting or disposal of municipal solid waste, including transfer stations, incinerators, sanitary landfill facilities or other facilities necessary or desirable.

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

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

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

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