

By: Representatives Powell, Brown (20th)

To: Conservation and Water Resources

HOUSE BILL NO. 1135
(As Passed the House)

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 BRING FORWARD
6 SECTIONS 17-17-205 AND 17-17-305, MISSISSIPPI CODE OF 1972, FOR
7 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

11 17-17-3. For purposes of this chapter, the following words
12 shall have the following definitions * * * unless the
13 context * * * indicates otherwise:

14 (a) "Advanced plastic recycling" means a manufacturing
15 process for the conversion of post-use polymers and recovered
16 feedstocks into basic hydrocarbon raw materials, feedstocks,
17 chemicals, and other products including, but not limited to,
18 monomers, oligomers, plastics, plastic and chemical feedstocks,
19 basic and unfinished chemicals, naphtha, waxes, lubricants,



20 coatings, and other basic hydrocarbons. For the purpose of
21 advanced recycling:

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

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

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



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

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

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

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



69 residue the storage or disposition of which is controlled by other
70 agencies.

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

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

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

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

92 (* * *i) "Commission" means the Mississippi Commission
93 on Environmental Quality.



94 (* * *j) "Composting or compost plant" means an
95 officially controlled method or operation whereby putrescible
96 solid wastes are broken down through microbic action to a material
97 offering no hazard or nuisance factors to public health or
98 well-being.

99 (* * *k) "Department" means the Mississippi Department
100 of Environmental Quality.

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

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

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

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



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

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

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

140 (* * *r) "Health department" means the Mississippi
141 State Health Department and every county or district health
142 department. "Health officer" means the state or affected county
143 health officer or his designee.



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

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

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

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

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

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

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

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



168 such as organic material and incidental contaminants or impurities
169 such as paper labels and metal rings.

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

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

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

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

188 (* * *y) "Person" means any individual, trust, firm,
189 joint-stock company, public or private corporation (including a
190 government corporation), partnership, association, state, or any
191 agency or institution thereof, municipality, commission, political
192 subdivision of a state or any interstate body, and includes any



193 officer or governing or managing body of any municipality,
194 political subdivision, or the United States or any officer or
195 employee thereof.

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

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

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

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



218 dissolved materials in irrigation return flows or industrial
219 discharges which are point sources subject to permits under
220 Section 402 of the Federal Water Pollution Control Act, as amended
221 (86 Stat. 880), or source, special nuclear or by-product material
222 as defined by the Atomic Energy Act of 1954.

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

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

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

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

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



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

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

252 17-17-205. (a) "Closure" means the ceasing operation of a
253 sanitary landfill and securing the landfill so that it does not
254 pose a significant threat to public health or the environment and
255 includes long-term monitoring and maintenance of the landfill.

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

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

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

264 (e) "Owner" or "operator" means any person, corporation,
265 county, municipality or group of counties or municipalities acting
266 jointly operating a sanitary landfill or having any interest in
267 the land whereon a sanitary landfill is or has been located.



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

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

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

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

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

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

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

285 17-17-305. Whenever used in Sections 17-17-301 through
286 17-17-349, the following words and terms shall have the following
287 respective meanings unless a different meaning clearly appears
288 from the context:

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

291 (b) "Board" means the board of commissioners of an
292 authority.



293 (c) "Bonds" means either revenue bonds, general
294 obligation bonds, bond anticipation notes, or other types of debt
295 instruments issued by the authority unless the reference to bonds
296 clearly indicates "revenue bonds," "general obligation bonds,"
297 "bond anticipation notes" or such other forms of debt instruments.

298 (d) "Cost of project" means all costs of site
299 preparation and other start-up costs; all costs of construction;
300 all costs of real and personal property required for the purposes
301 of the project and facilities related thereto, including land and
302 any rights or undivided interest therein, easements, franchises,
303 fees, permits, approvals, licenses, and certificates and the
304 securing of such permits, approvals, licenses, and certificates
305 and all machinery and equipment, including motor vehicles which
306 are used for project functions; and including any cost associated
307 with the closure, post-closure maintenance or corrective action,
308 financing charges and interest prior to and during construction
309 and during such additional period as the authority may reasonably
310 determine to be necessary for the placing of the project in
311 operation; costs of engineering, geotechnical, architectural and
312 legal services; costs of plans and specifications and all expenses
313 necessary or incident to determining the feasibility or
314 practicability of the project; administrative expenses; and such
315 other expenses as may be necessary or incidental to the financing
316 authorized in Sections 17-17-301 through 17-17-349. The costs of
317 any project may also include funds for the creation of a debt



318 service reserve, a renewal and replacement reserve, and such other
319 reserves as may be reasonably required by the authority for the
320 operation of its projects and as may be authorized by any bond
321 resolution or trust agreement or indenture pursuant to the
322 provisions of which the issuance of any such bonds may be
323 authorized. Any obligation or expense incurred for any of the
324 foregoing purposes shall be regarded as a part of the costs of the
325 project and may be paid or reimbursed as such out of the proceeds
326 of user fees, of revenue bonds or notes issued under Sections
327 17-17-301 through 17-17-349 for such project, or from other
328 revenues obtained by the authority.

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

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

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

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



342 (i) "Governing body" means the elected or duly
343 appointed officials constituting the governing body of a
344 municipality or county.

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

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

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

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

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

360 (o) "Person" means a person as defined in Section
361 17-17-3, Mississippi Code of 1972.

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



367 (q) "Project" means:

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

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

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

388 (s) "Resource recovery facility" means any facility at
389 which solid waste is processed for the purpose of extracting,
390 converting to energy or otherwise separating and preparing solid
391 waste for reuse.



392 (t) "Revenues" means all rentals, receipts, income and
393 other charges derived or received or to be derived or received by
394 the authority from any of the following: the operation by the
395 authority of a facility or facilities, or part thereof; the sale,
396 including installment sales or conditional sales, lease, sublease
397 or use or other disposition of any facility or portion thereof;
398 the sale, lease or other disposition of recovered resources;
399 contracts, agreements or franchises with respect to a facility (or
400 portion thereof), with respect to recovered resources, or with
401 respect to a facility (or portion thereof) and recovered
402 resources, including but not limited to charges with respect to
403 the management of municipal solid waste received with respect to a
404 facility, income received as a result of the sale or other
405 disposition of recovered resources; any gift or grant received
406 with respect thereto; proceeds of bonds to the extent of use
407 thereof for payment of principal of, premium, if any, or interest
408 on the bonds as authorized by the authority; proceeds from any
409 insurance, condemnation or guaranty pertaining to a facility or
410 property mortgaged to secure bonds or pertaining to the financing
411 of a facility; income and profit from the investment of the
412 proceeds of bonds or of any revenues and the proceeds of any
413 special tax to which it may be entitled.

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



416 (v) "Municipal solid waste management facility" means
417 any land, building, plant, system, motor vehicles, equipment or
418 other property, whether real, personal or mixed, or any
419 combination of either thereof, used or useful or capable of future
420 use in the collection, storage, treatment, utilization, recycling,
421 processing, transporting or disposal of municipal solid waste,
422 including transfer stations, incinerators, sanitary landfill
423 facilities or other facilities necessary or desirable.

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

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

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

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

