

By: Senator(s) Carter, Younger, Williams

To: Energy

SENATE BILL NO. 2281

1 AN ACT TO AMEND SECTION 17-17-3, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE TERMS CONCERNING ADVANCED RECYCLING PROCESSES, FACILITIES
 3 AND PRODUCTS; TO AMEND SECTION 17-17-205, MISSISSIPPI CODE OF
 4 1972, TO REVISE DEFINITIONS TO EXCLUDE CERTAIN PLASTICS; TO AMEND
 5 SECTION 17-17-305, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS
 6 TO EXCLUDE CERTAIN PLASTICS AND PLASTIC RECYCLING FACILITIES; TO
 7 AMEND SECTION 17-17-13, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
 8 FOR RELATED PURPOSES.

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

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

12 17-17-3. For purposes of this chapter, the following words
 13 shall have the definitions ascribed herein unless the context
 14 requires otherwise:

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



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

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

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

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



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

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

63 (* * *c) "Agency" means any controlling agency, public
64 or private, elected, appointed or volunteer, controlling and
65 supervising the collection * * * 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 but does
86 not include advanced plastic recycling facilities.

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

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



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

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

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

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

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

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

116 (* * *o) "Hazardous wastes" means any waste or
117 combination of waste of a solid, liquid, contained gaseous, or



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

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

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

141 (* * *r) "Health department" means the Mississippi
142 State Health Department and every county or district health



143 department. "Health officer" means the state or affected county
144 health officer or his designee.

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

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

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

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

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

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



167 (y) "Post-use polymer" means a plastic to which all of
168 the following apply:

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

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

175 (iii) Its use or intended use is as a feedstock
176 for the manufacturing of feedstocks, blend stocks, raw materials,
177 or other intermediate products or final products using
178 depolymerization, gasification, pyrolysis, or solvolysis.

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

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

186 (vi) Post-use polymers as defined in this
187 paragraph (y) are not solid waste.

188 (z) "Recovered feedstock" means a post-use polymer or a
189 material for which the United States Environmental Protection
190 Agency, or the Department, has made a non-waste determination
191 under 40 C.F.R. 241.3(c), or has otherwise determined is feedstock



192 and not solid waste that has been processed so that it may be used
193 as feedstock in an advanced plastics recycling facility.
194 Recovered feedstock does not include unprocessed municipal solid
195 waste or waste that that has been mixed with solid waste or
196 hazardous waste onsite or during processing at an advanced
197 plastics recycling facility.

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

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

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

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

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



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

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

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

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

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

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



265 does not include post-use polymers or recovered feedstocks as
266 defined in Section 17-17-3.

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

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

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

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

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

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

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

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

288 17-17-305. Whenever used in Sections 17-17-301 through
289 17-17-349, the following words and terms shall have the following



290 respective meanings unless a different meaning clearly appears
291 from the context:

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

294 (b) "Board" means the board of commissioners of an
295 authority.

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

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



315 legal services; costs of plans and specifications and all expenses
316 necessary or incident to determining the feasibility or
317 practicability of the project; administrative expenses; and such
318 other expenses as may be necessary or incidental to the financing
319 authorized in Sections 17-17-301 through 17-17-349. The costs of
320 any project may also include funds for the creation of a debt
321 service reserve, a renewal and replacement reserve, and such other
322 reserves as may be reasonably required by the authority for the
323 operation of its projects and as may be authorized by any bond
324 resolution or trust agreement or indenture pursuant to the
325 provisions of which the issuance of any such bonds may be
326 authorized. Any obligation or expense incurred for any of the
327 foregoing purposes shall be regarded as a part of the costs of the
328 project and may be paid or reimbursed as such out of the proceeds
329 of user fees, of revenue bonds or notes issued under Sections
330 17-17-301 through 17-17-349 for such project, or from other
331 revenues obtained by the authority.

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

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

335 (g) "Designated representative" means the person named
336 by resolution of the governing body of a county or municipal
337 corporation as the representative of such unit of local government
338 for the purpose of acting on their behalf as an incorporator in
339 concert with other similarly named persons in the creation and



340 incorporation of a regional authority under Sections 17-17-301
341 through 17-17-349.

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

345 (i) "Governing body" means the elected or duly
346 appointed officials constituting the governing body of a
347 municipality or county.

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

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

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

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

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



364 (o) "Person" means a person as defined in Section
365 17-17-3, Mississippi Code of 1972.

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

371 (q) "Project" means:

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

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

387 (r) "Public agency" means any incorporated city or
388 town, county, political subdivision, governmental district or



389 unit, public corporation, public institution of higher learning,
390 community college district, planning and development district, or
391 governmental agency created under the laws of the state.

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

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



414 insurance, condemnation or guaranty pertaining to a facility or
415 property mortgaged to secure bonds or pertaining to the financing
416 of a facility; income and profit from the investment of the
417 proceeds of bonds or of any revenues and the proceeds of any
418 special tax to which it may be entitled.

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

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

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

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

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



439 **SECTION 4.** Section 17-17-13, Mississippi Code of 1972, is
440 amended as follows:

441 17-17-13. Nothing in this chapter shall prevent an
442 individual or firm from disposing of solid waste from his own
443 household or business upon his own land, provided such wastes are
444 not hazardous as defined in Section 17-17-3 * * * and provided
445 such household or business is located and situated in the State of
446 Mississippi.

447 Provided, however, this exemption shall not operate to
448 prevent the conduct of any waste disposal site investigation or
449 inventory required by applicable state or federal law, rule or
450 regulation, and further shall not operate to exclude from the
451 regulatory provisions of this chapter any solid waste determined
452 by the department to have characteristics that constitute an
453 endangerment to the environment or the public health, safety or
454 welfare, or any site used for the disposal of such solid waste.

455 **SECTION 5.** This act shall take effect and be in force from
456 and after July 1, 2022.

