

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.

