

By: Senator(s) McDaniel

To: Environment Prot, Cons
and Water Res; Business and
Financial Institutions

SENATE BILL NO. 2499

1 AN ACT TO AMEND SECTIONS 17-17-3, 17-17-205 AND 17-17-305,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE DEFINITIONS OF TERMS UNDER
3 THE SOLID WASTE DISPOSAL LAW FOR ADVANCED PLASTIC RECYCLING
4 PROCESSES, FACILITIES AND PRODUCTS; TO CONFORM THE POWER AND
5 DUTIES OF THE EXECUTIVE SECRETARY OF THE MISSISSIPPI DEPARTMENT OF
6 ENVIRONMENTAL QUALITY; AND FOR RELATED PURPOSES.

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

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

10 17-17-3. For purposes of this chapter, the following words
11 shall have the definitions ascribed herein unless the context
12 requires otherwise:

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



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

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

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

43 (iv) "Solvolysis" means a manufacturing process
44 through which post-use polymers are reacted with the aid of
45 solvents while heated at low temperatures and/or pressurized to



46 make useful products, while allowing additives and contaminants to
47 be separated. The products of solvolysis include monomers,
48 intermediates and valuable raw materials. The process includes
49 hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis and
50 glycolysis.

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

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

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

69 (* * *e) "Commercial hazardous waste management
70 facility" means any facility engaged in the storage, treatment,



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

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

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

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

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

93 (* * *j) "Composting or compost plant" means an
94 officially controlled method or operation whereby putrescible
95 solid wastes are broken down through microbic action to a material



96 offering no hazard or nuisance factors to public health or
97 well-being.

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

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

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

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

114 (* * *o) "Hazardous wastes" means any waste or
115 combination of waste of a solid, liquid, contained gaseous, or
116 semisolid form which because of its quantity, concentration or
117 physical, chemical or infectious characteristics, may (i) cause,
118 or significantly contribute to an increase in mortality or an
119 increase in serious irreversible or incapacitating reversible
120 illness; or (ii) pose a substantial present or potential hazard to



121 human health or the environment when improperly treated, stored,
122 transported, disposed of, or otherwise managed which are listed by
123 the Environmental Protection Agency as hazardous wastes which
124 exceed the threshold limits set forth in the Environmental
125 Protection Agency regulations for classifying hazardous waste.
126 Such wastes include, but are not limited to, those wastes which
127 are toxic, corrosive, flammable, irritants, strong sensitizers, or
128 which generate pressure through decomposition, heat or other
129 means. Such wastes do not include those radioactive materials
130 regulated pursuant to the Mississippi Radiation Protection Law of
131 1976, appearing in Section 45-14-1 et seq.

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

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

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

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



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

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

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

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

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

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

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



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

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

174 (w) "Recovered feedstock" means a post-use polymer or a
175 material for which the United State Environmental Protection
176 Agency, or the department, has made a nonwaste determination
177 pursuant to 40 C.F.R. 241.3(c), or has otherwise determined is
178 feedstock and not solid waste that has been processed so that it
179 may be used as feedstock in an advanced plastics recycling
180 facility. Recovered feedstock does not include unprocessed
181 municipal solid waste or waste that has been mixed with solid
182 waste or hazardous waste on-site or during processing at an
183 advanced plastics recycling facility.

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

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



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

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

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

209 (* * *cc) "Solid wastes" means any garbage, refuse,
210 sludge from a waste treatment plant, water supply treatment plant
211 or air pollution control facility and other discarded material,
212 including solid, liquid, semisolid or contained gaseous material
213 resulting from industrial, commercial, mining and agricultural
214 operations, and from community activities, but does not include,
215 post-use polymers or recovered feedstock, solid or dissolved
216 material in domestic sewage, or solid or dissolved materials in
217 irrigation return flows or industrial discharges which are point
218 sources subject to permits under Section 402 of the Federal Water



219 Pollution Control Act, as amended (86 Stat. 880), or source,
220 special nuclear or by-product material as defined by the Atomic
221 Energy Act of 1954.

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

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

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

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

239 (* * *hh) "Unauthorized dump" means any collection of
240 solid wastes either dumped or caused to be dumped or placed on any
241 property either public or private, whether or not regularly used.
242 An abandoned automobile, large appliance, or similar large item of
243 solid waste shall be considered as forming an unauthorized dump



244 within the meaning of this chapter, but not the careless,
245 scattered littering of smaller individual items as tires, bottles,
246 cans and the like. An unauthorized dump shall also mean any solid
247 waste disposal site which does not meet the regulatory provisions
248 of this chapter.

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

251 17-17-205. (a) "Closure" means the ceasing operation of a
252 sanitary landfill and securing the landfill so that it does not
253 pose a significant threat to public health or the environment and
254 includes long-term monitoring and maintenance of the landfill.

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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



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

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

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

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

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



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

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

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

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

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

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

362 (o) "Person" means a person as defined in Section
363 17-17-3, Mississippi Code of 1972.

364 (p) "Post-closure" means a procedure approved by the
365 Environmental Protection Agency, or the department to provide for
366 long-term financial assurance, monitoring, and maintenance of



367 solid waste disposal sites to protect human health and the
368 environment.

369 (q) "Project" means:

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

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

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

390 (s) "Resource recovery facility" means any facility at
391 which solid waste is processed for the purpose of extracting,



392 converting to energy or otherwise separating and preparing solid
393 waste for reuse and does not include advanced plastic recycling
394 facilities as defined in Section 17-17-3.

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



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

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

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

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

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

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

