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Chapter No. 318

10/SS06/R879

JW 17B/LR

***SENATE BILL NO. 2849***

Originated in Senate *Jenna Hughes* Secretary

SENATE BILL NO. 2849

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF REGIONAL RECYCLING CENTERS AT REGIONAL CORRECTIONAL FACILITIES; TO AMEND SECTION 17-17-65, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE LOCAL GOVERNMENTS SOLID WASTE ASSISTANCE FUND MAY BE USED TO ASSIST IN THE ESTABLISHMENT OF REGIONAL RECYCLING CENTERS; TO AMEND SECTION 49-31-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MULTIMEDIA POLLUTION PREVENTION PROGRAM OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY MAY PROVIDE ASSISTANCE FOR SUCH REGIONAL RECYCLING CENTERS; AND FOR RELATED PURPOSES.

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

**SECTION 1.** The Department of Corrections, counties and municipalities are authorized to develop regional recycling centers at regional correctional facilities. The department may establish a work program for inmates to participate in the recycling program. Inmates that are ineligible to participate in joint state-county programs and public service programs are also ineligible to participate in the program established for regional recycling centers.

**SECTION 2.** Section 17-17-65, Mississippi Code of 1972, is amended as follows:

17-17-65. (1) There is created in the State Treasury a fund designated as the Local Governments Solid Waste Assistance Fund, referred to in this section as "fund," to be administered by the executive director of the department.

(2) The fund shall be used to provide grants to counties, municipalities, regional solid waste management authorities or multicounty entities as provided in subsection (5) of this section for one or more of the following purposes:

(a) Cleanup of existing and future unauthorized dumps on public or private property, subject to the limitation in subsection (4) of this section;

(b) Establishment of a collection center or program for white goods, recyclables or other bulky rubbish waste not managed by local residential solid waste collection programs;

(c) Provision of public notice and education related to the proper management of solid waste, including recycling;

(d) Payment of a maximum of fifty percent (50%) of the cost of employing a local solid waste enforcement officer;

(e) Distribution and use as grants to regional solid waste management authorities, counties and municipalities for implementation of household hazardous waste collection programs, in accordance with Sections 17-17-439 through 17-17-445. The grants shall not exceed seventy-five percent (75%) of eligible project costs as established by the commission; \* \* \*

(f) Development of other local solid waste management program activities associated with the prevention, enforcement or abatement of unauthorized dumps, as approved by the commission; and

(g) Provide assistance to counties and municipalities for the establishment of regional recycling centers at regional correctional facilities.

(3) The commission shall earmark ten percent (10%) of the amount deposited in the fund annually to be used to make grants to counties, municipalities, regional solid waste management authorities or multicounty entities to assist in defraying the cost of preparing solid waste management plans required by Section 17-17-227. The commission shall award these grants according to the merit of grant proposals received by the commission and the level of need and timeliness of the requirement for the county or regional solid waste management authority to update its solid waste management plan.

(4) If a person is found to be responsible for creating an unauthorized dump, the grantee shall make a reasonable effort to require that person to clean up the property before expending any monies from the fund to clean up the property. If the grantee is unable to locate the person responsible for creating the dump, or if the grantee determines that person is financially or otherwise incapable of cleaning up the property, the grantee may use the monies from the fund to clean up the property and shall make a reasonable effort to recover from the responsible person any funds expended.

(5) (a) Of monies annually deposited in the fund and any balance remaining in the fund, the commission shall annually allocate monies as follows:

(i) One-half (1/2) of the deposited funds and remaining balance shall be allocated to each county based on the percentage of state aid road mileage as established by the Mississippi Department of Transportation State Aid road formula.

(ii) One-half (1/2) of the deposited funds and remaining balance shall be made available to counties or municipalities for grants on a competitive basis.

(b) The department shall notify the president of the board of supervisors of each county in writing of the amount allocated under paragraph (a)(i) of this subsection and that additional funds are available on a competitive basis as provided under paragraph (a)(ii) of this subsection.

(c) Upon receipt of a scope of work and cost proposal acceptable to the commission, the commission shall award a grant to a county up to the allocated amount for that county under paragraph (a)(i) of this subsection. The commission may award additional grant funds from monies available under paragraph (a)(ii) of this subsection based upon the acceptable scope of work and cost proposal.

(d) The commission may award grants to a regional solid waste management authority or other multicounty entity upon submission of a consolidated scope of work and cost proposal acceptable to the commission and authorized by the member counties. Upon submission of a scope of work and cost proposal, the commission may award grants to municipalities from monies available under paragraph (a)(ii) of this subsection.

(e) No grantee shall use more than three percent (3%) of funds provided under this section to defray the costs of administration of the grant.

(6) The department may use up to three percent (3%) of monies annually deposited in the fund and of any balance remaining in the fund to provide for the administration of this section.

(7) Expenditures may be made from the fund upon requisition by the executive director of the department.

(8) The fund shall be treated as a special trust fund. Interest earned on the principal in the fund shall be credited by the department to the fund.

(9) The fund may receive monies from any available public or private source, including, but not limited to, collection of fees, interest, grants, taxes, public and private donations, judicial actions and appropriated funds.

(10) Monies in the fund at the end of the fiscal year shall be retained in the fund for use in the succeeding fiscal year.

(11) The commission may consolidate any grant provided under this section with any grant provided under the waste tire management program or the right-way-to-throw-away program. Funds provided through any consolidated grant shall be used in accordance with the program under which the funds are provided.

(12) Funds provided under this section shall not be used to pay any costs of the establishment or operation of a landfill, rubbish disposal site or other type of solid waste disposal

facility, for the routine collection of garbage or to collect any fees assessed under Section 19-5-21 or 21-19-2.

(13) The commission shall not provide any funds under this section to any grantee with an inadequate garbage or rubbish collection or disposal system as required under Section 19-5-17 or 21-19-1.

**SECTION 3.** Section 49-31-11, Mississippi Code of 1972, is amended as follows:

49-31-11 (1) There is hereby created in the Department of Environmental Quality, the Mississippi Multimedia Pollution Prevention Program, herein referred to as "program," for the following purposes:

(a) To compile, organize and make available for distribution information on pollution prevention and recycling technologies and procedures;

(b) To sponsor and conduct conferences and workshops on pollution prevention and recycling;

(c) To facilitate and promote the transfer of pollution prevention and recycling technologies and procedures among business, industry, academic institutions and governmental entities;

(d) To provide funds, as may be appropriated or otherwise made available therefor, to business, industry, academic institutions, private organizations and governmental entities:

(i) To conduct demonstrations or pilot programs utilizing innovative pollution prevention and recycling technologies and procedures;

(ii) To defray costs of basic and applied research on pollution prevention and recycling; and

(iii) To subsidize costs of conducting pollution prevention potential analyses and studies, and developing,

purchasing and implementing pollution prevention and recycling technologies and procedures or for other related purposes;

(e) To develop the necessary programs, information and materials:

(i) To collect data to assist in establishing program priorities and evaluation of the progress of pollution prevention and recycling;

(ii) To train business, industry, academic institutions and governmental entities to promote and provide information about pollution prevention and recycling practices and their applicability;

(iii) To establish and implement waste exchange programs;

(iv) To prioritize current state grant funding assistance for local government recycling;

(v) To provide technical assistance programs specific to the development of businesses that recycle;

(vi) To produce a report that shall be available to the public with information on the amount of unrecycled products within the state;

(f) To increase public education and public awareness of waste management issues;

(g) To provide pollution prevention and recycling technical assistance to industries, businesses and local governments; \* \* \*

(h) To participate in state, federal and industrial networks of individuals and groups actively involved in pollution prevention and recycling activities and promotion; and

(i) To provide assistance to counties and municipalities for the establishment of regional recycling centers at regional correctional facilities.

(2) The Commission on Environmental Quality may adopt, modify, repeal and promulgate, after due notice and hearing, and

where not otherwise prohibited by federal or state law, to make exceptions to and grant exemptions and variances from, and to enforce rules and regulations implementing or effectuating the powers and duties of the commission under this chapter.

(3) The Commission on Environmental Quality shall coordinate recycling activities among municipalities and local governing authorities and promote pollution prevention, recycling, reuse of wastes, in lieu of treatment and disposal of such wastes.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2010.

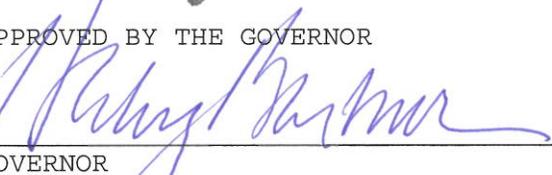
PASSED BY THE SENATE  
February 8, 2010

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
February 25, 2010

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

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