

## Administrative Procedures Act Rules

### Title 11: Mississippi Department of Environmental Quality

#### Part 4: Nonhazardous Solid Waste Management Regulations

#### Part 4, Chapter 2: Mississippi Commission on Environmental Quality Regulations Regarding Evaluation Criteria for Local Solid Waste Management Plans

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*Rule 2.1 Authority and Scope.* The Mississippi Solid Waste Planning Act of 1991 requires that every county, either individually or in cooperation with others, in cooperation with municipalities within the county, shall prepare, adopt, and submit to the Commission on Environmental Quality for review and approval a local nonhazardous solid waste management plan for the county. The act also requires the Commission to establish criteria for the evaluation of local nonhazardous solid waste plans. These criteria are adopted pursuant to Section 17-17-225 of the act, and include the following:

- A. The unit of local government's demonstration of the understanding of its nonhazardous solid waste management system, including the sources, composition, and quantities of nonhazardous solid waste generated within the planning area and transported into the planning area for management, and existing and planned nonhazardous solid waste management capacity, including remaining available capacity;
- B. The adequacy of the local strategy for achieving the twenty-five percent (25%) waste minimization goal;
- C. The reasonableness of the projections of nonhazardous solid waste generated within the planning area; and
- D. The adequacy of plans and implementation schedules for providing needed nonhazardous solid waste management capacity.

Source: Miss. Code Ann. §§ 17-17-201, et seq., 49-2-9(1)(b), 49-17-17(i), 17-17-1, et seq. 49-2-1, et seq. and 49-17-1, et seq.

*Rule 2.2 Definitions.*

- A. "Contiguous Property" - shall mean any property sharing a common border or point with a property where a new or expanded solid waste management facility is proposed. A property shall also meet this definition if the property would otherwise be contiguous except for separation by a street, highway, railroad line or other similar transit or utility right-of-way or other property owned by the applicant.
- B. "Minor Modification" shall mean an amendment or addition to an approved plan, which is an administrative change or which does not involve or result in a significant change in the manner of solid waste management in the planning area. A minor modification would also include the addition or expansion of solid waste facilities, which do not require solid waste management permits or which are noncommercial, on-site and captive to wastes generated solely by the owner of the facility. A minor modification would not include: the addition of a new or expanded commercial solid waste management facility (facility); a significant change in the operation of an existing facility; a change in the service area for an existing facility; or any other significant change in the manner in which solid wastes are managed in the planning area.

Source: Miss. Code Ann. §§ 17-17-201, et seq., 49-2-9(1)(b), 49-17-17(i), 17-17-1, et seq. 49-2-1, et seq. and 49-17-1, et seq.

*Rule 2.3 Evaluation Criteria.*

- A. Understanding of the Solid Waste Management System
  - (1) Each plan must clearly demonstrate that it has accounted for residential, commercial, and industrial nonhazardous wastes, and any special wastes which may be a problem unique to that area.
  - (2) Each plan must clearly demonstrate that it has determined the composition of nonhazardous solid waste currently disposed in facilities receiving household solid waste.
    - (a) The composition of residential waste shall be determined by at least two sampling events conducted in the planning area, one representative of an incorporated area, and the other representative of the unincorporated area. Sampling events shall be repeated at least every five (5) years.
    - (b) Large quantities of industrial waste should be added into the overall waste composition.

- (c) The composition of solid waste should be categorized into at least the following components:
  - (1) Cardboard/corrugated paper
  - (2) Newsprint
  - (3) Other paper
  - (4) Plastic
  - (5) Metals (ferrous, aluminum, etc.)
  - (6) Glass
  - (7) Wood/yard waste
  - (8) Food waste
  - (9) Textiles, other organics (rubber, leather, etc.)
- (3) (a) Each plan must clearly demonstrate that it has determined the quantity of nonhazardous solid waste currently generated in the planning area and transported into the planning area, including residential, commercial, and industrial wastes, and any special wastes which may be a problem unique to that area.
- (b) The quantity must be determined by actual measurements or records of representative samples of solid wastes generated in the planning area and transported into the planning area.
- (4) Each plan must clearly demonstrate that it has inventoried all existing facilities managing municipal solid waste, and that each facility has been generally described in terms of the type waste received, the operational history, the environmental suitability of the site, and the remaining available permitted capacity of each facility.
  - (a) At a minimum, the facilities inventoried must include all facilities authorized by the Mississippi Department of Environmental Quality, including public and private landfills, landfarms, and processing facilities.
  - (b) For any existing facilities receiving household solid waste which plan to discontinue operations before October 9, 1993,
    - (1) the environmental suitability may be generally addressed by declaring the facility unsuitable for long-term use, and

- (2) the operational history may be generally addressed in terms of length of operations and types of wastes received.
    - (c) For any existing facilities receiving household solid waste which plan to continue operations after October 9, 1993, or which may be later evaluated for long-term use,
      - (1) the environmental suitability should be generally addressed with a discussion of those features and characteristics which make it favorable for long-term use, and
      - (2) the operational history should be generally addressed in terms of length of operations, types of waste received, and past enforcement actions taken against the facility.
    - (d) For any existing facilities receiving wastes other than household solid wastes, the plan should determine the long-term plans of the facility and its role in helping to meet the solid waste needs of the planning area.
  - (5) Each plan must clearly demonstrate that solid waste collection services are provided for all areas within the plan.
  - (6) Each plan must demonstrate the commitment of the county or planning authority to identifying and cleaning up all known open dumps within the planning area through the utilization of local enforcement authority.
  - (7) Each plan must describe its proposed system for waste tire management within the planning area. A clear understanding of the extent of the waste tire problem in the area shall be demonstrated by an estimation of the quantity of waste tires generated in the planning area and an inventory of waste tire collection sites or dumps in the area. The plan must contain an implementation schedule for starting up its proposed system.
- B. Adequacy of Local Strategy for Waste Minimization. Each plan must contain an adequate local strategy for achieving a 25% waste minimization goal. The strategy shall contain specific programs or actions toward meeting the goal, such as policies promoting waste education, education programs, recycling or composting projects, and a schedule for implementation.
- C. Reasonableness of Solid Waste Projections. Each plan must demonstrate that the projections of solid waste generated over the planning period are adequate to meet the needs of the area. Such projections shall be based upon reasonably expected population projections over the next 20 years, and may also include any anticipated commercial or industrial growth. Any solid waste projected to be transported into the planning area from outside the planning area shall also be accounted for in any projections.

D. Adequacy of Plans and Implementation Schedules.

- (1) Each plan shall include a list of existing solid waste management facilities and also any additional planned facilities needed to meet the projected solid waste management needs of the planning area.
  - (a) Existing facilities shall be specifically identified, including all municipal solid waste landfills and other commercial landfills, rubbish disposal facilities, compost facilities, transfer stations, industrial disposal facilities and other solid waste management facilities. The role of each existing facility in meeting the intermediate and long-term needs of the planning area shall be described.
  - (b) Planned solid waste management facilities, whether new or expansions of existing facilities, which are expected to meet the solid waste needs shall be identified in the plan specifically as to the type, the name of the facility, the location, the size, and expected ownership and service area. Any plan, which does not identify the specific location of such facilities, must be modified to include such information, before an application for a permit is submitted to the Department.
  - (c) A proposed new or modified plan shall include a demonstration that owners of contiguous property to any planned new or expanded solid waste management facility, except land application facilities, are sent notice in writing of the proposed facility and of the specific facility information described in Rule 2.3(D)(1)(b) above. Written notification shall be sent by certified mail to the landowner's address as indicated on county tax records. The notice shall be sent no later than the date of issuance of the public notice, required by Miss. Code Ann. Section 17-17-227, and shall contain a copy of the subject public notice. The demonstration provided to the Department should include copies of the signed receipts of certified mail delivery or a copy of any returned certified mail item, that is refused or otherwise undeliverable.
- (2) Each plan shall include a specific schedule for implementation.
- (3) For any publicly-owned facilities, the plan shall include an estimation of the costs of such facilities. If any local government entity or regional authority plans to contract with the private sector for use of privately-owned facilities, an estimation of the total contractual costs shall be made.
- (4) Each plan shall identify the proposed method of financing any public expenditures for solid waste management services.

Source: Miss. Code Ann. §§ 17-17-201, et seq., 49-2-9(1)(b), 49-17-17(i), 17-17-1, et seq. 49-2-1, et seq. and 49-17-1, et seq.

*Rule 2.4 Approval/Disapproval by Commission.*

- A. If the Commission determined that a plan has met the criteria specified herein, it shall by order, approve the plan.
  
- B.
  - (1) If the Commission determines that one or more of the criteria herein has not been fully met, but that Rule 2.3(D) of this criteria has been met in relation to the residential and commercial solid waste needs of the planning area, it may by order conditionally approve the plan. The Commission shall include in the order the conditions, upon which the plan is approved, including a list of deficiencies, which prevent the plan from becoming fully approved and a schedule for correcting those deficiencies.
  
  - (2) Should the county or planning authority fail to correct the deficiencies listed by the Commission within the established schedule, the Commission may take any enforcement action which it is authorized by law to administer, or it may, by order, rescind its conditional approval.
  
  - (3) Upon correction of the deficiencies listed with any conditional approval, the Commission shall fully approve the plan.
  
- C. If the Commission determines that the plan fails to meet the criteria of Rule 2.3(D) with respect to residential and commercial waste needs, or that other criteria herein have not been met, it may, by order, disapprove the plan. The Commission shall include in the order a statement outlining the deficiencies in the plan and shall direct the county or planning authority to submit a revised plan that remedies those deficiencies. Any person found by the Commission to be in violation of said order shall be subject to civil penalties pursuant to Miss. Code Ann. Section 17-17-29.
  
- D. No new plan or modification to an approved plan shall be approved or conditionally approved by the Commission, until it has been duly ratified in accordance with Paragraph (5) of Miss. Code Ann. Section 17-17-227 and Rule 2.3(D) of these Regulations, except where the action involves a minor modification to the plan.

In the case of a minor modification to an approved plan, ratification of the modified plan shall be approved in accordance with Paragraph 5 of Miss. Code Ann. Section 17-17-227 and Rule 2.3(D) of these regulations except as described below:

- (1) A minor modification may be approved without the mandatory public notice and public hearing requirements and the adjacent county notice procedures described in Part 5(a) of Paragraph 5 of Miss. Code Ann. Section 17-17-227.

- (2) A minor modification may be approved by the local government without the notification to the contiguous property owners as required by Rule 2.3(D)(1)(c) of these regulations.

Source: Miss. Code Ann. §§ 17-17-201, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 17-17-1, *et seq.* 49-2-1, *et seq.* and 49-17-1, *et seq.*