

**Title 11: Mississippi Department of Environmental Quality**

**Part 3: Hazardous Waste Management Regulations**

**Part 3, Chapter 3: Mississippi Commission on Environmental Quality “Right-Way-To-Throw-Away Program” Regulations – Adopted February 25, 1993**

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### Subchapter 1 Household Hazardous Waste Regulation

This regulation is promulgated by the Mississippi Commission on Environmental Quality under the authority of Mississippi Code Annotated Sections 49-17-17, 49-17-29, 17-17-439, 17-17-443, and 17-17-445, Mississippi Code of 1972 (Supp. 1992).

#### *Rule 3.1.1 Definitions.*

For the purposes of this regulation, the following words shall have the definitions ascribed herein unless the context requires otherwise:

- A. “Commission” shall mean the Commission on Environmental Quality.
- B. “Department” shall mean the Department of Environmental Quality.
- C. “Collection contractor” shall mean a person approved by the Department and retained by a county, municipality, or multicounty agency to operate a household hazardous waste collection and management program.
- D. “Household hazardous waste” shall mean any waste that would be considered hazardous under the Solid Waste Disposal Law of 1974, Section 17-17-1 et seq., Mississippi Code of 1972, or any rules or regulations promulgated thereunder, but for the fact that it is produced in quantities smaller than those regulated under such laws or regulations and is generated by persons not otherwise covered by such laws or regulations.
- E. “Applicant” shall mean a county, municipality, or multicounty agency requesting to operate a household hazardous waste collection and management program.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

#### *Rule 3.1.2 Applicability.*

These requirements shall apply to all applicants requesting to establish a program for the collection and management of household hazardous waste. Prior to implementation, the

Department must approve and certify all proposed household hazardous waste collection and management programs.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.1.3 Application.*

- A. Any person proposing to establish a program for the collection and management of household hazardous waste must submit an application to the Department. All applications shall be completed by the appropriate person at least 120 days prior to the proposed collection day or prior to the establishment of a permanent facility on forms provided by the Department.
- B. Each application shall include, at a minimum, (1) a site plan, (2) a management/operations plan, (3) a health and safety plan, (4) recordkeeping and reporting procedures, (5) a recycling or reuse plan, and (6) a public information and education plan.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq..

*Rule 3.1.4 Site Plan.*

The site plan shall describe all pertinent information concerning the site where the collection program will be conducted, and shall include, at the minimum, the following:

- A. a description of the general characteristics and location of the site;
- B. a U.S. Geological Survey map with the site location identified;
- C. a detailed site map (8 ½" X 11" or larger") indicating structure locations, access roads, property lines (the collection facility shall be a minimum of 50 feet from the property line), surface waters (the collection facility shall be a minimum of 250 feet from any surface waters), and water wells (the collection facility shall be a minimum of 250 feet from any public water well).

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.1.5 Management/Operations Plan.*

- A. General description

The applicant shall describe in narrative form the management and collection of the household hazardous waste collection program, discussing all pertinent aspects, including, but not necessarily limited to:

- (1) day (s) and hours of operation;
- (2) a listing of all waste categories that will be accepted by the facility including an estimate of the amount of waste expected to be collected by waste category;
- (3) the name, address, and contact person of the collection contractor;
- (4) description of the collection contractor's previous experience, and a list of key personnel's experience and training.

B. Material drop-off, handling, storage, and containment

The applicant shall describe the method the applicant will use to handle each waste type that will be accepted, procedures for waste identification and characterization, and on-site storage and containment. The description shall include, at a minimum, the following:

- (1) a copy of the collection contractor's operation manual, if applicable;
- (2) a description of the traffic circulation at the facility;
- (3) a description of the traffic areas as they relate to the waste storage areas;
- (4) a description of how the materials will be transferred from the participant's vehicles to the waste storage area;
- (5) a description of security and safety procedures to be used by the collection contractor to control access to the waste storage area;
- (6) a description of the procedures and methodology used by the collection contractor for characterizing all waste as either reactive, explosive, corrosive, ignitable, or toxic to ensure the proper handling of the wastes;
- (7) a description of the procedures for handling unknown wastes, and for handling wastes brought in that are not accepted by the collection contractor;
- (8) a description of the procedures for handling wastes that that are received in corroded or leaking containers;
- (9) a description of the procedures for handling wastes brought to the facility by businesses;

- (10) a description of the procedures used to ensure that all wastes and storage containers are chemically compatible such that no reaction or leakage occurs;
- (11) a description of the procedures to remove all waste materials from the site within ten (10) days after the approved collection day;
- (12) the name, address, telephone number, EPA ID number, and contact person of the transporter of the household hazardous waste collected;
- (13) a listing of the amounts and destinations of the wastes that were collected.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.1.6 Safety and Emergency Response Plan.*

The applicant shall describe the procedures to ensure the public's health and safety for any unplanned release of hazardous waste or hazardous waste constituents to the air, soil, groundwater, or surface water. These procedures should include the following:

- A. a device, such as a telephone or hand-held two-way radio, capable of summoning emergency assistance from local police departments, or state or local emergency response teams;
- B. a fire extinguisher system;
- C. a list of eye wash, showers, first aid, or other safety equipment necessary to prevent or mitigate injury to personnel who handle wastes. The applicant shall include detailed information on protective gear that personnel will wear as standard practice;
- D. a list of names of all persons qualified to act as emergency coordinator, designating one person as primary contact and listing others in the order in which they assume responsibility;
- E. a description of the arrangements agreed to by local police department, fire and rescue, hospitals, and state and local emergency response teams to coordinate and deliver emergency services;
- F. a list of contact persons and telephone numbers for the police department, fire and rescue units, hospitals, and state and local emergency response teams;
- G. a description of actions which facility personnel are to take in response to fires, explosions, or any release of waste constituents to air, soil, or surface water at the facility;
- H. a description of the evacuation plan for the facility in case of an emergency.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.1.7 Recordkeeping and Reporting Procedures.*

- A. The applicant shall describe procedures for recording the amounts of material received and transported for disposal.
- B. The applicant shall describe procedures for the submittal of the following to the Department within 30 days after the collection day or on a quarterly basis for permanent facilities:
  - (1) the type of wastes collected;
  - (2) the amounts of waste collected, by waste type;
  - (3) the method utilized for disposal, by waste type.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.1.8 Recycling and Reuse Plan.*

The applicant shall describe in detail the procedures used for the recycling or reuse of any of the collected household hazardous wastes.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.1.9 Public Information and Education Plan.*

- A. The applicant shall describe plans to inform the public concerning the collection day, hours of operations, types and amounts of wastes accepted, and the proper transportation of these materials to the collection site.
- B. The applicant shall describe any educational presentations and materials to encourage waste reduction, minimization, or recycling that will be made available to the participants.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Subchapter 2 Household Hazardous Waste Grant Program.

This regulation is promulgated by the Mississippi Commission on Environmental Quality under the authority of Mississippi Code Annotated Sections 49-17-17, 49-17-29, and 17-17-441, Mississippi Code of 1972 ( Supp. 1992).

*Rule 3.2.1 Definitions*

For the purpose of this regulation, the following words shall have the definition ascribed herein unless the context requires otherwise:

- A. “Commission” shall mean the Commission on Environmental Quality.
- B. “Department” shall mean the Department of Environmental Quality.
- C. “Local government” shall mean a county, municipality, or multicounty agency.
- D. “Household hazardous waste” shall mean any waste that would be considered hazardous under the Solid Waste Disposal Law of 1974, Section 17-17-1 et seq., Mississippi Code of 1972, or any rules and regulations promulgated thereunder, but for the fact that it is produced in quantities smaller than those regulated under such laws or regulations and is generated by persons not otherwise covered by such laws or regulations.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.2.2 Eligibility.*

All counties, municipalities and multicounty agencies in Mississippi are eligible to apply for funding under the “Right-Way-To-Throw-Away Program”.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.2.3 Allocation of Funds.*

- A. Monies allocated to counties, municipalities and multicounty agencies can be utilized for the following purposes:
  - (1) the collection and proper treatment, storage, or disposal of household hazardous waste.
  - (2) transportation costs associated with the proper treatment, storage, or disposal of the household hazardous waste collected.
  - (3) costs for administration and dissemination of public information associated with the collection or transportation of household hazardous waste.

- (4) other costs determined by the Department to be integral to a successful household hazardous waste program.
- B. The Department shall accept applications on an annual basis by July 1 of each year, beginning in 1993. The Commission shall award funds after the Department has reviewed applications received prior to July 1 of each year. If monies remain after the Commission funds the projects received and approved before July 1 of each year, additional applications will be evaluated and, if approved, may be funded after the Commission awards the projects received prior to July 1.
- C. For grants to counties, municipalities, and multicounty agencies, no more than 75% of the costs of the project shall be eligible for grant funding.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, *et seq.*, 17-17-401, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

*Rule 3.2.4 Applications.*

Entities requesting funding for a “Right-Way-To-Throw-Away Program” shall submit to the Department an original and two (2) copies of a grant application. This application shall contain the following:

- A. a completed grant application form, as provided by the Department.
- B. a detailed narrative description of the proposed household hazardous waste program.
- C. a detailed narrative description of any proposed recycling/reuse activities.
- D. the applicant’s resolution authorizing the submission of a household hazardous waste grant application.
- E. if applicable, a copy of the applicant’s intergovernmental compact or agreement between the applicable counties or municipalities.
- F. a statement of the applicant’s assurances for providing at least 25% local match for the grant request.
- G. the applicant’s proposed budget, which shall include the program’s cost estimate, by major expense category, for the funding being requested.
- H. the applicant’s agreement with the collection contractor that will be responsible for collecting hazardous waste, and transporting the waste to the appropriate permitted recycling, storage, treatment, or disposal facility.



Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.2.5 Selection of Applicants for Funding.*

Where funds requested exceed funds available, applications shall be evaluated and ranked, with prioritization for funding based on the following criteria:

- A. the extent to which a project would serve an area that is not being presently served by a household hazardous waste program or which has not been served with the past twelve months.
- B. the number of people served and the amount of the household hazardous waste to be collected by the project.
- C. the extent to which the project proposes to recycle or reuse specified household hazardous waste rather than merely to treat, store, or dispose of such waste.
- D. the amount of the funds that exceed the minimum twenty-five percent (25%) matching requirement.
- E. the extent to which the project allows for the transfer of both technical and management information to other household hazardous waste grant applications.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.2.6 The Department May Refuse To Approve A Grant Application For Any Of The Following Reasons:*

- A. the Department determines that the project is not consistent with the “Right-Way-To-Throw-Away Program”.
- B. the Department determines that the applicant does not have the technical or administrative capacity to conduct the proposed project.
- C. the applicant is in violation of, or delinquent on, any condition of a previously awarded grant by the department.
- D. The applicant has been significantly or habitually in violation of environmental laws, regulations, or permits.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.2.7*

If insufficient funds are available for the “Right-Way-To-Throw-Away Program”, no grant will be awarded.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, *et seq.*, 17-17-401, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

*Rule 3.2.8*

If the Department should refuse to approve a grant application for any reason, the applicant may request a hearing before the Commission in accordance with Section 49-17-35, Mississippi Code of 1972.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, *et seq.*, 17-17-401, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

*Rule 3.2.9 Conditions of Grant.*

- A. Grants made to counties, municipalities, or multicounty agencies shall require compliance with all applicable procurement and purchasing regulations established by the Mississippi Department of Finance and Administration, Bureau of Purchasing.
- B. At the discretion of the Commission, monies which are unspent twelve (12) months after the grant award shall be forfeited back to the Department.
- C. The applicant shall submit to the Department additional material, as required by the “Right-Way-To-Throw-Away Program” Title 11, Part 3, Chapter 3, within sixty days of the grant award.
- D. The Department may include any other conditions as part of the grant award which it feels necessary to reasonably manage the project or to protect the environment.

Source: Miss. Code Ann. §§ 49-17-17, 49-17-29, 17-17-439, 17-17-443, 17-17-445, 17-17-1, *et seq.*, 17-17-401, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*