SENIOR BILL NO. 2504

AN ACT TO CREATE SECTION 49-17-44.1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN APPLICANT FOR A WATER POLLUTION CONTROL PERMIT FOR A CONCENTRATED ANIMAL FEEDING OPERATION SHALL PROVIDE A BOND OR OTHER FINANCIAL SECURITY; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 49-17-44.1, Mississippi Code of 1972:

49-17-44.1. (1) The permit board shall require any applicant for a water pollution control permit for a concentrated animal feeding operation to provide a bond or other acceptable financial security instrument payable to the commission and conditioned upon full and satisfactory performance of the requirements of the Mississippi Air and Water Pollution Control Law and any water pollution control permit issued under that law. Any bond shall be executed by the permittee and a corporate surety licensed to do business in the state. The commission shall establish by regulation the acceptable forms of financial security and the amount of financial security required for the various types and sizes of facilities. The purpose of the bond or other financial security shall be the protection of the public health, welfare and the environment.

(2) (a) There is established a special account within the Pollution Emergency Fund created under Section 49-17-68. The proceeds of any forfeiture shall be deposited into the special account. The proceeds may be expended under the authority of this section without additional action of the Legislature.

(b) The commission shall file an annual report detailing the receipts and expenditure of the bond forfeiture.
account with the Chairmen of the House and Senate Appropriations Committees.

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

(d) Any unexpended funds remaining in the fund at the end of the fiscal year shall not lapse. Interest earned on the principal shall be credited by the Treasurer to the account.

(e) The account may receive monies from any available public or private source, including, but not limited to, proceeds from bond or other financial security forfeitures, interest and funds from other judicial actions.

(3) Funds in the account may be used by the commission or any receiver appointed by a court to address noncompliance or for mitigation, abatement, clean-up or other remedial actions involving pollution at the facility for which the bond or financial security was forfeited.

(4) An appeal from any decision of the commission under this section may be taken as provided in Section 49-17-41, Mississippi Code of 1972.

(5) This section is applicable to applications for new concentrated animal feeding operations and to existing permits upon application for reissuance or transfer of a permit.

SECTION 2. This act shall take effect and be in force from and after its passage.