

By: Senator(s) McCaughn

To: Environment Prot, Cons
and Water Res; Agriculture

SENATE BILL NO. 2650

1 AN ACT TO AMEND SECTION 49-17-5, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE WETLANDS WITHIN THE DEFINITION OF WATERS OF THE STATE; AND
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-17-5, Mississippi Code of 1972, is
6 amended as follows:

7 49-17-5. For the purposes of Sections 49-17-1 through
8 49-17-43, the following words and phrases shall have the meanings
9 ascribed to them in this section:

10 (1) **Water.**

11 (a) "Pollution" means such contamination, or other
12 alteration of the physical, chemical or biological properties, of
13 any waters of the state, including change in temperature, taste,
14 color, turbidity, or odor of the waters, or such discharge of any
15 liquid, gaseous, solid, radioactive, or other substance or leak
16 into any waters of the state unless in compliance with a valid
17 permit issued therefor by the Permit Board.



18 (b) "Wastes" means sewage, industrial wastes, oil field
19 wastes, and all other liquid, gaseous, solid, radioactive, or
20 other substances which may pollute or tend to pollute any waters
21 of the state.

22 (c) "Sewerage system" means pipelines or conduits,
23 pumping stations, and force mains, and other structures, devices,
24 appurtenances and facilities used for collecting or conducting
25 wastes to an ultimate point for treatment or disposal.

26 (d) "Treatment works" means any plant or other works,
27 used for the purpose of treating, stabilizing or holding wastes.

28 (e) "Disposal system" means a system for disposing of
29 wastes, either by surface or underground methods, and includes
30 sewerage systems, treatment works, disposal wells and other
31 systems.

32 (f) "Waters of the state" means all waters within the
33 jurisdiction of this state, including all streams, lakes, ponds,
34 impounding reservoirs, * * * wetlands, watercourses, waterways,
35 wells, springs, irrigation systems, drainage systems, and all
36 other bodies or accumulations of water, surface and underground,
37 natural or artificial, situated wholly or partly within or
38 bordering upon the state, and such coastal waters as are within
39 the jurisdiction of the state, except lakes, ponds or other
40 surface waters which are wholly landlocked and privately owned,
41 and which are not regulated under the Federal Clean Water Act (33
42 USCS 1251 et seq.).



43 (g) "Underground water" means an underground source of
44 drinking water as defined within the regulations of the Federal
45 Safe Drinking Water Act.

46 (2) **Air.**

47 (a) "Air contaminant" means particulate matter, dust,
48 fumes, gas, mist, smoke or vapor, or any combination thereof,
49 produced by processes other than natural.

50 (b) "Air pollution" means the presence in the outdoor
51 atmosphere of one or more air contaminants in quantities, of
52 characteristic, and of a duration which are materially injurious
53 or can be reasonably expected to become materially injurious to
54 human, plant or animal life or to property, or which unreasonably
55 interfere with enjoyment of life or use of property throughout the
56 state or throughout such area of the state as shall be affected
57 thereby.

58 (c) "Air contamination" means the presence in the
59 outdoor atmosphere of one or more air contaminants which
60 contribute to a condition of air pollution.

61 (d) "Air contamination source" means any source at,
62 from, or by reason of which there is emitted into the atmosphere
63 any air contaminant, regardless of who the person may be who owns
64 or operates the building, premises or other property in, at, or on
65 which such source is located, or the facility, equipment or other
66 property by which the emission is caused or from which the
67 emission comes.



68 (e) "Air-cleaning device" means any method, process or
69 equipment, the primary function of which is to remove, reduce or
70 render less noxious air contaminants discharged into the
71 atmosphere.

72 (f) "Area of the state" means any city or county or
73 portion thereof, or other substantial geographical area of the
74 state as may be designated by the Mississippi Commission on
75 Environmental Quality.

76 (g) "Federal Clean Air Act" means the Federal Clean Air
77 Act, 42 USCS 7401 et seq., as amended.

78 (3) **General.**

79 (a) "Commission" means the Mississippi Commission on
80 Environmental Quality acting through the Office of Pollution
81 Control of the Department of Environmental Quality.

82 (b) "Person" means the state or other agency or
83 institution thereof, any municipality, political subdivision,
84 public or private corporation, individual, partnership,
85 association or other entity, and includes any officer or governing
86 or managing body of any municipality, political subdivision, or
87 public or private corporation, or the United States or any officer
88 or employee thereof.

89 (c) "Pollution Emergency Fund" means the fund
90 established under Section 49-17-68.



91 (d) "General permit" means a permit for categories of
92 sources that involve similar wastes and have similar monitoring
93 requirements and restrictions.

94 **SECTION 2.** This act shall take effect and be in force from
95 and after July 1, 2024.

