

By: Representative Crawford

To: Conservation and Water Resources

HOUSE BILL NO. 788

1 AN ACT TO PROHIBIT THE INTENTIONAL INJECTION, RELEASE, OR  
 2 DISPERSION OF CHEMICALS WITHIN THE BORDERS OF THE STATE OF  
 3 MISSISSIPPI INTO THE ATMOSPHERE WITH THE EXPRESS PURPOSE OF  
 4 AFFECTING TEMPERATURE, WEATHER, OR THE INTENSITY OF THE SUNLIGHT;  
 5 TO BRING FORWARD SECTIONS 49-17-5, 49-17-19, 49-17-25 AND  
 6 49-17-36, MISSISSIPPI CODE OF 1972, WHICH RELATE TO POLLUTION OF  
 7 WATERS, STREAMS, AND AIR WITHIN THE STATE, FOR PURPOSES OF  
 8 POSSIBLE AMENDMENT; TO AMEND SECTION 49-17-29, MISSISSIPPI CODE OF  
 9 1972, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; AND FOR RELATED  
 10 PURPOSES.

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

12 **SECTION 1.** The intentional injection, release, or  
 13 dispersion, by any means, of chemicals, chemical compounds,  
 14 substances, or apparatus within the borders of the State of  
 15 Mississippi, into the atmosphere with the express purpose of  
 16 affecting temperature, weather, or the intensity of the sunlight  
 17 is prohibited.

18 **SECTION 2.** Section 49-17-5, Mississippi Code of 1972, is  
 19 brought forward as follows:

20 49-17-5. For the purposes of Sections 49-17-1 through  
 21 49-17-43, the following words and phrases shall have the meanings  
 22 ascribed to them in this section:



23 (1) **Water.**

24 (a) "Pollution" means such contamination, or other  
25 alteration of the physical, chemical or biological properties, of  
26 any waters of the state, including change in temperature, taste,  
27 color, turbidity, or odor of the waters, or such discharge of any  
28 liquid, gaseous, solid, radioactive, or other substance or leak  
29 into any waters of the state unless in compliance with a valid  
30 permit issued therefor by the Permit Board.

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

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

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

41 (e) "Disposal system" means a system for disposing of  
42 wastes, either by surface or underground methods, and includes  
43 sewerage systems, treatment works, disposal wells and other  
44 systems.

45 (f) "Waters of the state" means all waters within the  
46 jurisdiction of this state, including all streams, lakes, ponds,  
47 impounding reservoirs, marshes, watercourses, waterways, wells,



48 springs, irrigation systems, drainage systems, and all other  
49 bodies or accumulations of water, surface and underground, natural  
50 or artificial, situated wholly or partly within or bordering upon  
51 the state, and such coastal waters as are within the jurisdiction  
52 of the state, except lakes, ponds or other surface waters which  
53 are wholly landlocked and privately owned, and which are not  
54 regulated under the Federal Clean Water Act (33 USCS 1251 et  
55 seq.).

56 (g) "Underground water" means an underground source of  
57 drinking water as defined within the regulations of the Federal  
58 Safe Drinking Water Act.

59 (2) **Air.**

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

63 (b) "Air pollution" means the presence in the outdoor  
64 atmosphere of one or more air contaminants in quantities, of  
65 characteristic, and of a duration which are materially injurious  
66 or can be reasonably expected to become materially injurious to  
67 human, plant or animal life or to property, or which unreasonably  
68 interfere with enjoyment of life or use of property throughout the  
69 state or throughout such area of the state as shall be affected  
70 thereby.



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

74 (d) "Air contamination source" means any source at,  
75 from, or by reason of which there is emitted into the atmosphere  
76 any air contaminant, regardless of who the person may be who owns  
77 or operates the building, premises or other property in, at, or on  
78 which such source is located, or the facility, equipment or other  
79 property by which the emission is caused or from which the  
80 emission comes.

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

85 (f) "Area of the state" means any city or county or  
86 portion thereof, or other substantial geographical area of the  
87 state as may be designated by the Mississippi Commission on  
88 Environmental Quality.

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

91 (3) **General.**

92 (a) "Commission" means the Mississippi Commission on  
93 Environmental Quality acting through the Office of Pollution  
94 Control of the Department of Environmental Quality.



95           (b) "Person" means the state or other agency or  
96 institution thereof, any municipality, political subdivision,  
97 public or private corporation, individual, partnership,  
98 association or other entity, and includes any officer or governing  
99 or managing body of any municipality, political subdivision, or  
100 public or private corporation, or the United States or any officer  
101 or employee thereof.

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

104           (d) "General permit" means a permit for categories of  
105 sources that involve similar wastes and have similar monitoring  
106 requirements and restrictions.

107           **SECTION 3.** Section 49-17-19, Mississippi Code of 1972, is  
108 brought forward as follows:

109           49-17-19. In order to carry out the purposes of Sections  
110 49-17-1 through 49-17-43, the commission may set ambient standards  
111 of air and water quality for the state or portions thereof. Such  
112 ambient standards of quality shall be such as to protect the  
113 public health and welfare and the present and prospective future  
114 use of such air and of such waters for public water supplies,  
115 propagation of fish and aquatic life and wildlife, recreational  
116 purposes, and agricultural, industrial and other legitimate uses.  
117 Such ambient standards may be amended from time to time as  
118 determined to be necessary by the commission. In order to carry  
119 out the purposes of Sections 49-17-1 through 49-17-43, the



120 commission may also set emission standards for the purpose of  
121 controlling air contamination, air pollution and the sources  
122 thereof. In establishing ambient air quality standards for odor,  
123 the commission shall adopt recognized objective standards if they  
124 exist. In the absence of a recognized objective ambient air  
125 quality standard for odor, the commission may adopt such  
126 subjective standards as may be appropriate.

127 In establishing such standards relating to pesticides and  
128 commercial fertilizers for underground water, the commission shall  
129 adopt federal standards if they exist. If no federal standard  
130 exists, the commission shall petition the United States  
131 Environmental Protection Agency to establish a federal standard  
132 for the substance of interest. If the commission determines that  
133 a federal standard cannot be obtained within thirty (30) days, it  
134 shall consult with the United States Environmental Protection  
135 Agency's Office of Drinking Water and Office of Pesticide Programs  
136 regarding the agency's conclusion relative to available  
137 toxicological information on the substance of interest and on the  
138 methodology used for establishing a federal standard. The  
139 commission shall utilize this information and methodology to  
140 establish a standard. The commission may also consult with and  
141 request similar information from other sources.

142 **SECTION 4.** Section 49-17-25, Mississippi Code of 1972, is  
143 brought forward as follows:



144 49-17-25. (1) Prior to the adoption, amendment or repeal of  
145 rules and regulations necessary to implement this chapter,  
146 Sections 17-17-1 through 17-17-47, Sections 21-27-201 through  
147 21-27-221, Sections 37-138-1 through 37-138-31, and all other laws  
148 administered by the department, the commission shall conduct a  
149 public hearing or hearings thereon after public notice. Such  
150 notice shall be given by publication once a week for three (3)  
151 successive weeks in a newspaper having a general circulation  
152 throughout the state. The notice shall contain a description of  
153 the proposed regulation and the time, date and place of the  
154 hearing.

155 (2) Additionally, the adoption, amendment or repeal of any  
156 rule or regulation under this chapter, Sections 17-17-1 through  
157 17-17-47, Sections 21-27-201 through 21-27-221, Sections 37-138-1  
158 through 37-138-31 and all other laws administered by the  
159 department shall be governed by the "Mississippi Administrative  
160 Procedures Law." Any rule or regulation heretofore or hereafter  
161 adopted, amended or repealed in substantial compliance with the  
162 procedural requirements under Section 25-43-7 shall be valid. A  
163 proceeding to contest any rule or regulation on the ground of  
164 noncompliance with the procedural requirements of this section  
165 must be commenced within one (1) year from the effective date of  
166 the rule or regulation.



167 (3) Notice of rules and regulations adopted by the  
168 commission shall be published once in a newspaper having general  
169 circulation throughout the state.

170 **SECTION 5.** Section 49-17-36, Mississippi Code of 1972, is  
171 brought forward as follows:

172 49-17-36. (1) It is unlawful for any person to knowingly:  
173 (a) fail to pay any fee assessed by the commission for  
174 administration of the federal air operating permit program; (b)  
175 fail to satisfy any air operating permit filing requirement; (c)  
176 make any false statement, representation of certification in any  
177 notice or report required by an air operating permit; or (d)  
178 render inaccurate any air monitoring device or method required by  
179 an air operating permit; and, upon conviction thereof, such person  
180 shall be punished by a fine of not less than Two Thousand Five  
181 Hundred Dollars (\$2,500.00) nor more than Twenty-five Thousand  
182 Dollars (\$25,000.00) per day of violation.

183 (2) In determining the amount of penalty under this section,  
184 the following shall be considered at a minimum:

- 185 (a) The willfulness of the violation;  
186 (b) Any damage to air, water, land or other natural  
187 resources of the state or their uses;  
188 (c) Costs of restoration or abatement;  
189 (d) Economic benefit as a result of noncompliance;





190 (e) The seriousness of the violation, including any  
191 harm to the environment and any hazard to the health, safety and  
192 welfare of the public; and

193 (f) Past performance history.

194 (3) All fines collected by the commission under this section  
195 shall be deposited into the Pollution Emergency Fund established  
196 under Section 49-17-68, Mississippi Code of 1972.

197 **SECTION 6.** Section 49-17-29, Mississippi Code of 1972, is  
198 amended as follows:

199 49-17-29. (1) (a) Except as in compliance with paragraph  
200 (b) of this subsection, it is unlawful for any person to cause  
201 pollution of the air in the state or to place or cause to be  
202 placed any wastes or other products or substances in a location  
203 where they are likely to cause pollution of the air. It is also  
204 unlawful to discharge any wastes, products or substances into the  
205 air of the state which exceed standards of performance, hazardous  
206 air pollutant standards, other emission standards set by the  
207 commission, or which reduce the quality of the air below the air  
208 quality standards or increments established by the commission or  
209 prevent attainment or maintenance of those air quality standards.  
210 Any such action is hereby declared to be a public nuisance.

211 (b) It is unlawful for any person to build, erect,  
212 alter, replace, use or operate any equipment which will cause the  
213 issuance of air contaminants unless that person holds a permit  
214 from the Permit Board (except repairs or maintenance of equipment



215 for which a permit has been previously issued), or unless that  
216 person is exempted from holding a permit by a regulation  
217 promulgated by the commission. Concentrated animal feeding  
218 operations may be a source or a category of sources exempted under  
219 this paragraph. However, no new or existing applications relating  
220 to swine concentrated animal feeding operations within a county  
221 shall be exempted from regulations and ordinances which have been  
222 duly passed by the county's board of supervisors and which are in  
223 force on June 1, 1998.

224 (2) (a) Except as in compliance with paragraph (b) of this  
225 subsection, it is unlawful for any person to cause pollution of  
226 any waters of the state or to place or cause to be placed any  
227 wastes in a location where they are likely to cause pollution of  
228 any waters of the state. It is also unlawful to discharge any  
229 wastes into any waters of the state which reduce the quality of  
230 those waters below the water quality standards established by the  
231 commission; or to violate any applicable pretreatment standards or  
232 limitations, technology-based effluent limitations, toxic  
233 standards or any other limitations established by the commission.  
234 Any such action is declared to be a public nuisance.

235 (b) It is unlawful for any person to carry on any of  
236 the following activities, unless that person holds a current  
237 permit for that activity from the Permit Board as may be required  
238 for the disposal of all wastes which are or may be discharged into  
239 the waters of the state, or unless that person is exempted from



240 holding a permit by a regulation promulgated by the commission:  
241 (i) the construction, installation, modification or operation of  
242 any disposal system or part thereof or any extension or addition  
243 thereto, including, but not limited to, systems serving  
244 agricultural operations; (ii) the increase in volume or strength  
245 of any wastes in excess of the permissive discharges specified  
246 under any existing permit; (iii) the construction, installation or  
247 operation of any industrial, commercial or other establishment,  
248 including irrigation projects or any extension or modification  
249 thereof or addition thereto, the operation of which would cause an  
250 increase in the discharge of wastes into the waters of the state  
251 or would otherwise alter the physical, chemical or biological  
252 properties of any waters of the state in any manner not already  
253 lawfully authorized; (iv) the construction or use of any new  
254 outlet for the discharge of any wastes into the waters of the  
255 state. However, no new or existing applications relating to swine  
256 concentrated animal feeding operations within a county shall be  
257 exempted from regulations and ordinances which have been duly  
258 passed by the county's board of supervisors and which are in force  
259 on June 1, 1998.

260 (3) (a) Except as otherwise provided in this section, the  
261 Permit Board created by Section 49-17-28 shall be the exclusive  
262 administrative body to make decisions on permit issuance,  
263 reissuance, denial, modification or revocation of air pollution  
264 control and water pollution control permits and permits required



265 under the Solid Wastes Disposal Law of 1974 (Title 17, Chapter  
266 17), and all other permits within the jurisdiction of the Permit  
267 Board. After consideration of alternative waste treatment  
268 technologies available to control air and water pollution and  
269 odor, including appropriate siting criteria, the commission may  
270 promulgate regulations establishing conditions, limitations and  
271 exemptions under which the Permit Board shall make these  
272 decisions. Regulations promulgated by the commission which  
273 establish exemptions as authorized under this section shall apply  
274 to any applicable facility in operation on the effective date of  
275 that regulation and to any applicable facility constructed or  
276 operated after the effective date of that regulation. The Permit  
277 Board may issue multiple permits for the same facility or  
278 operation simultaneously or in the sequence that it deems  
279 appropriate consistent with the commission's regulations. Except  
280 as otherwise provided in this paragraph, the Permit Board, under  
281 any conditions that the board may prescribe, may authorize the  
282 Executive Director of the Department of Environmental Quality to  
283 make decisions on permit issuance, reissuance, denial,  
284 modification or revocation. The executive director shall not be  
285 authorized to make decisions on permit issuance, reissuance,  
286 denial, modification or revocation for a commercial hazardous  
287 waste management facility or a solid waste management permit for a  
288 municipal solid waste landfill or incinerator. A decision by the  
289 executive director shall be a decision of the Permit Board and



290 shall be subject to formal hearing and appeal as provided in this  
291 section. The executive director shall report all permit decisions  
292 to the Permit Board at its next regularly scheduled meeting and  
293 those decisions shall be recorded in the minutes of the Permit  
294 Board. The decisions of the Permit Board shall be recorded in  
295 minutes of the Permit Board and shall be kept separate and apart  
296 from the minutes of the commission. The decision of the Permit  
297 Board or the executive director to issue, reissue, deny, modify or  
298 revoke permits shall not be construed to be an order or other  
299 action of the commission.

300 (b) The Executive Director of the Department of  
301 Environmental Quality shall also be the Executive Director of the  
302 Permit Board and shall have available to him, as Executive  
303 Director of the Permit Board, all resources and personnel  
304 otherwise available to him as executive director of the  
305 department.

306 (c) All persons required to obtain an air pollution  
307 control or water pollution control permit, a permit under the  
308 Solid Wastes Disposal Law of 1974 (Title 17, Chapter 17) or any  
309 other permit within the jurisdiction of the Permit Board shall  
310 make application for that permit with the Permit Board. The  
311 Permit Board, under any regulations as the commission may  
312 prescribe, may require the submission of those plans,  
313 specifications and other information as it deems necessary to  
314 carry out Sections 49-17-1 through 49-17-43 and Title 17, Chapter



315 17, or to carry out the commission's regulations adopted under  
316 those sections. The Permit Board, based upon any information as  
317 it deems relevant, shall issue, reissue, deny, modify or revoke  
318 air pollution control or water pollution control permit or permits  
319 required under the Solid Wastes Disposal Law of 1974 (Title 17,  
320 Chapter 17) or any other permit within the jurisdiction of the  
321 Permit Board under any conditions as it deems necessary that are  
322 consistent with the commission's regulations. The Permit Board's  
323 action of issuance, reissuance, denial, modification or revocation  
324 of a permit as recorded in its minutes shall constitute a complete  
325 decision of the board. All permits issued by the Permit Board  
326 shall remain in full force and effect until the board makes a  
327 final determination regarding any reissuance, modification, or  
328 revocation thereof. The Permit Board shall take action upon an  
329 application within one hundred eighty (180) days following its  
330 receipt in the board's principal office. No action which affects  
331 revocation of an existing permit shall take effect until the  
332 thirty (30) days mentioned in \* \* \* subsection (4)(b) of this  
333 section has expired or until a formal hearing as prescribed in  
334 that paragraph is held, whichever is later.

335 (d) The Permit Board may adopt rules of practice and  
336 procedure governing its proceedings that are consistent with the  
337 commission's regulations. All hearings in connection with permits  
338 issued, reissued, denied, modified or revoked and all appeals from



339 decisions of the Permit Board shall be as provided in this  
340 section.

341 (e) Upon any conditions that are consistent with the  
342 commission's regulations and subject to those procedures for  
343 public notice and hearings as provided by law, not inconsistent  
344 with federal law and regulations, the Permit Board may issue  
345 general permits and, where appropriate, may consolidate multiple  
346 permits for the same facility or operation into a single permit.

347 (f) The Permit Board shall not issue any permit for a  
348 new swine concentrated animal feeding operation or the expansion  
349 of an existing swine concentrated animal feeding operation before  
350 January 1, 2000, unless the department received the application  
351 for that operation's new or modified permit before February 28,  
352 1998, or except as provided in this paragraph (f). In issuing or  
353 modifying any permit for which the department received an  
354 application before February 28, 1998, the Permit Board shall apply  
355 those siting criteria adopted or used by the commission before  
356 February 28, 1998, unless federal law or regulations require more  
357 stringent criteria. The moratorium established in this paragraph  
358 shall not apply to the issuance of any permit for a new swine  
359 concentrated animal feeding operation or the expansion of an  
360 existing swine concentrated animal feeding operation that uses an  
361 animal waste management system which the applicant demonstrates to  
362 the Permit Board is innovative in significantly reducing the  
363 effects of the operation on the public health, welfare or the



364 environment and which is approved by the Permit Board. The Permit  
365 Board shall not issue or modify more than five (5) permits under  
366 this innovative animal waste management system technology  
367 exemption to the moratorium.

368 (g) Each applicant for a permit for a new outlet for  
369 the discharge of wastes into the waters of the state who is  
370 required to obtain a certificate of public convenience and  
371 necessity from the Public Service Commission for such wastewater  
372 system shall submit financial and managerial information as  
373 required by the Public Utilities Staff. Following review of that  
374 information, the Executive Director of the Public Utilities Staff  
375 shall certify in writing to the executive director of the  
376 department, the financial and managerial viability of the system  
377 if the Executive Director of the Public Utilities Staff determines  
378 the system is viable. The Permit Board shall not issue the permit  
379 until the certification is received.

380 (4) (a) Except as required by this section, before the  
381 issuance, reissuance, denial, modification or revocation of any  
382 air pollution control or water pollution control permit, permit  
383 required under the Solid Wastes Disposal Law of 1974 (Title 17,  
384 Chapter 17) or any other permit within its jurisdiction, the  
385 Permit Board, in its discretion, may hold a public hearing or  
386 meeting to obtain comments from the public on its proposed action.  
387 Before the issuance, reissuance, denial, modification pertaining  
388 to the expansion of a facility, transfer or revocation of a permit





389 for a commercial hazardous waste management facility or a solid  
390 waste management permit for a commercial municipal solid waste  
391 landfill or incinerator, the Permit Board shall conduct a public  
392 hearing or meeting to obtain comments from the public on the  
393 proposed action. That hearing or meeting shall be informal in  
394 nature and conducted under those procedures as the Permit Board  
395 may deem appropriate consistent with the commission's regulations.

396 (b) Within thirty (30) days after the date the Permit  
397 Board takes action upon permit issuance, reissuance, denial,  
398 modification or revocation, as recorded in the minutes of the  
399 Permit Board, any interested party aggrieved by that action may  
400 file a written request for a formal hearing before the Permit  
401 Board. An interested party is any person claiming an interest  
402 relating to the property or project which is the subject of the  
403 permit action, and who is so situated that the person may be  
404 affected by the disposition of that action.

405 The Permit Board shall fix the time and place of the formal  
406 hearing and shall notify the permittee of that time and place.

407 In conducting the formal hearing, the Permit Board shall have  
408 the same full powers as to subpoenaing witnesses, administering  
409 oaths, examining witnesses under oath and conducting the hearing,  
410 as is now vested by law in the Mississippi Public Service  
411 Commission, as to the hearings before it, with the additional  
412 power that the Executive Director of the Permit Board may issue  
413 all subpoenas at the instance of the Permit Board or at the



414 instance of any interested party. Any subpoenas shall be served  
415 by any lawful officer in any county to whom the subpoena is  
416 directed and return made thereon as provided by law, with the cost  
417 of service being paid by the party on whose behalf the subpoena  
418 was issued. Witnesses summoned to appear at the hearing shall be  
419 entitled to the same per diem and mileage as witnesses attending  
420 the circuit court and shall be paid by the person on whose behalf  
421 the witness was called. Sufficient sureties for the cost of  
422 service of the subpoena and witness fees shall be filed with the  
423 Executive Director of the Permit Board at the time that issuance  
424 of the subpoena is requested. At a hearing, any interested party  
425 may present witnesses and submit evidence and cross-examine  
426 witnesses.

427         The Permit Board may designate a hearing officer to conduct  
428 the formal hearing on all or any part of the issues on behalf of  
429 the Permit Board. The hearing officer shall prepare the record of  
430 the formal hearing conducted by that officer for the Permit Board  
431 and shall submit the record to the Permit Board.

432         Upon conclusion of the formal hearing, the Permit Board shall  
433 enter in its minutes the board's decision affirming, modifying or  
434 reversing its prior decision to issue, reissue, deny, modify or  
435 revoke a permit. The Permit Board shall prepare and record in its  
436 minutes findings of fact and conclusions of law supporting its  
437 decision. That decision, as recorded in its minutes with its  
438 findings of fact and conclusions of law, shall be final unless an



439 appeal, as provided in this section, is taken to chancery court  
440 within twenty (20) days following the date the decision is entered  
441 in the board's minutes.

442 (c) Within twenty (20) days after the date the Permit  
443 Board takes action upon permit issuance, reissuance, denial,  
444 modification or revocation after a formal hearing under this  
445 subsection as recorded in the minutes of the Permit Board, any  
446 person aggrieved of that action may appeal the action as provided  
447 in subsection (5) of this section.

448 (5) (a) Appeals from any decision or action of the Permit  
449 Board shall be only to chancery court as provided in this  
450 subsection.

451 (b) Any person who is aggrieved by any decision of the  
452 Permit Board issuing, reissuing, denying, revoking or modifying a  
453 permit after a formal hearing may appeal that decision within the  
454 period specified in subsection (4) (c) of this section to the  
455 chancery court of the county of the situs in whole or in part of  
456 the subject matter. The appellant shall give a cost bond with  
457 sufficient sureties, payable to the state in the sum of not less  
458 than One Hundred Dollars (\$100.00) nor more than Five Hundred  
459 Dollars (\$500.00), to be fixed by the Permit Board and to be filed  
460 with and approved by the Executive Director of the Permit Board,  
461 who shall forthwith certify the filing of the bond together with a  
462 certified copy of the record of the Permit Board in the matter to  
463 the chancery court to which the appeal is taken, which shall



464 thereupon become the record of the cause. An appeal to the  
465 chancery court as provided in this section shall not stay the  
466 decision of the Permit Board. The aggrieved party may, within  
467 twenty (20) days following the date the board's decision after a  
468 formal hearing is entered on the board's minutes, petition the  
469 chancery court for an appeal with supersedeas and the chancellor  
470 shall grant a hearing on that petition. Upon good cause shown,  
471 the chancellor may grant that appeal with supersedeas. If  
472 granted, the appellant shall be required to post a bond with  
473 sufficient sureties according to law in an amount to be determined  
474 by the chancellor. Appeals shall be considered only upon the  
475 record as made before the Permit Board. The chancery court shall  
476 always be deemed open for hearing of an appeal and the chancellor  
477 may hear the same in termtime or in vacation at any place in the  
478 chancellor's district, and the appeal shall have precedence over  
479 all civil cases, except election contests. The chancery court  
480 shall review all questions of law and of fact. If no prejudicial  
481 error is found, the matter shall be affirmed. If prejudicial  
482 error is found the decision of the board shall be reversed and the  
483 chancery court shall remand the matter to the Permit Board for  
484 appropriate action as may be indicated or necessary under the  
485 circumstances. Appeals may be taken from the chancery court to  
486 the Supreme Court in the manner as now required by law, except  
487 that if a supersedeas is desired by the party appealing to the  
488 chancery court, that party may apply for a supersedeas to the



489 chancellor of that court, who shall award a writ of supersedeas,  
490 without additional bond, if in the chancellor's judgment material  
491 damage is not likely to result thereby; but otherwise, the  
492 chancellor shall require a supersedeas bond as the chancellor  
493 deems proper, which shall be liable to the state for any damage.

494         **SECTION 7.** This act shall take effect and be in force from  
495 and after July 1, 2025.

