

By: Senator(s) Frazier

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2004

1 AN ACT TO ENACT THE "MISSISSIPPI ACT TO PROHIBIT THE
2 CONTAMINATION OF CLEAN SOILS WITH SO-CALLED FOREVER CHEMICALS"; TO
3 DEFINE RELEVANT TERMS; TO ALLOW THE MISSISSIPPI AIR AND WATER
4 POLLUTION CONTROL COMMISSION TO REQUIRE INDIVIDUALS LICENSED TO
5 DISCHARGE WASTEWATER TO SAMPLE THE WASTEWATER AND REPORT THE
6 SAMPLE TO THE COMMISSION; TO PROHIBIT THE COMMISSION FROM ISSUING
7 NEW LICENSES TO APPLY OR SPREAD SEPTAGE; TO ALLOW THE COMMISSION
8 TO REVOKE LICENSES IF LEVELS OF PERFLUOROALKYL AND POLYFLUOROALKYL
9 EXCEED ACCEPTABLE AMOUNTS; TO ESTABLISH PARAMETERS FOR THE
10 APPLICATION OR SPREADING OF SLUDGE AND SEPTAGE; TO LIST EXCEPTIONS
11 TO THE PARAMETERS ESTABLISHED; TO REQUIRE THE MISSISSIPPI AIR AND
12 WATER POLLUTION CONTROL COMMISSION TO DEVELOP A PLAN FOR
13 PROHIBITING THE LAND APPLICATION OF SEPTAGE; AND FOR RELATED
14 PURPOSES.

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

16 **SECTION 1.** This act shall be known and may be cited as the
17 "Mississippi Act to Prohibit the Contamination of Clean Soils with
18 So-Called Forever Chemicals."

19 **SECTION 2. Definitions.** For the purposes of this act, the
20 following words and phrases shall have the meanings ascribed to
21 them in this section:

22 (a) "Board" means the Permit Board as created in
23 Section 49-17-28.

24 (b) "Commission" means the Mississippi Air and Water
25 Pollution Control Commission.

26 (c) "Perfluoroalkyl and polyfluoroalkyl substances"
27 means any member of the class of fluorinated organic chemicals
28 containing at least one (1) fully fluorinated carbon atom.

29 (d) "Septage" means waste, refuse, effluent, sludge and
30 any other materials from septic tanks, cesspools or any other
31 similar facilities.

32 (e) "Sludge-derived compost" means compost material
33 that included sludge in its production.

34 **SECTION 3. Sludge and sludge-derived compost; perfluoroalkyl**
35 **and polyfluoroalkyl substances testing.** (1) The Mississippi Air
36 and Water Pollution Control Commission and the Permit Board may
37 not license the land application or distribution of sludge or
38 sludge-derived compost unless:

43 (b) The screening level of a perfluoroalkyl and
44 polyfluoroalkyl substances that is in the sludge or sludge-derived
45 compost and for which the commission has established by rule a
46 screening level for beneficial use does not exceed the screening
47 level for beneficial use established by the commission.



48 (2) The commission shall adopt rules to implement this
49 subsection that include, but are not limited to, a requirement
50 that sludge and sludge-derived compost intended for land
51 application or distribution be tested at least annually.

SECTION 4. Sampling for perfluoroalkyl and polyfluoroalkyl

53 **substances.** Notwithstanding any other provision of law to the
54 contrary, the commission by written notification may require a
55 person licensed by the commission to discharge wastewater to
56 groundwater or any waters of this state to sample the effluent
57 discharged for perfluoroalkyl and polyfluoroalkyl substances and
58 to report the sample data to the commission. Upon receipt of the
59 written notification and as directed by the commission, the person
60 shall conduct the required sampling of the effluent for
61 perfluoroalkyl and polyfluoroalkyl substances and report the
62 sample to the commission.

SECTION 5. Land application of septage; prohibitions.

64 Notwithstanding any provision of law to the contrary:

68 (b) A person licensed or permitted by the commission or
69 board to apply or spread septage at one or more locations in this
70 state may not apply septage at a location authorized under that
71 license or permit if the department provides to the person a
72 written determination that, based on testing conducted at or in



73 close proximity to the location, the commission has determined
74 that the concentration of perfluoroalkyl and polyfluoroalkyl
75 substances in groundwater at that location or in drinking water
76 sources in close proximity to that location exceeds the applicable
77 drinking water standard for perfluoroalkyl and polyfluoroalkyl
78 substances.

79 **SECTION 6. Prohibitions on land application of sludge; sale**
80 **and distribution of compost and other agricultural products and**
81 **materials containing sludge and septage; sale, distribution and**
82 **use of crops grown at septage application sites.** (1)

83 Notwithstanding any provision of law to the contrary, except as
84 provided in subsection (2) of this section, a person may not:

85 (a) Apply to or spread on any land in this state:
86 (i) Sludge generated from a municipal, commercial
87 or industrial wastewater treatment plant;
88 (ii) Compost material that included in its
89 production sludge generated from a municipal, commercial or
90 industrial wastewater treatment plant or septage; or
91 (iii) Any other product or material that is
92 intended for use as a fertilizer, soil amendment, topsoil
93 replacement or mulch or for other similar agricultural purpose
94 that is derived from or contains sludge generated from a
95 municipal, commercial or industrial wastewater treatment plant or
96 septage;

97 (b) Sell or distribute in this state:



113 (2) The prohibitions in subsection (1) of this section do
114 not apply to:

115 (a) The disposal or placement at a solid waste landfill
116 of any of the materials that are prohibited from application,
117 spreading, sale, distribution or use by this subsection;

118 (b) The land application of or the sale or distribution
119 of compost material or other agricultural product or material
120 derived from or containing residuals generated as a result of the
121 processing or cultivation of food, food waste, crops or vegetative
122 material, the brewing of malt liquor, the fermenting of wine or



123 hard cider or the distilling of spirits, including, but not
124 limited to, blueberries, apples, grapes, potatoes, seaweed, fish
125 and seafood and spent grain or malt, provided that such residuals
126 are not mixed with sludge from a municipal, commercial or
127 industrial wastewater treatment plant, septage, sewage or sanitary
128 wastewater prior to or during land application or the production
129 of the compost material or other agricultural product or material;
130 or

131 (c) The land application of or the sale or distribution
132 of compost material or other agricultural product or material
133 derived from or containing sludge resulting from the production of
134 precipitated calcium carbonate.

135 **SECTION 7. Mississippi Air and Water Pollution Control**
136 **Commission to develop a plan to prohibit land application of**
137 **septage; report.** The Mississippi Air and Water Pollution Control
138 Commission shall study methods of and develop a plan for
139 prohibiting the land application of septage in this state. The
140 plan must include, but is not limited to, identification of the
141 available capacity at wastewater treatment plants or other
142 treatment or disposal facilities in this state or regionally to
143 manage the septage that is currently land applied in this state,
144 determination of the capacity anticipated to be necessary to
145 manage that septage if land application is prohibited in this
146 state, development of recommendations for supporting and funding
147 the development of such additional management capacity if



148 necessary and development of recommendations concerning a
149 framework and appropriate time frame for prohibiting the land
150 application of septage in this state.

151 The commission shall submit the report to the legislature for
152 review and approval.

153 **SECTION 8.** Sections 1 through 7 of this act shall be
154 codified in Title 49, Chapter 17, Mississippi Code of 1972.

155 **SECTION 9.** This act shall take effect and be in force from
156 and after July 1, 2025.

