

By: Senator(s) Frazier

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2249

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.



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

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

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

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

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

(a) The sludge or sludge-derived compost is tested for all perfluoroalkyl and polyfluoroalkyl substances that may reasonably be quantified by the State Chemical Laboratory created in Title 57, Chapter 21, Mississippi Code of 1972; and

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



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

SECTION 4. Sampling for perfluoroalkyl and polyfluoroalkyl substances. Notwithstanding any other provision of law to the contrary, the commission by written notification may require a person licensed by the commission to discharge wastewater to groundwater or any waters of this state to sample the effluent discharged for perfluoroalkyl and polyfluoroalkyl substances and to report the sample data to the commission. Upon receipt of the written notification and as directed by the commission, the person shall conduct the required sampling of the effluent for perfluoroalkyl and polyfluoroalkyl substances and report the sample to the commission.

SECTION 5. Land application of septage; prohibitions. Notwithstanding any provision of law to the contrary:

(a) The commission or board may not issue a new license or permit authorizing a person to apply or spread septage at any location in this state; and

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



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

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

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

(a) Apply to or spread on any land in this state:

(i) Sludge generated from a municipal, commercial or industrial wastewater treatment plant;

(ii) Compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(iii) Any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage;

(b) Sell or distribute in this state:



(i) Compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(ii) Any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(c) Sell, distribute or use in this state an agricultural crop or other vegetative material for any agricultural purpose, including, but not limited to, for use as animal feed, if the agricultural crop or vegetative material was grown at a location in this state where septage is licensed or permitted to be applied or spread.

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

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

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



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

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

SECTION 7. Mississippi Air and Water Pollution Control Commission to develop a plan to prohibit land application of septage; report. The Mississippi Air and Water Pollution Control Commission shall study methods of and develop a plan for prohibiting the land application of septage in this state. The plan must include, but is not limited to, identification of the available capacity at wastewater treatment plants or other treatment or disposal facilities in this state or regionally to manage the septage that is currently land applied in this state, determination of the capacity anticipated to be necessary to manage that septage if land application is prohibited in this state, development of recommendations for supporting and funding 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, 2024.

