

By: Senator(s) Berry (By Request), Whaley

To: Environment Prot, Cons  
and Water Res

SENATE BILL NO. 2013

1 AN ACT TO DECLARE CERTAIN LEGISLATIVE FINDINGS RELATING TO  
2 GEOENGINEERING; TO AMEND SECTION 49-17-5, MISSISSIPPI CODE OF  
3 1972, TO DEFINE THE TERM "GEOENGINEERING" WITHIN THE MISSISSIPPI  
4 AIR AND WATER POLLUTION CONTROL LAW; TO AMEND SECTION 49-17-17,  
5 MISSISSIPPI CODE OF 1972, TO GIVE THE MISSISSIPPI AIR AND WATER  
6 POLLUTION CONTROL COMMISSION AUTHORITY TO ISSUE, MODIFY OR REVOKE  
7 ORDERS RELATED TO GEOENGINEERING; TO AMEND SECTION 49-17-19,  
8 MISSISSIPPI CODE OF 1972, TO PROHIBIT GEOENGINEERING IN  
9 MISSISSIPPI AND TO CREATE PENALTIES FOR VIOLATIONS; AND FOR  
10 RELATED PURPOSES.

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

12 **SECTION 1.** The Legislature finds and declares that:

13 (a) It is documented that the federal government or  
14 other entities acting on the federal government's behalf or at the  
15 federal government's request may conduct geoengineering  
16 experiments by intentionally dispersing chemicals into the  
17 atmosphere, and those activities may occur within the State of  
18 Mississippi.

19 (b) The risk to human health and environmental welfare  
20 from broad scale geoengineering is currently not well understood.

21 (c) The Mississippi Air and Water Pollution Control  
22 Commission, which operates through the Mississippi Department of

23 Environmental Quality, is responsible for monitoring air, soil and  
24 water quality, and regulating industrial and agricultural  
25 emissions into the air, soil and water within the State of  
26 Mississippi to ensure the safety of the public, while not impeding  
27 on agriculture or commerce within the state.

28 (d) It is the intent of this Legislature to protect the  
29 public health and welfare of Mississippians while allowing all  
30 authorized activities permitted under state law.

31 **SECTION 2.** Section 49-17-5, Mississippi Code of 1972, is  
32 amended as follows:

33 49-17-5. For the purposes of Sections 49-17-1 through  
34 49-17-43, the following words and phrases shall have the meanings  
35 ascribed to them in this section:

36 (1) Water.

37 (a) "Pollution" means such contamination, or other  
38 alteration of the physical, chemical or biological properties, of  
39 any waters of the state, including change in temperature, taste,  
40 color, turbidity, or odor of the waters, or such discharge of any  
41 liquid, gaseous, solid, radioactive, or other substance or leak  
42 into any waters of the state unless in compliance with a valid  
43 permit issued therefor by the Permit Board.

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

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

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

54           (e) "Disposal system" means a system for disposing of  
55 wastes, either by surface or underground methods, and includes  
56 sewerage systems, treatment works, disposal wells and other  
57 systems.

58           (f) "Waters of the state" means all waters within the  
59 jurisdiction of this state, including all streams, lakes, ponds,  
60 impounding reservoirs, marshes, watercourses, waterways, wells,  
61 springs, irrigation systems, drainage systems, and all other  
62 bodies or accumulations of water, surface and underground, natural  
63 or artificial, situated wholly or partly within or bordering upon  
64 the state, and such coastal waters as are within the jurisdiction  
65 of the state, except lakes, ponds or other surface waters which  
66 are wholly landlocked and privately owned, and which are not  
67 regulated under the Federal Clean Water Act (33 U.S.C. 1251 et  
68 seq).

69           (g) "Underground water" means an underground source of  
70 drinking water as defined within the regulations of the Federal  
71 Safe Drinking Water Act.

72           (2) Air.

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

76 (b) "Air pollution" means the presence in the outdoor  
77 atmosphere of one or more air contaminants in quantities, of  
78 characteristic, and of a duration which are materially injurious  
79 or can be reasonably expected to become materially injurious to  
80 human, plant or animal life or to property, or which unreasonably  
81 interfere with enjoyment of life or use of property throughout the  
82 state or throughout such area of the state as shall be affected  
83 thereby.

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

87 (d) "Air contamination source" means any source at,  
88 from, or by reason of which there is emitted into the atmosphere  
89 any air contaminant, regardless of who the person may be who owns  
90 or operates the building, premises or other property in, at, or on  
91 which such source is located, or the facility, equipment or other  
92 property by which the emission is caused or from which the  
93 emission comes.

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

98           (f) "Area of the state" means any city or county or  
99           portion thereof, or other substantial geographical area of the  
100           state as may be designated by the Mississippi Commission on  
101           Environmental Quality.

102           (g) "Federal Clean Air Act" means the Federal Clean Air  
103           Act, 42 U.S.C. 7401 et seq., as amended.

104           (h) "Geoengineering" means the intentional injection,  
105           release or dispersion, by any means, of chemicals, chemical  
106           compounds, substances or apparatus within the borders of this  
107           state into the atmosphere with the express purpose of affecting  
108           temperature, weather or the intensity of the sunlight.

109           (3) General.

110           (a) "Commission" means the Mississippi Commission on  
111           Environmental Quality acting through the Office of Pollution  
112           Control of the Department of Environmental Quality.

113           (b) "Person" means the state or other agency or  
114           institution thereof, any municipality, political subdivision,  
115           public or private corporation, individual, partnership,  
116           association or other entity, and includes any officer or governing  
117           or managing body of any municipality, political subdivision, or  
118           public or private corporation, or the United States or any officer  
119           or employee thereof.

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

122           (d) "General permit" means a permit for categories of  
123 sources that involve similar wastes and have similar monitoring  
124 requirements and restrictions.

125           **SECTION 3.** Section 49-17-17, Mississippi Code of 1972, is  
126 amended as follows:

127           49-17-17. The commission shall have and may exercise the  
128 following powers and duties:

129           (a) General supervision of the administration and  
130 enforcement of Sections 49-17-1 through 49-17-43 and Sections  
131 17-17-1 through 17-17-47, and all rules and regulations and orders  
132 promulgated thereunder;

133           (b) To develop comprehensive programs for the  
134 prevention, control and abatement of new or existing pollution of  
135 the air and waters of the state;

136           (c) To advise, consult, cooperate, or enter into  
137 contracts, grants and cooperative agreements with any federal or  
138 state agency or subdivision thereof, other states and interstate  
139 agencies, or any public or private institution located inside or  
140 outside the State of Mississippi, and with affected groups,  
141 political subdivisions, and industries in furtherance of carrying  
142 out the provisions of Sections 49-17-1 through 49-17-43 and shall  
143 have the authority to enter into compacts with any other state or  
144 states for the purpose of achieving the objectives of such  
145 sections with respect to air and waters, or to authorize the

146 executive director with the approval of the commission to exercise  
147 any of the aforementioned powers;

148 (d) To administer funds allocated to the state's water  
149 and air pollution abatement grant program, to accept and  
150 administer loans and grants from the federal government and from  
151 other sources, public or private, for carrying out any of its  
152 functions, which loans and grants shall not be expended for other  
153 than the purposes for which provided;

154 (e) To encourage, participate in, or conduct studies,  
155 investigations, research and demonstrations relating to air and  
156 water quality and pollution and causes, prevention, control and  
157 abatement as it may deem advisable and necessary for the discharge  
158 of its duties under Sections 49-17-1 through 49-17-43; to make  
159 funds available from the Water Pollution Abatement Grant Fund by  
160 means of advances to political subdivisions in this state in an  
161 amount not to exceed one percent (1%) of the estimated project  
162 cost as approved by and under such rules and regulations as  
163 adopted by the commission for the preparation of project planning  
164 reports and feasibility analyses; and to exercise such supervision  
165 as it may deem advisable and necessary for the discharge of its  
166 duties under Sections 49-17-1 through 49-17-43;

167 (f) To require the repayment of funds made available to  
168 a political subdivision under subsection (e) above to the Water  
169 Pollution Abatement Grant Fund prior to the receipt of any other  
170 funds by any political subdivision providing services to the area

171 and receiving funds provided under Sections 49-17-1 through  
172 49-17-43; any funds made available to any political subdivisions  
173 providing services to the area and receiving funds under the  
174 provisions of said sections shall be repaid in the same manner as  
175 are other funds made available to the political subdivisions under  
176 the provisions of said sections;

177 (g) To collect and disseminate information relating to  
178 air and water quality and pollution and the prevention, control,  
179 supervision and abatement thereof;

180 (h) To adopt, modify or repeal and promulgate ambient  
181 air and water quality standards and emissions standards for the  
182 state under such conditions as the commission may prescribe for  
183 the prevention, control and abatement of pollution;

184 (i) To adopt, modify, repeal, and promulgate, after due  
185 notice and hearing, and, where not otherwise prohibited by federal  
186 or state law, to make exceptions to and grant exemptions and  
187 variances from, and to enforce rules and regulations implementing  
188 or effectuating the powers and duties of the commission under  
189 Sections 49-17-1 through 49-17-43 and Sections 17-17-1 through  
190 17-17-47, and as the commission may deem necessary to prevent,  
191 control and abate existing or potential pollution;

192 (j) To issue, modify, or revoke orders (1) prohibiting,  
193 controlling or abating discharges of contaminants and wastes into  
194 the air and waters of the state; (2) requiring the construction of  
195 new disposal systems, or air-cleaning devices, or any parts



196 thereof, or the modification, extension or alteration of existing  
197 disposal systems, or air-cleaning devices, or any parts thereof,  
198 or the adoption of other remedial measures to prevent, control or  
199 abate air and water pollution; \* \* \* (3) setting standards of air  
200 or water quality or evidencing any other determination by the  
201 commission under Sections 49-17-1 through 49-17-43; and (4)  
202 prohibiting all instances of geoengineering in the State of  
203 Mississippi;

204 (k) To hold such hearings, to issue notices of hearing  
205 and subpoenas requiring the attendance of such witnesses and the  
206 production of such evidence, to administer oaths, and to take such  
207 testimony as the commission deems necessary;

208 (l) To require the prior submission of plans,  
209 specifications and other data relative to, and to inspect the  
210 construction of, disposal systems, or air-cleaning devices, or any  
211 part thereof, in connection with the issuance of such permits or  
212 approval as are required by Sections 49-17-1 through 49-17-43;

213 (m) To require proper maintenance and operation of  
214 disposal systems, or air-cleaning devices; and to require the  
215 installation and operation of monitoring devices or methods as may  
216 be deemed necessary and the maintenance and submission of  
217 monitoring and operating records as may be prescribed;

218 (n) To exercise all incidental powers necessary to  
219 carry out the purposes of Sections 49-17-1 through 49-17-43 and  
220 Sections 17-17-1 through 17-17-47; and

221 (o) To delegate in such manner as it sees fit the  
222 duties and powers relating to air and water quality and pollution  
223 control to the agency members presently engaged in the several  
224 fields of water or air control of pollution. In cases of  
225 difference of opinion between such agencies as to their respective  
226 field of operation, the commission shall delegate said  
227 responsibility to the proper agency, and the commission's action  
228 therein shall be final.

229 Nothing contained in this section shall be deemed to grant to  
230 the commission any jurisdiction or authority to make any rule or  
231 regulation, recommendation or determination or to enter any order  
232 with respect to air conditions existing solely within the property  
233 boundaries of commercial and industrial plants, works, or shops or  
234 to affect the relations between employers and employees with  
235 respect to or arising out of any air condition.

236 **SECTION 4.** Section 49-17-19, Mississippi Code of 1972, is  
237 amended as follows:

238 49-17-19. (1) In order to carry out the purposes of  
239 Sections 49-17-1 through 49-17-43, the commission may set ambient  
240 standards of air and water quality for the state or portions  
241 thereof. Such ambient standards of quality shall be such as to  
242 protect the public health and welfare and the present and  
243 prospective future use of such air and of such waters for public  
244 water supplies, propagation of fish and aquatic life and wildlife,  
245 recreational purposes, and agricultural, industrial and other

246 legitimate uses. Such ambient standards may be amended from time  
247 to time as determined to be necessary by the commission. In order  
248 to carry out the purposes of Sections 49-17-1 through 49-17-43,  
249 the commission may also set emission standards for the purpose of  
250 controlling air contamination, air pollution and the sources  
251 thereof. In establishing ambient air quality standards for odor,  
252 the commission shall adopt recognized objective standards if they  
253 exist. In the absence of a recognized objective ambient air  
254 quality standard for odor, the commission may adopt such  
255 subjective standards as may be appropriate.

256 In establishing such standards relating to pesticides and  
257 commercial fertilizers for underground water, the commission shall  
258 adopt federal standards if they exist. If no federal standard  
259 exists, the commission shall petition the United States  
260 Environmental Protection Agency to establish a federal standard  
261 for the substance of interest. If the commission determines that  
262 a federal standard cannot be obtained within thirty (30) days, it  
263 shall consult with the United States Environmental Protection  
264 Agency's Office of Drinking Water and Office of Pesticide Programs  
265 regarding the agency's conclusion relative to available  
266 toxicological information on the substance of interest and on the  
267 methodology used for establishing a federal standard. The  
268 commission shall utilize this information and methodology to  
269 establish a standard. The commission may also consult with and  
270 request similar information from other sources.

271       (2) (a) The commission shall enact regulations to prohibit  
272 all instances of geoengineering in the State of Mississippi.

273       (b) Any entity or individual who violates paragraph (a)  
274 of this subsection:

275               (i) Has committed a felony and shall pay a fine of  
276 not less than Five Hundred Thousand Dollars (\$500,000.00) or be  
277 imprisoned for not less than two (2) years, or both;

278               (ii) Shall be guilty of a separate offense for  
279 each day during which violative activity has been conducted,  
280 repeated or continued; and

281               (iii) Shall be deemed in violation of and subject  
282 to the penalties of any other applicable pollution laws of the  
283 State of Mississippi.

284       **SECTION 5.** This act shall take effect and be in force from  
285 and after July 1, 2025.