

By: Senator(s) Frazier

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2022

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.** For the purposes of this act, the following words
20 and phrases shall have the meanings ascribed to them in this
21 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.** (1) The Mississippi Air and Water Pollution
35 Control Commission and the Permit Board may not license the land
36 application or distribution of sludge or sludge-derived compost
37 unless:

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

47 (2) The commission shall adopt rules to implement this
48 subsection that include, but are not limited to, a requirement

49 that sludge and sludge-derived compost intended for land
50 application or distribution be tested at least annually.

51 **SECTION 4.** Notwithstanding any other provision of law to the
52 contrary, the commission by written notification may require a
53 person licensed by the commission to discharge wastewater to
54 groundwater or any waters of this state to sample the effluent
55 discharged for perfluoroalkyl and polyfluoroalkyl substances and
56 to report the sample data to the commission. Upon receipt of the
57 written notification and as directed by the commission, the person
58 shall conduct the required sampling of the effluent for
59 perfluoroalkyl and polyfluoroalkyl substances and report the
60 sample to the commission.

61 **SECTION 5.** Notwithstanding any provision of law to the
62 contrary:

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

66 (b) A person licensed or permitted by the commission or
67 board to apply or spread septage at one or more locations in this
68 state may not apply septage at a location authorized under that
69 license or permit if the department provides to the person a
70 written determination that, based on testing conducted at or in
71 close proximity to the location, the commission has determined
72 that the concentration of perfluoroalkyl and polyfluoroalkyl
73 substances in groundwater at that location or in drinking water



74 sources in close proximity to that location exceeds the applicable
75 drinking water standard for perfluoroalkyl and polyfluoroalkyl
76 substances.

77 **SECTION 6.** (1) Notwithstanding any provision of law to the
78 contrary, except as provided in subsection (2) of this section, a
79 person may not:

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

92 (b) Sell or distribute in this state:
93 (i) Compost material that included in its
94 production sludge generated from a municipal, commercial or
95 industrial wastewater treatment plant or septage; or
96 (ii) Any other product or material that is
97 intended for use as a fertilizer, soil amendment, topsoil
98 replacement or mulch or for other similar agricultural purpose



99 that is derived from or contains sludge generated from a
100 municipal, commercial or industrial wastewater treatment plant or
101 septage; or

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

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

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

113 (b) The land application of or the sale or distribution
114 of compost material or other agricultural product or material
115 derived from or containing residuals generated as a result of the
116 processing or cultivation of food, food waste, crops or vegetative
117 material, the brewing of malt liquor, the fermenting of wine or
118 hard cider or the distilling of spirits, including, but not
119 limited to, blueberries, apples, grapes, potatoes, seaweed, fish
120 and seafood and spent grain or malt, provided that such residuals
121 are not mixed with sludge from a municipal, commercial or
122 industrial wastewater treatment plant, septage, sewage or sanitary
123 wastewater prior to or during land application or the production



124 of the compost material or other agricultural product or material;

125 or

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

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

144 The commission shall submit the report to the legislature for
145 review and approval.

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

148 **SECTION 9.** This act shall take effect and be in force from
149 and after July 1, 2026.

