

By: Senator(s) McLendon

To: Environment Prot, Cons
and Water Res; Judiciary,
Division B

SENATE BILL NO. 2254

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

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

11 **SECTION 1.** Section 49-17-5, Mississippi Code of 1972, is
12 amended as follows:

13 49-17-5. For the purposes of Sections 49-17-1 through
14 49-17-43, the following words and phrases shall have the meanings
15 ascribed to them in this section:

16 (1) Water.

17 (a) "Pollution" means such contamination, or other
18 alteration of the physical, chemical or biological properties, of
19 any waters of the state, including change in temperature, taste,
20 color, turbidity, or odor of the waters, or such discharge of any
21 liquid, gaseous, solid, radioactive, or other substance or leak



22 into any waters of the state unless in compliance with a valid
23 permit issued therefor by the Permit Board.

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

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

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

34 (e) "Disposal system" means a system for disposing of
35 wastes, either by surface or underground methods, and includes
36 sewerage systems, treatment works, disposal wells and other
37 systems.

38 (f) "Waters of the state" means all waters within the
39 jurisdiction of this state, including all streams, lakes, ponds,
40 impounding reservoirs, marshes, watercourses, waterways, wells,
41 springs, irrigation systems, drainage systems, and all other
42 bodies or accumulations of water, surface and underground, natural
43 or artificial, situated wholly or partly within or bordering upon
44 the state, and such coastal waters as are within the jurisdiction
45 of the state, except lakes, ponds or other surface waters which
46 are wholly landlocked and privately owned, and which are not



47 regulated under the Federal Clean Water Act (33 U.S.C. 1251 et
48 seq).

49 (g) "Underground water" means an underground source of
50 drinking water as defined within the regulations of the Federal
51 Safe Drinking Water Act.

52 (2) Air.

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

56 (b) "Air pollution" means the presence in the outdoor
57 atmosphere of one or more air contaminants in quantities, of
58 characteristic, and of a duration which are materially injurious
59 or can be reasonably expected to become materially injurious to
60 human, plant or animal life or to property, or which unreasonably
61 interfere with enjoyment of life or use of property throughout the
62 state or throughout such area of the state as shall be affected
63 thereby.

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

67 (d) "Air contamination source" means any source at,
68 from, or by reason of which there is emitted into the atmosphere
69 any air contaminant, regardless of who the person may be who owns
70 or operates the building, premises or other property in, at, or on
71 which such source is located, or the facility, equipment or other



property by which the emission is caused or from which the emission comes.

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

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

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

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

(3) General.

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

(b) "Person" means the state or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing



or managing body of any municipality, political subdivision, or public or private corporation, or the United States or any officer or employee thereof.

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

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

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

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

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

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

(c) To advise, consult, cooperate, or enter into contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, other states and interstate agencies, or any public or private institution located inside or outside the State of Mississippi, and with affected groups, political subdivisions, and industries in furtherance of carrying



122 out the provisions of Sections 49-17-1 through 49-17-43 and shall
123 have the authority to enter into compacts with any other state or
124 states for the purpose of achieving the objectives of such
125 sections with respect to air and waters, or to authorize the
126 executive director with the approval of the commission to exercise
127 any of the aforementioned powers;

128 (d) To administer funds allocated to the state's water
129 and air pollution abatement grant program, to accept and
130 administer loans and grants from the federal government and from
131 other sources, public or private, for carrying out any of its
132 functions, which loans and grants shall not be expended for other
133 than the purposes for which provided;

134 (e) To encourage, participate in, or conduct studies,
135 investigations, research and demonstrations relating to air and
136 water quality and pollution and causes, prevention, control and
137 abatement as it may deem advisable and necessary for the discharge
138 of its duties under Sections 49-17-1 through 49-17-43; to make
139 funds available from the Water Pollution Abatement Grant Fund by
140 means of advances to political subdivisions in this state in an
141 amount not to exceed one percent (1%) of the estimated project
142 cost as approved by and under such rules and regulations as
143 adopted by the commission for the preparation of project planning
144 reports and feasibility analyses; and to exercise such supervision
145 as it may deem advisable and necessary for the discharge of its
146 duties under Sections 49-17-1 through 49-17-43;



147 (f) To require the repayment of funds made available to
148 a political subdivision under subsection (e) above to the Water
149 Pollution Abatement Grant Fund prior to the receipt of any other
150 funds by any political subdivision providing services to the area
151 and receiving funds provided under Sections 49-17-1 through
152 49-17-43; any funds made available to any political subdivisions
153 providing services to the area and receiving funds under the
154 provisions of said sections shall be repaid in the same manner as
155 are other funds made available to the political subdivisions under
156 the provisions of said sections;

157 (g) To collect and disseminate information relating to
158 air and water quality and pollution and the prevention, control,
159 supervision and abatement thereof;

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

164 (i) To adopt, modify, repeal, and promulgate, after due
165 notice and hearing, and, where not otherwise prohibited by federal
166 or state law, to make exceptions to and grant exemptions and
167 variances from, and to enforce rules and regulations implementing
168 or effectuating the powers and duties of the commission under
169 Sections 49-17-1 through 49-17-43 and Sections 17-17-1 through
170 17-17-47, and as the commission may deem necessary to prevent,
171 control and abate existing or potential pollution;



172 (j) To issue, modify, or revoke orders (1) prohibiting,
173 controlling or abating discharges of contaminants and wastes into
174 the air and waters of the state; (2) requiring the construction of
175 new disposal systems, or air-cleaning devices, or any parts
176 thereof, or the modification, extension or alteration of existing
177 disposal systems, or air-cleaning devices, or any parts thereof,
178 or the adoption of other remedial measures to prevent, control or
179 abate air and water pollution; * * * (3) setting standards of air
180 or water quality or evidencing any other determination by the
181 commission under Sections 49-17-1 through 49-17-43; and (4)
182 prohibiting all instances of geoengineering in the State of
183 Mississippi;

184 (k) To hold such hearings, to issue notices of hearing
185 and subpoenas requiring the attendance of such witnesses and the
186 production of such evidence, to administer oaths, and to take such
187 testimony as the commission deems necessary;

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

193 (m) To require proper maintenance and operation of
194 disposal systems, or air-cleaning devices; and to require the
195 installation and operation of monitoring devices or methods as may



be deemed necessary and the maintenance and submission of
monitoring and operating records as may be prescribed;

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

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

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

SECTION 3. Section 49-17-19, Mississippi Code of 1972, is
amended as follows:

49-17-19. (1) In order to carry out the purposes of
Sections 49-17-1 through 49-17-43, the commission may set ambient
standards of air and water quality for the state or portions



221 thereof. Such ambient standards of quality shall be such as to
222 protect the public health and welfare and the present and
223 prospective future use of such air and of such waters for public
224 water supplies, propagation of fish and aquatic life and wildlife,
225 recreational purposes, and agricultural, industrial and other
226 legitimate uses. Such ambient standards may be amended from time
227 to time as determined to be necessary by the commission. In order
228 to carry out the purposes of Sections 49-17-1 through 49-17-43,
229 the commission may also set emission standards for the purpose of
230 controlling air contamination, air pollution and the sources
231 thereof. In establishing ambient air quality standards for odor,
232 the commission shall adopt recognized objective standards if they
233 exist. In the absence of a recognized objective ambient air
234 quality standard for odor, the commission may adopt such
235 subjective standards as may be appropriate.

236 In establishing such standards relating to pesticides and
237 commercial fertilizers for underground water, the commission shall
238 adopt federal standards if they exist. If no federal standard
239 exists, the commission shall petition the United States
240 Environmental Protection Agency to establish a federal standard
241 for the substance of interest. If the commission determines that
242 a federal standard cannot be obtained within thirty (30) days, it
243 shall consult with the United States Environmental Protection
244 Agency's Office of Drinking Water and Office of Pesticide Programs
245 regarding the agency's conclusion relative to available



toxicological information on the substance of interest and on the methodology used for establishing a federal standard. The commission shall utilize this information and methodology to establish a standard. The commission may also consult with and request similar information from other sources.

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

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

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

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

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2026.

