

By: Senator(s) Hill

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2005

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 with 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



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

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

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

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

(1) Water.

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

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



(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 3. 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 out the provisions of Sections 49-17-1 through 49-17-43 and shall have the authority to enter into compacts with any other state or states for the purpose of achieving the objectives of such sections with respect to air and waters, or to authorize the



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

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

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

(f) To require the repayment of funds made available to a political subdivision under subsection (e) above to the Water Pollution Abatement Grant Fund prior to the receipt of any other 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



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

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

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

(m) To require proper maintenance and operation of disposal systems, or air-cleaning devices; and to require the 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



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.

