MISSISSIPPI LEGISLATURE REGULAR SESSION 2025

By: Senator(s) Hill

To: Environment Prot, Cons and Water Res

SENATE BILL NO. 2005

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

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

SECTION 1. The Legislature finds and declares that:

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

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

(c) The Mississippi Air and Water Pollution Control 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.

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

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

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

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

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

(2) Air.

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

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

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

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

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

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

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

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

(j) To issue, modify, or revoke orders (1) prohibiting, controlling or abating discharges of contaminants and wastes into the air and waters of the state; (2) requiring the construction of 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

(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 4. 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 thereof. Such ambient standards of quality shall be such as to protect the public health and welfare and the present and prospective future use of such air and of such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial and other

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

In establishing such standards relating to pesticides and commercial fertilizers for underground water, the commission shall adopt federal standards if they exist. If no federal standard exists, the commission shall petition the United States Environmental Protection Agency to establish a federal standard for the substance of interest. If the commission determines that a federal standard cannot be obtained within thirty (30) days, it shall consult with the United States Environmental Protection Agency's Office of Drinking Water and Office of Pesticide Programs 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 5. This act shall take effect and be in force from and after July 1, 2025.