

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on July 20, 2021 at the regularly scheduled meeting of the Mississippi Advisory Commission on Marine Resources (MACMR), the Commission recommended approval of and the Executive Director approved a Notice of Intent to update, modify and change below listed sections of Title 22 Part 10. Said Notice of Intent was filed with the Mississippi Secretary of State's office on July 22, 2021. A complete copy of Title 22 Part 10 and the proposed changes are available at www.dmr.ms.gov. Public comments on the proposed regulation changes will be accepted through August 16, 2021. All comments should be mailed to the MDMR, Attn: Chief Kyle Wilkerson, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: Chief Kyle Wilkerson at publiccomments@dmr.ms.gov and delivered by 5:00 PM on August 16, 2021.

Complete description of proposed changes:

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 10: DISPOSAL OF PLASTICS AND OTHER GARBAGE IN MARINE WATERS OF THE STATE OF MISSISSIPPI

CHAPTER 01: INTRODUCTION

Rule 1.1 This Part provides regulations to prohibit the disposal of plastic and other garbage in marine waters. This Part also provides for disposal facilities on vessels and at certain access areas.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

CHAPTER 02: JUSTIFICATION AND AUTHORITY

Rule 2.1 The Mississippi Department of Marine Resources (MDMR) Marine Patrol officers will enforce the provisions set forth in the Marine Litter Act of 1989.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

CHAPTER 03: DEFINITIONS

Rule 3.1 Definitions

- A. **ACCESS AREAS** - include but are not limited to ports, harbors, boat launching ramps, seafood and ice dealers, bait camps, yacht clubs, vessel repair and construction yards, and private mooring facilities including boat slips, or any other facilities offering services or wharfage to recreational or commercial vessels.
- B. **CLOSED CONTAINER** - means any sealed and properly labeled receptacle. The size and volume of the container shall be determined by the length and purpose of the cruise/voyage, the number of passengers and crew on board, and the amount of trash or

garbage to be generated. Closed containers shall include, but not be limited to, buckets or cans with lids, or water-tight garbage bags with appropriate ties. Closed containers shall be clearly and permanently marked with weather resistant materials.

- C. **DISCHARGE** - means any release however caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include release of harmful substances directly arising from the authorized exploration, exploitation, and associated offshore processing of seabed mineral resources; or release of harmful substances for purposes of legitimate scientific research relating to pollution abatement or control.
- D. **DISHWATER** - means the liquefied residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to them would not normally interfere with the operation of automatic dishwashers.
- E. **GARBAGE** - means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically including dishwater and gray water.
- F. **GRAYWATER** - means drainage from dishwasher, shower, and laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo spaces.
- G. **HARMFUL SUBSTANCE AND HAZARDOUS SUBSTANCE** - means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea. Hazardous substances shall include fuel, oil, paints, varnishes, solvents, pesticides, insecticides, fungicides, algicides, other hazardous liquids. It is important to note that "garbage," including but not limited to plastics, is a "harmful substance" since it is liable to "create hazards to human health, to harm living resources and marine life, and to damage amenities".
- H. **MARINAS** - means facilities which provide services and wharfage to three (3) or more recreational or commercial vessels.
- I. **MARINE WATERS OR MARINE ENVIRONMENT** - means any waters influenced by the ebb and flow of the tide and includes all rivers, streams, bays, sounds, and waters extending three (3) miles south of the barrier islands within the State of Mississippi.
- J. **PERSON** - means any human individual conduction or causing to conduct the discharge of garbage from land, vessel, plane, or fixed or floating platforms including those for mineral exploration.
- K. **PLASTIC** - means any garbage that is solid material that contains as an essential ingredient one or more synthetic organic high polymers and is formed or shaped during

either manufacture of the polymers or fabrication into a finished product by heat or pressure or both. Examples of plastics included but are not limited to packaging (vapor proof barriers, bottles, containers, liners), ship construction (fiberglass and laminated structures, siding, piping, insulation, flooring, carpets, fabrics, adhesives, electrical and electronic components), disposable eating utensils and cups (including foamed products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, synthetic ropes and lines. This definition excludes glass, paints, varnishes, waxes (all of which might be considered "plastics" by other definitions), and plastic polymers naturally produced by living organisms but harvested and used by man, such as chitin.

L. PORT - means:

- a. A group of terminals that combines to act as a unit.
- b. A port authority or other organization that chooses to be considered a port, and/or
- c. Terminals or facilities which provide wharfage or other services to ships, including but not limited to commercial fishing facilities, naval facilities, shipbuilding and vessel repair facilities, recreational boating facilities, or mineral and oil industry shore-bases.

M. PROPER DISPOSAL FACILITIES - means facilities capable of holding without overflow, a quantity of garbage equal to that calculated in accordance with the worksheets contained in the Annex V regulations promulgated by the U.S. Coast Guard.

N. VESSEL - means any boat, barge, or other vehicle operating in the marine environment from the largest supertanker to the smallest recreational craft.

O. VICTUAL WASTE - means any spoiled or unspoiled food waste.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

CHAPTER 04: UNLAWFUL DISCHARGE

Rule 4.1 It is unlawful for any person or vessel to discharge any hazardous substances into the marine waters of the State of Mississippi.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

CHAPTER 05: MARINA AND VESSEL REQUIREMENTS

Rule 5.1 All marinas are required to have proper disposal facilities on site for all vessel waste, including, but not limited to: garbage, dishwater, graywater, including drainage of toilets, marine sanitation devices (MSD's), urinals, hospitals and cargo space, harmful substances and hazardous substances, plastics, and victual waste.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

Rule 5.2 All vessels must have on board a clearly marked closed container for the proper disposal of waste, trash and other garbage. MDMR Title 22 Part 10 Notice Signage must be posted on board notifying passengers and crew that it is unlawful to dispose of waste, trash and other garbage into the marine waters of the State of Mississippi.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

CHAPTER 06: EMERGENCIES AND ACCIDENTAL RELEASE OF SUBSTANCES

Rule 6.1 The regulations contained herein pertaining to the release of substances will not apply during the following emergencies, accidents or releases due to an act of nature:

- A. Discharges from a ship for the purpose of securing the safety of a ship and those on board or saving life at sea.
- B. The escape of substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.
- C. The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets provided all reasonable precautions have been taken to prevent such losses.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

Chapter 07: PENALTIES

Rule 7.1 Violations under this Part will be charged in accordance with the provisions of the Marine Litter Act of 1989, Miss. Code Ann. §51-2-1, *et seq.* Each day of a continuing violation constitutes a separate violation. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §51-2-3.

CHAPTER 08: CHAPTERS AND SUBCHAPTERS DECLARED SEPERABLE

Rule 8.1 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 10 shall remain in full force and effect.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

~~PART 10 RULES AND REGULATIONS TO PROHIBIT THE DISPOSAL OF PLASTICS AND OTHER GARBAGE IN MARINE WATERS OF THE STATE OF MISSISSIPPI~~

~~REQUIREMENTS FOR DISPOSAL FACILITIES ON VESSEL AND AT CERTAIN ACCESS AREAS AND TO PROVIDE PENALTIES FOR THE VIOLATIONS OF THE MARINE LITTER ACT OF 1989, AS AMENDED~~

~~Chapter 01: Introduction~~ INTRODUCTION

Purpose

~~100 Rule 1.1 This Part provides regulations to prohibit the disposal of plastic and other garbage in marine waters. This Part also provides for disposal facilities on vessels and at certain access areas. and to provide penalties for the violations of the Marine Litter Act of 1989, Miss. Code Ann. § 51-2-1, et seq., as amended.~~

Miss. Code Ann. §§51-21-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 02 Justification and Authority~~ JUSTIFICATION AND AUTHORITY

Rule 2.1 The Mississippi Department of Marine Resources (MDMR) Marine Patrol Officers will enforce the provisions set forth in the Marine Litter Act of 1989.

~~100 Marine litter has become an ever-growing concern in the Gulf of Mexico, averaging in volume over one (1) ton per mile of shoreline.~~

~~101 Plastics which comprise 50-70% of all floating items sighted at sea and may require up to 450 years to completely decompose.~~

~~102 Marine litter is known to cause the death of marine birds, fin-fish mammals and reptiles, some of which are presently in danger of extinction.~~

~~103 Marine litter and debris pose an increasing menace to navigation, fouling propellers and water intake structures.~~

~~104 Marine litter aesthetically blights our shorelines affecting tourism and requiring thousands of tax dollars to clean our beaches.~~

~~105 The Marine Litter Act of 1989 prohibits the dumping of wastes, garbage and other debris from vessels, both recreational and commercial, within Mississippi State waters and empowers the Mississippi Department of Marine Resources (MDMR) marine officers to uphold and enforce the provisions set forth in the Act.~~

~~106 The Mississippi Commission on Marine Resources (MCMR) has been vested with the authority to promulgate regulations to carry out this act, including adopting the provisions of ANNEX V of the Protocol of 1978 of the International Convention for the Prevention of Pollution by Ships.~~

Chapter 03: ~~Definitions~~ DEFINITIONS

Rule 3.1 Definitions

~~100N. VESSEL shall - means~~ any boat, barge, or other vehicle operating in the marine environment from the largest supertanker to the smallest recreational craft.

~~101C. DISCHARGE shall - means~~ any release however caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include release of harmful substances directly arising from the authorized exploration, exploitation, and associated offshore processing of seabed mineral resources; or release of harmful substances for purposes of legitimate scientific research relating to pollution abatement or control.

~~102E. GARBAGE shall - means~~ all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically including dishwater and gray water.

~~103D. DISHWATER shall - means~~ the liquefied residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to them would not normally interfere with the operation of automatic dishwashers.

~~104F. GRAYWATER shall - means~~ drainage from dishwasher, shower, and laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo spaces.

~~105G. HARMFUL SUBSTANCE AND HAZARDOUS SUBSTANCE shall - means~~ any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea. Hazardous substances shall include fuel, oil, paints, varnishes, solvents, pesticides,

insecticides, fungicides, algicides, other hazardous liquids. It is important to note that "garbage," including but not limited to plastics, is ~~considered to be~~ a "harmful substance" since it is liable to "create hazards to human health, to harm living resources and marine life, and to damage amenities".

~~106~~K. **PLASTIC** shall - means any garbage that is solid material that contains as an essential ingredient one or more synthetic organic high polymers and is formed or shaped during either manufacture of the polymers or fabrication into a finished product by heat or pressure or both. Examples of plastics included but are not limited to packaging (vapor proof barriers, bottles, containers, liners), ship construction (fiberglass and laminated structures, siding, piping, insulation, flooring, carpets, fabrics, adhesives, electrical and electronic components), disposable eating utensils and cups (including foamed products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, synthetic ropes and lines. This definition excludes glass, paints, varnishes, waxes (all of which might be considered "plastics" by other definitions), and plastic polymers naturally produced by living organisms but harvested and used by man, such as chitin.

~~107~~O. **VICTUAL WASTE** shall - means any spoiled or unspoiled food waste.

~~108~~I. **MARINE WATERS OR MARINE ENVIRONMENT** shall - means any waters influenced by the ebb and flow of the tide and includes all rivers, streams, bays, sounds, and waters extending three (3) miles south of the barrier islands within the State of Mississippi.

~~109~~J. **PERSON** shall - means any human individual conduction or causing to conduct the discharge of garbage from land, vessel, plane, or fixed or floating platforms including those for mineral exploration.

~~110~~H. **MARINAS** shall - means facilities which provide services and wharfage to three (3) or more recreational or commercial vessels.

~~111~~A. **ACCESS AREAS** - include but are not limited to ports, harbors, boat launching ramps, seafood and ice dealers, bait camps, yacht clubs, vessel repair and construction yards, and private mooring facilities including boat slips, or any other facilities offering services or wharfage to recreational or commercial vessels.

~~112~~L. **PORT** shall - means:

~~112.01~~ a. A group of terminals that combines to act as a unit;

~~112.02~~ b. A port authority or other organization that chooses to be considered a port, and/or;

~~112.03~~ c. Terminals or facilities which provide wharfage or other services to ships, including but not limited to commercial fishing facilities, naval facilities, shipbuilding and vessel repair facilities, recreational boating facilities, or mineral and oil industry shorebases.

~~113~~M. **PROPER DISPOSAL FACILITIES** shall - means facilities capable of holding without overflow, a quantity of garbage equal to that calculated in accordance with the worksheets contained in the Annex V regulations promulgated by the U.S. Coast Guard.

~~114B. CLOSED CONTAINER~~ - shall mean any sealed and properly labeled receptacle. The size and volume of the container shall be determined by the length and purpose of the cruise/voyage, the number of passengers and crew on board, and the amount of trash or garbage to be generated. Closed containers shall include, but not be limited to, buckets or cans with lids, or water-tight garbage bags with appropriate ties. Closed containers shall be clearly and permanently marked with weather resistant materials.

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 04 Unlawful Discharge~~ **CHAPTER 04: UNLAWFUL DISCHARGE**

~~100 It shall be is~~ unlawful for any person or vessel to discharge any type of plastics, including synthetic ropes, fishing nets, garbage bags, and other garbage including paper products, glass, metal, dunnage, lining and packing materials into the marine waters of this state. hazardous substances into the marine waters of the State of Mississippi.

~~101 It shall be unlawful for any person or vessel to discharge any hazardous substances into the marine waters of the State of Mississippi.~~

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 05 Marina and Vessel Requirements~~ **CHAPTER 05: MARINA AND VESSEL REQUIREMENTS**

~~100 Rule 5.1 It shall be required that~~ All marinas are required to have proper disposal facilities on site for all vessel wastes, including, but not limited to: garbage, dishwater, graywater, including drainage of toilets, marine sanitation devices (MSD's), urinals, hospitals and cargo space, harmful substances and hazardous substances, plastics, and victual waste.

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~101 Rule 5.2~~ All vessels shall have on board a clearly marked closed container for the proper disposal of waste, trash and other garbage. Signage shall be posted on board notifying passengers and crew that it is unlawful to dispose of waste, trash and other garbage into the marine waters of the State of Mississippi.

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 06 Hazardous Substances~~ **CHAPTER 06: EMERGENCIES AND ACCIDENTAL RELEASE OF SUBSTANCES**

~~100 All hazardous substances shall be kept in closed containers wherever present on a vessel in the marine waters of this state. The containers shall be sufficient to prevent the substances from escaping in the event the container is released into marine waters. Closed containers shall not be required for substances intended for human consumption, or for bait. Closed containers shall not~~

~~be required while vessels are taking on or unloading cargo and provisions. (this was deleted because it is already in Miss. Code Ann. §51-2-3. So below exceptions for emergency situations, accidents, or releases due to acts of nature are defined.)~~

Rule 6.1 The regulations contained herein pertaining to the release of substances will not apply during the following emergencies, accidents or releases due to an act of nature:

A. Discharges from a ship for the purpose of securing the safety of a ship and those on board or saving life at sea.

B. The escape of substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.

C. The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets provided all reasonable precautions have been taken to prevent such losses.

~~D. Snagged or entangled fishing tackle and nets must be recovered as much as reasonably possible. Any unrecovered remainder must be caused to sink.~~

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

Chapter 07 Emergencies and Accidental Release of Substances CHAPTER 07: PENALTIES

~~100 The regulations contained herein pertaining to the release of substances covered in Chapter 4 and Chapter 6 of this Part shall not apply during the following emergencies, accidents or releases due to an act of nature:~~

~~100.01 Discharges from a ship for the purpose of securing the safety of a ship and those on board or saving life at sea.~~

~~100.02 The escape of substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.~~

~~100.03 The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets provided all reasonable precautions have been taken to prevent such losses. Snagged or entangled fishing tackle and nets shall be recovered as much as reasonably possible, and the unrecovered remainder is caused to sink.~~

Rule 7.1 Violations under this Part will be charged in accordance with the provisions of the Marine Litter Act of 1989, Miss. Code Ann. §51-2-1, et seq. Each day of a continuing violation constitutes a separate violation. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §51-2-3.

Chapter 08 Penalties

~~100 Any person, or vessel convicted of violating the Marine Litter Act of 1989, Miss. Code Ann. § 51-2-1, et seq., as amended, or any provision of this Ordinance shall be guilty of a~~

~~misdemeanor and upon a first conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or community service requiring litter collection of not less than twenty-five (25) hours nor more than two hundred fifty (250) hours, or both. Persons under eighteen (18) years of age shall be penalized with community service, and may be assessed a fine as well. Each day of a continuing violation constitutes a separate violation. Violations of more than one section or subsection of the Ordinance, or part thereof, shall be considered separate offenses and punished as such.~~

~~101 Any person or vessel convicted of a second or subsequent violation of the Marine Litter Act of 1989, as amended, or of any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or revocation of boating licenses, or both.~~

~~Chapter 09 Chapters and Subchapters Declared Separable~~ **CHAPTER 08: CHAPTERS AND SUBCHAPTERS DECLARED SEPARABLE**

~~100~~ Rule 8.1 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 10 shall remain in full force and effect.

~~101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.~~ (moved to penalties section)

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 10 Administrative Procedures Act~~

~~100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, et seq., of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 10.003 has been modified and the MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to "ordinance" or to "Part" appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.~~

~~TITLE 22 — MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
PART 10 RULES AND REGULATIONS TO PROHIBIT THE DISPOSAL OF PLASTICS
AND OTHER GARBAGE IN MARINE WATERS OF THE STATE OF MISSISSIPPI
REQUIREMENTS FOR DISPOSAL FACILITIES ON VESSEL AND AT
CERTAIN ACCESS AREAS AND TO PROVIDE PENALTIES FOR THE VIOLATIONS
OF THE MARINE LITTER ACT OF 1989, AS AMENDED,~~ shall be in effect and be in force
from and after the 1st day of January 2007.

Adopted this the 19th day of December 2006.

~~MISSISSIPPI COMMISSION ON MARINE RESOURCES~~

By: /s/ Vernon Asper

Vernon Asper, Ph.D., Chairman

~~MISSISSIPPI DEPARTMENT OF MARINE RESOURCES~~

By: /s/ William W. Walker

William Walker, Ph.D., Executive Director

Mississippi Secretary of State
125 S. Congress Street, Jackson, MS 39201

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON TJ Moran	TELEPHONE NUMBER 228-523-4184	
ADDRESS 1141 Bayview Ave.		CITY Biloxi	STATE MS	ZIP 39530
EMAIL TJ.Moran@dmr.ms.gov	SUBMIT DATE 7/22/21	Name or number of rule(s): Title 22 Part 10		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES Part 10 was updated to remove wording already codified in Mississippi Code. References to the Mississippi Code were placed in the regulation. The structure and format were changed to comply with the Secretary of States Guidelines.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. §§ 49-15-15 and 51-2-1 et seq.

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 10

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

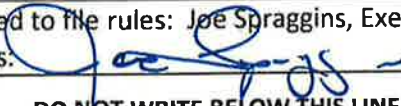
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Joe Spraggins, Executive Director

Signature of person authorized to file rules: 

<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p>DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; padding: 10px;"> <p align="center">FILED</p> <p align="center">JUL 22 2021</p> <p align="center">MISSISSIPPI SECRETARY OF STATE</p> </div> <p>Accepted for filing by 25744 Pam</p>	<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>
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TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 10: DISPOSAL OF PLASTICS AND OTHER GARBAGE IN MARINE WATERS OF THE STATE OF MISSISSIPPI

CHAPTER 01: INTRODUCTION

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- B. **CLOSED CONTAINER** - means any sealed and properly labeled receptacle. The size and volume of the container shall be determined by the length and purpose of the cruise/voyage, the number of passengers and crew on board, and the amount of trash or garbage to be generated. Closed containers shall include, but not be limited to, buckets or cans with lids, or water-tight garbage bags with appropriate ties. Closed containers shall be clearly and permanently marked with weather resistant materials.
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- D. **DISHWATER** - means the liquefied residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food

particles adhering to them would not normally interfere with the operation of automatic dishwashers.

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- F. **GRAYWATER** - means drainage from dishwasher, shower, and laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo spaces.
- G. **HARMFUL SUBSTANCE AND HAZARDOUS SUBSTANCE** - means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea. Hazardous substances shall include fuel, oil, paints, varnishes, solvents, pesticides, insecticides, fungicides, algicides, other hazardous liquids. It is important to note that "garbage," including but not limited to plastics, is a "harmful substance" since it is liable to "create hazards to human health, to harm living resources and marine life, and to damage amenities".
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- I. **MARINE WATERS OR MARINE ENVIRONMENT** - means any waters influenced by the ebb and flow of the tide and includes all rivers, streams, bays, sounds, and waters extending three (3) miles south of the barrier islands within the State of Mississippi.
- J. **PERSON** - means any human individual conduction or causing to conduct the discharge of garbage from land, vessel, plane, or fixed or floating platforms including those for mineral exploration.
- K. **PLASTIC** - means any garbage that is solid material that contains as an essential ingredient one or more synthetic organic high polymers and is formed or shaped during either manufacture of the polymers or fabrication into a finished product by heat or pressure or both. Examples of plastics included but are not limited to packaging (vapor proof barriers, bottles, containers, liners), ship construction (fiberglass and laminated structures, siding, piping, insulation, flooring, carpets, fabrics, adhesives, electrical and electronic components), disposable eating utensils and cups (including foamed products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, synthetic ropes and lines. This definition excludes glass, paints, varnishes, waxes (all of which might be considered "plastics" by other definitions), and plastic polymers naturally produced by living organisms but harvested and used by man, such as chitin.
- L. **PORT** - means:
 - a. A group of terminals that combines to act as a unit.

- b. A port authority or other organization that chooses to be considered a port, and/or
- c. Terminals or facilities which provide wharfage or other services to ships, including but not limited to commercial fishing facilities, naval facilities, shipbuilding and vessel repair facilities, recreational boating facilities, or mineral and oil industry shore-bases.

M. **PROPER DISPOSAL FACILITIES** - means facilities capable of holding without overflow, a quantity of garbage equal to that calculated in accordance with the worksheets contained in the Annex V regulations promulgated by the U.S. Coast Guard.

N. **VESSEL** - means any boat, barge, or other vehicle operating in the marine environment from the largest supertanker to the smallest recreational craft.

O. **VICTUAL WASTE** - means any spoiled or unspoiled food waste.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

CHAPTER 04: UNLAWFUL DISCHARGE

Rule 4.1 It is unlawful for any person or vessel to discharge any hazardous substances into the marine waters of the State of Mississippi.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

CHAPTER 05: MARINA AND VESSEL REQUIREMENTS

Rule 5.1 All marinas are required to have proper disposal facilities on site for all vessel waste, including, but not limited to: garbage, dishwater, graywater, including drainage of toilets, marine sanitation devices (MSD's), urinals, hospitals and cargo space, harmful substances and hazardous substances, plastics, and victual waste.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

Rule 5.2 All vessels must have on board a clearly marked closed container for the proper disposal of waste, trash and other garbage. MDMR Title 22 Part 10 Notice Signage must be posted on board notifying passengers and crew that it is unlawful to dispose of waste, trash and other garbage into the marine waters of the State of Mississippi.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

CHAPTER 06: EMERGENCIES AND ACCIDENTAL RELEASE OF SUBSTANCES

Rule 6.1 The regulations contained herein pertaining to the release of substances will not apply during the following emergencies, accidents or releases due to an act of nature:

- A. Discharges from a ship for the purpose of securing the safety of a ship and those on board or saving life at sea.

- B. The escape of substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.
- C. The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets provided all reasonable precautions have been taken to prevent such losses.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

Chapter 07: PENALTIES

Rule 7.1 Violations under this Part will be charged in accordance with the provisions of the Marine Litter Act of 1989, Miss. Code Ann. §51-2-1, *et seq.* Each day of a continuing violation constitutes a separate violation. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §51-2-3.

CHAPTER 08: CHAPTERS AND SUBCHAPTERS DECLARED SEPERABLE

Rule 8.1 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 10 shall remain in full force and effect.

MISS. CODE ANN. §§51-2-1, 51-2-3, 51-2-5 and 51-2-7.

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

~~PART 10 RULES AND REGULATIONS TO PROHIBIT THE DISPOSAL OF PLASTICS AND OTHER GARBAGE IN MARINE WATERS OF THE STATE OF MISSISSIPPI~~

~~REQUIREMENTS FOR DISPOSAL FACILITIES ON VESSEL AND AT CERTAIN ACCESS AREAS AND TO PROVIDE PENALTIES FOR THE VIOLATIONS OF THE MARINE LITTER ACT OF 1989, AS AMENDED~~

~~Chapter 01: Introduction~~ INTRODUCTION

Purpose

~~100 Rule 1.1 This Part provides regulations to prohibit the disposal of plastic and other garbage in marine waters. This Part also provides for disposal facilities on vessels and at certain access areas. and to provide penalties for the violations of the Marine Litter Act of 1989, Miss. Code Ann. § 51-2-1, et seq., as amended.~~

~~Miss. Code Ann. §§51-21-1, 51-2-5, 51-2-3 and 51-2-7.~~

~~Chapter 02 Justification and Authority~~ JUSTIFICATION AND AUTHORITY

~~Rule 2.1 The Mississippi Department of Marine Resources (MDMR) Marine Patrol Officers will enforce the provisions set forth in the Marine Litter Act of 1989.~~

~~100 Marine litter has become an ever-growing concern in the Gulf of Mexico, averaging in volume over one (1) ton per mile of shoreline.~~

~~101 Plastics which comprise 50-70% of all floating items sighted at sea and may require up to 450 years to completely decompose.~~

~~102 Marine litter is known to cause the death of marine birds, fin-fish mammals and reptiles, some of which are presently in danger of extinction.~~

~~103 Marine litter and debris pose an increasing menace to navigation, fouling propellers and water intake structures.~~

~~104 Marine litter aesthetically blights our shorelines affecting tourism and requiring thousands of tax dollars to clean our beaches.~~

~~105 The Marine Litter Act of 1989 prohibits the dumping of wastes, garbage and other debris from vessels, both recreational and commercial, within Mississippi State waters and empowers the Mississippi Department of Marine Resources (MDMR) marine officers to uphold and enforce the provisions set forth in the Act.~~

~~106 The Mississippi Commission on Marine Resources (MCMR) has been vested with the authority to promulgate regulations to carry out this act, including adopting the provisions of ANNEX V of the Protocol of 1978 of the International Convention for the Prevention of Pollution by Ships.~~

Chapter 03: Definitions DEFINITIONS

Rule 3.1 Definitions

~~100N. VESSEL shall - means~~ any boat, barge, or other vehicle operating in the marine environment from the largest supertanker to the smallest recreational craft.

~~101C. DISCHARGE shall - means~~ any release however caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include release of harmful substances directly arising from the authorized exploration, exploitation, and associated offshore processing of seabed mineral resources; or release of harmful substances for purposes of legitimate scientific research relating to pollution abatement or control.

~~102E. GARBAGE shall - means~~ all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically including dishwater and gray water.

~~103D. DISHWATER shall - means~~ the liquefied residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to them would not normally interfere with the operation of automatic dishwashers.

~~104F. GRAYWATER shall - means~~ drainage from dishwasher, shower, and laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo spaces.

~~105G. HARMFUL SUBSTANCE AND HAZARDOUS SUBSTANCE shall - means~~ any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea. Hazardous substances shall include fuel, oil, paints, varnishes, solvents, pesticides, insecticides, fungicides, algicides, other hazardous liquids. It is important to note that "garbage," including but not limited to plastics, is ~~considered to be~~ a "harmful substance" since it is liable to "create hazards to human health, to harm living resources and marine life, and to damage amenities".

~~106K. PLASTIC shall - means~~ any garbage that is solid material that contains as an essential ingredient one or more synthetic organic high polymers and is formed or shaped during either manufacture of the polymers or fabrication into a finished product by heat or pressure or both. Examples of plastics included but are not limited to packaging (vapor proof barriers,

bottles, containers, liners), ship construction (fiberglass and laminated structures, siding, piping, insulation, flooring, carpets, fabrics, adhesives, electrical and electronic components), disposable eating utensils and cups (including foamed products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, synthetic ropes and lines. This definition excludes glass, paints, varnishes, waxes (all of which might be considered "plastics" by other definitions), and plastic polymers naturally produced by living organisms but harvested and used by man, such as chitin.

~~107~~**O. VICTUAL WASTE shall** - means any spoiled or unspoiled food waste.

~~108~~**L. MARINE WATERS OR MARINE ENVIRONMENT shall** - means any waters influenced by the ebb and flow of the tide and includes all rivers, streams, bays, sounds, and waters extending three (3) miles south of the barrier islands within the State of Mississippi.

~~109~~**J. PERSON shall** - means any human individual conduction or causing to conduct the discharge of garbage from land, vessel, plane, or fixed or floating platforms including those for mineral exploration.

~~110~~**H. MARINAS shall** - means facilities which provide services and wharfage to three (3) or more recreational or commercial vessels.

~~111~~**A. ACCESS AREAS** - include but are not limited to ports, harbors, boat launching ramps, seafood and ice dealers, bait camps, yacht clubs, vessel repair and construction yards, and private mooring facilities including boat slips, or any other facilities offering services or wharfage to recreational or commercial vessels.

~~112~~**L. PORT shall** - means:

~~112.01~~ **a.** A group of terminals that combines to act as a unit;

~~112.02~~ **b.** A port authority or other organization that chooses to be considered a port, and/or;

~~112.03~~ **c.** Terminals or facilities which provide wharfage or other services to ships, including but not limited to commercial fishing facilities, naval facilities, shipbuilding and vessel repair facilities, recreational boating facilities, or mineral and oil industry shorebases.

~~113~~**M. PROPER DISPOSAL FACILITIES shall** - means facilities capable of holding without overflow, a quantity of garbage equal to that calculated in accordance with the worksheets contained in the Annex V regulations promulgated by the U.S. Coast Guard.

~~114~~**B. CLOSED CONTAINER - shall** mean any sealed and properly labeled receptacle. The size and volume of the container shall be determined by the length and purpose of the cruise/voyage, the number of passengers and crew on board, and the amount of trash or garbage to be generated. Closed containers shall include, but not be limited to, buckets or cans with lids, or water-tight garbage bags with appropriate ties. Closed containers shall be clearly and permanently marked with weather resistant materials.

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 04 Unlawful Discharge~~ **CHAPTER 04: UNLAWFUL DISCHARGE**

~~100 It shall be is~~ unlawful for any person or vessel to discharge any type of plastics, including synthetic ropes, fishing nets, garbage bags, and other garbage including paper products, glass, metal, dunnage, lining and packing materials into the marine waters of this state. hazardous substances into the marine waters of the State of Mississippi.

~~101 It shall be unlawful for any person or vessel to discharge any hazardous substances into the marine waters of the State of Mississippi.~~

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 05 Marina and Vessel Requirements~~ **CHAPTER 05: MARINA AND VESSEL REQUIREMENTS**

100 Rule 5.1 ~~It shall be required that~~ All marinas are required to have proper disposal facilities on site for all vessel wastes, including, but not limited to: garbage, dishwater, graywater, including drainage of toilets, marine sanitation devices (MSD's), urinals, hospitals and cargo space, harmful substances and hazardous substances, plastics, and victual waste.

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

101 Rule 5.2 All vessels shall have on board a clearly marked closed container for the proper disposal of waste, trash and other garbage. Signage shall be posted on board notifying passengers and crew that it is unlawful to dispose of waste, trash and other garbage into the marine waters of the State of Mississippi.

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 06 Hazardous Substances~~ **CHAPTER 06: EMERGENCIES AND ACCIDENTAL RELEASE OF SUBSTANCES**

~~100 All hazardous substances shall be kept in closed containers wherever present on a vessel in the marine waters of this state. The containers shall be sufficient to prevent the substances from escaping in the event the container is released into marine waters. Closed containers shall not be required for substances intended for human consumption, or for bait. Closed containers shall not be required while vessels are taking on or unloading cargo and provisions. (this was deleted because it is already in Miss. Code Ann. §51-2-3. So below exceptions for emergency situations, accidents, or releases due to acts of nature are defined.)~~

Rule 6.1 The regulations contained herein pertaining to the release of substances will not apply during the following emergencies, accidents or releases due to an act of nature:

- A. Discharges from a ship for the purpose of securing the safety of a ship and those on board or saving life at sea.
- B. The escape of substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.
- C. The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets provided all reasonable precautions have been taken to prevent such losses.
- D. Snagged or entangled fishing tackle and nets must be recovered as much as reasonably possible. Any unrecovered remainder must be caused to sink.

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

Chapter 07 Emergencies and Accidental Release of Substances CHAPTER 07: PENALTIES

~~100 The regulations contained herein pertaining to the release of substances covered in Chapter 4 and Chapter 6 of this Part shall not apply during the following emergencies, accidents or releases due to an act of nature:~~

- ~~100.01 Discharges from a ship for the purpose of securing the safety of a ship and those on board or saving life at sea.~~
- ~~100.02 The escape of substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.~~
- ~~100.03 The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets provided all reasonable precautions have been taken to prevent such losses. Snagged or entangled fishing tackle and nets shall be recovered as much as reasonably possible, and the unrecovered remainder is caused to sink.~~

Rule 7.1 Violations under this Part will be charged in accordance with the provisions of the Marine Litter Act of 1989, Miss. Code Ann. §51-2-1, et seq. Each day of a continuing violation constitutes a separate violation. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such. Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §51-2-3.

Chapter 08 Penalties

~~100 Any person, or vessel convicted of violating the Marine Litter Act of 1989, Miss. Code Ann. § 51-2-1, et seq., as amended, or any provision of this Ordinance shall be guilty of a misdemeanor and upon a first conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or community service requiring litter collection of not less than twenty five (25) hours nor more than two hundred fifty (250) hours, or both. Persons under eighteen (18) years of age shall be penalized with community service, and may be assessed~~

~~a fine as well. Each day of a continuing violation constitutes a separate violation. Violations of more than one section or subsection of the Ordinance, or part thereof, shall be considered separate offenses and punished as such.~~

~~101 Any person or vessel convicted of a second or subsequent violation of the Marine Litter Act of 1989, as amended, or of any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or revocation of boating licenses, or both.~~

~~Chapter 09 Chapters and Subchapters Declared Separable~~ **CHAPTER 08: CHAPTERS AND SUBCHAPTERS DECLARED SEPARABLE**

~~100 Rule 8.1~~ Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 10 shall remain in full force and effect.

~~101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.~~ (moved to penalties section)

MISS. CODE ANN. §§51-2-1, 51-2-5, 51-2-3 and 51-2-7.

~~Chapter 10 Administrative Procedures Act~~

~~100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, et seq., of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 10.003 has been modified and the MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.~~

~~TITLE 22 — MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
PART 10 RULES AND REGULATIONS TO PROHIBIT THE DISPOSAL OF PLASTICS
AND OTHER GARBAGE IN MARINE WATERS OF THE STATE OF MISSISSIPPI
REQUIREMENTS FOR DISPOSAL FACILITIES ON VESSEL AND AT
CERTAIN ACCESS AREAS AND TO PROVIDE PENALTIES FOR THE VIOLATIONS
OF THE MARINE LITTER ACT OF 1989, AS AMENDED,~~ shall be in effect and be in force
from and after the 1st day of January 2007.

Adopted this the 19th day of December 2006.

~~MISSISSIPPI COMMISSION ON MARINE RESOURCES~~

By: /s/ Vernon Asper
Vernon Asper, Ph.D., Chairman

~~MISSISSIPPI DEPARTMENT OF MARINE RESOURCES~~

By: /s/ William W. Walker
William Walker, Ph.D., Executive Director