

By: Senator(s) Hall, Dearing

To: Environment Prot,
Cons and Water Res

SENATE BILL NO. 2891

1 AN ACT TO AMEND SECTION 49-17-28, MISSISSIPPI CODE OF 1972,
2 TO DESIGNATE THE PERMIT BOARD AS THE STATE AGENCY TO ADMINISTER
3 THE STATE PERMIT PROGRAM FOR WATER QUALITY CERTIFICATION UNDER THE
4 FEDERAL CLEAN WATER ACT; TO AMEND SECTION 49-17-13, MISSISSIPPI
5 CODE OF 1972, TO CONFIRM; TO AMEND SECTION 49-17-7, MISSISSIPPI
6 CODE OF 1972, TO CONFORM TO REORGANIZATION NOMENCLATURE; AND FOR
7 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
8 OF MISSISSIPPI:

9
10 SECTION 1. Section 49-17-28, Mississippi Code of 1972, is
11 amended as follows:

12 49-17-28. (1) There is created a Permit Board for the
13 purpose of issuing, reissuing, modifying, revoking or denying,
14 under the conditions, limitations and exemptions prescribed in
15 Section 49-17-29: (a) permits to control or prevent the discharge
16 of contaminants and wastes into the air and waters of the state;
17 (b) permits required under the Solid Wastes Disposal Law of 1974
18 (Title 17, Chapter 17); (c) permits required under Sections 51-3-1
19 through 51-3-55; (d) water quality certifications and permits
20 required by Section 401 of the federal Clean Water Act; and (e)
21 all other permits within the jurisdiction of the Permit Board.
22 The membership of the Permit Board shall be composed of the Chief
23 of the Bureau of Environmental Health of the State Board of
24 Health, or his designee; the Executive Director of the Department
25 of Wildlife, Fisheries and Parks, or his designee; the Head of the
26 Office of Land and Water Resources of the Department of
27 Environmental Quality, or his designee; the Supervisor of the
28 State Oil and Gas Board, or his designee; the Executive Director
29 of the Department of Marine Resources, or his designee; the Head

30 of the Office of Geology and Energy Resources of the Department of
31 Environmental Quality, or his designee; the Commissioner of
32 Agriculture and Commerce, or his designee; a retired professional
33 engineer knowledgeable in the engineering of water wells and water
34 supply systems, to be appointed by the Governor for a term
35 concurrent with that of the Governor and until his successor is
36 appointed and qualified; and a retired water well contractor, to
37 be appointed by the Governor for a term concurrent with that of
38 the Governor and until his successor is appointed and qualified.
39 The retired professional engineer and the retired water well
40 contractor shall only vote on matters pertaining to the Office of
41 Land and Water Resources.

42 (2) Members of the Permit Board who are officers and
43 employees of the state shall receive no compensation for their
44 services on the board, but other board members shall receive per
45 diem compensation as provided in Section 25-3-69. All board
46 members shall be reimbursed for actual and necessary expenses,
47 including mileage, incurred in the performance of their official
48 duties as provided in Section 25-3-41.

49 SECTION 2. Section 49-17-13, Mississippi Code of 1972, is
50 amended as follows:

51 49-17-13. * * * The commission is hereby designated as
52 the * * * pollution control agency for this state to
53 administer * * * federal pollution control legislation and
54 programs and interstate or regional agreements pertaining to solid
55 or hazardous waste management * * *. * * *

56 * * *

57 SECTION 3. Section 49-17-7, Mississippi Code of 1972, is
58 amended as follows:

59 49-17-7. (1) The Mississippi Commission on Environmental
60 Quality shall be the Mississippi Air and Water Pollution Control
61 Commission, and shall exercise the duties and responsibilities of
62 the Mississippi Air and Water Pollution Control Commission
63 through * * * the Mississippi Department of Environmental
64 Quality * * *.

65 (2) The words "Mississippi Air and Water Pollution Control
66 Commission" wherever they may appear in the laws of the State of

67 Mississippi shall be construed to mean the Mississippi Commission
68 on Environmental Quality.

69 SECTION 4. This act shall take effect and be in force from
70 and after its passage.