

By: Senator(s) Hall, Dearing

To: Environment Prot,
Cons and Water ResSENATE BILL NO. 2891
(As Passed the Senate)

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 AND TO REQUIRE THE PERMIT BOARD TO
5 DELEGATE THE ISSUANCE OF CERTAIN WATER QUALITY CERTIFICATION TO
6 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY;
7 TO AMEND SECTION 49-17-13, MISSISSIPPI CODE OF 1972, TO CONFORM;
8 TO AMEND SECTION 49-17-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO
9 REORGANIZATION NOMENCLATURE; AND FOR RELATED PURPOSES. BE IT
10 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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12 SECTION 1. Section 49-17-28, Mississippi Code of 1972, is
13 amended as follows:

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

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

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

51 (3) In implementing the authority granted under this section
52 for the Permit Board to issue water quality certifications
53 required by Section 401 of the federal Clean Water Act, the Permit
54 Board shall authorize the Executive Director of the Department of
55 Environmental Quality to make decisions on issuance of water
56 quality certifications on projects which the department has
57 received no written adverse comments. A decision of the executive
58 director made under this authority shall be a decision of the
59 Permit Board and shall be subject to a formal hearing and an
60 appeal as provided in Section 49-17-29.

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

63 49-17-13. (1) The commission is hereby designated as
64 the * * * pollution control agency for this state to
65 administer * * * federal pollution control legislation and
66 programs and interstate or regional agreements pertaining to solid
67 or hazardous waste management * * *. * * *

68 (2) The commission shall have the right to call upon and
69 receive the assistance of any officer, board, department, school,
70 university or any other state agency, and officers and employees
71 thereof, for any reasonable assistance necessary or beneficial in
72 carrying out the provisions of Sections 49-17-1 through 49-17-43.

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

76 49-17-7. (1) The Mississippi Commission on Environmental
77 Quality shall be the Mississippi Air and Water Pollution Control
78 Commission, and shall exercise the duties and responsibilities of
79 the Mississippi Air and Water Pollution Control Commission
80 through * * * the Mississippi Department of Environmental
81 Quality * * *.

82 (2) The words "Mississippi Air and Water Pollution Control
83 Commission" wherever they may appear in the laws of the State of
84 Mississippi shall be construed to mean the Mississippi Commission
85 on Environmental Quality.

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