

By: Senator(s) Hall, Dearing

To: Environment Prot,
Cons and Water ResSENATE BILL NO. 2891
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-17-28, MISSISSIPPI CODE OF 1972,
2 TO DESIGNATE THE PERMIT BOARD AS THE STATE AGENCY TO ACT ON WATER
3 QUALITY CERTIFICATIONS REQUIRED UNDER THE FEDERAL CLEAN WATER ACT
4 AND TO REQUIRE THE PERMIT BOARD TO DELEGATE THE ISSUANCE OF
5 CERTAIN WATER QUALITY CERTIFICATION TO THE EXECUTIVE DIRECTOR OF
6 THE DEPARTMENT OF ENVIRONMENTAL QUALITY; TO AMEND SECTION
7 49-17-13, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION
8 49-17-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO REORGANIZATION
9 NOMENCLATURE; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
10 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 required by
22 Section 401 of the federal Clean Water Act; and (e) all other
23 permits within the jurisdiction of the Permit Board. The
24 membership of the Permit Board shall be composed of the Chief of
25 the Bureau of Environmental Health of the State Board of Health,
26 or his designee; the Executive Director of the Department of
27 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 act on 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, reissuance,
56 denial, modification and revocation of water quality
57 certifications on projects which the department has received no
58 written adverse comments. The Permit Board may authorize the
59 executive director to make decisions on water quality
60 certifications for other projects. A decision of the executive
61 director made under this authority shall be a decision of the
62 Permit Board and shall be subject to a formal hearing and an
63 appeal as provided in Section 49-17-29.

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

66 49-17-13. (1) The commission is hereby designated as
67 the * * * pollution control agency for this state to

68 administer * * * federal pollution control legislation and
69 programs and interstate or regional agreements pertaining to solid
70 or hazardous waste management * * *. * * *

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

76 * * *

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

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

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

89 SECTION 4. This act shall take effect and be in force from
90 and after July 1, 1999.