

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S.B. No. 2891: Environmental water quality; designate the Permit Board as agency to administer federal clean water program.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

engineer knowledgeable in the engineering of water wells and water supply systems, to be appointed by the Governor for a term concurrent with that of the Governor and until his successor is appointed and qualified; and a retired water well contractor, to be appointed by the Governor for a term concurrent with that of the Governor and until his successor is appointed and qualified. The retired professional engineer and the retired water well contractor shall only vote on matters pertaining to the Office of Land and Water Resources.

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

(3) In implementing the authority granted under this section for the Permit Board to act on water quality certifications required by Section 401 of the federal Clean Water Act, the Permit Board shall authorize the Executive Director of the Department of Environmental Quality to make decisions on issuance, reissuance, denial, modification and revocation of water quality certifications on projects which the department has received no written adverse comments. The Permit Board may authorize the executive director to make decisions on water quality certifications for other projects. A decision of the executive director made under this authority shall be a decision of the Permit Board and shall be subject to a formal hearing and an appeal as provided in Section 49-17-29.

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

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

69 or hazardous waste management * * *. * * *

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

75 * * *

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

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

X_____
Bob M. Dearing

X_____
Jim Ellington

X_____
Lynn Posey

X_____
Billy Broomfield

X_____
Vincent Scoper

X_____
Thomas E. Johnson