

By: Representative Franks

To: Conservation and Water Resources

HOUSE BILL NO. 1021

1 AN ACT TO AMEND SECTION 49-17-34, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A MORATORIUM ON CERTAIN PERMITS; AND FOR RELATED  
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 49-17-34, Mississippi Code of 1972, is  
6 amended as follows:

7 49-17-34. (1) Within fifteen (15) days after receipt by the  
8 Department of Environmental Quality an application for any initial  
9 or modified air or water permit required under the Mississippi Air  
10 and Water Pollution Control Law that is submitted after April 16,  
11 1993, the Department of Environmental Quality shall acknowledge in  
12 writing receipt of such application. Except for good cause shown,  
13 within forty-five (45) days after receipt of a permit application,  
14 the Department of Environmental Quality shall notify the applicant  
15 that the application is complete or of the major components  
16 required to complete the application.

17 (2) All rules, regulations and standards relating to air  
18 quality, water quality or air emissions or water discharge  
19 standards promulgated by the commission after April 16, 1993,  
20 shall be consistent with and shall not exceed the requirements of  
21 federal statutes and federal regulations, standards, criteria and  
22 guidance relating to air quality, water quality or air emission or  
23 water discharge standards that have been duly promulgated pursuant  
24 to the federal Administrative Procedures Act, including, but not  
25 limited to, the identity and scope of air pollutants included as  
26 air toxics or air quality or emission standards, the identity and  
27 scope of water pollutants included as water quality or discharge

28 standards and the numerical and narrative limitations of such  
29 standards.

30 (3) If there are no federal statutes or federal regulations,  
31 standards, criteria or guidance that have been duly promulgated  
32 pursuant to the federal Administrative Procedures Act addressing  
33 matters relating to air quality or water quality, or air emission  
34 or water discharge standards, the commission may promulgate  
35 regulations to address these matters in accordance with the  
36 Mississippi Administrative Procedures Act, when the commission  
37 determines that such regulations are necessary to protect human  
38 health, welfare or the environment.

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40 (4) In order to protect the health and welfare of the  
41 citizens of the State of Mississippi against the negative health  
42 effects of Perfluorooctanoic acid (PFOA), there is imposed a  
43 moratorium beginning on passage of House Bill No. , 2007  
44 Regular Session, and ending upon a determination by the  
45 Mississippi Department of Health that PFOA is not bio-cumulative,  
46 bio-persistent or a likely carcinogen. Except as otherwise  
47 provided in this section, the moratorium shall also apply to all  
48 initial and modified permits and transfers of permits for new or  
49 expanded PFOA facilities and the transfer of existing permits for  
50 incineration, treatment, processing or disposal facility pending  
51 before the permit board during the moratorium period.

52 **SECTION 2.** This act shall take effect and be in force from  
53 and after July 1, 2007.