

By: Representatives Read, Bounds, Arnold,
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To: Appropriations

HOUSE BILL NO. 1392
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND FOR
3 RELATED PURPOSES, FOR THE FISCAL YEAR 2022.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the support and maintenance
8 of the Department of Environmental Quality for the fiscal year
9 beginning July 1, 2021, and ending June 30, 2022.....
10 \$ 10,740,138.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 the State Treasury to the credit of the Department of
14 Environmental Quality which is comprised of special source funds
15 collected by or otherwise available to the department, for the
16 support of the various offices of the department for the fiscal
17 year beginning July 1, 2021, and ending June 30, 2022.....
18 \$ 258,296,241.00.



SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	271
	Part Time	0
Time-Limited:	Full Time	233
	Part Time	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2023 do not exceed Fiscal Year 2022 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2022 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation or realignment. If the State Personnel Board determines a special situation or circumstance exists and approves an action, then the agency and the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the chairmen of the Accountability, Efficiency and Transparency Committees of the



44 Senate and House of Representatives and the chairmen of the
45 Appropriations Committees of the Senate and House of
46 Representatives. It shall be the responsibility of the agency
47 head to ensure that no single personnel action increases this
48 projected annual cost and/or the Fiscal Year 2022 appropriations
49 for "Personal Services" when annualized, with the exception of
50 escalated funds and the award of benchmarks. If, at the time the
51 agency takes any action to change "Personal Services," the State
52 Personnel Board determines that the agency has taken an action
53 which would cause the agency to exceed this projected annual cost
54 or the Fiscal Year 2022 "Personal Services" appropriated level,
55 when annualized, then only those actions which reduce the
56 projected annual cost and/or the appropriation requirement will be
57 processed by the State Personnel Board until such time as the
58 requirements of this provision are met.

59 Any transfers or escalations shall be made in accordance with
60 the terms, conditions and procedures established by law or
61 allowable under the terms set forth within this act. The State
62 Personnel Board shall not escalate positions without written
63 approval from the Department of Finance and Administration. The
64 Department of Finance and Administration shall not provide written
65 approval to escalate any funds for salaries and/or positions
66 without proof of availability of new or additional funds above the
67 appropriated level.



68 No general funds authorized to be expended herein shall be
69 used to replace federal funds and/or other special funds which are
70 being used for salaries authorized under the provisions of this
71 act and which are withdrawn and no longer available.

72 None of the funds herein appropriated shall be used in
73 violation of Internal Revenue Service's Publication 15-A relating
74 to the reporting of income paid to contract employees, as
75 interpreted by the Office of the State Auditor.

76 Funds have been appropriated herein for the purpose of
77 implementation and funding Project SEC2 of the Colonel Guy Groff
78 State Variable Compensation Plan beginning January 1, 2022, and
79 ending June 30, 2022. It shall be the agency's responsibility to
80 make certain that each person, excluding executive directors,
81 agency heads, and elected judges, shall receive no more than a 3%
82 annual increase in salary which shall not exceed the market rate
83 established by the State Personnel Board pursuant to the Colonel
84 Guy Groff State Variable Compensation Plan for each
85 classification.

86 **SECTION 4.** It is the intention of the Legislature that the
87 Department of Environmental Quality shall maintain complete
88 accounting and personnel records related to the expenditure of all
89 funds appropriated under this act and that such records shall be
90 in the same format and level of detail as maintained for Fiscal
91 Year 2021. It is further the intention of the Legislature that
92 the agency's budget request for Fiscal Year 2023 shall be



submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2022 budget request process.

SECTION 5. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Days with Air Advisories (%)	5.00
Air Permits Modified/Issued in a Timely Manner (%)	50.00
Counties that Meet NAAQ Standards (%)	75.00
Air Facilities Inspected (%)	35.00
Air Facilities in Compliance with Regulatory Requirements (%)	85.00
Waste Permits Issued/Modified in a Timely Manner (%)	50.00
Waste Facilities Inspected (%)	55.00
Inspected Waste Facilities in Compliance with Regulatory Requirements (%)	93.00



118	Citizens Who Have Access to Recycling	
119	Programs (%)	55.00
120	Underground Storage Tanks in Compliance	
121	with Regulatory Requirements (%)	75.00
122	Contaminated Sites That Have Completed	
123	Assessment (%)	61.00
124	Contaminated Sites That Have Completed	
125	Remediation (%)	20.00
126	Waters That Have Acceptable Quality for	
127	Their Designed Use (%)	56.00
128	NPDES Permits Issued/Modified in a	
129	Timely Manner (%)	70.00
130	NPDES Majors Inspected Per Year (%)	50.00
131	NPDES Majors in Compliance (%)	66.00
132	Staff with Expertise in the National	
133	Incident Management System (%)	70.00
134	Construction Grants	
135	SRF Loan Recipients in Compliance with	
136	Loan Agreements (%)	90.00
137	Land & Water	
138	Annual Prioritized Water Resource Areas	
139	Adequately Characterized (%)	79.00
140	Groundwater Use Permits Issued/Modified (%)	95.00
141	Surface Water Use Permits	
142	Issued/Modified (%)	95.00



143	Water Use Reported (%)	80.00
144	High Hazard Dams with Emergency Action	
145	Plans (%)	75.00
146	Geology	
147	Mining Facilities Inspected (%)	95.00
148	Inspected Mining Facilities in	
149	Compliance with Regulatory Requirements	
150	(%)	85.00
151	Administrative Services	
152	Administration as a Percentage of Total	
153	Budget (%)	5.00

154 A reporting of the degree to which the performance targets

155 set above have been or are being achieved shall be provided in the

156 agency's budget request submitted to the Joint Legislative Budget

157 Committee for Fiscal Year 2023.

158 **SECTION 6.** It shall be unlawful for any officer, employee or

159 other person whatsoever to use or permit or authorize the use of

160 any automobile or any other motor vehicle owned by the State of

161 Mississippi or any department, agency or institution thereof for

162 any purpose other than upon the official business of the State of

163 Mississippi or any agency, department or institution thereof.

164 It is the intent of the Legislature that motor vehicles

165 authorized to be owned and operated by this agency shall comply

166 with Sections 25-1-77 through 25-1-93, Mississippi Code of 1972.



167 **SECTION 7.** Of the funds appropriated in Section 2, an amount
168 no greater than Two Hundred Fifty Thousand Dollars (\$250,000.00)
169 shall be derived from the Pollution Emergency Fund within the
170 Pollution Operating Fund for transfer to the Department of
171 Environmental Quality - Office of Administrative Services for
172 support of Legal Division environmental protection activities.

173 **SECTION 8.** Of the funds appropriated in Section 2, an amount
174 no greater than One Hundred Thousand Dollars (\$100,000.00) shall
175 be derived from the Pollution Emergency Fund within the Pollution
176 Operating Fund for transfer to the Department of Environmental
177 Quality - Office of Pollution Control for support of the Household
178 Hazardous Waste Collection Grants Program.

179 **SECTION 9.** The Department of Environmental Quality (DEQ) may
180 request that the Mississippi Development Authority (MDA) staff
181 shall provide an economic viability assessment for any complete
182 application or group of related complete applications submitted to
183 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
184 required to devote extraordinary effort to process the application
185 or group of related applications within the one hundred eighty
186 (180) days required by Section 49-17-29(3)(c). For purposes of
187 this paragraph, "extraordinary effort" means the constant
188 dedication of more than three (3) full-time equivalent positions
189 for a period of at least one hundred eighty (180) days. The
190 economic viability assessment shall include, but not be limited
191 to: (i) an analysis of the current and future market viability of



the project concerning which application(s) has been made to DEQ;
and (ii) an analysis of the applicant's economic ability to
construct, develop, maintain and operate the project as described
in the application(s) submitted to DEQ. If the economic viability
assessment concludes that the project is not economically viable
for any reason, DEQ shall suspend processing the permit
application(s), notwithstanding the provisions of Section
49-17-29(3)(c). Within thirty (30) days of the decision of MDA
staff, the permit applicant may present any additional information
on its behalf to the Executive Director of MDA, and the Executive
Director shall review the MDA staff assessment. If additional
information is received in writing from the applicant, the
Executive Director of MDA shall make a decision in review of the
MDA staff decision within sixty (60) days of the staff decision,
and the decision of the Executive Director of MDA shall be the
final administrative action of MDA in the matter.

SECTION 10. It is the intention of the Legislature that the
Executive Director of the Department of Environmental Quality
shall have authority to transfer cash from one special fund
treasury fund to another special fund treasury fund under the
control of the Department of Environmental Quality. The purpose
of this authority is to more efficiently use available cash
reserves. It is further the intention of the Legislature that the
Executive Director of the Department of Environmental Quality
shall submit written justification for the transfer to the



Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

SECTION 11. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 12. Of the funds appropriated herein, it is the intent of the Legislature that the Department of Environmental Quality shall pay debt service on bonds issued to provide state matching funds for the State Revolving Loan Fund with interest earnings derived from the fund.

SECTION 13. It is the intent of the Legislature that from the funds available to the Department of Environmental Quality, the agency may purchase and pay premiums on property damage insurance on its motor vehicles, boats, trailers, motors, and other equipment assigned to the South Regional Office.

SECTION 14. Of the funds appropriated in Section 2, an amount not greater than Two Hundred Thousand Dollars (\$200,000.00) shall be derived from the Pollution Emergency Fund within the Pollution Operating Fund for transfer to the Department of



242 Environmental Quality to be used for dam and reservoir
243 inspections, inventory, and reporting.

244 **SECTION 15.** It is the intention of the Legislature for the
245 Department of Environmental Quality to continue with any
246 agreements with Mississippi state agencies, including grant
247 agreements, that provide environmental projects to restore
248 Mississippi's natural resources in the wake of the Deepwater
249 Horizon Oil Spill.

250 **SECTION 16.** Of the funds appropriated in Section 2, One
251 Million Dollars (\$1,000,000.00) is provided for the purpose of
252 assessment, remediation, operation and maintenance, cost-sharing,
253 oversight, and administration of water, land, and air
254 contamination projects within the State of Mississippi pursuant to
255 the 2020 settlement in The State of Mississippi ex rel. Lynn
256 Fitch, Attorney General vs. EnPro, Inc., et.al.; Cause No.
257 CV-2017-19-JMY2.

258 **SECTION 17.** With the funds appropriated herein, the
259 Department of Environmental Quality is authorized to make payment
260 to certain vendors for expenses incurred during 2019 to certain
261 vendors as follows:

262	United States Geological Survey.....\$	3,212.86
263	United States Geological Survey.....\$	3,220.84
264	MS Department of Marine Resources.....\$	21,304.99
265	MS Department of Marine Resources.....\$	53,891.74
266	Quitman County Board of Supervisors.....\$	6,530.00



267 Mississippi State University.....\$ 84,363.30

268 **SECTION 18.** Of the funds appropriated under the provisions
269 of Section 2, One Million Dollars (\$1,000,000.00), or so much
270 thereof, shall be derived out of any money in the State Treasury
271 to the credit of the Capital Expense Fund, as created in Section
272 27-103-303, Mississippi Code of 1972, and allocated in a manner as
273 determined by the State Treasurer. These funds are provided for
274 the Mississippi Dam Safety Fund.

275 **SECTION 19.** It is the intention of the Legislature that the
276 funds herein appropriated shall be expended in compliance with
277 Section 27-104-25, Mississippi Code of 1972, that no state agency
278 shall incur obligations or indebtedness in excess of their
279 appropriation and that the responsible officers, either personally
280 or upon their official bonds, shall be held responsible for
281 actions contrary to this provision.

282 **SECTION 20.** The money herein appropriated shall be paid by
283 the State Treasurer out of any money in the State Treasury to the
284 credit of the proper fund or funds as set forth in this act, upon
285 warrants issued by the State Fiscal Officer; and the State Fiscal
286 Officer shall issue his warrants upon requisitions signed by the
287 proper person, officer or officers, in the manner provided by law.

288 **SECTION 21.** This act shall take effect and be in force from
289 and after July 1, 2021.

