

By: Representatives Read, Bounds, Arnold,  
Cockerham, Eure, Hale, Mangold, Oliver,  
Turner, Young

To: Appropriations

HOUSE BILL NO. 1616

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 2024.

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, 2023, and ending June 30, 2024.....  
10 .....\$ 12,011,148.00.

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, 2023, and ending June 30, 2024.....  
18 .....\$ 248,212,077.00.



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

21       AUTHORIZED HEADCOUNT:

22           Permanent:                   235

23           Time-Limited:               193

24           With the funds herein appropriated, it shall be the agency's  
25 responsibility to make certain that funds required for Personal  
26 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds  
27 appropriated for that purpose unless programs or positions are  
28 added to the agency's Fiscal Year 2024 budget by the Mississippi  
29 Legislature. The Legislature shall determine the agency's  
30 personal services appropriation, which shall be published by the  
31 State Personnel Board. Additionally, the State Personnel Board  
32 shall determine and publish the projected annualized payroll costs  
33 based on current employees. It shall be the responsibility of the  
34 agency head to ensure that actual personnel expenditures for  
35 Fiscal Year 2024 do not exceed the data provided by the  
36 Legislative Budget Office. If the agency's Fiscal Year 2024  
37 projected cost exceeds the annualized costs, no salary actions  
38 shall be processed by the State Personnel Board with the exception  
39 of new hires that are determined to be essential for the agency.

40           Any transfers or escalations shall be made in accordance with  
41 the terms, conditions and procedures established by law or  
42 allowable under the terms set forth within this act. The State  
43 Personnel Board shall not escalate positions without written



44 approval from the Department of Finance and Administration. The  
45 Department of Finance and Administration shall not provide written  
46 approval to escalate any funds for salaries and/or positions  
47 without proof of availability of new or additional funds above the  
48 appropriated level.

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

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

57 Funds have been appropriated herein for the purpose of  
58 funding Project SEC2 minimum salaries for all employees covered  
59 under the Colonel Guy Groff/Neville Kenning Variable Compensation  
60 Plan. It shall be the agency's responsibility to ensure that the  
61 funds are used to increase all employees' salaries up to the  
62 minimum level as determined by the State Personnel Board.

63 **SECTION 4.** It is the intention of the Legislature that the  
64 Department of Environmental Quality shall maintain complete  
65 accounting and personnel records related to the expenditure of all  
66 funds appropriated under this act and that such records shall be  
67 in the same format and level of detail as maintained for Fiscal  
68 Year 2023. It is further the intention of the Legislature that



69 the agency's budget request for Fiscal Year 2025 shall be  
70 submitted to the Joint Legislative Budget Committee in a format  
71 and level of detail comparable to the format and level of detail  
72 provided during the Fiscal Year 2024 budget request process.

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

	FY2024
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Percent of Days with Air Advisories	5.00
Percent of Air Permits Modified/Issued in a Timely Manner	50.00
Percent of Counties That Meet NAAQ Standards	75.00
Percent of Air Facilities Inspected	35.00
Percent of Air Facilities in Compliance with Regulatory Requirements	85.00
Percent of Waste Permits Issued/Modified in a Timely Manner	60.00
Percent of Waste Facilities Inspected	60.00
Percent of Inspected Waste Facilities in	



94	Compliance with Regulatory Requirements	65.00
95	Percent of Citizens who Have Access to	
96	Recycling Programs	55.00
97	Percent of Underground Storage Tanks in	
98	Compliance with Regulatory Requirements	60.00
99	Percent of Contaminated Sites That Have	
100	Completed Assessment	50.00
101	Percent of Contaminated Sites That Have	
102	Completed Remediation	5.00
103	Percent of Waters That Have Acceptable	
104	Quality for Their Designed Use	56.00
105	Percent of NPDES Permits Issued/Modified	
106	in a Timely Manner	70.00
107	Percent of NPDES Majors Inspected per Year	50.00
108	Percent of NPDES Majors in Compliance	66.00
109	Percent of Staff with Expertise in the	
110	National Incident Management System	70.00
111	Construction Grants	
112	Percent of SRF Loan Recipients in	
113	Compliance with Loan Agreements	90.00
114	Land & Water	
115	Percent of Annual Prioritized Water	
116	Resource Areas Adequately Characterized	80.00
117	Percent of Groundwater Use Permits	
118	Issued/Modified	90.00



119	Percent of Surface Water Use Permits	
120	Issued/Modified	90.00
121	Percent of Water Use Reported	80.00
122	Percent of High Hazard Dams with	
123	Emergency Action Plans	95.00

124 Geology

125	Percent of Mining Facilities Inspected	95.00
126	Percent of Inspected Mining Facilities	
127	in Compliance with Regulatory	
128	Requirements	85.00

129 Administrative Services

130	Administration as a Percent of Total Budget	5.00
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131 A reporting of the degree to which the performance targets  
132 set above have been or are being achieved shall be provided in the  
133 agency's budget request submitted to the Joint Legislative Budget  
134 Committee for Fiscal Year 2025.

135 **SECTION 6.** It shall be unlawful for any officer, employee or  
136 other person whatsoever to use or permit or authorize the use of  
137 any automobile or any other motor vehicle owned by the State of  
138 Mississippi or any department, agency or institution thereof for  
139 any purpose other than upon the official business of the State of  
140 Mississippi or any agency, department or institution thereof.

141 It is the intent of the Legislature that motor vehicles  
142 authorized to be owned and operated by this agency shall comply  
143 with Sections 25-1-77 through 25-1-93, Mississippi Code of 1972.



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

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

156           **SECTION 9.** Of the funds appropriated in Section 2, Four  
157 Million Four Hundred Ninety Thousand Dollars (\$4,490,000.00), or  
158 so much thereof, is provided for the Clean Water Grant match.

159           **SECTION 10.** The Department of Environmental Quality (DEQ)  
160 may request that the Mississippi Development Authority (MDA) staff  
161 shall provide an economic viability assessment for any complete  
162 application or group of related complete applications submitted to  
163 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be  
164 required to devote extraordinary effort to process the application  
165 or group of related applications within the one hundred eighty  
166 (180) days required by Section 49-17-29(3)(c). For purposes of  
167 this paragraph, "extraordinary effort" means the constant  
168 dedication of more than three (3) full-time equivalent positions



169 for a period of at least one hundred eighty (180) days. The  
170 economic viability assessment shall include, but not be limited  
171 to: (i) an analysis of the current and future market viability of  
172 the project concerning which application(s) has been made to DEQ;  
173 and (ii) an analysis of the applicant's economic ability to  
174 construct, develop, maintain and operate the project as described  
175 in the application(s) submitted to DEQ. If the economic viability  
176 assessment concludes that the project is not economically viable  
177 for any reason, DEQ shall suspend processing the permit  
178 application(s), notwithstanding the provisions of Section  
179 49-17-29(3)(c). Within thirty (30) days of the decision of MDA  
180 staff, the permit applicant may present any additional information  
181 on its behalf to the Executive Director of MDA, and the Executive  
182 Director shall review the MDA staff assessment. If additional  
183 information is received in writing from the applicant, the  
184 Executive Director of MDA shall make a decision in review of the  
185 MDA staff decision within sixty (60) days of the staff decision,  
186 and the decision of the Executive Director of MDA shall be the  
187 final administrative action of MDA in the matter.

188       **SECTION 11.** It is the intention of the Legislature that the  
189 Executive Director of the Department of Environmental Quality  
190 shall have authority to transfer cash from one special fund  
191 treasury fund to another special fund treasury fund under the  
192 control of the Department of Environmental Quality. The purpose  
193 of this authority is to more efficiently use available cash





194 reserves. It is further the intention of the Legislature that the  
195 Executive Director of the Department of Environmental Quality  
196 shall submit written justification for the transfer to the  
197 Legislative Budget Office and the Department of Finance and  
198 Administration on or before the fifteenth of the month prior to  
199 the effective date of the transfer.

200         **SECTION 12.** It is the intention of the Legislature that  
201 whenever two (2) or more bids are received by this agency for the  
202 purchase of commodities or equipment, and whenever all things  
203 stated in such received bids are equal with respect to price,  
204 quality and service, the Mississippi Industries for the Blind  
205 shall be given preference. A similar preference shall be given to  
206 the Mississippi Industries for the Blind whenever purchases are  
207 made without competitive bids.

208         **SECTION 13.** Of the funds appropriated herein, it is the  
209 intent of the Legislature that the Department of Environmental  
210 Quality shall pay debt service on bonds issued to provide state  
211 matching funds for the State Revolving Loan Fund with interest  
212 earnings derived from the fund.

213         **SECTION 14.** Of the funds appropriated in Section 2, an  
214 amount not greater than Two Hundred Thousand Dollars (\$200,000.00)  
215 shall be derived from the Pollution Emergency Fund within the  
216 Pollution Operating Fund for transfer to the Department of  
217 Environmental Quality to be used for dam and reservoir  
218 inspections, inventory, and reporting.



219           **SECTION 15.** It is the intention of the Legislature for the  
220 Department of Environmental Quality to continue with any  
221 agreements with Mississippi state agencies, including grant  
222 agreements, that provide environmental projects to restore  
223 Mississippi's natural resources in the wake of the Deepwater  
224 Horizon Oil Spill.

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

233           **SECTION 17.** It is the intention of the Legislature that the  
234 funds herein appropriated shall be expended in compliance with  
235 Section 27-104-25, Mississippi Code of 1972, that no state agency  
236 shall incur obligations or indebtedness in excess of their  
237 appropriation and that the responsible officers, either personally  
238 or upon their official bonds, shall be held responsible for  
239 actions contrary to this provision.

240           **SECTION 18 .** Notwithstanding any other provision, the  
241 Department of Environmental Quality shall have the authority to  
242 escalate its headcount for any additional operational needs  
243 related to Coronavirus State Fiscal Recovery Funds, upon approval



244 of the Department of Finance and Administration and the State  
245 Personnel Board.

246         **SECTION 19.** The money herein appropriated shall be paid by  
247 the State Treasurer out of any money in the State Treasury to the  
248 credit of the proper fund or funds as set forth in this act, upon  
249 warrants issued by the State Fiscal Officer; and the State Fiscal  
250 Officer shall issue his warrants upon requisitions signed by the  
251 proper person, officer or officers, in the manner provided by law.

252         **SECTION 20.** This act shall take effect and be in force from  
253 and after July 1, 2023, and shall stand repealed June 30, 2023.

