

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

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

H. B. No. 1778: Appropriation; Environmental Quality, Department of.

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

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

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, 2024, and ending June 30, 2025.....
10\$ 16,759,476.00.

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, 2024, and ending June 30, 2025.....
18\$ 255,174,061.00.

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

21 AUTHORIZED HEADCOUNT:

22 Permanent: 212

23 Time-Limited: 165

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 2026 do not exceed Fiscal Year 2025 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2025 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's
30 personal services appropriation, which the State Personnel Board
31 shall publish. The agency's personal services appropriation may
32 consist of restricted funds for approved vacancies for Fiscal Year
33 2025 that may be utilized to fill vacant Fiscal Year 2024
34 headcount. It shall be the agency's responsibility to ensure that
35 the funds provided for vacancies are used to increase headcount
36 and not for promotions, title changes, in-range salary adjustments
37 or any other mechanism for increasing salaries for current
38 employees. It is the Legislature's intention that no employee
39 salary falls below the minimum salary established by the
40 Mississippi State Personnel Board.

41 Additionally, the State Personnel Board shall determine and
42 publish the projected annualized payroll costs based on current
43 employees. It shall be the responsibility of the agency head to

44 ensure that actual personnel expenditures for Fiscal Year 2025 do
45 not exceed the data provided by the Legislative Budget Office. If
46 the agency's Fiscal Year 2025 projected cost exceeds the
47 annualized costs, no salary actions shall be processed by the
48 State Personnel Board except for new hires determined to be
49 essential for the agency.

50 Any transfers or escalations shall be made in accordance with
51 the terms, conditions, and procedures established by law or
52 allowable under the terms set forth within this act. The State
53 Personnel Board shall not escalate positions without written
54 approval from the Department of Finance and Administration. The
55 Department of Finance and Administration shall not provide written
56 approval to escalate any funds for salaries and/or positions
57 without proof of availability of new or additional funds above the
58 appropriated level.

59 No general funds authorized to be expended herein shall be
60 used to replace federal funds and/or other special funds used for
61 salaries authorized under the provisions of this act and which are
62 withdrawn and no longer available.

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

67 **SECTION 4.** It is the intention of the Legislature that the
68 Department of Environmental Quality shall maintain complete

69 accounting and personnel records related to the expenditure of all
 70 funds appropriated under this act and that such records shall be
 71 in the same format and level of detail as maintained for Fiscal
 72 Year 2024. It is further the intention of the Legislature that
 73 the agency's budget request for Fiscal Year 2026 shall be
 74 submitted to the Joint Legislative Budget Committee in a format
 75 and level of detail comparable to the format and level of detail
 76 provided during the Fiscal Year 2025 budget request process.

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

84		FY2025
85	<u>Performance Measures</u>	<u>Target</u>
86	Pollution Control	
87	Percent of Days with Air Advisories	5.00
88	Percent of Air Permits Modified/Issued	
89	in a Timely Manner	50.00
90	Percent of Counties That Meet NAAQ Standards	75.00
91	Percent of Air Facilities Inspected	35.00
92	Percent of Air Facilities in Compliance	
93	with Regulatory Requirements	85.00

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

119	Percent of Annual Prioritized Water	
120	Resource Areas Adequately Characterized	80.00
121	Percent of Groundwater Use Permits	
122	Issued/Modified	90.00
123	Percent of Surface Water Use Permits	
124	Issued/Modified	90.00
125	Percent of Water Use Reported	80.00
126	Percent of High Hazard Dams with	
127	Emergency Action Plans	98.00
128	Geology	
129	Percent of Mining Facilities Inspected	95.00
130	Percent of Inspected Mining Facilities	
131	in Compliance with Regulatory	
132	Requirements	85.00
133	Administrative Services	
134	Administration as a Percent of Total Budget	5.00
135	A reporting of the degree to which the performance targets	
136	set above have been or are being achieved shall be provided in the	
137	agency's budget request submitted to the Joint Legislative Budget	
138	Committee for Fiscal Year 2026.	

139 **SECTION 6.** It shall be unlawful for any officer, employee or
140 other person whatsoever to use or permit or authorize the use of
141 any automobile or any other motor vehicle owned by the State of
142 Mississippi or any department, agency or institution thereof for

143 any purpose other than upon the official business of the State of
144 Mississippi or any agency, department or institution thereof.

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

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

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

160 **SECTION 9.** Of the funds provided under the provisions of
161 this act, Five Million Five Hundred Forty-one Thousand Forty-eight
162 Dollars (\$5,541,048.00) is provided for the support of the Clean
163 Water Grant Program match.

164 Of the funds in this section, Two Million Six Hundred
165 Thirty-five Thousand Dollars (\$2,635,000.00) is provided in
166 Section 1 of this act, and Two Million Nine Hundred Six Thousand

167 Forty-eight Dollars (\$2,906,048.00) is provided in Section 2 of
168 this act.

169 **SECTION 10.** Of the funds appropriated under the provisions
170 of Section 2, Two Million Nine Hundred Six Thousand Forty-eight
171 Dollars (\$2,906,048.00), or so much thereof as may be necessary,
172 shall be derived out of any money in the State Treasury to the
173 credit of the Capital Expense Fund, as created in Section
174 27-103-303, Mississippi Code of 1972, and allocated in a manner as
175 determined by the Treasurer's Office. These funds are provided for
176 the Clean Water Grant Program match referenced in Section 9 of
177 this act.

178 **SECTION 11.** The Department of Environmental Quality (DEQ)
179 may request that the Mississippi Development Authority (MDA) staff
180 shall provide an economic viability assessment for any complete
181 application or group of related complete applications submitted to
182 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
183 required to devote extraordinary effort to process the application
184 or group of related applications within the one hundred eighty
185 (180) days required by Section 49-17-29(3)(c). For purposes of
186 this paragraph, "extraordinary effort" means the constant
187 dedication of more than three (3) full-time equivalent positions
188 for a period of at least one hundred eighty (180) days. The
189 economic viability assessment shall include, but not be limited
190 to: (i) an analysis of the current and future market viability of
191 the project concerning which application(s) has been made to DEQ;

192 and (ii) an analysis of the applicant's economic ability to
193 construct, develop, maintain and operate the project as described
194 in the application(s) submitted to DEQ. If the economic viability
195 assessment concludes that the project is not economically viable
196 for any reason, DEQ shall suspend processing the permit
197 application(s), notwithstanding the provisions of Section
198 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
199 staff, the permit applicant may present any additional information
200 on its behalf to the Executive Director of MDA, and the Executive
201 Director shall review the MDA staff assessment. If additional
202 information is received in writing from the applicant, the
203 Executive Director of MDA shall make a decision in review of the
204 MDA staff decision within sixty (60) days of the staff decision,
205 and the decision of the Executive Director of MDA shall be the
206 final administrative action of MDA in the matter.

207 **SECTION 12.** It is the intention of the Legislature that the
208 Executive Director of the Department of Environmental Quality
209 shall have authority to transfer cash from one special fund
210 treasury fund to another special fund treasury fund under the
211 control of the Department of Environmental Quality. The purpose
212 of this authority is to more efficiently use available cash
213 reserves. It is further the intention of the Legislature that the
214 Executive Director of the Department of Environmental Quality
215 shall submit written justification for the transfer to the
216 Legislative Budget Office and the Department of Finance and

217 Administration on or before the fifteenth of the month prior to
218 the effective date of the transfer.

219 **SECTION 13.** It is the intention of the Legislature that
220 whenever two (2) or more bids are received by this agency for the
221 purchase of commodities or equipment, and whenever all things
222 stated in such received bids are equal with respect to price,
223 quality and service, the Mississippi Industries for the Blind
224 shall be given preference. A similar preference shall be given to
225 the Mississippi Industries for the Blind whenever purchases are
226 made without competitive bids.

227 **SECTION 14.** Of the funds appropriated herein, it is the
228 intent of the Legislature that the Department of Environmental
229 Quality shall pay debt service on bonds issued to provide state
230 matching funds for the State Revolving Loan Fund with interest
231 earnings derived from the fund.

232 **SECTION 15.** Of the funds appropriated in Section 2, an
233 amount not greater than Two Hundred Thousand Dollars (\$200,000.00)
234 shall be derived from the Pollution Emergency Fund within the
235 Pollution Operating Fund for transfer to the Department of
236 Environmental Quality to be used for dam and reservoir
237 inspections, inventory, and reporting.

238 **SECTION 16.** It is the intention of the Legislature for the
239 Department of Environmental Quality to continue with any
240 agreements with Mississippi state agencies, including grant
241 agreements, that provide environmental projects to restore

242 Mississippi's natural resources in the wake of the Deepwater
243 Horizon Oil Spill.

244 **SECTION 17.** Of the funds appropriated in Section 2, One
245 Million Dollars (\$1,000,000.00) is provided for the purpose of
246 assessment, remediation, operation and maintenance, cost-sharing,
247 oversight, and administration of water, land, and air
248 contamination projects within the State of Mississippi pursuant to
249 the 2020 settlement in The State of Mississippi ex rel. Lynn
250 Fitch, Attorney General vs. EnPro, Inc., et.al.; Cause No.
251 CV-2017-19-JMY2.

252 **SECTION 18.** Of the funds appropriated in Section 2, Two
253 Million Dollars (\$2,000,000.00) is provided for the Dam Safety
254 Grant Program.

255 **SECTION 19.** Of the funds appropriated in Section 2, One
256 Hundred Thousand Dollars (\$100,000.00), or so much thereof as may
257 be necessary, shall be derived out of any money in the State
258 Treasury to the credit of the Project Poppy Fund, as created in
259 Senate Bill 2001, 1st Extraordinary Session of 2024, and allocated
260 in a manner as determined by the Treasurer's Office and One
261 Hundred Twenty Thousand Dollars (\$120,000.00), or so much thereof
262 as may be necessary, shall be derived out of any money in the
263 State Treasury to the credit of the Project Atlas Fund, as created
264 in House Bill 1, 2nd Extraordinary Session of 2024, and allocated
265 in a manner as determined by the Treasurer's Office. These funds

266 are provided for expediting services needed for Project Poppy and
267 Project Atlas.

268 **SECTION 20.** Of the funds appropriated under the provisions
269 of Section 2, Sixty Thousand Dollars (\$60,000.00), or so much
270 thereof as may be necessary, shall be derived out of any money in
271 the State Treasury to the credit of the Capital Expense Fund, as
272 created in Section 27-103-303, Mississippi Code of 1972, and
273 allocated in a manner as determined by the Treasurer's Office.
274 These funds are provided for the replacement of IT servers for the
275 agency.

276 **SECTION 21.** It is the intention of the Legislature that the
277 funds herein appropriated shall be expended in compliance with
278 Section 27-104-25, Mississippi Code of 1972, that no state agency
279 shall incur obligations or indebtedness in excess of their
280 appropriation and that the responsible officers, either personally
281 or upon their official bonds, shall be held responsible for
282 actions contrary to this provision.

283 **SECTION 22.** Notwithstanding any other provision, the
284 Department of Environmental Quality shall have the authority to
285 escalate its headcount for any additional operational needs
286 related to Coronavirus State Fiscal Recovery Funds, upon approval
287 of the Department of Finance and Administration and the State
288 Personnel Board.

289 **SECTION 23.** With the funds appropriated herein, the
290 Department of Environmental Quality is authorized to make payment

