



BALCH & BINGHAM LLP

MISSISSIPPI

Environmental Update

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
MEETING OF FEBRUARY 26, 2004

EXECUTIVE DIRECTOR'S REPORT:

Executive Director Charles Chisholm opened his report by announcing that MDEQ Commissioner William A. (Bill) Cofield resigned from the Board due to a move outside of Mississippi. The Commission expressed its appreciation for Commissioner Cofield's eighteen months of service to MDEQ.

Executive Director Chisholm next introduced Linda Vaught, Director of MDEQ's Information Center, to present the MDEQ Annual Report. Director Chisholm noted that in the past the Annual Report has been prepared from an Engineer's perspective, and that this version should be more accessible.

Next, Executive Director Chisholm introduced **Robert Wilbur** to the Commission. Wilbur recently joined the MDEQ Staff and will be working in the areas of the Coastal Impact Assistance Program. Director Chisholm also announced that EPA Region IV Director **Jimmy Palmer** would be visiting with MDEQ staff to discuss ozone issues in DeSoto County.

The Executive Director then discussed some of the current pending legislation that could affect MDEQ. He stated that prior to the deadline for regular (non-revenue) legislation there was a flurry of activity and that a number of bills introduced could impact MDEQ. A more detailed discussion of Environmental Legislation can be found in *Other Items*.

Director Chisholm also discussed the MDEQ budget situation. The budget for FY2005, as proposed, will include a One Million dollar cut from MDEQ's current general fund budget.

Director Chisholm also stated that MDEQ is still searching for funding for a new building, however, there is a growing understanding of the need for better quarters for the agency.

COMMISSION ACTIONS:

In August the Commission heard the evidentiary hearing concerning the Marshall County Solid Waste Management Plan and voted to postpone its decision. The plan was originally approved by the Marshall County Board of Supervisors and the Marshall County Solid Waste Management Authority. At the February meeting, the Commission disapproved the plan because the Marshall County Board of Supervisors rescinded its prior approval of the plan.

The Commission next approved the Public Notice for the Title V Fee for 2004. The fee will remain the same as last year, which is \$31 per ton of emissions. Following the Public Notice and Hearing, the Commission will be asked to approve the fee.

The Commission next approved an amendment to Section III of the state Waste Tire and Solid Waste Assistance grant regulations regarding the application procedures for Solid Waste Planning Grants. The proposed change would allow local governments to submit planning grant applications at any time during the state fiscal year, until April 30th. The current regulations only allow two opportunities for local governments to submit planning grant applications, October 1 and April 1 of each year. The proposed change would allow greater flexibility for grant proposals and awards for local planning projects throughout the state fiscal year. A public hearing was held on February 24, and there was no opposition.

1710 Sixth Avenue North
Birmingham, Alabama 35203
(205) 251-8100

1901 Sixth Avenue North
Birmingham, Alabama 35203
(205) 251-8100

2 Dexter Avenue
Montgomery, Alabama 36104
(334) 834-6500

655 Gallatin Street
Huntsville, Alabama 35801
(256) 551-0171

14 Piedmont Center, Suite 1100
3535 Piedmont Road, N.E.
Atlanta, Georgia 30305

1310 Twenty Fifth Avenue
Gulfport, Mississippi 39501
(228) 864-9900

401 East Capitol Street, Suite 200
Jackson, Mississippi 39201
(601) 961-9900

1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 347-6000

MDEQ announced **Roy Furrh** has been named General Counsel for MDEQ. Charles Chisolm, Executive Director of MDEQ said, "I am pleased to announce the appointment of Roy Furrh as General Counsel for MDEQ. Roy has long been an asset to the department and the state. His experience and knowledge of the agency and agency issues will allow him to transition quickly."

NEXT MEETING:

The Commission's next regular meeting is scheduled for March 25, 2004 at the Southport Center in Jackson.

OTHER ITEMS:

1. HB 1365 – Creation of task force on environmental spending
This bill creates the Task Force on Environmental spending, which will be responsible for studying state fund appropriations to the Mississippi DEQ for programs under the regulation of the Department of Environmental Quality and the commission on Environmental Quality. The task force will study efforts by the state to reduce state funding of programs that the federal government can regulate effectively.
2. SB 2122—Mississippi Brownfields Voluntary Cleanup and Redevelopment Incentives Act
This act authorizes an income tax credit for remediation cost incurred at a brownfield agreement site. The credit will be an amount equal to 25% of the remediation costs at the brownfield agreement site as approved by the Commission on Environmental Quality, against the taxes imposed for the tax year in which the costs are incurred.
3. SB 2996 – Repeal of Code Section requiring Commission on Environmental Quality to determine the feasibility of establishing community sewerage systems under the individual on-site wastewater disposal systems law.
4. HB 1619 – Act requiring Secretary of State to lease certain coastal wetlands
This bill authorizes the Secretary of State, upon recommendation of the Mississippi Department of Marine Resources, to lease coastal wetlands for aquaculture or the production of aquatic products. The bill also clarifies the portion of Section 49-27-3, dealing with alteration of coastal wetlands where such alteration would serve a higher public interest. The amendment explains, "A higher public interest shall be served when a lease or use for commercial purposes may create a minimum of 200 jobs in the county in which the lease will be used."
5. HB 1261 – Amending Section 49-27-7
This bill amends Section 49-27-7 to provide that certain entities must comply with construction regulations of the Commission on Marine Resources.
6. HB 1262 – Amending Section 49-27-15 to require an applicant to prepay the costs of public notice and publication fees.
7. SB 2169 – Amending Section 41-67-3 to make the Department of Health Responsible for inspecting residential wastewater systems prior to any residence receiving utility services
8. HB 377 – Provides that the Attorney General is the sole legal advisor for the Department of Environmental Quality

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