

11 MAC-Part 1-Chapter 5

MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD; REGULATIONS REGARDING ADMINISTRATIVE PROCEDURES PURSUANT TO THE MISSISSIPPI ADMINISTRATIVE PROCEDURES ACT

Rule 5.1 Description of Mississippi Environmental Quality Permit Board

Seven of the Permit Board members serve by virtue of the State office they hold (“Ex Officio Members”). Pursuant to Miss. Code Ann. § 49-17-28, the membership of the Permit Board shall be composed of the Chief of the Bureau of Environmental Health of the State Board of Health, or his designee; the Executive Director of the Department of Wildlife, Fisheries and Parks, or his designee; the Head of the Office of Land and Water Resources of the Department of Environmental Quality, or his designee; the Supervisor of the State Oil and Gas Board, or his designee; the Executive Director of the Department of Marine Resources, or his designee; the Head of the Office of Geology and Energy Resources of the Department of Environmental Quality, or his designee; and the Commissioner of Agriculture and Commerce, or his designee.

The remaining two members of the Permit Board are appointed by the Governor and are required to be a retired professional engineer knowledgeable in the engineering of water wells and a retired water well contractor, respectively. Pursuant to Miss. Code Ann. § 49-17-28, the retired professional engineer and the retired water well contractor shall only vote on matters pertaining to the Office of Land and Water Resources.

In accordance with 11 Miss. Admin. Code Pt. 2, Ch. 1, R. 1.1.B., at least a majority of the Ex Officio Members of the Permit Board shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits under the federal Clean Air Act or enforcement orders under the federal Clean Air Act (CAA). Each Ex Officio Member of the Permit Board shall certify annually as to whether the member derives a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA. If a majority of Ex Officio Members derives a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA, then the Permit Board shall take such action as may be necessary to ensure the replacement of as many members of said majority as may be necessary with designates who do not derive a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA. In order to facilitate the replacement of an Ex Officio Member as may be necessary, the Bureau Chief, Executive Director, Office Head, Board Supervisor, or Commissioner who designated the member shall designate a replacement who does not derive a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA.

The Mississippi Department of Environmental Quality (“Department”) serves as staff for the Permit Board. The Department staff is comprised of four (4) divisions: the Office of Administrative Services, the Office of Geology and Energy Resources, the Office of Land and Water Resources, and the Office of Pollution Control. The Executive Director of the Department serves as the Executive Director of the Permit Board. The Mississippi Commission on

Environmental Quality (“Commission”) is empowered to formulate environmental policy, adopt and enforce rules and regulations, receive funding, conduct studies for using the state’s resources, and discharge duties, responsibilities, and powers as necessary. The Department also serves as staff for the Commission.

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