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**OFFICE OF GOVERNOR RONNIE MUSGROVE**  
**INTEROFFICE MEMORANDUM**

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**TO:** GOVERNOR, RENICK  
**FROM:** BOYD  
**SUBJECT:** DEQ LEGISLATIVE ISSUES  
**DATE:** NOVEMBER 20, 2001  
**CC:** FILE

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I met with Charles Chisolm and Chuck Barlow, Legal Counsel, regarding the upcoming legislative sessions and their main issues. Here are they are in the order of least to most likely to be controversial.

1. State Revolving Loan Funds—the Legislature has put funding of this program off for a number of years. If the Legislature chooses to bond the funding for the program, **it needs to pass this year.**
  - a. DEQ has drafted two sets of language for inclusion in a bond bill. One would provide funding for only **ONE** year (\$1 million). The other would provide the entire state match (\$8.5 million).
2. Surface Mining Law—Mississippi law does not require anyone to obtain a permit prior to starting a surface mine. The Senate in years passed have passed legislation changing this loophole; however, Rep. Bowles has prevented it from reaching the floor. Rep. Moody has taken an active interest in this law and asked DEQ to give him a bill to get through the House.
3. Coal Mining—Recently under a federal court mandate, a federal law denying mineral rights owners access to mineral in National Forests and Parks was changed so that individuals before the area became national forest or park can gain access to their minerals. Mississippi law still used the older date and should use the new date to avoid any potential lawsuit.
4. Water and Sewer Task Force—The Public Service Commission is the only entity with receivership authority for a water or wastewater utility should the utility become financially strained. The Task Force recommended that the State Department of Health and DEQ have the same authority to ensure water safety.
5. Administrative Procedures Act—DEQ's procedures for public disclosure are much more stringent than the state's APA. DEQ will be seeking authority for the Commission to determine if public hearings are necessary.

6. Fee Bill—DEQ is drafting legislation for the raising of environmental fees and permits. They hope to have a copy for our review by mid-December.
7. Agriculture Aviation Board—DEQ has drafted a new bill to reform the AAB for the proper administration of EPA's Aerial FIFRA program. It will be ready for our review by November 30. Charles Chisolm, Will Green Poindexter (representing the Ag. Aviators Assn.), Chip Morgan, and I will meet on Monday to discuss the AAB resignations and the direction of the program.
8. Septic Tanks (Onsite Individual Wastewater Disposal Act)—The Health Department and DEQ have been working on a completely new version of the bill and I expect to see a near ready version in early December.
9. Audit Privilege—EPA has expressed concern for a number of years regarding the Mississippi's Audit Privilege Law. DEQ believes EPA has misinterpreted Mississippi's law in a number of instances; however, DEQ is preparing legislation that would remove the confidentiality of a self-imposed environmental audit report for criminal investigations. EPA has told DEQ other programs that are waiting approval will be denied if this is not changes.

The "Jimmy Palmer" factor will be a consequence on all EPA issues with Mississippi, and we with DEQ are holding a watchful eye to see how it will impact our administration of environmental protection laws.