

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY AND
OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF MISSISSIPPI

PREPARED FOR
APPALACHIAN REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY BARRY LAWSON ASSOCIATES

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Washington, D.C. 20235

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STATE PERMIT REQUIREMENTS FOR DEVELOPMENT OF
ENERGY AND OTHER SELECTED NATURAL RESOURCES

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SECTION 1.0

INTRODUCTION

This State permit guide for Mississippi is one in a series of guidebooks prepared to explain State regulations governing the environmental consequences of the development of energy and other natural resources on State and private land. (This guidebook does not address Federal permits required on Federal lands within the State.) It is designed to provide individuals in both government and the private sector with a concise compilation of State regulations and policies dealing primarily with permitting processes concerning natural resource management and development.

The increasing number of State policies and regulations concerning natural resources, especially energy resources, makes it difficult to gain an accurate yet workable understanding of State procedures without considerable research and technical assistance. The permit guide therefore serves as a reference document to those seeking State environmental and energy resource permit information. It is intended to show clearly what is required by regulatory and permit-issuing State agencies relative to a number of resource- and energy-related areas.

All the information in this permit guide was obtained through personal interviews with representatives of the State agencies in Mississippi responsible for the management of a particular resource area. Additional information was obtained directly from the appropriate State laws and regulations. It should be noted that the research was done during the spring of 1981 and that regulations are subject to change.

Most of the State agencies responsible for issuing permits require that applications be submitted on standard forms they provide. Such forms are usually numbered and named by the agency. If no form number is identified in the text, the application form should be requested by name.

The permit guide does not include a legal analysis or interpretation of statutes or regulations, nor is it intended to serve legal purposes. It provides a general summary of environmental and energy resource permit processes within a number of State agencies, and supplies information on selected State and local

policies and procedures, land use regulations, and environmental management. For each subject, the permit guide provides the following information:

Name of Permit
Authorizing Statute
Title of Regulation
Summary of Permit Process
Administering Agency

Corresponding to the growth of Federal, State, and local regulatory powers, the number of formal approvals necessary to initiate a specific development activity has increased substantially. Although each chapter of this guide outlines the major State approvals required for a particular development activity, they do not provide a comprehensive list of the broad range of permits, licenses, and approvals which could potentially be required for an activity, nor do they cross reference other potentially relevant chapters of the guide.

To demonstrate the complexity of this situation, the introduction to the Coal Mining chapter (Chapter 3.1.2) of this guide includes a list of all State approvals which could potentially be required to initiate coal mining activities depending on the nature, location, and magnitude of the proposed activities. Such detailed cross referencing and analysis for all chapters is beyond the purpose and scope of this document. Therefore, initial direct contact with the appropriate State agency(ies) is recommended for anyone contemplating a project requiring a permit or other State agency approval.

The following agencies were surveyed and have verified the content of the elements of their particular resource areas:

Mississippi Department of Natural Resources
Bureau of Land and Water Resources
Bureau of Geology
Bureau of Pollution Control

Mississippi Department of Wildlife Conservation
Bureau of Fisheries and Wildlife
Bureau of Marine Resources

Mississippi State Board of Health
Division of Water Quality

State Oil and Gas Board of Mississippi

Mississippi Public Service Commission
Utilities Division

Mississippi Department of Archives and History

Mississippi Research and Development Center

Mississippi Department of Planning and Policy

SECTION 2.0

STATE POLICY AND PROCEDURES FOR
CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1

STATE CLEARINGHOUSE

INTRODUCTION: The Mississippi State Clearinghouse operates through the Department of Planning and Policy to review applications for Federal assistance, environmental impact statements, cooperative agreements between State agencies, and cooperative agreements between State and Federal agencies. The Mississippi Clearinghouse functions at the State, regional, and metropolitan levels. Applications for Federal assistance are reviewed in accordance with the procedures established in the Office of Management and Budget's revised Circular A-95.

- A. **AUTHORIZING ORDER:** Executive Order No. 335, August 25, 1980
- B. **TITLE OF REGULATION:** Office of Management and Budget (OMB) revised Circular A-95
- C. **SUMMARY OF A-95 NOTIFICATION AND REVIEW PROCEDURE:**
 - 1. **Applicability:** All applications for Federal assistance.
 - 2. **General Requirements:** The applicant must notify the State and regional clearinghouse of the intent to apply for Federal funds.
 - 3. **Submission Requirements:** The notice of intent should be submitted on Standard Form 424. This is the form for both the State and regional clearinghouse.
 - 4. **Procedure for Obtaining Approval:**
 - a. **Time Requirements:** The applicant should submit Standard Form 424 60 to 90 days prior to application to a Federal agency.
 - b. **Receipt of Notification:** The State Clearinghouse logs the notification and assigns the project a State Application Identifier (SAI), also known as the State ID number. The SAI should be used as a reference in any correspondence concerning the project. The State Clearinghouse notifies the applicant of the assigned SAI and also notifies the regional clearinghouse and, when applicable, the metropolitan clearinghouse.

c. Review of Notification (30 to 60 days)

- The State Clearinghouse forwards a copy of the weekly log, which is a summary of projects received, to the appropriate State agencies. (Appropriate State agencies have been pre-determined by mutual agreement between State agencies and the State Clearinghouse.)
- A response form is forwarded to relevant agencies by the State Clearinghouse.
- The State agency reviews the project to determine possible duplication, applicability and compatibility with area plans, and overall feasibility with State plans and objectives.
- The State agency returns the response form to the State Clearinghouse, checking the appropriate block.
- The State Clearinghouse responds accordingly:
 - If additional information is requested, the State Clearinghouse is responsible for securing the information and returning it to the State agency with a new response form. (60 days maximum review)
 - If the information supplied is unsatisfactory and a conflict still seems to exist, the State Clearinghouse is responsible for chairing a conference to try and resolve the conflict. (60 days maximum review)
 - If no additional information is requested and no conflicts arise, the State Clearinghouse continues to process the notification. (30 days maximum review)

d. Final Processing of Notification: After all response forms have been received and possible conflicts, if any, resolved, the State Clearinghouse forwards its final comments to the applicant and a copy to the regional clearinghouse and, when applicable, the metropolitan clearinghouse.

e. Applicant Action: The applicant receives either a sign-off letter from the State Clearinghouse or a letter recommending revision of the proposal. The applicant is required to submit the comments of the State Clearinghouse, regional clearinghouse, and, when applicable, the metropolitan clearinghouse with the application when forwarded to the appropriate Federal agency.

5. Notification of Award: Upon receipt of the disposition of the application by the Federal agency, the State Clearinghouse, acting as the reception agency under Treasury Directive No. 1, notifies all interested parties through the Grant Information Dissemination System (GIDS).

6. Fees: None

7. Appeals: The Clearinghouse can organize overview meetings attended by applicants and representatives of agencies to review appeals to the A-95 decision.

D. ADMINISTERING AGENCY: Department of Planning and Policy
1304 Walter Sillers Building
500 High Street
Jackson, MS 39202
(601) 354-7018

CHAPTER 2.2

CONSOLIDATED PERMIT PROGRAM

INTRODUCTION: The State of Mississippi does not have a one-stop permit agency at this time. There is no State equivalent of the National Environmental Policy Act. Presently, however, the Department of Economic Development is in the early stages of discussing the possibility of establishing a central information office where permit applicants may determine State agency regulatory requirements for a particular development activity.

SECTION 3.0

RESOURCE EXTRACTION

CHAPTER 3.1

ENERGY RESOURCES

3.1.1 OIL AND GAS

INTRODUCTION: The State Oil and Gas Board was established in Mississippi to promote the development, production, and utilization of oil and gas resources; to protect all interests against waste in production; to protect and enforce the coequal and correlative rights of owners in a common pool of oil and gas; and to administer and enforce all statutes, rules, and regulations pertaining to oil and gas conservation and development.

A. NAMES OF PERMITS:

1. Permit to Drill, Workover, or Change Operator
2. Notice of Intention to Plug and Abandon
3. Operator's Certificate of Compliance and Authorization to Transport Oil or Gas from Drilling Unit
4. Permit to Use Earthen Pit

B. **AUTHORIZING STATUTE:** Mississippi Oil and Gas Laws (Mississippi Code, 1972, Sections 53-1-1 through 53-3-165)

C. **TITLE OF REGULATION:** Statewide Rules and Regulations, Order No. 201-51

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** Construction and operation of all facilities for the exploration or production of oil or gas; the transportation of oil or gas in navigable waters.

2. **General Requirements:** Prior to starting a regulated activity, all persons must obtain a permit from the Board.

3. Submission Requirements:

a. Applicants must submit an Application for Permit to Drill, Workover, or Change Operator, Form No. 2, accompanied by a plat prepared by a certified engineer prior to:

- drilling any well in search of oil or gas,
- drilling a stratigraphic test well or any well below the freshwater level (other than an oil or gas well or a saltwater disposal well), and
- reworking an abandoned well or a saltwater disposal well.

b. Within 30 days of well completion, applicants must submit a Well Completion or Recompletion Report and Well Log, Form No. 3, and/or an Application for Multiple Completion, Form 6-a-IOCC P-3, prior to putting a well into operation.

c. Applicants must submit a Notice of Intention to Plug and Abandon, Form No. 6, prior to plugging or abandoning a well.

d. Applicants must submit an Operator's Certificate of Compliance and Authorization to Transport Oil or Gas from Drilling Unit, Form 8-IOCC P-17, prior to transporting oil or gas from any drilling unit.

e. Applicants must submit an Application for Earthen Pit, Form 18, prior to operating, constructing, or reconstructing any pit.

f. All applications must also be accompanied by an Organization Report, Form 1-IOCC, a bond covering the operation, and the required fees.

4. Procedure for Obtaining a Permit: Upon receipt of a completed application or within 30 days after the required notice and hearings for an application, the Board will issue a permit if the application complies with all applicable rules and regulations of the Board.

5. Notice and Hearing Requirements: Upon receiving a completed application, the Board will publish notice of such application. Interested or affected parties may submit written comments on the application and/or request a public hearing. Upon receiving such a request, the Board will promptly hold a hearing, after giving a 10-day notice of such hearing. The Board will take final action on the application within 30 days after the hearing is held.

6. Operation Requirements: Operators must comply with all applicable requirements specified in the regulations concerning: spacing of wells, sealing of strata, production and use of surface casing, blow-out preventers, deviation tests, fire hazards, fires, leaks and blowouts, wellhead connections, separators, chokes, testing equipment and methods, transfer systems, well logs, plugging procedures, report of shooting or treating, abandonment procedures, rate and means of production, producers' monthly reports, well status reports, gas-oil ratios, taker's reports, bottom-hole pressure tests, fluid injection reports, transporter's and stress reports, refiner's reports, and records.

7. Appeals: Any person aggrieved by a decision of the Board may, within 30 days, appeal such decision to the circuit court of Hinds County or to the circuit court where the well is located.

8. Fees:

- a. Application for permit to drill: \$200
- b. Application for permit to change operator: \$50
- c. Application to drill a saltwater disposal well: \$50
- d. Application to rework a well: \$50

E. ADMINISTERING AGENCY: State Oil and Gas Board of Mississippi
1405 Woolfolk State Office Building
501 North West Street
Jackson, MS 39201
(601) 354-7104

3.1.2 COAL

INTRODUCTION: The purpose of the Mississippi Surface Coal Mining Regulations is to provide primary jurisdiction for the State over the surface mining of coal, as allowed by the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87). These regulations were adopted by the Mississippi Commission of Natural Resources on April 10, 1980, and approved by the U.S. Department of the Interior on September 4, 1980. They establish general and specific guidelines for the exploration and surface mining of coal and reclamation of land impacted by surface and underground mining of coal.

The Bureau of Geology within the Department of Natural Resources (DNR) has the responsibility for regulating these activities in the State. Prior to engaging in coal exploration activities, all persons must either file a notice of intent to explore with the Bureau, or obtain a permit to conduct exploration activities from the Bureau. Prior to engaging in surface coal mining and reclamation activities, all persons must obtain a surface mining permit from the Bureau.

In addition to these major regulatory requirements, depending on the location, nature, and magnitude of the proposed activities, prospective mine operators may also be required to obtain the following permits, licenses, and approvals:

- a blaster's certificate from the Bureau,
- a right-of-way, easement, or permit for a coal haul road from the Bureau,
- approval from the Mine Safety and Health Administration,
- a flood plain development permit (See Chapter 4.3 of this guide),
- a water allocation permit (See Chapter 4.4.1 of this guide),
- dam construction authorization (See Chapter 4.4.3 of this guide)
- air quality permits (See Chapter 5.1 of this guide),
- water quality permits (See Chapter 5.2 of this guide),
- solid waste permits (See Chapter 5.4 of this guide),
- hazardous waste permits (See Chapter 5.5 of this guide),

- wetlands permits (See Chapter 6.3 of this guide), and
- compliance with local zoning ordinances (See Chapter 7.1 of this guide).

Prospective mine operators should contact the Bureau for clarification of regulatory requirements and procedures. Present policies may change as the Federal Office of Surface Mining (OSM) revises Federal regulations.

A. NAMES OF PERMITS:

1. Surface Mining Permit
2. Notice of Intent to Explore (less than 250 tons)
3. Permit to Conduct Exploration Activities (more than 250 tons)

B. AUTHORIZING STATUTE: Mississippi Surface Coal Mining and Reclamation Act of 1979 (Mississippi Code, 1972, Sections 53-9-1 et seq.)

C. TITLE OF REGULATION: Mississippi Surface Coal Mining Regulations

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** All coal mining activities on non-Indian or non-Federal lands in the State, except where the extraction of coal is incidental to government-financed highway or other construction.

2. **General Requirements:**

a. All persons who intend to conduct coal exploration activities during which less than 250 tons of coal will be removed must file a written notice of intention to explore with the Bureau prior to exploration.

b. All persons who intend to conduct coal exploration activities during which more than 250 tons of coal will be removed must obtain written approval from the Bureau prior to exploration.

c. All persons seeking to engage in surface or underground coal mining and reclamation activities must first obtain a permit for those operations.

d. All persons presently conducting coal mining and reclamation operations under a previously issued permit may continue these activities in compliance with all terms and conditions of the permit and must apply for a renewal of the permit at least 120 days prior to the expiration date of the permit.

e. All persons extracting coal incidental to government-financed highway or other construction when more than 250 tons of coal is extracted or more than 2 acres of land is affected must, at the site, maintain documents showing:

- a description of the construction project;
- the exact location of construction, right-of-way, or boundaries of the area which will be directly affected by the construction; and
- the government agency providing the financing and the type and amount of financing provided.

3. Submission Requirements:

a. For coal exploration activities during which less than 250 tons of coal will be extracted, applicants must file a Notice of Intent to Explore, Form MRS-11A, which includes:

- the name(s) and address(es) of the person(s) seeking to explore and/or responsible for the exploration activities,
- a description and map of the exploration area,
- a statement describing the intended period of exploration, and
- a description of the methods to be used to protect the environment from adverse impacts of the exploration.

b. For coal exploration activities during which more than 250 tons of coal will be extracted, applicants must submit an Application for Approval to Expore, Form MRS-11, which includes:

- the name(s) and address(es) of the person(s) seeking to explore and/or responsible for the exploration activities,
- an exploration and reclamation operations plan;
- a description and map of the proposed exploration area,
- a description of the methods of exploration and reclamation,
- an estimated timetable for each phase of the exploration and reclamation operations, and

- an estimate of the amounts of coal to be removed.
- c. For coal mining activities, applicants must file an Application for Surface Mining Permit, Form MRS-12, which must include:
- all required legal, financial and compliance information;
 - all required information on environmental resources of the proposed area, including:
 - a description of hydrology and geology,
 - alternate water supply information,
 - vegetation information,
 - fish and wildlife resources information,
 - soil resources information,
 - land use information, and
 - boundary maps;
 - an operations and reclamation plan, including:
 - a description of the type and method of mining procedures and techniques,
 - a description of existing structures,
 - a blasting plan,
 - maps showing lands which will be affected,
 - an air pollution control plan,
 - a fish and wildlife plan,
 - a revegetation plan,
 - a water quality control plan,
 - a plan for postmining land uses,
 - a plan for water diversions,
 - a plan for protection of public parks and historic places,
 - a plan for relocation or use of public roads,
 - a plan for disposal of excess soil, and
 - a plan for transportation facilities.

(See Sections 178 through 180 of the regulations for a more detailed description of requirements for surface mining permit applications and Sections 182 through 184 for underground mining permit applications.)

4. Notice and Hearing Requirements:

a. Applications for coal exploration where more than 250 tons of coal will be extracted: The applicant must post public notice of the application upon filing the application with the Bureau. Any interested or affected party may submit written comments to the Bureau.

b. Applications for coal mining permits: Applicants must publish notice of applications in a newspaper of general circulation in the locality of the proposed mining activity for 4 consecutive weeks, beginning at the time the application is filed with the Bureau. The Bureau must issue written notification of the application to appropriate Federal, State, and local agencies. Any interested or affected party may, within 30 days after the last publication of the notice, file written objections and/or request that an informal conference be held on the application. If an informal conference is requested, one will be held within "a reasonable time", allowing a 2-week notification of the conference.

5. Procedure for Obtaining a Permit:

a. Coal Exploration Activities (More than 250 tons removed): Upon receipt of a completed application, the Bureau will act upon the application within "a reasonable period of time". Applications will be approved if the applicant has demonstrated that the exploration and reclamation described in the application:

- will be conducted in accordance with all applicable provisions of the Act and regulations;
- will not jeopardize the continued existence or critical habitat of an endangered or threatened species; and
- will not adversely affect important cultural or historic resources.

b. Coal Mining Permits: Upon receiving a completed application, the Bureau will review the application, all written comments submitted, and all records of any informal conferences which may have been held. If an application, in all respects, complies with all requirements of the Act and regulations, the Bureau will approve an application within "a reasonable time," or within 60 days after the close of an informal conference. (See Part 4 of this Chapter) After an application is approved, but before a permit is issued, the applicant must file the required performance bond with the Bureau. Each permit will be issued for a fixed term specified in the permit not to exceed 5 years. Permits may be revised, renewed, and transferred only upon application and approval by the Bureau.

6. Operation Requirements:

a. The permittee must begin permitted operations within 3 years of the issuance of the permit, or the permit will terminate.

b. Permittees must maintain and make available for inspection all required records and monitoring results.

c. Each permit or approval issued by the Bureau will contain terms and conditions to ensure compliance with all applicable standard requirements specified in the Act and regulations to ensure the protection against adverse impacts to public health and safety and to the environment. All operations must be conducted so as to comply with all of these terms and conditions.

7. Fees:

a. Permit application fee: \$500 plus \$10 per acre

b. Permit revision fee: \$500

c. Permit renewal fee: \$500 plus \$10 per each additional acre beyond existing permit boundaries

d. Permit transfer fee: \$500

8. Appeals: Persons aggrieved by a final decision of the Bureau may, within 20 days, appeal such decision to the appropriate chancery court.

9. Special Notes:

a. Certain areas are designated as "Lands Unsuitable for Mining" and are excluded from mining. These include:

- lands within the boundaries of the National Park System, National Wildlife Refuge System, National System of Trails, National Wilderness Preservation System, Wild and Scenic Rivers System, and National Recreation Areas designated by act of Congress;
- any Federal lands within the boundaries of any national forest, unless there are no significant recreational, timber, economic, or other values which may be incompatible;
- any lands which will affect any place included on or eligible for listing in the National Register of Historic Places;
- lands within 100 feet of the outside right-of-way of any public road;

- lands within 300 feet of any occupied dwelling, public or private; and
- land within 100 feet of a cemetery.

b. It is possible for a waiver to be secured through petition to have the designation "Lands Unsuitable for Mining" removed, and coal exploration activities may be conducted in these areas if the activities comply with all applicable guidelines established in the regulations.

E. ADMINISTERING AGENCY: Bureau of Geology
Mississippi Department of Natural
Resources
P.O. Box 5348
Jackson, MS 39216
(601) 354-6228

CHAPTER 3.2

SURFACE MINING

INTRODUCTION: The Bureau of Geology and Energy Resources within the Mississippi Department of Natural Resources has responsibility for regulating surface mining activities and underground mining activities with surface effects in the State. The Bureau has jurisdiction over the mining of coal and lignite (see Chapter 3.1.2) as well as bentonite, dolomite, phosphate, sand, gravel, soil, clay, sand clay, clay gravel, limestone, chalk, and stone.

The Mississippi Surface Mining and Reclamation Act of 1977 was enacted to minimize the injurious effects of mining on the environment by requiring the reclamation of mined lands. Under the authority of the Act, all persons engaged in surface mining operations in the State (other than coal) must obtain a permit from the Bureau.

- A. **NAME OF PERMIT:** Surface Mining Permit
- B. **AUTHORIZING STATUTE:** Mississippi Surface Mining and Reclamation Act of 1977 (Mississippi Code, 1972, Section 53-7-1 et seq.)
- C. **TITLE OF REGULATION:** Mississippi Surface Mining and Reclamation Act of 1977, Rules and Regulations
- D. **SUMMARY OF PERMIT PROCESS:**
1. **Applicability:**
 - a. All surface mining operations (other than coal) in the State.
 - b. The provisions of the Act and the Rules and Regulations do not apply to:
 - mining operations for any materials prior to April 15, 1978;
 - mining operations for Class II materials affecting less than 4 acres of land and that are located more than 1,320 feet from any surface mine (Class I or Class II, permitted or exempt) which is in operation or becomes abandoned on or after April 15, 1978, provided, however, that the operator notifies the Bureau of the commencement, expansion, or resumption of any such exempt operations; or

- excavations made by a landowner for his own noncommercial use, where the materials removed do not exceed 1,000 cubic yards per year and 1 acre or less of land is affected.

2. General Requirements:

a. Prior to engaging in an exempt activity, all persons must file an Organization Report, Form MRS-1, and a Notification of Exempt Operations, Form MRS-9, with the Bureau.

b. Prior to engaging in a non-exempt activity, all persons must file an Organization Report, Form MRS-1, and obtain a surface mining permit from the Bureau.

3. Submission Requirements:

a. Applicants must submit an Application for Surface Mining Permit, Form MRS-3 which must include the following:

- name of applicant and mining operation;
- type of application: Class I or II, determined by the material being mined (see Special Notes, below);
- material to be mined;
- method of operation and mining procedure;
- location of operation and proof of legal right to mine;
- information regarding other permits;
- appropriate maps, engineering drawings, and/or aerial photographs;
- an environmental description of the land being mined;
- a mine plan;
- a reclamation plan;
- plans for final closing; and
- a performance bond and certificate of insurance.

4. Procedure for Obtaining a Permit:

a. Prior to the commencement, expansion, or resumption of an operation, the applicant must file the appropriate application form with the Bureau.

b. Upon receiving a complete Class II application, the Bureau will issue a temporary permit (45-day term) effective from the filing date.

c. Upon receiving either a complete Class I or Class II application, the Bureau will:

- file a copy of each application with the appropriate chancery court,
- submit copies to State agencies whose jurisdiction the mining operation may affect (see Rule 205(B)),
- notify the applicant if any part of the proposed operation lies within an area already designated as unsuitable for mining,
- cause an initial site inspection to be made in accordance with the rules and regulations (See Rule 209), and
- begin a review and processing of the application.

d. The Bureau will approve a Class I or Class II application if it determines the application complies with the requirements of the Act, the rules and regulations of the Bureau, and all applicable State and Federal laws. The Bureau may approve a permit conditioned upon the approval by other agencies of all additional State permits or licenses which may be required of the applicant. A permit is valid for 5 years. Should an operator want to renew his permit for another term, he must submit an application for permit renewal at least 6 months prior to the expiration date of the permit.

5. Notice and Hearing Requirements:

a. Any agency or person reviewing a copy of a Class I or Class II application may, within 30 days, submit written comments to the Bureau. A public hearing is required for Class I applications, and the Bureau must give a 30-day notice of such hearing.

b. For Class II applications, there is a 45-day review period following the issuance of a temporary permit. If approved, the permit will become permanent. If the Bureau objects to the application and proposed operation, the operator has 30 days to comply with these objections or request a hearing, which must be held if the operator so requests.

6. Operation Requirements:

a. Each operator who holds a Class I or Class II permit must file an annual Certificate of Compliance, Form MRS-5, with the Bureau.

b. During mining and until the bond is released after reclamation, each permittee must post signs at points of access and comply with all other applicable provisions of the Act and the rules and regulations.

c. Permits may be transferred only upon application to and approval by the Bureau.

7. Fees: (Fees are subject to change by the Bureau.)

a. Application fee: \$150 plus \$10 per acre, or
\$100 plus \$10 per acre,
depending upon type of material mined, not to exceed
a total of \$500

b. Permit renewal fee: \$75, or
\$50,
depending upon type of material mined

c. Certificate of compliance fee: \$25

d. Permit transfer fee: \$50

e. Fee for copy of application: \$10

f. Amendment fee: \$150 (when a hearing is required)
\$ 50 (without a hearing)

8. Appeals: Persons aggrieved by a decision of the Bureau may, within 20 days, appeal such decision to the appropriate chancery court.

9. Special Notes:

a. Some areas are designated as "Lands Unsuitable for Surface Mining" and must be excluded from mining. These include: national forests, wildlife refuges, State parks, areas on the National Register of Historic Places, known archeological sites, and most other State- or Federally-owned lands. The following areas are also excluded:

- land within 300 feet of an occupied dwelling,
- land within 100 feet of a public road, and
- land within 100 feet of a cemetery.

b. A waiver may be secured through petition to have the designation of "Lands Unsuitable for Surface Mining" removed.

c. Class I materials include bentonite, dolomite, and phosphate, although the last 2 have never been mined in the State. Class II materials include sand, gravel, soil, clay, limestone, chalk, and stone.

E. ADMINISTERING AGENCY: Bureau of Geology
Mississippi Department of Natural
Resources
P.O. Box 5348
Jackson, MS 39216
(601) 354-6228

SECTION 4.0
LAND USE REGULATION

CHAPTER 4.1

MAJOR FACILITY SITING

INTRODUCTION: The Mississippi Public Utilities Act of 1956 authorizes the Public Service Commission of Mississippi to regulate the construction, extension, and operation of major utilities supplying either gas, electricity, or water to the public. Utilities are required to provide "reasonably adequate" service to the inhabitants of the State. Prior to the construction or extension of public utilities, they must obtain a certificate of public convenience and necessity from the Commission.

A. **NAME OF APPROVAL:** Certificate of Public Convenience and Necessity

B. **AUTHORIZING STATUTE:** Public Utilities Act of 1956 (Mississippi Code, 1972, Section 77-3-5 et seq.)

C. **TITLE OF REGULATIONS:**

1. Rules of Practice and Procedure of the Public Service Commission
2. Rules and Regulations Governing Public Utility Service

D. **SUMMARY OF CERTIFICATION PROCESS:**

1. **Applicability:** Manufacture, construction, extension, or operation of all utilities that render service to the public for compensation. Facilities for the production and gathering of natural gas or liquified petroleum gas are exempt from the provisions of the Act and regulations.

2. **General Requirements:** Prior to starting a regulated activity, all utilities must obtain a certificate of public convenience and necessity from the Commission.

3. **Submission Requirements:** Applicants should contact the Chief Engineer of the Commission for substantive and procedural filing requirements. Generally, the type and location of the proposed utility must be described and accompanied with appropriate maps and legal descriptions. These requirements vary with the utility and with the nature and size of the project.

4. **Procedure for Obtaining a Certificate:** Applicants must submit a complete application approximately 2 weeks prior to the monthly docket day of the Commission. Following the required notice and hearing procedures, the Commission will make a decision on the application and issue a final order. The order takes effect within 20 days of issuance.

5. Notice and Hearing Requirements:

a. Upon receiving a completed application, the Commission will post a public notice of a hearing to be held on the application. This notice must be published at least 20 days prior to the hearing date. All interested or affected parties may comment on the application. The Commission will make a final determination on the application following the close of the hearing record. Depending upon the nature and extent of the proposed project, the entire hearings process may take from 1 day to 2 or 3 months.

b. The following activities are exempt from the notice and hearing requirements:

- extensions of or additions to facilities within the corporate limits of a municipality,
- extensions of or additions to facilities where 2 or more utilities operate in the same municipality, and
- temporary acts or operations for which the Commission determines a hearing is not necessary.

6. Operation Requirements: All regulated utilities must be operated to comply with the Act and with all Commission rules and regulations, including the submission of construction reports, forecasts, and accident reports; the maintenance of utility service and facility quality and adequacy; and adherence to special regulations governing specific utilities.

7. Fees: None

8. Appeals: Any person aggrieved by a final decision of the Commission may, within 20 days, appeal such decision to the appropriate chancery court.

E. ADMINISTERING AGENCY: Utilities Division
Mississippi Public Service
Commission
Walter Sillers Building
500 High Street
Jackson, MS 39202
(601) 354-7265

CHAPTER 4.2

LAND USE

INTRODUCTION: The State of Mississippi has no State land use legislation. Local governments are permitted to adopt and enforce land use legislation locally.

CHAPTER 4.3

FLOOD PLAIN MANAGEMENT

INTRODUCTION: Four State agencies have flood plain management responsibilities in Mississippi. The State Commission of Budget and Accounting is required to purchase flood insurance for State-owned buildings and to adopt flood plain management criteria applicable to the construction of State buildings in flood plain areas. Under the direction of the Commission, the State Highway Department and the State Building Commission are delegated the authority to act as State Administrators to administer and enforce the State flood plain management regulations adopted by the Commission.

The Building Commission is required to compile an inventory of all State-owned buildings in flood plain areas and to administer and enforce the regulations as they apply to all State-owned development except for roads and bridges. The Highway Department has the authority to administer and enforce the regulations as they apply to State-owned roads and bridges.

The Mississippi Research and Development Center has the responsibility to coordinate research efforts to obtain the exact base flood elevation information for any particular site from the Federal Insurance and Hazard Mitigation Office and the U.S. Army Corps of Engineers. The Center also provides technical assistance and training to municipalities located in flood hazard areas as they adopt flood plain ordinances and regulations necessary to gain eligibility in the National Flood Insurance Program (NFIP).

- A. NAME OF PERMIT: Development Permit
- B. AUTHORIZING STATUTE: An Act Authorizing the Budget and Accounting Commission to Purchase Flood Insurance for State-Owned Buildings (Mississippi Code, 1972, Section 29-13-1 et seq.)
- C. TITLE OF REGULATION: Flood Plain Management Regulations for the State of Mississippi
- D. SUMMARY OF PERMIT PROCESS:

1. Applicability: The location, extension, conversion, or alteration of any State-owned building, structure, or real estate located in an area within the flood plains of the State and subject to the guidelines established by the Federal Insurance and Hazard Mitigation Office. (These guidelines exclude flood plain areas with a drainage area less than or equal to 1 square mile, or which never exceed 200 feet in width at any point.)

2. **General Requirements:** Prior to initiating or undertaking any development activity all persons, including State agencies, must apply for and obtain a development permit from the appropriate State Administrator.

3. **Submission Requirements:** Applications must be submitted in writing to the appropriate State Administrator and consist of an assessment of the proposed development, including an explanation of why the activity is proposed and must be located in a flood plain, and a description of alternative sites considered and why they were rejected. The applicant should also submit a complete description of the development, including plans and specifications as the State Administrator deems necessary for adequate review. Development plans and specifications must comply with all protective measures specified in the regulations.

4. **Procedure for Obtaining a Permit:** Upon receiving a request for a development permit, the State Administrator reviews the application to determine that all alternatives to locating the development in a flood plain have been considered and that all required flood protective measures have been met. When prior approval is required from other State and/or Federal agencies, the State Administrator also ensures that all necessary permits are obtained. Following review of the application, the State Administrator issues a development permit, issues a development permit with specific conditions, or denies the permit, stipulating the reasons for denial.

5. **Permittee Requirements:** All development must comply with all plans, specifications, and conditions stipulated in the permit and with all protective measures, standards, and requirements of the regulations.

6. **State Administrator Requirements:**

a. When a development permit is approved for a proposal that includes building construction, the State Administrator must ensure that all required engineering certifications are obtained.

b. Prior to any alteration or relocation of a watercourse, the State Administrator must notify State municipalities and counties, the State Research and Development Center, and adjacent States which could be affected, and submit evidence of such notification to the Federal Insurance and Hazard Mitigation Office. The State Administrator also must ensure that maintenance is provided within the altered or relocated portion of the watercourse so that the capacity to carry the waters of the base flood is not diminished.

c. The State Administrator is responsible for maintaining all required certification and permit records.

7. Fees: None

8. Variances: Variances from the requirements of the regulations may be granted upon application to and approval by the State Commission of Budget and Accounting. Variances will only be issued when the Commission determines that there is good and sufficient cause for granting the variance, that failure to grant it would result in exceptional hardship to the applicant, and that the granting of a variance will not result in increased threats to public safety and property.

9. Appeals: Persons aggrieved by the decision of the State Administrator may appeal to the State Commission of Budget and Accounting. Persons aggrieved by a decision of the State Commission of Budget and Accounting may appeal to the appropriate chancery court.

E. ADMINISTERING AGENCIES: State Commission of Budget and Accounting
301 Walter Sillers Building
500 High Street
Jackson, MS 39202
(601) 354-6079

State Building Commission
1501 Walter Sillers Building
500 High Street
Jackson, MS 39202
(601) 354-6326

State Highway Department
1004 Woolfolk State Office Building
501 North West Street
Jackson, MS 39201
(601) 354-7142

Mississippi Research and Development Center
3825 Ridgewood Road
P.O. Drawer 2470
Jackson, MS 39205
(601) 982-6456

CHAPTER 4.4

DAM AND WATER RESOURCES MANAGEMENT

INTRODUCTION: Generally, it is State policy in Mississippi to require all water resources to be put to beneficial use to the fullest extent possible and to require dams to be constructed and maintained in a manner which will safeguard life and property.

The Mississippi Department of Natural Resources (DNR), through the Bureau of Land and Water Resources, regulates the use of surface waters by administering the "prior appropriation doctrine" in the State. (See Mississippi Code, 1972, Section 51-4-1 et seq.) Permits are required prior to using the surface waters of the State.

The Bureau has also been granted authority to create "Capacity Use Areas" and to regulate groundwater use in areas so designated. (See Mississippi Code, 1972, Section 54-4-1 et seq.) Presently, no areas have been designated as "Capacity Use Areas." Persons engaging in the business of drilling water wells must obtain a well drillers' license. After a "Capacity Use Area" is designated, a permit to drill a well producing in excess of 50,000 gallons per day may also be required.

Written authorization from the Bureau is also required for persons proposing to construct or alter dams at a location where the drainage area of the dam exceeds 50 acres.

4.4.1 SURFACE WATER

- A. NAME OF PERMIT: Water Allocation Permit
- B. AUTHORIZING STATUTE: Water Rights Act (Mississippi Code, 1972, Section 51-3-1 et seq.)
- C. TITLE OF REGULATION: Surfaces Waters--Regulation and Control (Water Rights Act)
- D. SUMMARY OF PERMIT PROCESS:
1. Applicability: All uses of surface waters with the exception of "domestic uses" as defined in the Act.
 2. General Requirements: Prior to using the surface waters of the State, all persons must obtain a permit from the Bureau.
 3. Submission Requirements: Applications must be submitted on standard forms provided by the Bureau. The application must also be accompanied by a map showing the proposed points of diversion and places of use.
 4. Procedure for Obtaining a Permit: Applications must be submitted to the Bureau prior to using water. The priority date for the water right is determined by the date the application is received. Applications are reviewed at the regular bimonthly meeting of the Bureau. If no protests are filed, a permit is issued. Permits may be transferred by the Bureau upon request by the parties involved.
 5. Notice and Hearing Requirements: Notice of applications must be published in a local newspaper. Any adversely affected party may submit written protests within 10 days, and hearings will be held on any protested application.
 6. Permittee Requirements: To perfect the water right, water must be put to the beneficial use specified in the permit. Permittees must comply with reporting requirements specified as part of the process of perfecting the water right. Water must actually be used within 3 years or the water right may be forfeited. Extensions of this nonuse period may be granted for good cause.
 7. Fees: Application fee of \$3, plus the expense of 1 publication of notice.
 8. Appeals: Any person aggrieved by a decision of the Bureau may, within 60 days, appeal such decision to the circuit court of the county where the point of diversion exists.

9. Special Notes: "Minimum streamflows" may not be authorized for appropriation by the DNR.

E. ADMINISTERING AGENCY: Bureau of Land and Water Resources
Mississippi Department of Natural
Resources
P.O. Box 10631
Jackson, MS 39209
(601) 961-5202

4.4.2 GROUNDWATER USE

- A. NAME OF PERMIT: Groundwater Use Permit for Capacity Use Areas
- B. AUTHORIZING STATUTE: Groundwater Management Act (Mississippi Code, 1972, Section 51-4-1 et seq.)
- C. TITLE OF REGULATION: At this time, no regulations have been adopted.
- D. SUMMARY OF PERMIT PROCESS:
 - 1. Applicability: All uses of groundwater in excess of 50,000 gallons per day in areas which have been designated as "Capacity Use Areas" as defined in the Act.
 - 2. General Requirements: After a "Capacity Use Area" has been created, permits for wells producing in excess of 50,000 gallons per day may be required. Until an area is so designated, no permits are required.
 - 3. Submission Requirements: After a "Capacity Use Area" is designated, plans will be developed which should influence the design of the application form and applications will have to be submitted on these standard forms.
 - 4. Procedure for Obtaining a Permit: When permits are required, applications will be reviewed and processed at the regular bimonthly meeting of the Bureau. Groundwater use permits will normally be granted for a period of 10 years unless more time is required to amortize an investment. Permits may be transferred and renewed only upon approval by the Bureau.
 - 5. Notice and Hearing Requirements: When permits are required, notices must be published that provide a 15-day period in which persons adversely affected may file a protest. If a protest is filed, a public hearing must be held within 30 days after a protest is filed.
 - 6. User Requirements: All persons who use groundwater in excess of 50,000 gallons per day whether or not they are in a "Capacity Use Area" may be required to file monthly reports of such water use.
 - 7. Fees: None
 - 8. Appeals: Any person aggrieved by a decision of the Bureau may, within 60 days, appeal such decision to the appropriate circuit court.

9. Special Notes: A well driller's license is required by a drilling contractor. A record of the well must be reported by the driller. The owner of the well has no responsibility under this provision.

E. ADMINISTERING AGENCY: Bureau of Land and Water Resources
Mississippi Department of Natural
Resources
P.O. Box 10631
Jackson, MS 39209
(601) 961-5202

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

4.4.3 DAM CONSTRUCTION

- A. NAME OF APPROVAL: Dam Construction Authorization
- B. AUTHORIZING STATUTE: Dam Safety Act (Mississippi Code, 1972, Section 51-3-39 et seq.)
- C. TITLE OF REGULATION: No regulations have been adopted. Regulatory procedures are included in the Act.
- D. SUMMARY OF PERMIT PROCESS:
1. Applicability: Construction or alteration of a dam at a location where the drainage area exceeds 50 acres. (Those dams having exempted size drainage area must comply if lives or property are endangered.)
 2. General Requirements: Prior to starting a regulated activity, all persons must obtain written authorization from the Bureau.
 3. Submission Requirements: Applications must be made on forms provided by the Bureau. In some cases, engineering plans must be submitted. (Generally, this is required when the dam may be a potential hazard to downstream lives or property.)
 4. Procedure for Obtaining Authorization: The law provides for much flexibility, principally determined by the location of a proposed dam and, less so, by size. Applicants must comply with provisions of the "Water Rights Act" to obtain a valid right to store water.
 5. Operation Requirements: If a dam is classified as a "high hazard" dam, even when constructed to approved standards, it will usually be monitored and operators may be required to file reports. The Bureau has the responsibility and authority to inspect any dam that could be a hazard to downstream lives or property and to obtain remedial action as required.
 6. Fees: None
 7. Appeals: Any person aggrieved by a decision of the Bureau may, within 60 days, appeal such decision to the appropriate circuit court.
- E. ADMINISTERING AGENCY: Bureau of Land and Water Resources
Mississippi Department of Natural Resources
P.O. Box 10631
Jackson, MS 39209
(601) 961-5202

CHAPTER 5.1

AIR QUALITY

INTRODUCTION: The air pollution control regulations in Mississippi were adopted pursuant to the Mississippi Air and Water Pollution Control Law and the Federal Clean Air Act to protect the air quality of the State.

A permit is required from the Bureau of Pollution Control for the construction and operation of sources emitting air contaminants. The Bureau has also adopted ambient air quality standards and source emissions standards.

A. NAMES OF PERMITS:

1. Permit to Construct Air Emission Equipment
2. Permit to Operate Air Emission Equipment

B. AUTHORIZING STATUTES:

1. Mississippi Air and Water Pollution Control Law (Mississippi Code, 1972, Sections 49-17-1 through 49-17-43)
2. An Act Creating the Department of Natural Resources (Mississippi Code, 1972, Sections 49-2-1 through 49-2-21)

C. TITLE OF REGULATIONS:

1. Air Quality Regulations, Regulation APC-S-1
2. Regulations for the Construction and/or Operation of Air Emission Equipment, Regulation APC-S-2
3. Regulations for the Prevention of Emergency Episodes, Regulation APC-S-3

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** Construction and operation of all sources emitting air contaminants.

2. General Requirements:

a. All persons operating sources emitting air contaminants must hold a permit to operate air emission equipment.

b. All persons proposing to construct or modify a source of air emissions must receive a permit to construct air emission equipment.

c. All persons operating sources emitting in excess of 0.25 ton per day total air contaminants must submit an emissions reduction schedule. If one is not submitted, the Bureau will set a schedule.

d. Prior to setting fires for recognized agricultural and/or forestry practices, all persons must contact the Forestry Commission's dispatcher in the county where the burning is to be done to obtain a verbal permit (See APC-S-1 Section 3.7)

3. **Submission Requirements:** Applications for permits must be submitted on forms provided by the Bureau of Pollution Control. Applications must include engineering data necessary to define emission rates, type of process, and stack parameters. The Bureau may require additional information to ensure compliance with all applicable State and Federal regulations.

4. **Procedure for Obtaining a Permit:**

a. Prior to the construction or modification of new or existing sources, an applicant must apply to the Bureau for a permit to construct air emission equipment. Upon receipt of a completed application, the Bureau will, within 6 months, approve, deny, or conditionally approve a permit.

b. Upon completion of construction and/or prior to the operation of new or existing sources, the applicant must apply to the Bureau for a permit to operate air emission equipment. Upon receipt of a completed application, the Bureau will, within 6 months, approve, deny, or conditionally approve a permit.

c. All permits are issued contingent upon compliance with emissions standards and criteria specified in the regulations.

5. **Operation Requirements:**

a. A permit may specify emission limits, methods of operation, operation and maintenance requirements, testing, self-monitoring, and reporting requirements. Conditions are tailored individually and the permittee must comply with these conditions.

b. In the case of an air pollution episode, the operator of the source must reduce source emissions according to the emissions reduction schedule.

c. In the case of open burning, the verbal permit issued by the dispatcher will state the time period during which burning may be done that day. (The time period is based upon the air quality criteria (stagnation index) as determined and furnished each morning by the U.S. Weather Bureau.) During periods of extreme danger of forest fire, the Forestry Commission may cease to issue permits.

6. Notice and Hearing Requirements: As specified in the regulations, the Bureau is required to give public notice of certain permits. Public hearings may be held at the discretion of the Bureau when significant comments, requests, or public interest exists.

7. Fees: None

8. Appeals: Persons aggrieved by a decision of the Bureau may, within 30 days, appeal that decision to the Mississippi Pollution Control Permit Board within the Bureau.

9. Special Notes:

a. The procedure for open burning was established in 1975 through a cooperative agreement between the Forestry Commission and the Bureau of Pollution Control.

b. The contingency regulation controlling emergency episodes was adopted in 1972. Since the regulation was adopted, no industry has been required to implement its emergency emissions reduction plan.

c. Under its State Implementation Plan (SIP), Mississippi has set 1982 as the date for the Laurel non-attainment area to meet primary National Ambient Air Quality Standards (NAAQS). The rest of the State is currently meeting these standards. No date has been set to meet secondary standards.

E. SUMMARY OF AIR EMISSIONS STANDARDS AND CRITERIA:

1. Applicability: All sources emitting air contaminants.

2. General Standards and Requirements:

a. Emission standards criteria for air pollutant emissions are established in the regulations. Permits are issued based on these criteria.

b. The regulations incorporate into the State standards, the National Ambient Air Quality Standards. The standards set the maximum permissible concentrations of air contaminants and are used in judging air quality to determine necessary controls.

3. **Submission Requirements:** Results of testing and continuous monitoring must be submitted to the Bureau. Notification of physical and operational changes and excess emission must also be made to the Bureau.

4. **Operation Requirements:** Emissions from all sources of air contaminants must be monitored. Performance standards for new stationary sources are specified in the regulations. All stationary sources must meet permit requirements.

F. **ADMINISTERING AGENCY:** Bureau of Pollution Control
Mississippi Department of Natural
Resources
P.O. Box 10385
Jackson, MS 39209
(601) 961-5171

CHAPTER 5.2

WATER QUALITY STANDARDS AND REGULATIONS

INTRODUCTION: The water pollution control laws and regulations of the State of Mississippi are generally broad and all-encompassing. The basic tool of implementation is the permitting process, which includes a State water quality permit or a National Pollutant Discharge Elimination System (NPDES) permit. Both are issued by the State Bureau of Pollution Control. Federal water-quality standards promulgated by the U.S. Environmental Protection Agency (EPA) have been adopted by the State.

A. NAMES OF PERMITS:

1. NPDES Permit
2. State Water Quality Permit

B. AUTHORIZING STATUTES:

1. Mississippi Air and Water Pollution Control Law (Mississippi Code, 1972, Sections 49-17-1 through 49-17-43)
2. An Act Creating the Department of Natural Resources (Mississippi Code, 1972, Sections 49-2-1 through to 49-2-21)

C. TITLE OF REGULATION: State of Mississippi National Pollutant Discharge Elimination System (NPDES) Wastewater Permit, Regulation MPC 3-74

D. SUMMARY OF PERMIT PROCESS:

1. Applicability:

a. All discharges or proposed discharges of wastes into the waters of the State.

b. The operation or proposed operation of a treatment works from which no discharge occurs.

2. General Requirements:

a. Prior to discharging wastes into the waters of the State, all persons must apply for and obtain an NPDES permit from the Bureau.

b. Prior to operating a treatment works from which no discharge occurs, all persons must apply for and obtain a State water quality permit from the Bureau.

3. **Submission Requirements:** Applications for permits must be made on forms provided by the Bureau. Applications must specify the name and address of the owner; describe the project location, process used, waste characterization, and all treatment works; and include any other information deemed appropriate by the Bureau.

4. **Procedure for Obtaining a Permit:** A person proposing a waste discharge or proposing to operate a treatment works must apply for a permit at least 180 days prior to the commencement of the regulated activity. Persons currently discharging wastes or operating treatment works must "promptly" apply for a permit. On receipt of a completed application, the Bureau will make a preliminary determination of the application and develop a draft permit based upon this determination. The draft permit will be forwarded to the applicant for comment and, in the case of an NPDES permit, to the Regional Administrator of the U.S. EPA. Following the review of the draft permit and the public participation requirements (see Notice and Hearing Requirements) the Bureau will issue, deny, or modify and then issue the permit. State or NPDES permits are valid for a period not to exceed 5 years. A person who wishes to continue a regulated activity must, within 180 days prior to the expiration date of the permit, apply for reissuance.

5. **Notice and Hearing Requirements:** On receipt of a completed application for a permit, the Bureau will post or publish a public notice of the application. Within 30 days of this notice, interested parties may submit written comments or file a petition for a public hearing to the Bureau. If the Bureau determines there is significant public interest, a hearing will be scheduled within 4 to 8 weeks. The hearing date will be published at least 30 days prior to the hearing.

6. **Permittee Requirements:**

a. The permittee is required to operate all treatment works at their maximum expected efficiency at all times.

b. The permittee must comply with all monitoring, record keeping, and other requirements specified by the Bureau and in the regulations. The permittee must also conform to all terms and conditions specified in the permit.

c. Any process modification which results in an increased discharge of pollutants must be reported to the Bureau for approval.

7. **Fees:** None

8. Appeals: Any person aggrieved by a decision of the Bureau may, within 30 days, appeal such decision to the Mississippi Pollution Control Permit Board within the Bureau.

E. SUMMARY OF WATER QUALITY STANDARDS:

1. Applicability: All discharges into the waters of the State.

2. General Standards and Requirements: The State has adopted the Federal effluent standards and limitations promulgated by the U.S. EPA pursuant to the Federal Clean Water Act.

3. Operation Requirements: All facilities must comply with all standards of performance, effluent limitations, pretreatment standards, and schedules of compliance.

F. ADMINISTERING AGENCY: Bureau of Pollution Control
Mississippi Department of Natural
Resources
P.O. Box 10385
Jackson, MS 39209
(601) 961-5171

CHAPTER 5.3

PUBLIC WATER SUPPLY

INTRODUCTION: The Mississippi Safe Drinking Water Law of 1976 was enacted to implement the Federal Safe Drinking Water Act of 1974 and to protect public health in the State. Generally, the law places the responsibility for meeting the primary drinking water standards on the owner of the water supply and enforcement authority on the Mississippi State Board of Health.

Mississippi has been granted primary jurisdiction over the regulation of public water supplies as allowed by the Federal Safe Drinking Water Act of 1974.

A. **NAME OF PERMIT:** No permit is required. Plans and specifications, however, must be approved in writing by the Board of Health.

B. **AUTHORIZING STATUTE:** Mississippi Safe Drinking Water Law of 1976 (Mississippi Code, 1972, Sections 41-26-1 through 41-26-21)

C. **TITLE OF REGULATION:**

Mississippi Board of Health
Environmental Regulations
Division 300: Water Supply
Part 301: Public Water Systems

D. **SUMMARY OF APPROVAL PROCESS:**

1. **Applicability:**

a. All public water systems within the State of Mississippi, EXCEPT those systems which:

- consist only of distribution and storage facilities and do not have collection and treatment facilities,
- obtain all water from, and are currently owned or operated by a regulated public water system,
- do not sell water to any person, or
- are not carriers which convey passengers in interstate commerce.

2. **General Requirements:** Prior to the construction, extension, or alteration of a public water system (new or existing), plans and specifications must be approved by the Mississippi State Board of Health.

3. **Submission Requirements:** Engineering plans and specifications must be submitted for construction, extensions, or alterations and must contain information that will enable the Mississippi Board of Health to determine whether the site and design of the proposed construction or modification will enable the system to comply with the requirements and standards set by the regulations.

4. **Procedure for Obtaining Approval:** Plans and specifications must be submitted prior to construction. Although no formal permit is required, such plans and specifications must be approved in writing before the applicant can commence construction. The Board will approve such plans and specifications if the proposed construction will enable the system to comply with all standards and requirements.

5. **Operation Requirements:**

a. Facilities must be operated in such a manner that all water furnished to the users meets all applicable physical, chemical, microbiological, and radiological standards and requirements specified in the regulations.

b. Physical, chemical, microbiological, and radiological analyses of water supplies must be made in the frequency prescribed by the regulations and in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water", published by the American Public Health Association and the American Water Works Association. Within 40 days following the completion of such analyses, the supplier must report the results to the State Board of Health.

c. Each supplier of water must retain records of operation and testing and make such records available to the State Board of Health as required in the regulations.

d. Variances and exemptions from meeting certain requirements may be granted to facilities for reasons specified in the regulations. To gain such variance or exemption, application must be made to the State Board of Health.

6. **Notice and Hearing Requirements:**

a. The supplier of water for a community water system must notify the persons served by the system for the following reasons:

- failure to comply with an applicable monitoring requirement,

- the granting of a variance or exemption, and/or
- failure to comply with the requirements of a schedule prescribed pursuant to a variance or exemption.

b. Prior to the issuance of a variance or exemption, the State Board of Health will give notice and opportunity for public hearing on the variance or exemption.

7. Fees: None

8. Appeals: Persons aggrieved by a decision of the State Board of Health may, within 15 days, appeal to the appropriate chancery court.

E. ADMINISTERING AGENCY: Division of Water Quality
Mississippi State Board of Health
P.O. Box 1700
Jackson, MS 39205
(601) 354-6616

CHAPTER 5.4

SOLID WASTE MANAGEMENT

INTRODUCTION: The Mississippi Solid Waste Disposal Law of 1974 was enacted to allow the State to address and manage the problems created by solid and hazardous (see Chapter 5.5) waste disposal. The Act was later amended to implement the Federal Resource Conservation and Recovery Act (RCRA) in the State. The Mississippi State Board of Health regulations and guidelines were adopted to achieve the intent and fulfill the requirements of the Mississippi Solid Waste Disposal Law of 1974.

Permits are required for the construction and operation of solid waste management facilities.

A. NAMES OF PERMITS:

1. Site Approval
2. Construction Permit
3. Operating Permit

B. AUTHORIZING STATUTE: Solid Waste Disposal Law of 1974 (Mississippi Code, 1972, Sections 17-17-1 through 17-17-47)

C. TITLE OF REGULATION:

Mississippi State Board of Health
Environmental Regulations
Division 400: Solid Waste Management
Part 401: Solid Waste Regulations

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** The construction and/or operation of any facility for the collection, transportation, processing, or disposal of any solid waste or sludge. A person disposing of nonhazardous solid waste from his own household or business upon his own land is exempt from these regulations, provided such disposal does not create a public health hazard or nuisance condition. Persons transporting their own solid wastes are also exempt from the transportation regulations.

2. **General Requirements:** All persons planning to construct or modify a solid waste management facility must file an application with the Bureau of Environmental Health for site approval, and must apply for and receive a construction permit or a modification to an existing permit, as applicable. Upon completion of construction, an operating permit must be obtained.

3. **Submission Requirements:** Applications for permits must be submitted on forms provided by the Board of Health and must specify operational conditions such as site location, hydrological and geological conditions, content and quantity of waste, manner in which the facility will be operated, and the ultimate disposition of the waste. The Board of Health may require additional information to ensure compliance with all applicable regulations.

4. **Procedure for Obtaining a Permit:** The applicant must first submit the designated form for site approval to the Board of Health for review. Upon approval of a site, plans and specifications for facility design and operation should be submitted to the Board with an application for a construction permit, at least 90 days before construction is scheduled to begin. When construction is completed, the applicant must certify in writing that the construction was in accordance with all specified design features and permit requirements. Within 10 days of receipt of this certification, the Board of Health makes an inspection of the facility. If the facility is found to be constructed per design specifications, an operating permit is issued within 15 days.

5. **Operation Requirements:** Facilities must be operated as specified in the Solid Waste Regulations. The regulations outline the requirements for sanitary landfills, solid waste processing facilities, incinerators, composting plants, and transfer stations. They also outline storage, monitoring, land farming, and land disposal requirements.

6. **Notice and Hearing Requirements:** A notice of intent will be placed in a local newspaper stating that an application for a construction permit has been received. A public hearing will be held by the Board if enough public interest is shown.

7. **Fees:** None

8. **Appeals:** Persons aggrieved by the final decision of the State Board of Health may, within 15 days, appeal to the appropriate chancery court.

9. **Special Notes:** Legislation passed during the 1981 legislative season has transferred these solid waste regulatory functions to the Mississippi Department of Natural Resources, effective July 1, 1981.

E. ADMINISTERING AGENCY: Division of Solid Waste Management
Mississippi State Board of Health
P.O. Box 1700
Jackson, MS 39205
(601) 982-6317

Transferred to: Solid/Hazardous Waste Division
Bureau of Pollution Control
Mississippi Department of Natural
Resources
P. O. Box 10385
Jackson, MS 39209
(601) 961-5171

CHAPTER 5.5

HAZARDOUS WASTE MANAGEMENT

INTRODUCTION: The Solid Waste Disposal Law of 1974 was enacted to allow the State to address and manage the problems of solid and hazardous waste disposal. The law was later amended to implement the Federal Resource Conservation and Recovery Act (RCRA) in the State. In compliance with the State legislation, hazardous waste regulations were adopted by the Mississippi State Board of Health to provide for the proper management of all hazardous waste in Mississippi from its generation to its final disposition.

- A. **NAME OF PERMIT:** Hazardous Waste Management Permit
- B. **AUTHORIZING STATUTE:** Solid Waste Disposal Law of 1974 (Mississippi Code, 1972, Sections 17-17-1 through 17-17-47)
- C. **TITLE OF REGULATION:**
Mississippi State Board of Health
Environmental Regulations
Division 300: Solid Waste Management
Part 402: Hazardous Waste Regulations
- D. **SUMMARY OF PERMIT PROCESS:**
1. **Applicability:** The operation and modification of existing hazardous waste facilities and the construction of new storage, transportation, disposal, or treatment facilities.
 2. **General Requirements:** Any person who conducts or who proposes to conduct an activity for which a permit is required must complete and submit a hazardous waste permit application to the Director of the Mississippi State Board of Health prior to starting the activity.
 3. **Submission Requirements:** A hazardous waste permit application consists of 2 parts, Part A and Part B.
 - a. Part A includes information regarding site location, physical status of the facility (whether existing, undergoing modification, or planned), techniques used at the facility, capacity of the facility, and type and quantity of wastes to be handled. A scale drawing and photographs (if possible) of the facility are also required.

b. Part B includes a general description of the facility; results of chemical and physical analyses of the wastes to be handled; a description of security procedures and equipment; a copy of the required contingency plan for emergencies; and a description of the procedures, structures, and/or equipment used at the facility to prevent leaks, spills, accidents, exposures, contamination, and to mitigate impacts of equipment failure.

c. Additional information may be required by the Board as needed to ensure compliance with applicable and/or pending regulations.

4. Procedure for Obtaining a Permit:

a. Owners/operators of new hazardous waste management facilities must submit both Part A and Part B of the application to the State Board of Health at least 180 days before physical construction is scheduled to commence.

b. All generators, transporters, and owners/operators of existing facilities must notify the U.S. EPA through the Solid Waste Management Board Office as specified in Section 3010 of the Resource Conservation and Recovery Act (RCRA) and submit an application for a permit as required in the regulations.

c. The Director will then review applications and issue, reissue, refuse, modify, or revoke the permit application according to the standards and requirements specified in Part 402 of the regulations.

d. Hazardous waste permits are valid for a fixed term not to exceed 10 years. Any permittee who wishes to continue a regulated activity after the expiration date of a permit must apply for and obtain a new permit.

5. Operation Requirements: All facilities must be operated in compliance with the standards and requirements specified in Part 402 of the State regulations and in applicable Federal regulations. All generators, transporters, and owners/operators of hazardous waste facilities must comply with the manifest system of record-keeping and reporting and all monitoring and maintenance requirements.

6. Notice and Hearing Requirements: When the Board has reason to believe that a violation of any provision of the regulations has occurred, the alleged violator will receive a written notice to appear at a hearing. Notices will also be placed in a newspaper of local distribution. Hearings will determine findings of fact regarding the violation in question. The State Board of Health will then issue a final order of determination on the alleged violation.

7. Fees: None

8. Appeals: Any person aggrieved by a final decision of the Board may, within 15 days, appeal such decision to the appropriate chancery court.

9. Special Notes: The effective date of the above regulations was November 19, 1980. Legislation passed during the 1981 legislative season has transferred the functions of the Mississippi State Board of Health to the Department of Natural Resources, effective July 1, 1981.

E. ADMINISTERING AGENCY: Division of Solid Waste Management
Mississippi State Board of Health
P.O. Box 1700
Jackson, MS 39205
(601) 982-6317

Transferred to: Solid/Hazardous Waste Division
Bureau of Pollution Control
Mississippi Department of Natural
Resources
P. O. Box 10385
Jackson, MS 39209
(601) 961-5171

CHAPTER 5.6

NOISE REGULATIONS

INTRODUCTION: The State of Mississippi has no legislation authorizing the regulation and control of noise.

SECTION 6.0
SOCIAL/ECOLOGICAL PRESERVATION

CHAPTER 6.1

RARE AND ENDANGERED SPECIES

INTRODUCTION: The Nongame and Endangered Species Conservation Act was passed to manage and protect the species of wildlife and fish included in the United States List of Endangered Fish and Wildlife (50 C.F.R. 17) which are found in Mississippi.

The Mississippi Game and Fish Commission, pursuant to the requirements of the Act, has adopted an official State list of endangered or threatened vertebrates.

An endangered species is defined by the Commission as a species which is in danger of extinction throughout all or a significant portion of its range in the State due to:

- destruction, drastic modification, or severe curtailment of habitat;
- its over-utilization for commercial or sporting purposes;
- effect of disease or pollution; or
- other natural or man-made factors.

A threatened species is defined by the Commission as a species which may become an endangered species within the foreseeable future in all or a significant portion of its range in the State due to the above 4 criteria.

No species listed as threatened or endangered may be collected or sold without approval from the Commission. The Commission will not issue a permit for the collection of these species unless there are extenuating circumstances or sufficient justification for their collection. This will be done only after consultation with U.S. Fish and Wildlife personnel.

A. **NAME OF PERMIT:** Scientific Collecting Permit

B. **AUTHORIZING STATUTE:** The Nongame and Endangered Species Conservation Act, 1974 (Mississippi Code, 1972, Sections 49-5-101 through 49-5-119)

C. **TITLE OF REGULATION:** Public Notice No. 1916

D. **SUMMARY OF PERMIT PROCESS:**

1. **Applicability:** The taking, possession, transportation, exportation, sale, or shipment of nongame fish or wildlife deemed by the Commission to be in need of management.

2. General Requirements:

a. No person may sell or offer for sale any endangered species.

b. No person may take or possess any endangered species without a scientific collecting permit.

c. No person may sell, offer for sale, take or possess a threatened species without a scientific collecting permit.

3. Submission Requirements:

a. Applications for scientific collecting permits must be made on forms provided by the Commission and include:

- the name, address, and profession of the applicant;
- if the applicant is a student, the name of the academic advisor or instructor;
- the name of the agency or institution the species will be collected for;
- a description of the species to be collected and research objectives of such collection;
- the permit number of any required Federal permits; and
- a description of the methods to be used in collection and the location where the collection is to take place.

4. Procedure for Obtaining a Permit: The issuance of the scientific collecting permit is made when the Commission feels that the proposed collection or research will contribute to the accomplishment of the mandate in Title 49 of the Mississippi Code (and cumulative supplements), concerning the laws relating to game and nongame animals:

The Commission shall conduct investigations on non-game wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully.

5. Permittee Requirements:

a. All wildlife, including fish, collected under the permit will be considered a natural resource of the State of Mississippi. Animals collected under the auspices of the permit must be handled humanely. Live, uninjured, and unimpaired specimens which may be expected to survive must be returned to the vicinity of capture when no longer required. Animals that die or are purposefully preserved must be maintained in a scientifically acceptable fashion in a study/research collection or offered to a museum. The permit is issued to encourage meaningful study and to discourage the loss of valuable specimens and information. Collection of any animal considered to be rare in Mississippi is discouraged except when such collecting is to enhance scientific knowledge of that species.

b. The issuance of a permit does NOT authorize:

- trespass by the permittee;
- the use of electrical gear, chemicals or firearms;
- the taking of migratory birds, nests and eggs; or
- any act in violation of 16 U.S.C. 1531 through 1534 -- The Endangered Species Act of 1973.

6. Fees: None

7. Appeals: No appeals process is available to the applicant. The decision of the Commission is final.

E. ADMINISTERING AGENCY: Game and Fish Commission
Bureau of Fisheries and Wildlife
Mississippi Department of Wildlife
Conservation
Southport Mall
P.O. Box 451
Jackson, MS 39205
(601) 961-5300

CHAPTER 6.2

ARCHEOLOGICAL AND HISTORICAL

INTRODUCTION: The Antiquities Law of Mississippi was enacted to locate, protect, and preserve sites, objects, buildings, shipwrecks, and locations of historical, archeological, educational, or scientific interest in the State of Mississippi.

The Mississippi Department of Archives and History (MDAH) has the responsibility and authority to administer the provisions of this Act. All activities which may affect sites, objects, buildings, and artifacts of historical or archeological interest need the prior approval of the MDAH.

The MDAH also administers review and compliance responsibilities under the National Historic Preservation Act (16 U.S.C. 470).

A. **NAME OF PERMIT:** Permit to Alter, Demolish, or Transfer Property of Historical, Archeological, Educational, or Scientific Interest

B. **AUTHORIZING STATUTE:** Antiquities Law of Mississippi, 1970 (Mississippi Code, 1972, Section 39-7)

C. **TITLE OF REGULATION:** Procedures for the Implementation of the Mississippi Antiquities Law

D. **SUMMARY OF PERMIT PROCESS:**

1. **Applicability:** All construction activities on State, county, or municipal lands or water which may affect sites, objects, buildings, shipwrecks, and locations of historical, archeological, educational, or scientific interest.

2. **General Requirements:** Prior to starting a regulated activity, written approval from the MDAH is required.

3. **Submission Requirements:**

a. Applications for permits must be made on standard forms provided by the MDAH and include:

- a description of the activity,
- a map indicating its precise location,
- snapshots of any pre-1945 buildings or structures on or adjacent to the project sites, and

- a statement indicating how the buildings or structures will be affected.

4. Procedure for Obtaining a Permit: Applicants must file a notice of intent and an application form with the MDAH which will review the notice and application and advise the applicant in writing of its findings.

5. Notice and Hearing Requirements: On receipt of the written notice of intent and application, the MDAH may require public notice for 3 weeks and/or a public hearing, after which a permit may be issued.

6. Permittee Requirements: If the permit is issued, the plans to alter, demolish, or transfer the property must be in accordance with requirements and conditions specified in the permit.

7. Fees: None

8. Appeals: If the MDAH declines to issue a permit, the applicant may appeal, and the appeal will be presented to either the Mississippi Historic Preservation Professional Review Board or to the Board of Trustees of the MDAH for final action.

9. Special Notes: The MDAH should be contacted prior to all Federal, federally-assisted, and federally-licensed or permitted activities. A "Request for Cultural Resource Assessment" form is required and may be obtained from the MDAH.

E. ADMINISTERING AGENCY: Department of Archives and History
100 State Street
Jackson, MS 39205
(601) 354-6218

CHAPTER 6.3

WETLANDS

INTRODUCTION: Coastal wetlands in Mississippi are regulated under the authority of the Coastal Wetlands Law and are included within the jurisdiction and responsibility of the Department of Wildlife Conservation's Bureau of Marine Resources. (See Chapter 6.4 of this guide)

Activities that may affect wetlands in the State must comply with the water-quality standards and requirements of the Department of Natural Resources' Bureau of Pollution Control and the U.S. Army Corps of Engineers' requirements for Section 404 permits.

A. **NAME OF PERMIT:** U.S. Army Corps of Engineers 404 Permit

B. **AUTHORIZING STATUTES:**

1. Mississippi Air and Water Pollution Control Law (Mississippi Code, 1972, Sections 49-17-1 through 49-17-43)

2. An Act Creating the Department of Natural Resources (Mississippi Code, 1972, Sections 49-2-1 through 49-2-21)

C. **TITLE OF REGULATION:** U.S. Army Corps of Engineers Dredge and Fill requirements under Public Law 95-217, Sec. 401(a)(1)

D. **SUMMARY OF PERMIT PROCESS:**

1. **Applicability:** Dredge and fill activities in wetlands areas.

2. **General Requirements:** All persons must comply with surface water quality standards and requirements for dredge and fill activities in wetlands areas. State certification is required from the Bureau of Pollution Control for activities requiring a Corps permit.

3. **Submission Requirements:** Applicants must submit a complete certification application to the Bureau and a copy of the application submitted to the Corps of Engineers for a 404 permit.

4. Procedure for Obtaining a Permit: Comments from the general public are received by the Bureau within the 30-day period after the date of issuance of the Corps of Engineers' public notice of the project. The Bureau will normally submit its certification or comments to the Corps of Engineers and the applicant within 30 days after the close of the public notice and review period. Corps review and processing time is approximately 3 months. A permit is issued after approval by all review agencies.

5. Notice and Hearing Requirements: Notice to the general public is provided by means of a public notice issued jointly by the Bureau of Pollution Control and the Corps of Engineers. Requests for a public hearing on a project may be made to the Bureau and/or the Corps.

6. Permittee Requirements: The permittee must comply with conditions established in the 404 permit which are partially determined through the certification process.

7. Fees: None are required by the State.

8. Appeals: If an application is rejected, the applicant appeals directly to the agencies commenting negatively on the application or to the Corps.

E. ADMINISTERING AGENCY: Bureau of Pollution Control
Mississippi Department of Natural
Resources
P.O. Box 10385
Jackson, MS 39209
(601) 961-5160

Federal Counterpart:

U.S. Army Corps of Engineers
McRaven Road
Jackson, MS 39209
(601) 922-1675

CHAPTER 6.4

COASTAL ZONE MANAGEMENT

INTRODUCTION: The Mississippi Coastal Wetlands Protection Law establishes the public policy of preserving coastal wetlands in their natural state, except where an alteration of a specific coastal wetland serves a higher public interest. To carry out this policy, a permitting and compliance review procedure is authorized by the law.

Decisions on permits under this law are governed by 2 major regulatory tools:

- the wetlands use plan which designates the types of activities that are allowable in specific coastal wetlands areas; and
- a set of guidelines that describe how activities affecting coastal wetlands should be conducted to minimize adverse impacts.

The Mississippi Commission on Wildlife Conservation (MCWC) is responsible for implementing the law. This law is now part of the Mississippi Coastal Program. In carrying out its responsibilities for implementing the Program, the MCWC acts through the Bureau of Marine Resources (BMR).

A. **NAME OF PERMIT:** Permit to Alter Coastal Wetlands

B. **AUTHORIZING STATUTES:**

1. Coastal Wetlands Protection Law, 1973
(Mississippi Code, 1972, Sections 49-27-1 through 49-27-69)
2. Mississippi Marine Resources Council (now BMR) Enabling Legislation, 1970, (Mississippi Code, 1972, Sections 57-15-15-1 through 57-15-17)

C. **TITLE OF REGULATION:** Mississippi Coastal Program, Chapter 8: Rules, Regulations, Guidelines, and Procedures

D. **SUMMARY OF PERMIT PROCESS:**

1. **Applicability:**

a. The dredging, excavating, or removing of soil, mud, sand, gravel, flora, fauna, or aggregate of any kind from any coastal wetlands;

b. The dumping, filling, or depositing of any soil, stones, sand, gravel, mud, or garbage on or in any coastal wetlands;

c. The killing or materially damaging of any flora or fauna on or in any coastal wetlands;

d. The erection on coastal wetlands of structures which materially affect the ebb and flow of the tide; and

e. The erection of any structure or structures on suitable sites for water dependent industry.

f. Exemptions: Certain agencies, areas, and activities are not required to secure permits to conduct regulated activities in coastal wetlands. However, those activities excluded from permits must nonetheless be conducted in compliance with the State's wetlands protection policy. (See Mississippi Code, 1972, Section 49-27-7)

2. General Requirements: Prior to starting a regulated activity, all persons must secure a permit from the BMR.

3. Submission Requirements: Applications must be submitted on forms provided by the BMR and include information describing the proposed activity; the location, cost, and purpose of the project; the public benefits and extent of public use of the project; the measures to be taken to reduce detrimental impacts; and the expected completion date of the project. Applications must also include an environmental assessment of the proposed activities.

4. Procedure for Obtaining a Permit:

a. The application is a joint application form for the purposes of the Bureau of Marine Resources, Bureau of Pollution Control, and U.S. Army Corps of Engineers. The application is reviewed for completion; once it has been determined that the application is complete, it is forwarded to the Department of Planning and Policy for State consistency review under A-95 review procedures. (See Chapter 2.1 of this guide.)

b. Multiple regulated activities associated with the same project are to be included in 1 permit application.

c. The MCWC will approve or deny the application based upon all reviews, consistency findings, rules, and guidelines.

5. **Permittee Requirements:** Permits are conditioned on an individual basis. Upon issuance of a permit, the permittee must agree to these conditions. If he agrees to the conditions and proceeds otherwise, then the permit may be revoked, and the permittee will be in violation of the law.

6. **Notice and Hearing Requirements:** Within 60 days from the receipt of a completed application, the BMR will have a legal public notice published in a local newspaper once a week for 3 weeks. If written objections are filed or if the applicant requests a hearing, a hearing will be held within 20 days.

7. **Fees:**

a. Application fee: \$10

b. Publication fee: \$35

8. **Special Notes:** Fishing licenses for commercial shrimping and oystering are issued on a yearly basis. However, the specific seasons are opened and closed by the Bureau of Marine Resources.

E. **ADMINISTERING AGENCY:** Bureau of Marine Resources
Mississippi Department of Wildlife
Conservation
P.O. Drawer 959
Long Beach, MS 39560
(601) 864-4602

SECTION 7.0
LOCAL REGULATORY POLICY

CHAPTER 7.1

LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

INTRODUCTION: Municipalities and counties are granted broad regulatory powers to promote the health, safety, and general welfare of communities. Title 17 of the Mississippi Code, 1972, containing "Provisions Common to Counties and Municipalities", enables local governing authorities, acting independently or jointly, to develop comprehensive plans and to zone, subdivide, and regulate the type, use, and location of buildings, structures and open spaces. Provision is made for the creation of planning commissions, engineering departments and advisory committees.

- A. **AUTHORIZING STATUTE:** Zoning, Planning and Subdivision Regulation (Mississippi Code, 1972, Sections 17-1-1 through 17-1-37)
- B. **TITLE AND SUMMARY OF REGULATION:** Local jurisdictions adopt their own ordinances and regulations, and must be contacted directly for regulatory requirements. No regulation, restriction, or boundary may become effective until a public hearing is held. Local jurisdictions are prohibited from requiring permits for farm structures or other uses of agricultural land outside the corporate limits of municipalities.
- C. **ADMINISTERING AGENCY:** Contact the appropriate county or municipal governing authority.