



DELBERT HOSEMANN  
Secretary of State

**ECONOMIC IMPACT STATEMENT**

**An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. An Economic Impact Statement must be attached to this Form and address the factors below. A PDF document containing this executed Form and the Economic Impact Statement must be filed with any proposed rule, if required by the aforementioned statute.**

AGENCY NAME The Mississippi Department of Environmental Quality	CONTACT PERSON Ted Lampton	TELEPHONE NUMBER 601-961-5573
ADDRESS P.O. Box 2261	CITY Jackson	STATE MS
EMAIL Ted_Lampton@deq.state.ms.us	DESCRIPTIVE TITLE OF PROPOSED RULE 11 Miss. Admin. Code Pt. 1, Ch. 1 ("Commission Regulations regarding the Delegation of Authority from the Mississippi Commission on Environmental Quality to the Executive Director of the Mississippi Department of Environmental Quality")	
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. § 49-2-9(1)(b) (Rev. 2012).	Reference to Rules repealed, amended or suspended by the Proposed Rule: 11 Miss. Admin. Code Pt. 1, Ch. 1	

SIGNATURE //s// <i>Ted Lampton</i>	TITLE Ted Lampton, Senior Attorney, Mississippi Department of Environmental Quality
DATE 8/27/15	PROPOSED EFFECTIVE DATE OF RULE 30 days from filing final regulation

1. Describe the need for the proposed action:

This proposed amendment allows for further delegation of the Commission on Environmental Quality's authority to the Executive Director of the Mississippi Department of Environmental Quality, where the law permits. This allows the Executive Director or his designees, in the applicable circumstances, to make decisions, issue Orders, etc. on behalf of the Commission. This is needed to further a more efficient process by which the Commission, through the Executive Director, can make decisions and enforce the laws it has been tasked with enforcing.

This proposed rule also provides clarification of the Executive Director's authority to issue Orders under circumstances prescribed by Mississippi Surface Coal Mining and Reclamation Law, Miss. Code Ann. §53-9-69(1)(b). This is needed to further explain the Executive Director's authority in regards to this law; to clarify the extent of the Executive Director's delegated authority under the Mississippi Surface Coal Mining and Reclamation Law and under what circumstances the Executive Director may act upon such authority.

2. Describe the benefits which will likely accrue as the result of the proposed action:

This proposed amendment to the existing rule will further a more efficient process by which the Commission, through the Executive Director, can make decisions and enforce the laws it has been tasked with enforcing. This proposed amendment will benefit not only the Commission in allowing for further efficiency through delegation, but it will also benefit the public as a whole. A more efficient process allows for less of the taxpayer's dollars spent and it also allows for the Commission, through the Executive Director, to enforce environmental laws in a more efficient manner, allowing decisions to be made in an accelerated manner, which can benefit the public health and environment.

This proposed rule also provides clarification of the Executive Director's authority to issue Orders under circumstances prescribed by Mississippi Surface Coal Mining and Reclamation Law, Miss. Code Ann. §53-9-69(1)(b). Further clarity of the Executive Director's authority in regards to this law will benefit the public by letting them know what the Executive Director is legally able to do under the Mississippi Surface Coal Mining and Reclamation Law and under what circumstances the Executive Director may act upon such authority.

3. Describe the effect the proposed action will have on the public health, safety, and welfare:

This proposed amendment allows for the Commission, through the Executive Director, to enforce environmental laws in a more efficient manner, allowing decisions to be made in an accelerated manner, which can benefit the public health and environment.

4. Estimate the cost to the agency and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues:

The proposed amendment will not generate any additional costs to the agency, or to any other state or local government entities, and will not affect state or local revenues.

5. Estimate the cost or economic benefit to all persons directly affected by the proposed action:

This proposed amendment will not generate any additional costs to anyone affected by this amendment. If anything, it could potentially save taxpayer dollars by furthering a more efficient decision making process.

6. Provide an analysis of the impact of the proposed rule on small business:

The proposed amendment should result in a more efficient decision making process, by further delegating authority from the Commission to the Executive Director. Thus, this proposed amendment should not have any probable effect on small businesses other than to clarify authority the Commission is delegating, and the extent of authority delegated to the Executive Director.

a. Identify and estimate the number of small businesses subject to the proposed regulation:

This proposed amendment to the existing regulation will apply statewide. The effect, if any, of this proposed amendment on persons or businesses, is that it would allow for decision making to be made in a more timely fashion (Executive Director in lieu of the Commission).

- b. Provide the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record:

The adoption of the proposed amendment will not result in any reporting or recordkeeping costs and will not increase administrative costs beyond those costs currently associated with delegation of authority from the Commission to the Executive Director.

- c. State the probable effect on impacted small businesses:

The proposed amendment should result in a more efficient and streamlined decision making process for the Commission, through the Executive Director. Thus, there should be no probable effects on small businesses by making the decision making process more efficient, other than to provide clarification to such businesses, as well as the rest of the public, regarding the extent of authority delegated by the Commission to the Executive Director.

- d. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation including the following regulatory flexibility analysis:

The purpose of the amendment is to further an efficient decision making process by expanding delegation authority granted by the Commission to the Executive Director and clarifying the extent of authority so delegated. It is administrative in nature. No less intrusive or less costly alternative methods are known which would achieve the purpose of the proposed regulation. No reasonable alternative methods are known to exist which would achieve the purposes of the proposed rule.

- i. The establishment of less stringent compliance or reporting requirements for small businesses;

The proposed amendment governs the further delegation of authority from the Commission to the Executive Director and does not contain compliance or reporting requirements. No less intrusive or less costly alternative methods are known which would achieve the purpose of the proposed regulation.

- ii. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

The proposed amendment governs the further delegation of authority from the Commission to the Executive Director and does not contain compliance or reporting requirements. No less intrusive or less costly alternative methods are known which would achieve the purpose of the proposed regulation.

- iii. The consolidation or simplification of compliance or reporting requirements for small businesses;

The proposed amendment governs the further delegation of authority from the Commission to the Executive Director and does not contain compliance or reporting requirements. No less intrusive or less costly alternative methods are known which

would achieve the purpose of the proposed regulation.

- iv. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and

The proposed amendment is administrative in nature and would not impose design or operational standards. No less intrusive or less costly alternative methods are known which would achieve the purpose of the proposed regulation.

- v. The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations:

The proposed amendment is administrative in nature, no requirements are being made of small businesses, and thus, exemption of small businesses is not applicable. No less intrusive or less costly alternative methods are known which would achieve the purpose of the proposed regulation.

7. Compare the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule:

No additional costs are anticipated from the proposed amendment, and some small economic benefit is anticipated. Not adopting the amendment would likewise have no associated costs, but there would be no economic benefit (although minimal) either since the added delegations provided in the proposed amendment, would have potentially furthered the efficiency of decision making by the Commission, through the Executive Director.

8. Determine whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law:

No less costly methods or less intrusive methods are known to exist for achieving the purpose of the proposed amendment. No reasonable alternative methods are known to exist which would achieve the purposes of the proposed rule.

9. Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency:

No reasonable alternative methods are known to exist which would achieve the purposes of the proposed rule.

10. State reasons for rejecting alternative methods that were described in #9 above: N/A

11. Provide a detailed statement of the data and methodology used in making estimates required by this subsection:

Because there are no additional costs associated with the proposed Rule, no data was available and no methodology was required.