



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	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	DESCRIPTIVE TITLE OF PROPOSED RULE 11 Miss. Admin. Code Part 1, Chapter 2 ("Mississippi Commission on Environmental Quality Regulations Regarding the Review and Reproduction of Public Records")		
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	Reference to Rules repealed, amended or suspended by the Proposed Rule: 11 Miss.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. 2.		

SIGNATURE //s// <i>Ted Lampton</i>	TITLE Senior Attorney, Mississippi Department of Environmental Quality
DATE 08/27/15	PROPOSED EFFECTIVE DATE OF RULE 30 Days after final filing

1. Describe the need for the proposed action:

The purpose of the proposed amendment is to provide more consistency and efficiency in regards to public record requests. The proposed amendment is needed in order to provide clearer and more detailed rules to the public and to clarify the Mississippi Commission on Environmental Quality, the Mississippi Department of Environmental Quality, and the Mississippi Environmental Quality Permit Board's (whom are all collectively referred to as "Agency" in this document) regarding how the public can make requests and how the Agency handles public records requests.

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

The purpose of the proposed amendments to the existing rule is to comprehensively clarify the Agency's procedures on how members of the public can make public records requests of the Agency, and in turn, how the Agency handles or processes the request consistent with Miss. Code Ann. § 25-61-1 et seq. This proposed amendment will benefit the Agency and the public. This proposed amendment creates clear and specific rules regarding public records request, which will

allow the Agency to be more efficient and consistent in processing public record requests. This proposed amendment will also provide the public clearer rules on how to make a public request with the Agency.

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

This proposed rule will not affect the health, safety, and welfare of the public.

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:

There is no economic benefit of this proposed rule, except that the amendment promotes a more efficient and consistent process for the Agency and the public in regards to public records requests. This proposed amendment will not generate any required additional costs to anyone affected by this amendment. However, there is a potential additional cost regarding electronic copies. This proposed rule requires that a new device be brought in when the amount of electronic documents would be too large to send via e-mail to the requestor. If the requestor does not bring their own new electronic device they have the option of purchasing a new device from the Agency. When available, a requestor has the option of having electronic copies of the requested documents made. This is the only potential additional cost that persons directly affected by the proposed amendment could bear. It is based purely on the preference of the requestor regarding copying format of documents subject to the request. It is not a required cost, it is an optional cost; the cost is only implemented where a requestor chooses to have a large amount of documents copied electronically, requiring a storage device. Normal copy methods are always available instead of electronic copies.

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

The proposed amendment should result in a more efficient and consistent approach for handling and processing public records requests. The proposed amendment would apply statewide. It will have no probable effect on small businesses and other businesses that make public records requests of the Agency. This proposed rule does not require additional costs to be borne by the requestors than that which is allowed pursuant to Miss. Code Ann. § 25-61-1 et seq. Any potential additional cost is based solely on their preference of copying methods; the additional cost is optional based on the requestor's preferences. 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.

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

This proposed amendment will apply state-wide.

- 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 public record requests.

c. State the probable effect on impacted small businesses:

There are no additional costs required by this proposed rule; therefore, there is not probable effect on small businesses.

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 proposed amendments to the existing rule is to comprehensively clarify the Agency's procedures on how members of the public can make public records requests of the Agency, and in turn, how the Agency handles or processes the requests. 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;

This proposed amendment does not place compliance or reporting requirements on those it affects. Therefore less stringent compliance or reporting requirements are not applicable in the situation at hand.

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

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;

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

The proposed amendment does not place design or operational standards requirements on any businesses, small businesses or otherwise, therefore the establishment of performance standards for small businesses is not applicable in the situation at hand.

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

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:

The proposed amendment should result in a more efficient and consistent approach for handling and processing public records requests. There is no economic benefit of this proposed rule, except that the amendment promotes a more efficient and consistent process for the Agency and the public in regards to public records requests. This proposed rule does not require additional costs to be borne by the requestors than that which is allowed pursuant to Miss. Code Ann. § 25-61-1 et seq. Any potential additional cost is based solely on their preference of copying methods; the additional cost is optional based on the requestor's preferences. See Section 5 above.

If the proposed rule is not significantly amended or adopted the costs associated with public records requests will still be charged and borne by the requestor pursuant to the Agency's previous rule and Miss. Code Ann. § 25-61-1 et seq.

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 required additional costs proposed by this amendment, no data was available and no methodology was required.