



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

February 8, 2016

Honorable James M. Inhofe  
Chairman, Committee on Environment and Public Works  
United States Senate

Dear Chairman Inhofe:

I have received, and thank you for, your letter dated January 12, 2016, wherein you requested information regarding the impacts to the Mississippi Department of Environmental Quality (MDEQ) of the myriad of deadlines imposed by recent U.S. Environmental Protection Agency regulatory actions. It is important to note that when delegating authority to the State to manage programs under the federal environmental statutes, EPA retains oversight authority which it exercises through numerous grant requirements including activity quotas and extensive reporting requirements. A large percentage of MDEQ staff time is spent simply trying to comply with these administrative oversight requirements. EPA continues to expand those requirements, and thus the burden on MDEQ, without providing any additional funding. In fact, federal funding has decreased over time while the administrative burdens on the state continue to increase. Accordingly, states continue to be required to do more with less.

In regard to the Clean Air Act alone, recent EPA regulatory actions and changes have resulted in a convergence of deadlines that we anticipate will be difficult for us to manage. Just in the month of January 2016, MDEQ staff was charged with meeting deadlines for commenting on the "Clean Power Plan" (CPP) draft federal implementation plan, the "Exceptional Events" rule, and the revised Cross State Air Pollution Rule (CSAPR). Over the next six calendar years, MDEQ will have the daunting task of developing State Implementation Plan amendments (including attendant interim deadlines) to address the CPP, CSAPR and EPA's recent "SIP call" addressing the long-standing Startup, Shutdown and Malfunction (SSM) defense. The deadlines related to the CPP, CSAPR, and the SSM SIP call overlap (and in some respect conflict with) deadlines regarding compliance with regional haze rules, and the sulfur dioxide and ozone National Ambient Air Quality Standards. We estimate that complying with all of these deadlines will require the devotion, above and beyond what would otherwise be required to conduct core functions, of as many as eleven full time employees, in an agency of less than 425 total employees.

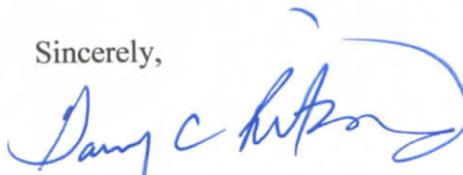
In addition to the Clean Air Act program, MDEQ is charged with administering various programs under the Clean Water Act, including the NPDES discharge permitting program, the

Section 319 non-point source pollution program, and the beach monitoring program, among others. MDEQ also manages the hazardous waste program under the Resource Conservation and Recovery Act and numerous state-level programs. With all of these delegated programs, EPA continues to impose additional grant workplan requirements, without any additional funding and often without being willing to negotiate the terms of those workplans.

With specific regard to your question regarding EPA's level of cooperation with States, I draw your attention to the CPP and the many statements by EPA officials that the plan provides "flexibility" to the states and that EPA collaborated with the States in developing the rule. Contrary to such statements, our experience with EPA during the development of the CPP was that they treated the states, who are ostensibly co-implementers of the Clean Air Act with EPA, no different from any other party who commented on the rule. When they conducted conference calls and other "collaborative" meetings with state regulators, such "collaboration" was perfunctory, with EPA failing, or refusing, to provide the most basic of information needed by the states to understand the proposed rule. Often EPA and the States are co-regulators in name only.

Thank you again for the opportunity to provide our perspective. If you require any additional information, please let us know.

Sincerely,



Gary C. Rikard  
Executive Director