The MDEQ Office of Land and Water Resources - Permitting, Certification and Compliance Division

OLWR PCCD is responsible for regulating the use of surface water and groundwater. The surface water and groundwater use regulations (11 Miss. Admin. Code Pt. 7 Ch. 1.) require that any person or entity proposing to use surface water or groundwater in the state of Mississippi must notify MDEQ and may be required to obtain written authorization and/or a permit.

Withdrawal Considerations:

1. The use of all new or existing withdrawals for cooling water purposes must be evaluated to ensure no significant impacts will occur to existing drinking water supplies. Please contact MDEQ, OWLR, PCCD prior to using existing withdrawals.
2. MDEQ should be contacted as soon as possible to discuss options if the use of groundwater for once-through, non-contact cooling is being proposed. The use of recycling or closed loop systems should be utilized to avoid once-through use.*Title 11, Part 7, Chapter 1, Rule 1.4.D.1 states that: Once-through, Non-contact Cooling Water – In general, the use of large volumes of groundwater for once-through, non-contact cooling purposes is not a beneficial use of groundwater resources and is contrary to principles of water conservation. Use of more than 20,000 gallons per day (gpd) for this purpose is prohibited, regardless of the size of the well or the source of the groundwater, unless approval is obtained from the Permit Board. Proposals to use less than 20,000 gpd will be considered by the Permit Board on a case-by-case basis.*
3. The use of alternative water sources such as surface water, aquifers with poorer quality water, treated wastewater, and/or conjunctive water-use are encouraged. The use of the lowest quality water available that will meet quantity and quality requirements may be required.

Permitting Considerations:

1. Permit Application: A Permit Application to Divert or Withdraw Surface Water or Groundwater should be submitted at least two months before the desired permit issuance date. The application and a location map must be submitted to MDEQ for each proposed withdrawal or well.
2. MDEQ Review and Notice: MDEQ will review the application and determine whether a permit is required. If so, MDEQ will determine an allowable permitted volume and prepare a Notice of Intent. The applicant is responsible for publishing the Notice in a newspaper with circulation in the project county. Publication is required for one day and begins a ten-day public comment period.
3. Permit Issuance: A permit is not issued until MDEQ receives a notarized proof of publication, the ten-day comment period has ended, and any comments have been considered.
4. Special Terms and Conditions: Every permit contains Special Terms and Conditions. The applicant is responsible for ensuring compliance.

Scan here for more on permit applications, state regulations and/or contact information.

mdeq.ms.gov

MDEQ



ENVIRONMENTAL REGULATIONS

DATA CENTER ACTIVITIES

This fact sheet has been developed by the Mississippi Department of Environmental Quality as a general guide and does not include regulatory requirements administered by any other state or federal agency. This should not be your only source of information on the regulations or replace seeking assistance from experienced consultants and/or legal counsel.



mdeq.ms.gov

The MDEQ Office of Pollution Control

OPC is responsible for air, wastewater, and stormwater permitting, and water quality certifications.

Permits that are typically needed to commence construction include an Air Construction Permit, a Construction Stormwater Permit, and possibly a Section 401 Water Quality Certification (if a federal 404 Permit is needed). Sources are encouraged to contact MDEQ to discuss permitting options prior to filing an application.

Air Permits

Air Construction Permits:

Any new "Greenfield" stationary source must obtain an air permit to construct prior to beginning construction, except as excluded in Title 11, Miss. Admin. Code Pt. 2, Ch. 2, Rule 2.13(D) and (E). MDEQ has two types of air construction permits and a Pre-permit Construction Approval:

1. Prevention of Significant Deterioration (PSD): A PSD permit is triggered when a facility is considered a PSD major source per 40 CFR 52.21. PSD permits can be issued within 180 days after MDEQ receives a complete application.
2. Non-PSD Construction Permits: Most construction permits are non-PSD and can be issued approximately 3–6 months after receipt of a complete application.
3. Pre-permit Construction Approval: Available when all requirements in Title 11, Miss. Admin. Code Pt. 2, Ch. 2, Rule 2.15 are met. Pre-permit approval is not allowed for PSD major sources.

Air Operating Permits:

1. Minor Sources: Operating permits are required unless the facility is a true minor source. A true minor source requires no federally enforceable restrictions to maintain potential-to-emit (PTE) below major source thresholds.
2. Synthetic Minor Operating Permits (SMOPs): Required for sources proposing federally enforceable restrictions to limit PTE below Title V (major source) thresholds.
3. Title V Operating Permits: Required for major sources (HAP > 10 tpy; total HAPs > 25 tpy; criteria pollutants > 100 tpy).

Section 401 Water Quality Certifications and Construction Stormwater Coverages

Section 401 Water Quality Certifications (WQC):

A Section 401 WQC is required when a federal Section 404 Permit is needed. For most 404 Nationwide Permits, MDEQ has issued a corresponding WQC with conditions. When an individual WQC is required, the processing timeline is 3–6 months from receipt of a complete request. The WQC process begins by submitting a request for a Pre-Filing Meeting at: https://www.mdeq.ms.gov/prefiling-meeting/.

Construction Stormwater Coverages:

The Large Construction Stormwater General Permit (LCGP) is required for stormwater discharges from projects disturbing five or more acres. Applicants must submit a Large Construction Notice of Intent (LCNOI), a Stormwater Pollution Prevention Plan (SWPPP), and other applicable documents. MDEQ estimates coverage may be issued within 30–60 days after receiving a complete application, depending on project priority and public interest.

Note: Projects disturbing 1 to <5 acres do not require MDEQ approval but must comply with the Small Construction Stormwater General Permit.

Wastewater Permits

Any person discharging wastewater or operating a treatment works from which no discharge occurs must submit application and obtain the necessary permits or coverages prior to the commencement of discharge. There are three (3) types of wastewater permits.

Pretreatment (PT) Permits:

A pretreatment (PT) permit may be needed for wastewater discharged to a Publicly Owned Treatment Works (POTW). If the POTW is willing to accept the wastewater, an application must be submitted to MDEQ for a permit determination and/or development of a PT permit. A 30-day public notice is required for new PT permits.

National Pollutant Discharge Elimination System (NPDES) Permits:

An NPDES Permit is required if the project proposes a discharge directly to State/Federal Waters. NPDES forms and an anti-degradation review must be submitted to MDEQ. A public notice is required for new NPDES permits, and a 30-day EPA review may be required.

State Operating Permits (SOPs):

SOPs are required for wastewater treatment from which no discharge occurs. An application must be submitted to MDEQ. New SOPs require a 30-day public notice but do not require EPA review.

Industrial Stormwater Coverages, Permits, and No Exposure Certifications:

Industrial stormwater discharges associated with industral activities, listed in 40 CFR 122.26 (b) (14) (i - xi, except x) are required to either obtain coverage under the Industrial Stormwater General Permit (ISGP), obtain an individual stormwater permit, or claim No Exposure. Most industrial stormwater is covered by an ISGP coverage or a NEC.

NOTE: MDEQ does not charge application/permit fees for most air, water, and waste permitting. Additionally, applicants who wish to utilize a contractor to assist MDEQ with permitting may do so through the Contractor Permitting Assistance Program.