NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
Commission on Environmental Quality
Department of Environmental Quality
Office of Land and Water

FILED
AUG 26 2005
MISSISSIPPI
SECRETARY OF STATE

Mississippi Commission on Environmental Quality
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Specific Legal Authority Authorizing the promulgation of Rule:
Miss. Code Ann. Section 51-3-25 (2003), and Miss. Code Ann. § 49-2-9(1) (2003).
Reference to Rules repealed, amended or suspended by the Proposed Rule :Amended Commission on Environmental Quality Regulation LW-4.

Date Rule Proposed: June 3, 2005

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: Establish requirement that written authorization for construction, enlargement, alteration or repair of high hazard and significant hazard dams will be in the form of a formal permit processed b the Mississippi Environmental Quality Permit Board in accordance with Mississippi Code Ann. Section 49-17-29; eliminating the 1982 exemption date for existing dams and clarifying the regulatory authority of the Commission to require that owners of existing dams which pose an unacceptable threat to downstream lives or property, regardless of the size or condition of the dam, either bring the dams into compliance with current standards or take the dams out of service by draining the impoundment and removing the dam.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☒An oral proceeding was held on this rule:

Date: July 7, 2005
Time: 4:00 p.m.
Place: Department of Environmental Quality, Southport Center, 2380 Highway 80 West, Jackson, Mississippi

☐ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒This rule as adopted is without variance from the proposed rule.

☐This rule as adopted is differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted response thereto, and
The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: Adopted August 25, 2005.
Effective 30 days after filing

Ted Lampton

Ted Lampton
Senior Attorney