

NOTICE OF RULE ADOPTION—FINAL RULE

FILED
JAN 26 2006
MISSISSIPPI
SECRETARY OF STATE


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

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Reference to Rules repealed, amended or suspended by the Proposed Rule : Amended Commission on Environmental Quality Regulation LW-2.

Date Rule Proposed: December 1, 2005

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: The purpose of the proposed amendment to the State of Mississippi LW-2 Regulation is to allow for the aesthetic use of groundwater under certain circumstances, and to describe the circumstances where a Permit is required for such use. The proposed amendment also allows the Department of Environmental Quality (MDEQ) the discretion to apply groundwater well spacing requirements when deemed necessary by the department; rather than automatically applying groundwater well spacing requirements for every Application for Groundwater Use Permit.

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: January 11, 2006
Time: 10:00 a.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 January 26, 2006
Effective 30 days after filing



Ted Lampton
Senior Attorney