



NOTICE OF RULE ADOPTION—FINAL RULE

**STATE OF MISSISSIPPI
Mississippi Commission on Environmental Quality
Mississippi Department of Environmental Quality**

Mississippi Commission on Environmental Quality
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Specific Legal Authority Authorizing the promulgation of Rule:
Miss. Code Ann. Section 53-9-11 (2003), and Miss. Code Ann. § 49-2-9(1) (2003).
Reference to Rules repealed, amended or suspended by the Proposed Rule : amends Regulations Governing Surface Coal Mining in Mississippi (GEO-2).

Date Rule Proposed: August 13, 2007

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 Regulations Governing Coal Mining in Mississippi (GEO-2) is to make these regulations consistent with rules and regulations promulgated by the U. S. Secretary of the Interior under the federal Surface Mining Control and Reclamation Act of 1977, as amended, with respect to the definition and use of the terms "Valid Rights" and "Valid Existing Rights".

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: September 18, 2007
Time: 4:30 p.m.
Place: Commission Hearing Room, 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 December 18, 2007
Effective 30 days after filing.

Theodore D. Lampton III
Senior Attorney