

NOTICE OF RULE ADOPTION – FINAL RULE



STATE OF MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

Mississippi Department of Environmental Quality
c/o Ted Lampton, Senior Attorney
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Specific Legal Authority authorizing the promulgation of Rule:

Miss. Code Ann. § 49-2-9(1) and 49-17-85(2003)

Reference to Rules replaced, amended or suspended by the Proposed Rule: amends the Final FY-2009 Water Pollution Control (Clean Water) Revolving Loan Fund Intended Use Plan (FY-2009 IUP)

Explanation of the Purpose of the Proposed Rule and the reason(s) for the proposing the rule: The FY-09 Water Pollution Control Revolving Loan Fund Intended Use Plan Amendment No. 1, which incorporates provisions of the American Recovery and Reinvestment Act of 2009 (ARRA) into the WPCRLF. 1) This amendment adds "Part 2" which contains details regarding the utilization of additional EPA Title VI Cap Grant funding made available through ARRA. 2) This amendment adds additional projects to the IUP, located in the ARRA Project List beginning on page 38 which have requested consideration for funding with the available ARRA funds. 3) Makes revisions to various details throughout "Part 1" and Appendix A as required to accommodate the ARRA funding utilization outlined in "Part 2".

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: May 14, 2009
Time: 1:00 p.m.
Place: Commission Hearing Room, Department of Environmental Quality, 515 East Amite Street, 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 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 in 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 May 28, 2009
Effective 30 days after filing.

Ted Lampton, Senior Attorney, MDEQ
Signature and Title of Person Submitting Rule for Filing