



NOTICE OF PROPOSED RULE ADOPTION

MISSISSIPPI SECRETARY OF STATE

STATE OF MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF POLLUTION CONTROL

Mississippi Department of Environmental Quality c/o Tony Caldwell P O Box 10385 Jackson MS 329289-0385 601-961-5618 Tony\_Caldwell@deq.state.ms.us

Specific Legal Authority authorizing the promulgation of Rule: Miss. Code Ann. § 49-2-9(1), 49-17-17, and 49-17-85(2003)

Reference to Rules replaced, amended or suspended by the Proposed Rule: FY-09 WPCRLF Intended Use Plan Amendment No. 1

- Explanation of the purpose of the Proposed Rule and the reason(s) for the proposing the rule: The Draft FY-09 WPCRLF Intended Use Plan Amendment No. 2 makes the following changes to the FY-2009 IUP: 1) adds additional projects to the ARRA Project List for possible funding during FY-09; 2) identifies on the ARRA Project List those projects which are "categorically green" by definition, or have submitted business cases justifying their status as 'green projects' and are therefore eligible to receive funding from the green project reserve on a 'first-come, first served' basis; 3) delete the last sentence in Part 2. Section IV. Part C, thus eliminating the requirement that the 1511 Certification be required from the appropriate representative of the loan recipient; and 4) changes the community name on the ARRA Project List from the City of Louisville to the Louisville Utilities Commission.

This rule is proposed as a [X] Final Rule, and/or a [ ] Temporary Rule (Check one or both boxes as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agency or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below.

- [X] An oral proceeding is scheduled on this rule on Wednesday, Sept. 16, 2009, at 11:00 a.m. in the offices of the Department of Environmental Quality located at 515 East Amite Street in Jackson, Mississippi.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address and telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

- [ ] An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

- [X] The agency has determined that an economic impact statement is not required for this rule, or
- [ ] The concise summary of the economic impact statement required is attached.

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

Date Rule Proposed: August 26, 2009

Proposed Effective Date of Rule: September 26, 2009

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

SOS FORM APA 001 Effective Date 01/07/2005