



NOTICE OF PROPOSED RULE ADOPTION

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

Mississippi Commission on Environmental Quality
Ted Lampton, Senior Attorney
Department of Environmental Quality
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Specific Legal Authority Authorizing the promulgation of Rule:

Miss. Code Ann. §§ 49-2-9(1)(b) and 49-17-507 (Rev. 2003)

Reference to Rules repealed, amended or suspended by the Proposed Rule: "Regulations for Lead-Based Paint Activities", APC-S-9

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

The amendments to "Regulations for Lead-Based Paint Activities", APC-S-9 incorporate new federal regulations for renovations, repair, and painting activities as the activities pertain to lead-based paint activities in target housing and child-occupied facilities. The Department also intends to seek program delegation by the U.S. Environmental Protection Agency in order to incorporate the new renovation, repair, and painting requirements into Mississippi's Lead-Based Paint Program.

This rule is proposed as a 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 agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on:

Date: Wednesday, November 18, 2009

Time: 3:00 p.m.

Place: Mississippi Dept. of Environmental Quality, 515 E. Amite St., 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, 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:

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: October 16, 2009

Proposed Effective Date of Rule: 30 days after final filing.

Signature and Title of Person submitting Rule for Filing:

Ted Lampton, Senior Attorney

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
NOTICE OF PROPOSED RULEMAKING
NOTICE OF PUBLIC HEARING
PUBLIC NOTICE START DATE: October 16, 2009**

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality (“Commission”) is proposing to adopt amendments to “Regulations for Lead-Based Paint Activities”, APC-S-9 and to request federal delegation of the lead-based paint program. The proposed regulation amendments will be applicable statewide.

I. Substance of the Proposed Amendments.

The amendments to “Regulations for Lead-Based Paint Activities”, APC-S-9 involve incorporating new federal regulations for renovations, repair, and painting activities as the activities pertain to lead-based paint activities in target housing and child-occupied facilities. The Department also intends to seek program delegation by the U.S. Environmental Protection Agency in order to incorporate the new renovation, repair, and painting requirements into Mississippi’s Lead-Based Paint Program.

II. Manner By Which the Public May Comment.

Copies of the proposed amendments to the referenced regulations may be obtained by contacting Mr. Jimmie Asbill, Mississippi Department of Environmental Quality, Office of Pollution Control, Air Division, P.O. Box 2261, Jackson, Mississippi 39225 or by calling 601-961-5171. For persons with internet access, the proposed regulation amendments may be found on the web site of the Mississippi Department of Environmental Quality at <http://www.deq.state.ms.us> . Also, copies of the proposed regulation amendments will be available for public review through Wednesday, November 18, 2009, in the main branch of public libraries in Gulfport, Jackson, and Tupelo, Mississippi. The proposed regulation amendments may also be reviewed in the offices of the Mississippi Department of Environmental Quality at 515 E. Amite Street, Jackson, Mississippi. Please contact Ms. Edna Banks at (601) 961-5171 to schedule an appointment.

Members of the public may present verbal or written comments during the public hearing described below. Also, any written statements regarding the proposed regulation amendments will be a part of the public hearing record if delivered to the MDEQ address shown above by 5:00 p.m., Wednesday, November 18, 2009.

III. Notice of Public Hearing.

The hearing will be held on Wednesday, November 18, 2009, at 3:00 p.m. in the Commission Hearing Room (Room 104A) of the Mississippi Department of Environmental Quality Office Building located at 515 E. Amite Street, Jackson, Mississippi 39201.

IV. Additional Information.

For additional information, please contact Mr. Jimmie Asbill at 601-961-5164.