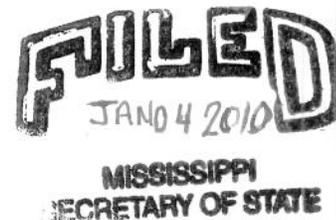


16648

NOTICE OF RULE ADOPTION—FINAL RULE



STATE OF MISSISSIPPI
Commission on Environmental Quality
Department of Environmental Quality
Office of Geology

Mississippi Commission on Environmental Quality
c/o Theodore D. Lampton III, Senior Attorney
Department of Environmental Quality
P.O. Box 2261
Jackson, Mississippi 39225-2261
601-961-5573
Ted_Lampton@deq.state.ms.us

Specific Legal Authority Authorizing the promulgation of Rule:

Miss. Code Ann. Section 53-7-11 (Rev. 2003), and Miss. Code Ann. § 49-2-9(1) (Rev. 2003).

Reference to Rules repealed, amended or suspended by the Proposed Rule :Amends Mississippi Surface Mining and Reclamation Rules and Regulations (Commission on Environmental Quality Regulation GEO-1).

Date Rule Proposed: October 26, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: The purpose of the amendment to the Mississippi Surface Mining and Reclamation Rules and Regulations (GEO-1) is to make these regulations consistent with recent amendments to the Mississippi Surface Mining and Reclamation Act (Miss. Code Ann. Sections 53-7-1, et seq.). The proposed amendment allows for a fee for Surface Mine Worker Safety Training conducted by MDEQ. These funds will be used to support this training program. In addition, the proposed amendment includes an exemption for certain excavations made by the owner of land where the excavated material is not transported off the owner's land.

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.

[X] An oral proceeding was held on this rule:

Date: December 3, 2009
Time: 5:00 p.m.
Place: Commission Hearing Rm on 1st floor of MDEQ Offices, 515 E. Amite St., Jackson, MS 39201

[] 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

[X] 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 10, 2009
Effective 30 days after filing

Ted Lampton 1/4/2010
Theodore D. Lampton III
Senior Attorney