

16649



NOTICE OF RULE ADOPTION—FINAL RULE
STATE OF MISSISSIPPI
Mississippi Commission on Environmental Quality
Mississippi Department of Environmental Quality

Mississippi Department of Environmental Quality
Attn: Ted Lampton, Senior Attorney
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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Reference to Rules repealed, amended or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

Date Rule Proposed: October 16, 2009

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 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.

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: November 18, 2009
Time: 3:00 p.m. CST
Place: Mississippi Dept. of Environmental Quality, 515 E. Amite St., 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.
[X] 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

Signature and Title of Person Submitting Rule for Filing

Ted Lampton 12/22/2009
Theodore D. Lampton, III, Senior Attorney, MDEQ

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
NOTICE OF FINAL RULEMAKING**

NOTICE IS HEREBY GIVEN that on December 10, 2009, the Mississippi Commission on Environmental Quality (Commission) voted to amend lead-based paint regulations entitled "Regulations for Lead-Based Paint Activities", APC-S-9 and to authorize the Mississippi Department of Environmental Quality (Department) to apply to the U.S. Environmental Protection Agency for delegation authorization for Mississippi's Lead-Based Paint Program. This action is reflected in Commission Order No. 5680-09.

I. Substance of the amendments to "Regulations for Lead-Based Paint Activities", APC-S-9.

The amendments involve incorporating amendments to the State of Mississippi Lead-Based Paint Activity Accreditation and Certification Act, codified at Miss. Code Ann. Sections 49-17-501, et seq., and the requirements of the Federal Renovation, Repair, and Painting Rule (RRP) as the activities pertain to lead-based paint renovation activities in target housing and child-occupied facilities. The rule covers accreditation of training programs, procedures and requirements for individuals and firms engaged in lead-based paint renovation activities, and work practice standards for performing such activities. The amendments cover accreditation of training programs, procedures and requirements for individuals and firms engaged in lead-based paint renovation activities, and work practice standards for performing such activities. The amendments also include Pre-Renovation Education requirements.

The Department intends to seek program delegation by making application to the U.S. Environmental Protection Agency for authorization to incorporate the new renovation, repair, and painting requirements into Mississippi's existing lead-based paint program. Mississippi's program will be as protective as the federal program

II. Manner by Which the Public May Comment.

In accordance with Miss. Code Ann. § 49-17-41, within thirty (30) days of the date of the Order, any interested person may request that a hearing be conducted regarding the issuance of this Order. Such request must be made in writing to Ms. Trudy Fisher, Executive Director, Mississippi Department of Environmental Quality, P.O. Box 2261, Jackson, Mississippi 39225.

III. Additional Information.

Any person wishing to obtain additional information on this matter or a copy of the regulations or the Order reflecting the Commission's action may contact Mr. Jimmie Asbill at (601) 961-5164. Please bring the foregoing to the attention of persons whom you know will be interested.