

**Mississippi Secretary of State**  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Commission on Environmental Quality Mississippi Department of Environmental Quality		CONTACT PERSON Ted Lampton	TELEPHONE NUMBER 601-961-5573
ADDRESS P.O. Box 2261		CITY Jackson	STATE MS
EMAIL Ted_Lampton@deq.state.ms.us	SUBMIT DATE 10-5-2011	Name or number of rule(s): "Underground Storage Tank Regulations", UST-2	

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal:  
Amendments to UST-2 to make the regulations consistent with the requirements of the National Energy Policy Act of 2005 (EPACT, 42 USC 15801) as authorized by Mississippi Senate Bill No. 2376 as passed in the regular 2008 Legislative session. The amendment will require training for all persons responsible for the operation and maintenance of underground storage tank systems.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-25, and 49-17-413 (Rev. 2003)  
 List all rules repealed, amended, or suspended by the proposed rule: UST-2

**ORAL PROCEEDING:**

An oral proceeding was held for this rule on: Date: June 2, 2011 Time: 5:30 p.m. Place: Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, Mississippi 39201

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

Economic impact statement not required for this rule.  Concise summary of economic impact statement attached.

<p align="center"><b>TEMPORARY RULES</b></p> <p>____ Original filing                  ____ Renewal of effectiveness                  To be in effect in ____ days                  Effective date:                  ____ Immediately upon filing                  ____ Other (specify): ____</p>	<p align="center"><b>PROPOSED ACTION ON RULES</b></p> <p><b>Action proposed:</b>                  ____ New rule(s)                  ____ Amendment to existing rule(s)                  ____ Repeal of existing rule(s)                  ____ Adoption by reference  <b>Proposed final effective date:</b>                  ____ 30 days after filing                  ____ Other (specify): ____</p>	<p align="center"><b>FINAL ACTION ON RULES</b></p> <p>Date Proposed Rule Filed: <u>5-3-2011</u>  <b>Action taken:</b>  <input checked="" type="checkbox"/> Adopted with no changes in text                  ____ Adopted with changes                  ____ Adopted by reference                  ____ Withdrawn                  ____ Repeal adopted as proposed  <b>Effective date:</b>  <input checked="" type="checkbox"/> 30 days after filing                  ____ Other (specify): ____</p>
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Printed name and Title of person authorized to file rules: Theodore D. Lampton, III, Senior Attorney

Signature of person authorized to file rules: /s/ Ted Lampton

<p><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p><b>DO NOT WRITE BELOW THIS LINE</b></p> <p><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; padding: 10px;"> <p align="center"><b>FILED</b></p> <p align="center">OCT 05 2011</p> <p align="center">MISSISSIPPI</p> <p align="center">SECRETARY OF STATE</p> </div> <p>Accepted for filing by <u>CB18118E</u></p>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

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

NOTICE IS HEREBY GIVEN that on August 25, 2011, the Mississippi Commission on Environmental Quality (Commission) voted to amend the UNDERGROUND STORAGE TANK REGULATIONS (Commission Regulation UST-2). This action is reflected in Commission Order No. 6031-11.

I. Substance of the amendments to Commission Regulation UST-2.

The Underground Storage Tank Regulations (UST-2) are amended to be consistent with recent modifications to federal rules and regulations, namely the mandates of the National Energy Policy Act of 2005 (EPACT, 42 U.S.C. 15801) as authorized by Mississippi Senate Bill 2376 (Regular Session 2008). These amendments establish training requirements for all persons responsible for the operation and maintenance of underground storage tank systems. This notice of rulemaking is provided pursuant to Miss. Code Ann. §§ 25-43-3.101, et seq., 49-17-25, 49-17-34, and 49-17-413.

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.

The Underground Storage Tank Regulations (UST-2) may be viewed on the MDEQ website at [www.deq.state.ms.us](http://www.deq.state.ms.us) then click on "MDEQ Regulation" icon, then click on the "proposed regulation" icon. 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 Ms. Lorin Thomas at (601) 961-5041. Please bring the foregoing to the attention of persons whom you know will be interested.