

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	ZIP 39225
EMAIL ted_lampton@deq.state.ms.us	Submit Date 09-21-11	Name or number of rule(s): "Surface Water and Groundwater Use and Protection", LW-2		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Proposed amendments to LW-2 to reduce public water infrastructure costs in the public interest in accordance with Miss. Code Ann. Sections 51-3-13 and 49-17-703. The Permit Board and the Commission will have the authority to require consolidation of water supply in circumstances where consolidation by and between publicly owned utilities would reduce costs to the public in counties of George, Hancock, Harrison, Jackson, Pearl River, Stone.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§ 51-3-25, and 49-2-9(1)(b) (Rev. 2003)

List all rules repealed, amended, or suspended by the proposed rule: LW-2

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on: Date: October 25, 2011 Time: 6:00 p.m. Place: Multi-Purpose rm., Technology Center, Pearl River Community College, 101 Hwy 11 North, Poplarville, Mississippi 39470

☐ 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.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <u>X</u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <u>X</u> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name & Title of person authorized to file rules: Theodore D. Lampton, III, Senior Attorney, MDEQ

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

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by _____

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 PROPOSED RULEMAKING
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality ("Commission") is considering amendments to Surface Water and Groundwater Use and Protection Regulations, also known as Commission Regulation LW-2.

I. Substance of the Proposed Amendments.

The proposed amendments to "Surface Water and Groundwater Use and Protection Regulations" (LW-2) involve the following:

- Proposed amendments to LW-2 to reduce public water infrastructure costs in the public interest in accordance with Miss. Code Ann. Sections 51-3-13 and 49-17-703. Specifically, the Permit Board will have the authority to reject an application for proposed water withdrawal from a publicly owned utility (or require its modification) in circumstances where consolidation between publicly owned utilities would be less costly to the public than the proposed water withdrawal within the areas of the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone; and will require permitting of groundwater replacement wells within the areas of the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone, pursuant to Miss. Code Ann. Sections 51-3-13, 51-3-31, and 49-17-703. Also, the Commission will have the authority to require the consolidation of water supply in circumstances where consolidation by and between publicly owned utilities would reduce costs to the public pursuant to Miss. Code Ann. Sections 51-3-13 and 49-17-703.

II. Manner By Which the Public May Comment.

Copies of the proposed amendments to the referenced regulations may be obtained by electronically downloading them via MDEQ's website (<http://www.deq.state.ms.us>) under "proposed regulations" or by contacting Jamie Crawford by telephone at (601) 961-5201 or by e-mail at Jamie_Crawford@deq.state.ms.us to request a CD or paper copy by mail. Any interested party may submit comments regarding the proposed amendments by submitting the comments in writing to Jamie Crawford at P.O. Box 2309, Jackson, MS 39225-2309 or to his e-mail address listed above. Comments may also be directly submitted at Mr. Crawford's office located at 700 North State Street, Jackson, MS, 39202. In order to be considered, written comments should be delivered to MDEQ by 5:00 p.m. on Monday, October 24, 2011. Members of the public also may present verbal or written comments regarding the proposed amendments at the public hearing described below.

III. Notice of Public Hearing

A public hearing will be held to receive comments from the public on the proposed amendments to LW-2 on Tuesday, October 25, 2011 beginning at 6:00 p.m. in the Multi-Purpose room in the Technology Center at Pearl River Community College, located at 101 Hwy 11 North, Poplarville, Mississippi 39470. The public is invited to attend the public hearing and to present verbal or written comments on the proposed amendments. All comments received during the public notice period and at the public hearing will be reviewed and considered prior to proposing the final proposed amendments to the Mississippi Commission on Environmental Quality for consideration.

IV. Additional Information

For additional information, please contact Jamie Crawford, MDEQ, by telephone at (601) 961-5201 or by e-mail at Jamie_Crawford@deq.state.ms.us.