

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: 9-5-13	Name or number of rule(s): Mississippi Administrative Code, Title 11, Part 2, Chapter 9, "Regulations for Lead-Based Paint Activities"		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amendments to Mississippi Administrative Code, Title 11, Part 2, Chapter 9. The amendments are proposed to make the regulations consistent with recent amendments to federal EPA regulations and the Mississippi Lead-Based Paint Activity Accreditation and Certification Act, as amended by Mississippi Senate Bill 2688 (Regular Session 2013). The changes include: the removal of the "Opt-Out Provision"; allowing renovators to do paint chip sampling; and further defining the record keeping and reporting requirements for renovation activities. The changes also include: minor clarification of certain definitions; training program accreditation requirements; containment; prohibited and restricted practices; and signage and pre-renovation education requirements for Child Occupied Facilities.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§49-2-9(1)(b) and 49-17-17 (Rev.2003)
 List all rules repealed, amended, or suspended by the proposed rule: 11 Miss. Admin Code Pt. 2, Ch. 9

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on: Date: October 7, 2013, Time: 2:30 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.

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 Withdrawn 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

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

Signature of person authorized to file rules: *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 # <u>20028</u> <i>JW</i>	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**

**PUBLIC NOTICE START DATE: SEPTEMBER 6, 2013
DEADLINE FOR COMMENTS: OCTOBER 7, 2013**

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality (“Commission”) is proposing to adopt amendments to Mississippi Administrative Code, Title 11, Part 2, Chapter 9, “Regulations for Lead-Based Paint Activities”. The proposed regulation amendments will be applicable statewide.

I. Description of the Proposed Amendments.

These amendments are proposed to make the regulations consistent with recent amendments to federal EPA regulations and the Mississippi Lead-Based Paint Activity Accreditation and Certification Act, as amended by Mississippi Senate Bill 2688 (Regular Session 2013). The changes include: the removal of the “Opt-Out Provision”; allowing renovators to do paint chip sampling; and further defining the record keeping and reporting requirements for renovation activities. The changes also include: minor clarification of certain definitions; training program accreditation requirements; containment; prohibited and restricted practices; and signage and pre-renovation education requirements for Child Occupied Facilities.

II. Manner by Which the Public May Comment.

Copies of the proposed amendments to the referenced regulations may be obtained by contacting Mr. Lorenzo Boddie, Public Records Administrator at (601)961-5758 or by writing to the Mississippi Department of Environmental Quality, P.O. Box 2261, Jackson, Mississippi 39225. For persons with internet access, the proposed regulation amendments may be found on the Mississippi Department of Environmental Quality’s website at <http://www.deq.state.ms.us> under Programs/Air Quality/New Information.

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 by 5:00 p.m., Monday, October 7, 2013, to the attention of Ms. Maya Rao at the address shown above.

III. Notice of Public Hearing.

The hearing will be held on Monday, October 7, 2013, at 2:30 p.m. in the Commission Hearing Room (Room 104A) of the Mississippi Department of Environmental Quality Office Building located at 515 East Amite Street, Jackson, Mississippi 39201.

IV. Additional Information.

For additional information, please contact Mr. Dennis Kelly at 601-961-5630.