

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

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Environmental Quality Permit Board 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: 2-12-15	Name or number of rule(s): 11 Miss. Admin. Code Pt. 1, Ch. 6 – "Rules of Practice and Procedure for Formal Evidentiary Hearings before the Mississippi Environmental Quality Permit Board"			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The proposed Rule provides guidance to hearing participants regarding the Permit Board's procedural requirements related to its formal evidentiary hearings.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. § 49-17-29 (3)(d) (Rev. 2012)

List all rules repealed, amended, or suspended by the proposed rule: This is a new Rule. It does not replace or amend any existing rule.

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on: Date: March 17, 2015 Time: 4:00 p.m., Place: Mississippi Department of Environmental Quality, First floor Hearing Room, 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.

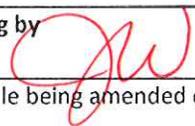
ECONOMIC IMPACT STATEMENT:

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 checked="" type="checkbox"/> New rule(s) <input 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: /s/ Ted Lampton

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>#21023</u> 	OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi Department of Environmental Quality	CONTACT PERSON Ted Lampton	TELEPHONE NUMBER (601) 961-5573	
ADDRESS P.O. Box 2261	CITY Jackson	STATE MS	ZIP 39225-2261
EMAIL tlampton@mdcq.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Rules of Practice and Procedure for Formal Evidentiary Hearings before the Mississippi Environmental Quality Permit Board		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. Section 49-17-29 (3) (d) (Rev. 2012)	Reference to Rules repealed, amended or suspended by the Proposed Rule: This is a new rule.		

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: The proposed Rule should result in more efficient and streamlined hearings and hearing participants will be able to more effectively prepare for their presentation of witnesses and evidence before the Permit Board.

2. Briefly describe the need for the proposed rule: Pursuant to Miss. Code Ann. § 49-17-29 (4)(b) (Rev. 2012), interested parties aggrieved by the Permit Board's issuance, reissuance, denial, modification, or revocation of an environmental permit may request a formal evidentiary hearing before the Permit Board. The proposed action is the Permit Board's adoption of such Rules of Practice and Procedure to govern its formal evidentiary hearings. The proposed Rule is necessary to provide guidance to hearing participants regarding the Permit Board's requirements related to its formal evidentiary hearings including, but not limited to, the following: procedures for timely filing of documentary evidence; procedures for timely filing of pre-filed testimony, motions, and motion responses, and procedures governing the actual conduct of the formal hearing. The proposed Rule will allow all hearing participants, including those with no practice experience before the Permit Board, to more effectively prepare for formal evidentiary hearings before the Permit Board.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
The proposed Rule will not affect public health, safety, and welfare.

4. Estimated Cost of implementing proposed action:
- To the agency
 Nothing Minimal Moderate Substantial Excessive
 - To other state or local government entities
 Nothing Minimal Moderate Substantial Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
- Cost:
 Nothing Minimal Moderate Substantial Excessive
 - Economic Benefit:
 Nothing Minimal Moderate Substantial Excessive
6. Estimated impact on small businesses:
- Nothing Minimal Moderate Substantial Excessive
- Estimate of the number of small businesses subject to the proposed regulation: The proposed Rule would be effective statewide. Any small business participating in a formal evidentiary hearing before the Permit Board would be subject to the proposed regulation. The proposed Rule would typically only impact small businesses required to obtain environmental permits from the Permit Board.
 - Projected costs for small businesses to comply: The adoption of the proposed Rule will not result in any reporting or recordkeeping costs and will not increase administrative costs beyond those costs currently associated with preparing for formal evidentiary hearings before the Permit Board.
 - Statement of probable effect on impacted small businesses: The proposed Rule should result in more efficient and streamlined hearings because hearing participants can more effectively prepare for their presentation of witnesses and evidence by knowing in advance the Rules of Practice and Procedure required for the Permit Board's formal evidentiary hearings. Thus there should be no probable effect on impacted small businesses other than to provide clear guidance for those businesses participating in Permit Board evidentiary hearings.
7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
 yes no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Because there are no additional costs associated with the proposed Rule, no data was available and no methodology was required.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? A public hearing is scheduled for March 17, 2015 at 4:00 pm. A public notice will be published in multiple newspapers advising of the hearing and various methods of submitting written comments.

SIGNATURE Theodore Lampton //s// <i>Theodore Lampton</i>	TITLE Senior Attorney (MDEQ)
DATE 2/12/2015	PROPOSED EFFECTIVE DATE OF RULE 30 Days after final filing