

Mississippi Secretary of State

125 S. Congress 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, Senior Attorney	TELEPHONE NUMBER 601-961-5573	
ADDRESS P.O. Box 2261		CITY Jackson	STATE MS	ZIP 39225
EMAIL tlampton@mdeq.ms.gov	SUBMIT DATE 8-18-23	Name or number of rule(s): 11 Miss. Admin. Code Part 3, Chapter 2 ("Mississippi Commission on Environmental Quality Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi")		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal:

The proposed amendment adds Subchapter 3 regarding the establishment of a Brownfield Revolving Loan Fund (BRLF) program to issue loans and/or subgrants to eligible applicants for the cleanup of eligible brownfield sites, to require participation as a Brownfield Party, and to comply with federal requirements under the U.S. Environmental Protection Agency (USEPA). This action is a response to USEPA awarding MDEQ a Brownfield Revolving Loan Fund Grant and to meet requirements under the grant award's terms and conditions. The proposed amendments are intended to require a BRLF applicant to receive approval for a Brownfield Agreement as a Brownfield Party by the Commission to be eligible to receive a loan or subgrant and to ensure that a recipient of a loan or subgrant complies with all terms and conditions as required by USEPA in use of these funds.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Annotated §§ 17-17-27 & 49-2-9(1)(b) (Rev. 2012)List all rules repealed, amended, or suspended by the proposed rule: Amends 11 Miss. Admin. Code Part 3, Chapter 2 ("Mississippi Commission on Environmental Quality Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi")

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on Date: September 15, 2023 Time: 1:30 p.m. Place: Mississippi Department of Environmental Quality, First Floor Hearing Room, 515 East Amite Street, Jackson, Mississippi 39201.

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) ☒ Amendment to existing rule(s) ☐ Repeal of existing rule(s) ☐ Adoption by reference Proposed final effective date: ☒ 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 and Title of person authorized to file rules: Theodore Lampton, 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 _____	 FILED AUG 18 2023 MISSISSIPPI SECRETARY OF STATE Accepted for filing by <u>27115 136</u>	Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.