

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD
NOTICE OF PROPOSED RULEMAKING
NOTICE OF PUBLIC HEARING**

**PUBLIC NOTICE START DATE: FEBRUARY 2, 2018
DEADLINE FOR COMMENTS: MARCH 5, 2018
PUBLIC HEARING DATE: MARCH 5, 2018**

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality (“Commission”) is considering adoption of proposed amendments to state air pollution control regulations and a proposed revision to the State Implementation Plan for the Control of Air Pollution (“SIP Revision”), and the Mississippi Environmental Quality Permit Board (“Permit Board”) is considering adoption of amendments to the state permit board administrative regulations. The proposed regulation amendments and SIP Revision will be applicable statewide.

I. Substance of the proposed actions:

1. The Permit Board is considering adoption of proposed amendments to Mississippi Administrative Code, Title 11, Part 1, Chapter 5, “Mississippi Environmental Quality Permit Board: Regulations Regarding Administrative Procedures Pursuant to the Mississippi Administrative Procedures Act”. The proposed amendments provide consistency with the requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act (“CAA”) such that a majority of the Permit Board members does not receive a significant portion of income from persons regulated under the CAA. The proposed amendments can be found in 11 Miss. Admin. Code, Pt. 1, Ch. 5, R. 5.1.
2. The Commission is considering adoption of proposed amendments to Mississippi Administrative Code, Title 11, Part 2, Chapter 1, “Mississippi Commission on Environmental Quality, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants”. The proposed amendments provide consistency with the requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act (“CAA”) such that a majority of the Permit Board members does not receive a significant portion of income from persons regulated under the CAA. The proposed amendments can be found in 11 Miss. Admin. Code, Pt. 2, Ch. 1, R. 1.1.
3. The Commission is proposing a SIP Revision to incorporate the aforementioned proposed amendments to 11 Miss. Admin. Code, Pt 1, Ch. 5, R. 5.1. and 11 Miss. Admin. Code, Pt. 2, Ch. 1, R. 1.1. into the SIP. The proposed amendments provide consistency with the requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act (“CAA”) such that a majority of the Permit Board members does not receive a significant portion of income from persons regulated under the CAA.
4. The Commission is proposing to adopt, by reference, recent amendments to Federal New Source Performance Standards (NSPS) in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Parts 61 and 63, and Federal Consolidated Air Rules (CAR) in 40 CFR Part 65 promulgated by the U. S. Environmental

Protection Agency. This adoption-by-reference will update the state adoption of federal rules as provided for in 11 Miss. Admin. Code, Pt. 2, Ch. 1, R. 1.6., and R. 1.8.

II. Manner by Which the Public May Comment.

The proposed regulation amendments and SIP Revision may be reviewed in the offices of the Mississippi Department of Environmental Quality (MDEQ), 515 E. Amite St., Jackson, Mississippi 39201 by contacting Mr. Lorenzo Boddie, Public Records Administrator at 601-961-5171. For persons with internet access, the proposed regulation amendments and SIP Revision may be found on the MDEQ website at <http://www.deq.state.ms.us> under Air, New Information. The proposed amendments and SIP Revision will also be available for public review in the main branches of the public libraries in the cities of Gulfport and Tupelo in the State of Mississippi.

Members of the public may present verbal or written comments during the public hearing described below or by submitting written statements to MDEQ, P.O. Box 2261, Jackson, Mississippi 39225. Any written statements regarding the proposed regulation amendments or SIP Revision will be a part of the public hearing record if received by 5:00 p.m., Monday, March 5, 2018. Such delivery should be made to the attention of Mr. Chad Lafontaine to the mailing address shown above or to the physical address shown below.

III. Notice of Public Hearing.

The hearing will be held on Monday, March 5, 2018, at 2:00 p.m. in the Commission Hearing Room (Room 104A) at the Mississippi Department of Environmental Quality, 515 East Amite Street, Jackson, Mississippi 39201.

IV. Additional Information.

For additional information, please contact Mr. Chad Lafontaine at 601-961-5171.

**MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

**PROPOSED
STATE IMPLEMENTATION PLAN (SIP)
REVISION**

**TO ADD AMENDMENTS OF THE STATE AIR POLLUTION CONTROL
REGULATIONS TO THE SIP PURSUANT TO THE REQUIREMENTS OF SECTION
110(a)(2)(E)(ii) AND SECTION 128(a)(1) & (2) OF THE FEDERAL CLEAN AIR ACT**

Public comment period start date: February 2, 2018

Deadline for comments: March 5, 2018

Public hearing date: March 5, 2018

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1.66 Introduction: State Implementation Plan (SIP) Revision to incorporate amendments of state regulations into the SIP.

The purpose of this SIP Revision is to address the SIP infrastructure requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act (CAA). This action provides clarity and consistency with the CAA by incorporating amendments to Mississippi regulations concerning ethics requirements as they relate to the make-up of the state permit board. A previous SIP Revision addressed these same concerns regarding the state environmental control commission. This action specifically adds to the SIP, amended Rule 5.1 of Mississippi Administrative Code, Title 11, Part 1, Chapter 5, “Mississippi Environmental Quality Permit Board: Regulations Regarding Administrative Procedures Pursuant to the Mississippi Administrative Procedures Act” (SIP Appendix A-13) and amended Rule 1.1 of Mississippi Administrative Code, Title 11, Part 2, Chapter 1, “Mississippi Commission on Environmental Quality, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants” (SIP Appendix C-26).

1.67 Notification of Public Hearing and Public Comment Period for this SIP Revision.

Public participation on the SIP revision will be achieved by at least a 30-day public comment period beginning on Friday, February 2, 2018 and ending on Monday, March 5, 2018. The notice of public comment period (public notice) will be published consistent with procedures approved by EPA. A public hearing will be held on Monday, March 5, 2018, to receive comments on the proposed SIP Revision.

The public notice is to be published on February 2, February 9, and February 16, 2018, in daily newspapers in the cities of Gulfport, Jackson, and Tupelo in the State of Mississippi. The public notice and the proposed SIP revision will be made available for public review in the main branches of the public libraries in the above mentioned cities and at the Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, Mississippi, 39201 and also will be available on the Department’s website <http://www.deq.state.ms.us>

The public notice follows this page.

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD
NOTICE OF PROPOSED RULEMAKING
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I. Substance of the proposed actions:

1. The Permit Board is considering adoption of proposed amendments to Mississippi Administrative Code, Title 11, Part 1, Chapter 5, “Mississippi Environmental Quality Permit Board: Regulations Regarding Administrative Procedures Pursuant to the Mississippi Administrative Procedures Act”. The proposed amendments provide consistency with the requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act (“CAA”) such that a majority of the Permit Board members does not receive a significant portion of income from persons regulated under the CAA. The proposed amendments can be found in 11 Miss. Admin. Code, Pt. 1, Ch. 5, R. 5.1.
2. The Commission is considering adoption of proposed amendments to Mississippi Administrative Code, Title 11, Part 2, Chapter 1, “Mississippi Commission on Environmental Quality, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants”. The proposed amendments provide consistency with the requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act (“CAA”) such that a majority of the Permit Board members does not receive a significant portion of income from persons regulated under the CAA. The proposed amendments can be found in 11 Miss. Admin. Code, Pt. 2, Ch. 1, R. 1.1.
3. The Commission is proposing a SIP Revision to incorporate the aforementioned proposed amendments to 11 Miss. Admin. Code, Pt 1, Ch. 5, R. 5.1. and 11 Miss. Admin. Code, Pt. 2, Ch. 1, R. 1.1. into the SIP. The proposed amendments provide consistency with the requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act (“CAA”) such that a majority of the Permit Board members does not receive a significant portion of income from persons regulated under the CAA.
4. The Commission is proposing to adopt, by reference, recent amendments to Federal New

Source Performance Standards (NSPS) in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Parts 61 and 63, and Federal Consolidated Air Rules (CAR) in 40 CFR Part 65 promulgated by the U. S. Environmental Protection Agency. This adoption-by-reference will update the state adoption of federal rules as provided for in 11 Miss. Admin. Code, Pt. 2, Ch. 1, R. 1.6., and R. 1.8.

II. Manner by Which the Public May Comment.

The proposed regulation amendments and SIP Revision may be reviewed in the offices of the Mississippi Department of Environmental Quality (MDEQ), 515 E. Amite St., Jackson, Mississippi 39201 by contacting Mr. Lorenzo Boddie, Public Records Administrator at 601-961-5171. For persons with internet access, the proposed regulation amendments and SIP Revision may be found on the MDEQ website at <http://www.deq.state.ms.us> under Air, New Information. The proposed amendments and SIP Revision will also be available for public review in the main branches of the public libraries in the cities of Gulfport and Tupelo in the State of Mississippi.

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III. Notice of Public Hearing.

The hearing will be held on Monday, March 5, 2018 at 2:00 p.m. in the Commission Hearing Room (Room 104A) at the Mississippi Department of Environmental Quality, 515 East Amite Street, Jackson, Mississippi 39201.

IV. Additional Information.

For additional information, please contact Mr. Chad Lafontaine at 601-961-5171.

3.30 Legal Authority for the SIP Revision

No legislative actions are needed concerning this SIP revision. The State of Mississippi Air & Water Pollution Control Law, Section 49-17-1 to 49-17-43, Mississippi Code of 1972, gives the Commission on Environmental Quality the necessary legal authority to adopt and implement this SIP revision. The State act, Mississippi Code Annotated, Section 49-17-13(3), designates the Commission as the State air pollution control agency for all purposes of the federal pollution control legislation and programs and take all actions necessary thereto.

5.29 Control Strategy for the SIP Revision

No control strategy is required for this SIP Revision.

6.33 Control Regulations for the SIP Revision

This action specifically adds to the SIP, amended Rule 5.1 of Mississippi Administrative Code, Title 11, Part 1, Chapter 5, “Mississippi Environmental Quality Permit Board: Regulations Regarding Administrative Procedures Pursuant to the Mississippi Administrative Procedures Act” (SIP Appendix A-13) and amended Rule 1.1 of Mississippi Administrative Code, Title 11, Part 2, Chapter 1, “Mississippi Commission on Environmental Quality, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants (SIP Appendix C-26).

14.1.28 Health Effects of the SIP Revision

No adverse health effects are expected to be caused by this SIP revision.

14.3.28 Economics Effects of the SIP Revision

No adverse economic effects due to this SIP revision are foreseen.

14.5.28 Social Effects of the SIP Revision

No adverse social effects are foreseen as a result of this SIP revision.

14.6.28 Air Quality Effects of the SIP Revision

This SIP revision will not have any adverse air quality effects.

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

STATE IMPLEMENTATION PLAN REVISION

**TO ADD AMENDMENTS OF STATE LAW AND STATE AIR POLLUTION CONTROL
REGULATIONS TO THE SIP PURSUANT TO THE REQUIREMENTS OF SECTION
110(a)(2)(E)(ii) AND SECTION 128(a)(1) & (2) OF THE FEDERAL CLEAN AIR ACT**

APPENDIX A-13

**PROPOSED AMENDMENTS TO STATE
ENVIRONMENTAL PERMIT BOARD REGULATIONS**

**“REGULATIONS REGARDING ADMINISTRATIVE PROCEDURES PURSUANT TO
THE MISSISSIPPI ADMINISTRATIVE PROCEDURES ACT”, 11 MISSISSIPPI
ADMINISTRATIVE CODE, PART 1, CHAPTER 5, RULE 5.1.,**

MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD

**“REGULATIONS REGARDING ADMINISTRATIVE PROCEDURES PURSUANT TO
THE MISSISSIPPI ADMINISTRATIVE PROCEDURES ACT”**

11 Mississippi Administrative Code, Part 1, Chapter 5, Rule 5.1

Proposed Amendments February 2, 2018

Administrative Procedures Act Rules

Title 11: Mississippi Department of Environmental Quality

Part 1: Administrative Regulations

Part 1, Chapter 5: Mississippi Environmental Quality Permit Board: Regulations Regarding Administrative Procedures Pursuant to the Mississippi Administrative Procedures Act (Adopted November 8, 2005, Amended {Date of adoption of amendments})

Proposed Amendments

Rule 5.1 Description of Mississippi Environmental Quality Permit Board. Reference is made to Miss. Code Ann. §§ 49-17-28 and 49-17-29 (Rev. 20122003), which create and set forth the duties and responsibilities of the Mississippi Environmental Quality Permit Board (“Permit Board”). The Permit Board issues, reissues, modifies, denies, transfers, and revokes Mississippi environmental permits and certifications administered under the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, the Surface Mining Control and Reclamation Act, state mining laws, and state water resource control laws. The membership of the Permit Board is set by Miss. Code Ann. § 49-17-28 (Rev. 20122003).

Seven of the Permit Board members serve by virtue of the State office they hold (“Ex Officio Members”). Pursuant to Miss. Code Ann. § 49-17-28, the membership of the Permit Board shall be composed of the Chief of the Bureau of Environmental Health of the State Board of Health, or his designee; the Executive Director of the Department of Wildlife, Fisheries and Parks, or his designee; the Head of the Office of Land and Water Resources of the Department of Environmental Quality, or his designee; the Supervisor of the State Oil and Gas Board, or his designee; the Executive Director of the Department of Marine Resources, or his designee; the Head of the Office of Geology and Energy Resources of the Department of Environmental Quality, or his designee; and the Commissioner of Agriculture and Commerce, or his designee.

The remaining two members of the Permit Board are appointed by the Governor and are required to be a retired professional engineer knowledgeable in the engineering of water wells and a retired water well contractor, respectively. Pursuant to Miss. Code Ann. § 49-17-28, the retired professional engineer and the retired water well contractor shall only vote on matters pertaining to the Office of Land and Water Resources.

In accordance with 11 Miss. Admin. Code Pt. 2, Ch. 1, R. 1.1.B., at least a majority of the Ex Officio Members of the Permit Board shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits under the federal Clean Air Act or enforcement orders under the federal Clean Air Act (CAA). Each Ex Officio Member of the Permit Board shall certify annually as to whether the member derives a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA. If a majority of Ex Officio Members derives a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA, then the Permit Board shall

take such action as may be necessary to ensure the replacement of as many members of said majority as may be necessary with designates who do not derive a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA. In order to facilitate the replacement of an Ex Officio Member as may be necessary, the Bureau Chief, Executive Director, Office Head, Board Supervisor, or Commissioner who designated the member shall designate a replacement who does not derive a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA.

The Mississippi Department of Environmental Quality (“Department”) serves as staff for the Permit Board. The Department staff is comprised of four (4) divisions: the Office of Administrative Services, the Office of Geology and Energy Resources, the Office of Land and Water Resources, and the Office of Pollution Control. The Executive Director of the Department serves as the Executive Director of the Permit Board. The Mississippi Commission on Environmental Quality (“Commission”) is empowered to formulate environmental policy, adopt and enforce rules and regulations, receive funding, conduct studies for using the state’s resources, and discharge duties, responsibilities, and powers as necessary. The Department also serves as staff for the Commission.

Source: Miss. Code Ann. §§ 25-43-2.104, 25-43-1.101, *et seq.*, 49-17-28, 49-17-29, and 49-17-1, *et seq.*

(Rules 5.2 through 5.16 are not submitted as part of the SIP)

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

STATE IMPLEMENTATION PLAN REVISION

**TO ADD AMENDMENTS OF STATE AIR POLLUTION CONTROL REGULATIONS
TO THE SIP PURSUANT TO THE REQUIREMENTS OF SECTION 110(a)(2)(E)(ii)
AND SECTION 128(a)(1) & (2) OF THE FEDERAL CLEAN AIR ACT**

APPENDIX C-26

**PROPOSED AMENDMENTS TO STATE AIR POLLUTION CONTROL
REGULATIONS**

**“AIR EMISSIONS REGULATIONS FOR THE PREVENTION, ABATEMENT, AND
CONTROL OF AIR CONTAMINANTS”, 11 MISSISSIPPI ADMINISTRATIVE CODE,
PART 2, CHAPTER 1, RULE 1.1.**

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

**AIR EMISSION REGULATIONS FOR THE PREVENTION, ABATEMENT, AND
CONTROL OF AIR CONTAMINANTS**

11 Mississippi Administrative Code, Part 2, Chapter 1, Rule 1.1

Proposed Amendments February 2, 2018

Title 11: Mississippi Department of Environmental Quality

Part 2: Air Regulations

Part 2, Chapter 1: Mississippi Commission on Environmental Quality, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants (Adopted May 8, 1970. Amended: January 25, 1972; May 26, 1976; January 31, 1978; April 25, 1978; March 12, 1981; August 26, 1981; December 8, 1982; May 9, 1984; September 17, 1984; July 17, 1985; March 12, 1986; June 25, 1986; September 23, 1987; March 23, 1988; April 25, 1988; December 14, 1988; August 23, 1989; April 25, 1991; January 23, 1992; December 9, 1993; August 25, 1994; May 25, 1995; January 25, 1996; August 22, 1996; April 24, 1997; January 22, 1998; October 22, 1998; April 22, 1999; February 24, 2000; August 22, 2002; November 20, 2003; January 26, 2006; November 16, 2006; December 11, 2008; October 28, 2010; December 14, 2011; October 24, 2013; November 20, 2014; and ~~Last amended~~ November 10, 2016, and Last amended {Date of Adoption of Amendments})

Proposed Amendments

Rule 1.1 General.

- A. Authority. Pursuant to the authority granted by Miss. Code Ann. 49-17-17, the following regulations are adopted for the purpose of preventing, abating, and controlling air pollution caused by air contaminants being discharged into the atmosphere as particulates, smoke, fly ash, solvents, and other chemicals or combinations thereof.
- B. Pursuant to 11 Miss. Admin. Code Pt. 1, Ch. 5, R. 5.1, the Mississippi Environmental Quality Permit Board (“Permit Board”) shall ensure that at least a majority of the members of the Permit Board shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits under the federal Clean Air Act or enforcement orders under the federal Clean Air Act.
- B.C. Except as otherwise noted herein, stack emissions testing for demonstration of compliance with the regulations herein may be performed in accordance with the Test Methods of the U. S. Environmental Protection Agency in place at the time testing is performed or as otherwise approved by the staff of the Mississippi Office of Pollution Control and the U. S. Environmental Protection Agency.
- (1) Notwithstanding this or any other provision in these or any other regulations, the owner or operator may use any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, for the purpose of submitting compliance certifications.

- (2) Notwithstanding any other provision in these or any other air pollution control regulations, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not a person has violated or is in violation of any standard or applicable requirement.

ED. In the event of a conflict between any of the requirements of these regulations and/or applicable requirements of any other regulation or law, the more stringent requirements shall be applied.

Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-2-1, *et seq.* and 49-17-1, *et seq.*
