

1 **Title 11: Mississippi Department of Environmental Quality**

2

3 **Part 2: Air Regulations**

4

5 **Part 2, Chapter 1: Mississippi Commission on Environmental Quality, Air Emission**  
6 **Regulations for the Prevention, Abatement, and Control of Air Contaminants (Adopted**  
7 **May 8, 1970. Last Amended December 14, 2011)**

8

9

**TABLE OF CONTENTS**

10

11 Rule 1.1 General

12 Rule 1.2 Definitions

13 Rule 1.3 Specific Criteria for Sources of Particulate Matter

14 Rule 1.4 Specific Criteria for Sources of Sulfur Compounds

15 Rule 1.5 Specific Criteria for Sources of Chemical Emissions

16 Rule 1.6 New Sources

17 Rule 1.7 Exceptions

18 Rule 1.8 Provisions for Hazardous Air Pollutants

19 Rule 1.9 Stack Height Considerations

20 Rule 1.10 Provisions for Upsets, Startups, and Shutdowns

21 Rule 1.11 Severability

22 Rule 1.12 Provisions for Existing Hospital/Medical/Infectious Waste Incinerators

23 Rule 1.13 Provisions for Existing Commercial and Industrial Solid Waste Incineration Units

24 Rule 1.14 Provisions for the Clean Air Interstate Rule

25

26 *Rule 1.1 General.*

27 A. Authority. Pursuant to the authority granted by Miss. Code Ann. 49-17-17, the following  
28 regulations are adopted for the purpose of preventing, abating, and controlling air  
29 pollution caused by air contaminants being discharged into the atmosphere as  
30 particulates, smoke, fly ash, solvents, and other chemicals or combinations thereof.

31 B. Except as otherwise noted herein, stack emissions testing for demonstration of

1 compliance with the regulations herein may be performed in accordance with the Test  
2 Methods of the U. S. Environmental Protection Agency in place at the time testing is  
3 performed or as otherwise approved by the staff of the Mississippi Office of Pollution  
4 Control and the U. S. Environmental Protection Agency.

5 (1) Notwithstanding this or any other provision in these or any other regulations, the  
6 owner or operator may use any credible evidence or information relevant to  
7 whether a source would have been in compliance with applicable requirements if  
8 the appropriate performance or compliance test had been performed, for the  
9 purpose of submitting compliance certifications.

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

16  
17 C. In the event of a conflict between any of the requirements of these regulations and/or  
18 applicable requirements of any other regulation or law, the more stringent requirements  
19 shall be applied.  
20

21 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-2-1, *et seq.* and 49-17-1, *et seq.*  
22

23 *Rule 1.2 Definitions.* The terms used in the regulations shall, unless the context otherwise requires,  
24 have the following meanings:  
25

26 A. “Air cleaning device.” Any method, process or equipment which removes, reduces or  
27 renders less noxious air contaminants discharged into the atmosphere. This term is  
28 synonymous with air pollution control device.

29 B. “Air contaminant.” Particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any  
30 combination thereof produced by processes other than natural.

31 C. “Air contamination.” The presence in the outdoor ambient air of one or more air  
32 contaminants which contribute to a condition of air pollution.

33 D. “Air contamination source.” Any source at, from, or by reason of which there is emitted  
34 into the ambient air any air contaminant, regardless of who the person may be who owns  
35 or operates the building, premises, or other property in, at, or on which such source is  
36 located, or the facility, equipment or other property by which the emission is caused or  
37 from which the emission comes.

38 E. “Air contaminant point source.” Any single point of emissions of any air contaminant  
39 such as from an individual machine or combustion device.

- 1 F. "Air pollution." The presence in the outdoor ambient air of one or more air contaminants  
2 in quantities, of characteristic, and of a duration which are materially injurious or can be  
3 reasonably expected to become materially injurious to human, plant, or animal life or to  
4 property, or which unreasonably interfere with enjoyment of life or use of property  
5 throughout the State or throughout such area of the State as shall be affected thereby.
- 6 G. "Ambient air." The encompassing atmosphere existing in the matter of space and to  
7 which life of this earth is adapted. For the purposes of these regulations, that portion of  
8 the atmosphere outside of buildings, stacks, and ducts.
- 9 H. "Atmosphere." The air that envelopes or surrounds the earth. This term is synonymous  
10 with ambient air.
- 11 I. "Commission." The Mississippi Commission on Environmental Quality.
- 12 J. "Excess (or excessive) emission." The operation of a facility in which the emission of  
13 one or more pollutants exceeds the applicable limit(s).
- 14 K. "Fly ash." Particulate matter capable of being gasborne or airborne or carried in the gas  
15 stream and consisting essentially of ash, fused ash, and/or unburned material.
- 16 L. "Ground level." Unless otherwise specified in sampling techniques, will be considered to  
17 be in the range of one to twenty (20) feet of ground level. For ambient sampling, it shall  
18 also be outside the boundaries of the property which contains the air pollution source.
- 19 M. "Incinerator." A combustion device specifically designed for the destruction by high  
20 temperature burning of solid, semi-solid, liquid or gaseous combustible wastes and from  
21 which the solid residues contain little or no combustibles.
- 22 N. "Modification." Any physical change in, or change in the method of operation of, an  
23 affected facility which increases the amount of any air pollutant emitted by such facility  
24 or which results in the emission of any air pollutant not previously emitted, except that:
- 25 (1) Routine maintenance, repair and replacement shall not be considered physical  
26 changes, and
- 27 (2) An increase in the production rate or hours of operation shall not be considered a  
28 change in the method of operation, unless it is prohibited by a permit.
- 29 O. "Multiple chamber incinerator." Any article, machine, equipment, contrivance, structure,  
30 or any part thereof used to dispose of combustible refuse by burning, which consists of  
31 three or more refractory walls, interconnected by gas passage points or ducts and  
32 employing adequate design parameters necessary for maximum combustion of the  
33 material to be burned.
- 34 P. "Opacity." The degree to which emissions reduce the transmission of light and obscure  
35 the background.

- 1 Q. "Open burning." The combustion of solid waste without (1) control of combustion air to  
2 maintain adequate temperature for efficient combustion, (2) containment of the  
3 combustion reaction in an enclosed device to provide sufficient residence time and  
4 mixing for complete combustion, and (3) control of the emission of the combustion  
5 products.
- 6 R. "Ozone Action Day." A day(s) occurring between March 1 and October 31 of each year  
7 which the Executive Director has designated as being conducive to high rates of ozone  
8 formation for a named county(ies) among DeSoto, Hancock, Harrison, and Jackson  
9 Counties.
- 10 S. "Particulate matter." Any airborne finely divided solid or liquid material with an  
11 aerodynamic diameter smaller than 100 micrometers.
- 12 T. "Particulate matter emissions." All finely divided solid or liquid material, other than  
13 uncombined water, emitted to the ambient air as measured by an applicable EPA Test  
14 Method, an equivalent or alternative method specified by the EPA, or by a test method  
15 specified in the approved State Implementation Plan.
- 16 U. "Person." The State or other agency, or institution thereof, any municipality, political  
17 subdivision, public or private corporation, individual, partnership, association, or other  
18 entity, and includes any officer or governing or managing body of any municipality,  
19 political subdivision, or public or private corporation, or the United States or any officer  
20 or employee thereof.
- 21 V. "PM2.5" Particulate matter with an aerodynamic diameter less than or equal to a nominal  
22 2.5 micrometers as measured by a reference method based on Appendix L of 40 CFR 50  
23 and designated in accordance with 40 CFR 53 or by an equivalent method designated in  
24 accordance with 40 CFR Part 53.
- 25 W. "PM2.5 emissions." Finely divided solid or liquid material, with an aerodynamic  
26 diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as  
27 measured by an applicable EPA Test Method, an equivalent or alternate method specified  
28 by the EPA, or by a test method specified in the approved State Implementation Plan.
- 29 X. "PM10." Particulate matter with an aerodynamic diameter less than or equal to a nominal  
30 10 micrometers as measured by a reference method based on Appendix J of 40 CFR 50  
31 and designated in accordance with 40 CFR 53 or by an equivalent method designated in  
32 accordance with 40 CFR Part 53.
- 33 Y. "PM10 emissions." Finely divided solid or liquid material, with an aerodynamic diameter  
34 less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured  
35 by an applicable EPA Test Method, an equivalent or alternate method specified by the  
36 EPA, or by a test method specified in the approved State Implementation Plan.
- 37 Z. "Process weight." The total weight of all materials introduced into a source operation

- 1 including solid fuels and water. Excluded materials are as follows: Liquids and gases  
2 used solely as fuels or as a means of conveyance, liquids used as a pollutant removal  
3 medium, recycled process materials counted at initial introduction, and air introduced for  
4 purposes of combustion.
- 5 AA. "Recreational area." Recreational area means:
- 6 (1) a national, state, county, or city designated park; or
- 7 (2) an outdoor recreational area, such as a golf course or swimming pool, owned by a  
8 city, county, or other public agency.
- 9 BB. "Residential area." Residential area means:
- 10 (1) a group of 20 or more single family dwelling units on contiguous property and  
11 having an average density of two or more units per acre, or
- 12 (2) a group of 40 or more single family dwelling units on contiguous property  
13 and having an average density of one or more units per acre, or
- 14 (3) a subdivision containing at least 20 constructed houses, in which the subdivision  
15 plat is recorded in the chancery clerk's office of the appropriate county.
- 16 CC. "Shutdown." The termination of operation of equipment. Relative to fuel-burning  
17 equipment, a shutdown shall be construed to occur only when a unit is taken from a fired  
18 to a non-fired state.
- 19 DD. "Smoke." Small gasborne particles resulting from incomplete combustion and consisting  
20 predominantly, but not exclusively, of carbon, ash, and other combustible material.
- 21 EE. "Soot." Aggregated particles consisting mainly of carbonaceous material.
- 22 FF. "Soot blowing." The removal by mechanical means of accumulated carbon and/or ash  
23 from heat transfer surfaces of an operating fuel-burning unit.
- 24 GG. "Standard conditions." Standard conditions for gas measurement and calculation will be  
25 a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch  
26 absolute except where set by Applicable Rules and Regulations.
- 27 HH. "Startup." The bringing into operation from a non-operative condition. Relative to fuel-  
28 burning equipment, a startup shall be construed to occur only when a unit is taken from a  
29 non-fired to a fired state.
- 30 II. "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, and  
31 any other organic sulfides present.
- 32 JJ. "Total suspended particulate." Particulate matter as measured by the method described in

1 Appendix B of 40 CFR 50.

2 KK. "Upset." An unexpected and unplanned condition of operation of the facility in which  
3 equipment operates outside of the normal and planned parameters. An upset shall not  
4 include a condition of operation caused by improperly designed equipment, lack of  
5 preventive maintenance, careless or improper operation, operator error, or an intentional  
6 startup or shutdown of equipment.  
7

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

10 *Rule 1.3 Specific Criteria for Sources of Particulate Matter.*  
11

12 A. Smoke.  
13

14 (1) No person shall cause, permit, or allow the emission of smoke from a point source  
15 into the open air from any manufacturing, industrial, commercial or waste  
16 disposal process which exceeds forty (40) percent opacity subject to the  
17 exceptions provided in Rule 1.3.A.(1).  
18

19 (2) Startup operations may produce emissions which exceed 40% opacity for up to  
20 fifteen (15) minutes per startup in any one hour and not to exceed three (3)  
21 startups per stack in any twenty-four (24) hour period.  
22

23 (3) Emissions resulting from soot blowing operations shall be permitted provided  
24 such emissions do not exceed 60 percent opacity, and provided further that the  
25 aggregate duration of such emissions during any twenty-four (24) hour period  
26 does not exceed ten (10) minutes per billion BTU gross heating value of fuel in  
27 any one hour.  
28

29 B. Equivalent Opacity. No person shall cause, allow, or permit the discharge into the  
30 ambient air from any point source or emissions, any air contaminant of such opacity as to  
31 obscure an observer's view to a degree in excess of 40% opacity, equivalent to that  
32 provided in Rule 1.3.A.(1) This shall not apply to vision obscuration caused by  
33 uncombined water droplets.  
34

35 C. General Nuisances. No person shall cause, permit, or allow the emission of particles or  
36 any contaminants in sufficient amounts or of such duration from any process as to be  
37 injurious to humans, animals, plants, or property, or to be a public nuisance, or create a  
38 condition of air pollution.  
39

40 (1) No person shall cause or permit the handling or transporting or storage of any  
41 material in a manner which allows or may allow unnecessary amounts of  
42 particulate matter to become airborne.  
43

44 (2) When dust, fumes, gases, mist, odorous matter, vapors, or any combination  
45 thereof escape from a building or equipment in such a manner and amount as to

1 cause a nuisance to property other than that from which it originated or to violate  
2 any other provision of this regulation, the Commission may order such corrected  
3 in a way that all air and gases or air and gasborne material leaving the building or  
4 equipment are controlled or removed prior to discharge to the open air  
5

6 D. Fuel Burning

7  
8 (1) Fossil Fuel Burning. The maximum permissible emission of ash and/or particulate  
9 matter from fossil fuel burning installations shall be limited as follows:

10  
11 (a) Emissions from installations of less than 10 million BTU per hour heat  
12 input shall not exceed 0.6 pounds per million BTU per hour heat input.

13  
14 (b) Emissions from installations equal to or greater than 10 million BTU per  
15 hour heat input but less than 10,000 million BTU per hour heat input shall  
16 not exceed an emission rate as determined by the relationship

17  
18 
$$E = 0.8808 * I^{0.1667}$$

19  
20 where E is the emission rate in pounds per million BTU per hour heat  
21 input and I is the heat input in millions of BTU per hour.

22  
23 (c) Emissions from installations equal to or greater than 10,000 million BTU  
24 per hour heat input shall not exceed 0.19 pounds per million BTU per hour  
25 heat input.

26  
27 (2) Combination Boilers. Fuel burning operations utilizing a mixture of combustibles  
28 such as, but not limited to, fossil fuels plus bark, oil plus bark, or spent wood, or  
29 water treatment by-products sludge, to produce steam or heat water or any other  
30 heat transfer medium through indirect means may be allowed emission rates up to  
31 0.30 grains per standard dry cubic foot.

32  
33 E. Kraft Process Recovery Boilers. The emissions of particulate matter from a recovery  
34 furnace stack shall not exceed four (4) pounds per ton of equivalent air-dried Kraft pulp  
35 produced at any given time.

36  
37 F. Manufacturing Processes.

38  
39 (1) General. Except as otherwise specified, no person shall cause, permit, or allow the  
40 emission of particulate matter in total quantities in any one hour from any  
41 manufacturing process, which includes any associated stacks, vents, outlets, or  
42 combination thereof, to exceed the amount determined by the relationship

43  
44 
$$E = 4.1 p^{0.67}$$

1 where E is the emission rate in pounds per hour and p is the process weight input  
2 rate in tons per hour.  
3

4 Conveyor discharge of coarse solid matter may be allowed if no nuisance is  
5 created beyond the property boundary where the discharge occurs.  
6

7 (2) Kraft Pulping Mills. All mills existing prior to January 25, 1972, and not modified  
8 subsequent thereto shall comply with the following emission limits:  
9

10 (a) Recovery Furnaces. The emission of particulate matter from recovery  
11 furnace stacks shall not exceed four pounds per ton of equivalent air-dried  
12 Kraft pulp.  
13

14 (b) Lime Kilns. The emission of particulate matter from lime kilns shall not  
15 exceed one pound per ton of equivalent air-dried Kraft pulp.  
16

17 (c) Smelt Tanks. The emission of particulate matter from smelt tanks shall not  
18 exceed one-half pound per ton of equivalent air-dried Kraft pulp.  
19

20 G. Open Burning. The open burning of residential, commercial, institutional, or industrial  
21 solid waste, is prohibited. This prohibition does not apply to infrequent burning of  
22 agricultural wastes in the field, silvicultural wastes for forest management purposes, land-  
23 clearing debris, debris from emergency clean-up operations, and ordnance; and permitted  
24 open burning at hazardous waste disposal facilities subject to regulation under Subtitle C  
25 of the Federal Resource Conservation and Recovery Act (RCRA).  
26

27 (1) Fires set for the burning of agricultural wastes in the field and/or silvicultural  
28 wastes for forest management purposes must meet the following conditions.

29 (a) A Permit must be obtained from the Mississippi Forestry Commission.

30 (b) The open burning must occur within a time period allowing adequate  
31 diffusion of air pollutants as defined by the permit and the daily weather  
32 guides issued by the National Weather Forecast Office.

33 (c) Starter or auxiliary fuels may consist of dried vegetation, petroleum  
34 derived fuels of the gasoline, kerosene, or light fuel oil types (diesel), or a  
35 combination thereof. Use of or burning of other combustible material that  
36 causes excessive visible emission (e.g., rubber tires, plastic materials, etc.)  
37 is prohibited.  
38

39 (2) Open burning of land-clearing debris must not use starter or auxiliary fuels which  
40 cause excessive smoke (rubber tires, plastics, etc.); must not be performed if  
41 prohibited by local ordinances; must not cause a traffic hazard; must not take  
42 place where there is a High Fire Danger Alert declared by the Mississippi  
43 Forestry Commission or Emergency Air Pollution Episode Alert imposed by the  
44 Executive Director and must meet the following buffer zones.



- 1  
2 (a) Open burning without a forced-draft air system must not occur within 500  
3 yards of an occupied dwelling.  
4  
5 (b) Open burning utilizing a forced-draft air system on all fires to improve the  
6 combustion rate and reduce smoke may be done within 500 yards of but  
7 not within 50 yards of an occupied dwelling.  
8  
9 (c) Burning must not occur within 500 yards of commercial airport property,  
10 private air fields, or marked off-runway aircraft approach corridors unless  
11 written approval to conduct burning is secured from the proper airport  
12 authority, owner or operator.  
13  
14 (3) Permitted open burning at a hazardous waste disposal facility subject to regulation  
15 under Subtitle C of RCRA is considered a stationary source of air pollution  
16 subject to Mississippi air emission permitting regulations.  
17  
18 (4) Ozone Action Days in DeSoto County, Hancock County, Harrison County and  
19 Jackson County. In DeSoto County, Hancock County, Harrison County, or  
20 Jackson County, open burning of agricultural wastes and silvicultural wastes  
21 described in 7(a) above, open burning of land-clearing debris described in 7(b)  
22 above, and permitted open burning at a hazardous waste disposal facility  
23 described in 7(c) above are prohibited in said county when an Ozone Action Day  
24 is declared by the Executive Director for the county(ies). Ozone Action Days  
25 shall be noticed the evening before on the MDEQ website and/or with local news  
26 media. The Mississippi Department of Transportation, Mississippi State Forestry  
27 Commission and local fire officials shall also be notified the evening before an  
28 Ozone Action Day.  
29

30 H. Incineration.

- 31  
32 (1) The maximum discharge of particulate matter from any incinerator, except those  
33 specified in paragraph (2) or (3) of this rule, or those specified in Rule 1.6 and  
34 1.12 shall not exceed 0.2 grains per standard dry cubic foot of flue gas calculated  
35 to twelve percent (12%) carbon dioxide by volume for products of combustion.  
36 This limitation shall apply when the incinerator is operating at design capacity.  
37

38 The carbon dioxide produced by combustion of any auxiliary fuels shall be  
39 excluded from the calculation to twelve percent (12%) carbon dioxide. After May  
40 8, 1970, any new equipment shall be of the multiple chamber type or its  
41 equivalent for emission control. In critical areas where an installation is in close  
42 proximity to a residential area, an incinerator, except those specified in paragraph  
43 (2) of this rule, or those specified in Rule 1.6 and 1.12, shall be limited to  
44 emissions of 0.1 grains per standard dry cubic foot of flue gases calculated to  
45 twelve percent (12%) carbon dioxide by volume for products of combustion.  
46

1 (2) The maximum discharge of smoke from the incineration of waste material  
2 resulting totally from the ginning of cotton shall not obscure an observer's view to  
3 a degree in excess of 40% opacity.  
4

5 Start-up operations may produce emissions which exceed 40% opacity for up to  
6 fifteen minutes per start-up in any one hour not to exceed three (3) startups in any  
7 twenty-four (24) hour period.  
8

9 After July 1, 1994, the emission limitation specified in paragraph (1) of this rule  
10 shall also be applicable to cotton gin waste incinerators.  
11

12 (3) The emission limitation in paragraph (1) above does not apply to afterburners,  
13 flares, thermal oxidizers, and other similar devices used to reduce the emissions of  
14 air pollutants from processes.  
15

16 I. Sampling Ports.  
17

18 (1) New Equipment: The owner or operator of any new air pollution control  
19 equipment, obtained after May 8, 1970, and vented to the atmosphere, shall have  
20 necessary sampling ports and ease of accessibility.  
21

22 (2) Existing Equipment: The owner or operator of air pollution control equipment  
23 that is in existence prior to May 8, 1970, shall provide the necessary sampling  
24 ports and ease of accessibility when deemed necessary by the Permit Board.  
25

26 J. More Restrictive Emission Limits. The Commission reserves the right to prescribe more  
27 stringent emission limits as it deems necessary in problem areas. The expansion,  
28 alteration, or establishment of a new industry may also result in the prescription of more  
29 stringent emission limits.  
30

31 *Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.*  
32

33 *Rule 1.4 Specific Criteria for Sources of Sulfur Compounds.*

34 A. Sulfur Dioxide Emissions from Fuel Burning

35 (1) The maximum discharge of sulfur oxides from any fuel burning  
36 installation in which the fuel is burned primarily to produce heat or power  
37 by indirect heat transfer shall not exceed 4.8 pounds (measured as sulfur  
38 dioxide) per million BTU heat input.

39 (2) No person shall cause or permit the burning of fuel in any fuel burning  
40 equipment that results in an average emission of sulfur dioxide from any  
41 calendar year at a rate greater than was emitted by said fuel burning  
42 equipment for the corresponding calendar year 1970 unless otherwise  
43 authorized by the Commission. Installations under construction on January  
44 25, 1972, are excluded from this requirement.

1 (3) The maximum discharge of sulfur dioxide from any modified fuel burning  
2 unit whose generation capacity is less than 250 million BTU per hour and  
3 in which the fuel is burned primarily to produce heat or power by indirect  
4 heat transfer shall not exceed 2.4 pounds (measured as sulfur dioxide) per  
5 million BTU heat input. For the purposes of Rule 1.4 of these regulations  
6 only, "modification" shall mean any physical change in an Air  
7 Contaminant Source which increases the amount of any air pollutant (to  
8 which a standard applies) emitted by such source or which results in the  
9 emission of any air pollutant (to which a standard applies) not previously  
10 emitted.

11 B. Sulfur Dioxide Emissions from Processes

12 (1) Except as otherwise provided herein, no person shall cause or permit the emission  
13 of gas containing sulfur oxides (measured as sulfur dioxide) in excess of 2,000  
14 ppm (volume) from any process equipment in existence on January 25, 1972, or  
15 in excess of 500 ppm (volume) from any process equipment constructed after  
16 January 25, 1972. The 500 ppm (volume) requirement shall apply for equipment  
17 constructed after January 25, 1972 unless otherwise provided by the Commission.

18 (2) Except as otherwise provided in paragraph B.(6)(a) no person shall cause or  
19 permit the emission of any gas stream which contains hydrogen sulfide in excess  
20 of one grain per 100 standard cubic feet.

21 Gas streams containing hydrogen sulfide in excess of one grain per 100 standard  
22 cubic feet shall be incinerated at temperatures of not less than 1600°F for a period  
23 of not less than 0.5 seconds, or processed in such manner which is equivalent to  
24 or more effective for the removal of hydrogen sulfide.

25 Sulfur dioxide concentration limitations in the gas streams resulting from such  
26 incineration or processing shall be determined for each emission point on a case-  
27 by-case basis to insure that the resulting maximum ground level concentration of  
28 sulfur dioxide as determined by acceptable method or methods will be in  
29 compliance with the National Ambient Air Quality Standards for sulfur dioxide.  
30 Testing to determine the productive capacity of new fields shall be exempted from  
31 emission limitation provisions of the paragraph of the regulation providing such  
32 testing has been previously negotiated and approved by the Mississippi Office of  
33 Pollution Control.

34 This regulation shall not apply to sulfur recovery plants.

35 (3) No person shall cause or permit acid mist emissions from sulfuric acid  
36 manufacturing plants to exceed 0.5 pounds/ton of acid produced. Sulfur trioxide  
37 emissions from sulfuric acid manufacturing plants shall not exceed 0.2 pounds/ton  
38 of acid produced.

39 (4) No person shall cause or permit emission of sulfur oxides, calculated as sulfur

1 dioxide, from a sulfur recovery plant to exceed 0.12 pounds per pound of sulfur  
2 processed.

- 3  
4 (5) No person shall cause or permit emissions of sulfur oxides, calculated as sulfur  
5 dioxide, from primary nonferrous smelters, in excess of the emission calculated as  
6 follows:

7 Copper smelters:  $Y = 0.2 X$   
8 Zinc smelters:  $Y = 0.564 X^{0.85}$   
9 Lead smelters:  $Y = 0.98 X^{0.77}$

10 Where X is the total sulfur fed to the smelter in pounds/hour and Y is the  
11 allowable sulfur emissions in pounds/hour.

12 (6) Kraft Pulp Mills

13 (a) All mills existing prior to November 1, 1987, and not modified subsequent  
14 thereto, excluding mills or facilities subject to New Source Performance  
15 Standards, shall control the emission of total reduced sulfur compounds  
16 (TRS) so as to not exceed the emission limits set forth below:

17 (b) Straight recovery boiler systems - twenty (20) parts per million TRS,  
18 expressed as hydrogen sulfide on a dry gas basis corrected to 8% oxygen,  
19 on a 12-hour average basis, except that:

20 (1) the International Paper Company, Vicksburg, Mississippi, shall be  
21 allowed 40 parts per million TRS, expressed as hydrogen sulfide  
22 on a dry gas basis corrected to 8% oxygen, on a 12-hour average  
23 basis,

24 (2) the International Paper Company, Natchez, Mississippi, Recovery  
25 Boilers 4 & 5, shall be allowed 40 parts per million TRS,  
26 expressed as hydrogen sulfide on a dry gas basis corrected to 8%  
27 oxygen, on a 12-hour average basis, and

28 (3) the Georgia-Pacific Corporation, Monticello, Mississippi, shall be  
29 allowed 40 parts per million TRS, expressed as hydrogen sulfide  
30 on a dry gas basis corrected to 8% oxygen, on a 12-hour average  
31 basis.

32 (c) Lime kiln systems - twenty (20) parts per million of TRS, expressed as  
33 hydrogen sulfide on a dry gas basis corrected to 10% oxygen, on a 12-  
34 hour average basis.

35 (d) Digester systems - five (5) parts per million of TRS, expressed as  
36 hydrogen sulfide on a dry gas basis corrected to 10% oxygen, on a 12-  
37 hour average basis.

- 1 (e) Multiple effect evaporator systems - five (5) parts per million of TRS,  
2 expressed as hydrogen sulfide on a dry gas basis corrected to 10%  
3 oxygen, on a 12-hour average basis.
- 4 (f) Condensate stripper systems - five (5) parts per million of TRS, expressed  
5 as hydrogen sulfide on a dry gas basis corrected to 10% oxygen, on a 12-  
6 hour average basis.
- 7 (g) Smelt dissolving tank - 0.016 gram of TRS, expressed as hydrogen sulfide  
8 on a dry gas basis, per kilogram of black liquor solids (dry weight).
- 9 (h) Equivalent control systems (controls for treating collected noncondensable  
10 gases in a manner equivalent to incineration in a lime kiln) - five (5) parts  
11 per million TRS, expressed as hydrogen sulfide on a dry gas basis,  
12 corrected to the actual oxygen content of the untreated gas stream, on a  
13 12-hour average basis.

14 C. All mills, as defined above, shall, by February 1, 1988, demonstrate compliance with the  
15 TRS emission limits set forth above. Compliance demonstration for recovery boilers,  
16 lime kilns, smelt tanks, and equivalent control systems for collected noncondensable  
17 gases shall be by testing in accordance with EPA Test Method 16 or 16A and submittal  
18 of a stack test report. Compliance demonstration for digester systems, multiple effect  
19 evaporator systems and condensate stripper systems shall be by certification that these  
20 systems are fully connected to a noncondensable gas collection system followed by  
21 incineration in the lime kiln or equivalent control and testing of lime kiln or equivalent  
22 control as specified above. A compliance schedule may be submitted, as set forth below,  
23 on any or all systems not expected to comply with the emission limit and such submittal  
24 will negate the requirement for immediate compliance demonstration, as referenced  
25 above, on those systems.

26 Any mill defined above which, on November 1, 1987, is unable to comply with the  
27 emission limits set forth above, shall, within three (3) months thereafter, submit a  
28 schedule for attaining compliance with these limits. The compliance schedule shall not  
29 extend past November 1, 1990. Compliance with emission limits shall be demonstrated  
30 by the methods specified above, as appropriate, no later than the end of the compliance  
31 schedule. Compliance demonstration for recovery boilers, lime kilns, smelt tanks, and  
32 equivalent control systems for collected noncondensable gases shall be by testing in  
33 accordance with EPA Test Method 16 or 16A and submittal of a stack test report.  
34 Compliance demonstration for digester systems, multiple effect evaporator systems and  
35 condensate stripper systems shall be by certification that these systems are fully  
36 connected to a noncondensable gas collection system followed by incineration in the lime  
37 kiln or equivalent control and testing of lime kiln or equivalent control as specified  
38 above.

39 D. All mills, as defined above, shall monitor the emission of TRS and/or other gas  
40 constituents as described below:

- 1 (1) The TRS emission concentration in recovery boiler flue gas shall be monitored by  
2 either:
- 3 (a) A continuous monitoring device which meets the requirements of 40 CFR  
4 60, Performance Specification 5; or
- 5 (b) Performance of EPA Method 16 or 16A on no less than a (calendar)  
6 quarterly basis.
- 7 (2) The oxygen concentration in recovery boiler flue gas shall be continuously  
8 monitored by a device which meets the requirements of 40 CFR 60, Performance  
9 Specification 3.
- 10 (3) The TRS concentration in lime kiln flue gas shall be continuously monitored by a  
11 device which meets the requirements of 40 CFR 60, Performance Specification 5.
- 12 (4) The oxygen concentration in lime kiln flue gas shall be continuously monitored  
13 by a device which meets the requirements of 40 CFR 60, Performance  
14 Specification 3.

15 All mills, as defined above, shall obtain the necessary continuous monitoring equipment  
16 and begin monitoring by November 1, 1988, or no later than the date of final compliance  
17 with the regulation, if compliance is not immediate. For mills choosing to use EPA  
18 Method 16 or 16A for recovery boiler monitoring, the necessary equipment and/or  
19 monitoring capability must be obtained by February 1, 1988. Also, when Method 16 or  
20 16A is used, each successive quarter's testing shall be separated from the previous  
21 quarter's by a period of not less than sixty (60) days and prior notice to the Mississippi  
22 Office of Pollution Control of all testing shall be made.

23  
24 All mills, as defined above, shall calculate and record, on a daily basis, the 12-hour  
25 average TRS concentration and O<sub>2</sub> concentration for the two consecutive operating  
26 periods of each operating day for both the recovery boiler (if continuously monitored)  
27 and lime kiln. Each 12-hour average shall be determined as the arithmetic mean of the  
28 appropriate 12 continuous 1-hour average concentrations. Each 12-hour average TRS  
29 concentration shall be corrected to 10%, or 8% O<sub>2</sub>, as appropriate to the emission limit,  
30 using the equation defined in 40 CFR 60.284(c)(3).

31  
32 All mills, as defined above, shall report, for each calendar quarter, the periods of  
33 emissions which exceed the TRS limits specified above from the recovery boiler and lime  
34 kiln. The report shall specify the 12-hour period of each exceedance by time and date, the  
35 average emissions concentration for the period, and total number of 12-hour periods of  
36 mill operation during the quarter. The report shall also detail all outages of the  
37 monitoring devices by time and date. The report shall be due within forty-five (45) days  
38 following the end of the calendar quarter.

39  
40 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.

1  
2 *Rule 1.5 Specific Criteria for Sources of Chemical Emissions.*  
3

- 4 A. Fluorides. No person shall allow the emission of fluorides into the ambient air in excess  
5 of four-tenths (0.4) pound per ton of P2O5 or equivalent. The allowable emission of  
6 fluorides shall be calculated by multiplying the unit emission, specified above, times the  
7 expressed design production capacity of the installation or plant.
- 8 B. Miscellaneous Chemical Emissions. No person shall cause, permit, or allow the emission  
9 of toxic, noxious, or deleterious substances, in addition to those considered in these  
10 regulations, into the ambient air in concentrations sufficient to affect human health and  
11 well-being, or unreasonably interfere with the enjoyment of property or unreasonably  
12 and adversely affect plant or animal life beyond the boundaries of the property  
13 containing the air pollution source.

14  
15 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
16

17 *Rule 1.6 New Sources.* The provisions of this rule apply to the owner or operator of any source  
18 listed herein, the construction or modification of which is commenced after the date of adoption  
19 of specific emission limitations applicable to such source.  
20

- 21 A. Kraft Pulping Mills. All sources shall minimize gaseous and particulate emission by use  
22 of modern equipment, devices, maintenance, and operating practices in accordance with  
23 best current technology. In no case shall emissions exceed the limits set forth in any  
24 applicable Federal Standard of Performance for New Stationary Sources  
25
- 26 B. Other Limitations. The Mississippi Pollution Control Permit Board, in accordance with  
27 Title 11, Part 2, Chapter 2, may require more stringent emission limitations which it  
28 deems necessary to meet applicable national primary and secondary ambient air quality  
29 standards, necessary to insure that ambient air pollution concentrations do not exceed  
30 ambient air increments or violate other requirements under Federal Prevention of  
31 Significant Deterioration (PSD) regulations promulgated by the U.S. Environmental  
32 Protection Agency as of August 23, 1989, pursuant to Section 160 through 169 of the  
33 Federal Clean Air Act as amended, or necessary to meet other Federal law or regulations  
34 enacted or promulgated subsequent to this regulation.  
35
- 36 C. New Source Performance Standards. The Federal New Source Performance Standards are  
37 those duly promulgated by the U.S. Environmental Protection Agency in (or to be printed  
38 in) 40 C.F.R. Part 60, pursuant to Section 111 of the Federal Clean Air Act, as amended,  
39 and Consolidated Federal Air Rule provisions duly promulgated by the U.S.  
40 Environmental Protection Agency in (or to be printed in) 40 C.F.R Part 65. All such  
41 regulations promulgated by the U.S. Environmental Protection Agency as of September  
42 13, 2010, are incorporated herein and adopted by reference by the Commission as official  
43 regulations of the State of Mississippi and shall hereafter be enforceable as such (except  
44 the word "Administrator" in said standards and general implementing regulations shall be  
45 replaced by the words "Executive Director" and the word "Agency" shall be replaced by  
46 the word "Department".) Hereafter, any facility subject to the Federal New Source

1 Performance Standards shall comply with the emission limitations and other requirements  
2 of said standards.

3  
4 D. Additional Requirements for Infectious Waste Incineration.

5  
6 (1) Infectious waste incinerators which incinerate only those wastes generated on-site  
7 and are installed after December 9, 1993, shall comply with the following:

8  
9 (a) Daily records shall be kept of the times of operation, quantity of wastes  
10 incinerated and the temperature of the secondary chamber which  
11 temperature shall be monitored continuously. Records shall be maintained  
12 on hand for at least two (2) years.

13  
14 (b) Only wastes generated on-site may be incinerated. Disposal of wastes from  
15 off-site shall cause the incinerator to be classified as a commercial  
16 incinerator and, therefore, subject to the requirements applicable to such  
17 units.

18  
19 (2) Commercial Incinerators. For purposes of this regulation, a commercial  
20 incinerator is any infectious waste incinerator that incinerates wastes other than or  
21 in addition to wastes generated on-site. A commercial infectious waste  
22 incinerator installed or modified after December 9, 1993, shall comply with the  
23 following:

24  
25 (a) A manifest system, including a detailed description of the waste collection  
26 and transportation system shall be employed. Daily records shall be kept  
27 of the times of incinerator operation, quantity of wastes incinerated and  
28 temperature of the secondary chamber which temperature shall be  
29 monitored continuously. Records shall be maintained on hand for at least  
30 two (2) years.

31  
32 (b) Notwithstanding the requirements of Rule 1.6.D(2)(b) and Rule 1.12, the  
33 Permit Board may in any permit, in accordance with Title 11, Part 2,  
34 Chapter 2, establish more stringent requirements for emissions, operating  
35 parameters, monitoring, and recordkeeping subject to the provisions of  
36 Miss. Code Ann. 49-17-34(2) and (3).

37  
38 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.

39  
40 *Rule 1.7 Exceptions.* If any single source of emission or combination of sources of emissions is  
41 found to compromise the ambient air quality in the State, beyond the limitations set forth in any  
42 national primary and secondary ambient air quality standards now or hereafter established by the  
43 Administrator of the Environmental Protection Agency pursuant to the Clean Air Act as  
44 amended December 31, 1970, (Public Law 91-640) notwithstanding compliance with any  
45 maximum allowable emission rate allowed by this regulation, the Mississippi Commission on  
46 Environmental Quality may require such further reduction in emission from this or these sources



1 as is necessary to obtain compliance with said national primary and secondary ambient air quality  
2 standards.

3  
4 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.

5  
6 *Rule 1.8 Provisions For Hazardous Air Pollutants.*

7  
8 A. Hazardous Air Pollutant Emission Standards

9  
10 Hazardous air pollutant emission standards are National Emission Standards for  
11 Hazardous Air Pollutants duly promulgated by the U. S. Environmental Protection  
12 Agency in (or to be printed in) 40 C.F.R. Part 61 pursuant to Section 112 of the Federal  
13 Clean Air Act, as amended; National Emission Standards for Hazardous Air Pollutants  
14 for Source Categories duly promulgated by the U.S. Environmental Protection Agency in  
15 (or to be printed in) 40 C.F.R. Part 63 pursuant to Section 112 of the Federal Clean Air  
16 Act, as amended; and Consolidated Federal Air Rule provisions duly promulgated by the  
17 U.S. Environmental Protection Agency in (or to be printed in) 40 C.F.R. Part 65. All such  
18 regulations promulgated by the U.S. Environmental Protection Agency as of September  
19 13, 2010, are incorporated herein and adopted by reference by the Commission as official  
20 regulations of the State of Mississippi and shall hereafter be enforceable as such (except  
21 the word "Administrator" in said standards and general implementing regulations shall be  
22 replaced by the words "Executive Director" and the word "Agency" shall be replaced by  
23 the word "Department"). Hereafter, any facility subject to the National Emission  
24 Standards for Hazardous Air Pollutants and/or the National Emission Standards for  
25 Hazardous Air Pollutants for Source Categories shall comply with the emission  
26 limitations and other requirements of said standards.

27  
28 B. National Emission Standards for Hazardous Air Pollutants; Compliance Extensions for  
29 Early Reductions.

30  
31 The National Emission Standards for Hazardous Air Pollutants: Compliance Extensions  
32 for Early Reductions are regulations duly promulgated by the U.S. Environmental  
33 Protection Agency in (or to be printed in) 40 C.F.R. Part 63 pursuant to Section 112 of  
34 the Federal Clean Air Act, as amended. All such regulations promulgated by the U.S.  
35 Environmental Protection Agency are incorporated herein and adopted by reference by  
36 the Commission as official regulations of the State of Mississippi and shall hereafter be  
37 enforceable as such.

38  
39 C. Case by Case Maximum Achievable Control Technology Requirements.

40  
41 The Mississippi Pollution Control Permit Board, in accordance with Title 11, Part 2,  
42 Chapter 2, may require emissions limitations necessary to meet case by case maximum  
43 achievable control technology ("MACT") requirements in accordance with Section 112(j)  
44 and (g) of the Federal Act.

45  
46 D. Mercury Emissions from Electric Utilities.

1  
2 Mercury emissions from electric utilities are regulated in accordance with the Emission  
3 Guidelines for the Control of Mercury Emissions from Coal-Fired Electric Steam  
4 Generating Units promulgated by the U.S. Environmental Protection Agency in 40 CFR  
5 Part 60, Subpart HHHH, pursuant to Section 111 of the Federal Clean Air Act, as  
6 amended. All such regulations duly promulgated by the U.S. Environmental Protection  
7 Agency as of October 3, 2008, are incorporated herein and adopted by reference by the  
8 Commission as official regulations of the State of Mississippi and shall hereafter be  
9 enforceable as such, except for the changes noted in (a) and (b). Hereafter, any facility  
10 subject to the Federal Emission Guidelines shall comply with all applicable requirements  
11 of the regulation.  
12

- 13 (1) The phrase "permitting authority" shall mean "Mississippi Environmental Quality  
14 Permit Board" except when used in the definitions of "Allocate or allocation" and  
15 "Hg allowance" in 40 CFR 60.4102.  
16  
17 (2) The permitting authority will allocate mercury allowances in accordance with the  
18 procedures outlined in 40 CFR 60.4142 and by the dates specified in 40 CFR  
19 60.4141.  
20

21 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
22

23 *Rule 1.9 Stack Height Considerations.*  
24

25 A. Definitions  
26

- 27 (1) "Emission limitation" and "emission standard." A requirement established which  
28 limits the quantity, rate, or concentration of emissions of air pollutants on a  
29 continuous basis, including any requirements which limit the level of opacity,  
30 prescribe equipment, set fuel specifications, or prescribe operation or maintenance  
31 procedures for a source to assure continuous emission reduction.  
32  
33 (2) "Stack." Any point in a source designed to emit solids, liquids, or gases into the  
34 air, including a pipe or duct but not including flares.  
35  
36 (3) "A stack in existence." The owner or operator had either:  
37  
38 (a) Begun, or caused to begin, a continuous program of physical on-site  
39 construction of the stack, or  
40  
41 (b) Entered into binding agreements or contractual obligations, which could  
42 not be cancelled or modified without substantial loss to the owner or  
43 operator, to undertake a program of construction of the stack to be  
44 completed in a reasonable time.  
45

1 (4) "Dispersion technique." Any technique which attempts to affect the concentration  
2 of a pollutant in the ambient air by using that portion of a stack which exceeds  
3 good engineering practice stack height, varying the rate of emission of a pollutant  
4 according to atmospheric conditions or ambient concentrations of that pollutant,  
5 or increasing final exhaust gas plume rise by manipulating source process  
6 parameters, exhaust gas parameters, stack parameters, or combining exhaust gases  
7 from several existing stacks into one stack; or other selective handling of exhaust  
8 gas streams so as to increase the exhaust gas plume rise. The preceding sentence  
9 does not include:

10  
11 (a) The reheating of a gas stream, following use of a pollution control system,  
12 for the purpose of returning the gas to the temperature at which it was  
13 originally discharged from the facility generating the gas stream:

14 (b) The merging of exhaust gas streams where:

15  
16  
17 (1) The source owner or operator demonstrates that the facility was  
18 originally designed and constructed with such merged gas streams;

19  
20 (2) After July 8, 1985, such merging is part of a change in operation at  
21 the facility that includes the installation of pollution controls and is  
22 accompanied by a net reduction in the allowable emissions of a  
23 pollutant. This exclusion from the definition of "dispersion  
24 techniques" shall apply only to the emission limitation for the  
25 pollutant affected by such change in operation; or

26  
27 (3) Before July 8, 1985, such merging was part of a change in  
28 operation at the facility that included the installation of emissions  
29 control equipment or was carried out for sound economic or  
30 engineering reasons. Where there was an increase in the emission  
31 limitation or, in the event that no emission limitation was in  
32 existence prior to the merging, an increase in the quantity of  
33 pollutants actually emitted prior to the merging, the reviewing  
34 agency shall presume that merging was significantly motivated by  
35 an intent to gain emissions credit for greater dispersion. Absent a  
36 demonstration by the source owner or operator that merging was not  
37 significantly motivated by such intent, the reviewing agency shall deny  
38 credit for the effects of such merging in calculating the allowable  
39 emissions for the source;

40  
41 (c) The use of smoke management in agricultural or silvicultural prescribed  
42 burning programs; or

43  
44 (d) Episodic restrictions on residential wood burning and open burning; or  
45

- 1 (e) Techniques under Rule 1.9.A.(4) which increase final exhaust gas plume  
2 rise where the resulting allowable emissions of sulfur dioxide from the  
3 facility do not exceed 5,000 tons per year.  
4
- 5 (5) "Good engineering practice (GEP) stack height." The greater of:
- 6 (a) 65 meters measured from the ground-level elevation at the base of the stack;  
7
- 8 (b) (1) For stacks in existence on January 12, 1979, and for which the owner  
9 or operator had obtained all applicable preconstruction permits or  
10 approvals required,  $H_g = 2.5 H$ , provided the owner or operator produces  
11 evidence that this equation was actually relied on in establishing an  
12 emission limitation;  
13
- 14 (2) For all other stacks,  
15  
16  $H_g = H + 1.5L$ , where  
17  
18  $H_g =$  good engineering practice stack height, measured from the  
19 ground-level elevation at the base of the stack,  
20  
21  $H =$  height of nearby structure(s) measured from the ground-level  
elevation at the base of the stack, and  
22  
23  $L =$  lesser dimension (height or projected width) of nearby  
24 structure(s), provided that the U. S. Environmental Protection  
25 Agency or the Commission may require the use of a field study or  
fluid model to verify GEP stack height for the source; or
- 26 (3) The height demonstrated by a fluid model or a field study approved  
27 by the U. S. Environmental Protection Agency or the Commission, which  
28 ensures that the emissions from a stack do not result in excessive  
29 concentrations of any air pollutant as a result of atmospheric  
30 downwash, wakes, or eddy effects created by the source itself, nearby  
31 structures, or nearby terrain features.
- 32 (c) "Nearby," As used in Rule 1.9.A.(5)(b)(2) is defined for a specific structure or  
33 terrain feature and means:
- 34 (1) For purposes of applying the formulae provided in Rule 1.9.A.5(b)  
35 that distance up to five times the lesser of the height or the width  
36 dimension of a structure, but not greater than 0.8 km (1/2 mile), and
- 37 (2) For conducting demonstrations under Rule 1.9.A(5)(c) that distance not  
38 greater than 0.8 km (1/2 mile), except that the portion of a terrain feature  
39 may be considered to be nearby which falls within a distance of up to 10

1 times the maximum height (Ht) of the feature, not to exceed 2 miles if  
2 such feature achieves a height (ht) 0.8 km from the stack that is at least  
3 40 percent of the GEP stack height determined by the formulae provided in  
4 Paragraph 1.9.A(5)(2) of this part or 26 meters, whichever is greater, as  
5 measured from the ground-level elevation at the base of the stack. The  
6 height of the structure or terrain feature is measured from the ground-level  
7 elevation at the base of the stack.  
8

9 (d) "Excessive concentration." For the purpose of determining good engineering  
10 practice stack height under Rule 1.9.A(5)(c) excessive concentration means:  
11

12 (1) For sources seeking credit for stack height exceeding that established under  
13 Rule 1.9.A(5)(b) a maximum ground-level concentration due to  
14 emissions from a stack due in whole or part to downwash, wakes, and  
15 eddy effects produced by nearby structures or nearby terrain features  
16 which individually is at least 40 percent in excess of the maximum  
17 concentration experienced in the absence of such downwash, wakes, or  
18 eddy effects and which contributes to a total concentration due to  
19 emissions from all sources that is greater than an ambient air quality  
20 standard. For sources subject to the Prevention of Significant Deterioration  
21 program, an excessive concentration alternatively means a maximum  
22 ground-level concentration due to emissions from a stack due in whole or  
23 part to downwash, wakes, or eddy effects produced by nearby structures or  
24 nearby terrain features which individually is at least 40 percent in excess of  
25 the maximum concentration experienced in the absence of such downwash,  
26 wakes, or eddy effects and greater than a prevention of significant  
27 deterioration increment. The allowable emission rate to be used in  
28 making demonstrations under this part shall be prescribed by the new source  
29 performance standard that is applicable to the source category unless the  
30 owner or operator demonstrates that this emission rate is infeasible.  
31 Where such demonstrations are approved by the U. S. Environmental  
32 Protection Agency or the Commission, an alternative emission rate shall  
33 be established in consultation with the source owner or operator.

34 (2) For sources seeking credit after October 11, 1983, for increases in  
35 existing stack heights up to the heights established under Rule  
36 1.9.A(5)(b) either a maximum ground-level concentration due in whole  
37 or part to downwash, wakes, or eddy effects as provided in Rule  
38 1.9.A(5)(b) of this rule, except that the emission rate specified by the  
39 State implementation plan (or, in the absence of such a limit, the actual  
40 emission rate) shall be used, or the actual presence of a local nuisance  
41 caused by the existing stack, as determined by the Commission, and

42 (3) For sources seeking credit after January 12, 1979, for a stack height  
43 determined under Rule 1.9.A(5)(b) where the U. S. Environmental  
44 Protection Agency or the Commission requires the use of a field study

1 or fluid model to verify GEP stack height, for sources seeking stack  
2 height credit after November 9, 1984, based on the aerodynamic  
3 influence of cooling towers, and for sources seeking stack height credit  
4 after December 31, 1970, based on the aerodynamic influence of  
5 structures not adequately represented by the equations in Rule  
6 1.9.A(5)(b) a maximum ground-level concentration due in whole or  
7 part to downwash, wakes, or eddy effects that is at least 40 percent in  
8 excess of the maximum concentration experienced in the absence of such  
9 downwash, wakes, or eddy effects.

10  
11 B. Stack Height Effect on Emission Limitations

- 12 (1) The degree of emission limitation required of any source for control of any air pollutants  
13 shall not be affected by so much of any source's stack height that exceeds good  
14 engineering practice (GEP) or by any other dispersion technique, except as provided  
15 in (2) of this paragraph.
- 16 (2) The provisions of Rule 1.9.B(1) shall not apply to stack heights in existence, or  
17 dispersion techniques implemented, prior to December 31, 1970, except where  
18 pollutants are being emitted from such stacks or using such dispersion techniques by  
19 sources, as defined in Section 111(a)(3) of the Clean Air Act, which were constructed, or  
20 reconstructed or for which major modifications, as defined pursuant to Rule 1.6. New  
21 Sources, were carried out after December 31, 1970.
- 22 (3) If any existing source, after appropriate application of the preceding limitations and  
23 provisions, is found to exceed or potentially exceed an air quality standard or increment,  
24 as appropriate, when operating within previously established emission limitations, the  
25 emission limitations applicable to that source shall be modified so as to eliminate and  
26 prevent the exceedance.
- 27 (4) If any new source or source modification, after appropriate application of the preceding  
28 limitations and provisions, is predicted to exceed an air quality standard, or increment, as  
29 appropriate, when considered as operating under emission limitations consistent with other  
30 Applicable Rules and Regulations, the emission limitations considered shall be deemed  
31 inadequate and different emission limits, based on air quality considerations, shall be made  
32 applicable.
- 33 (5) If any source provides a field study or fluid modeling demonstration proposing a GEP  
34 stack height greater than that allowed by Rule 1.9.A(5)(a) and (b) then the public  
35 will be notified of the availability of the study and provided the opportunity for a public  
36 hearing before any new or revised emission limitation or permit is approved.
- 37 (6) The actual stack height used or proposed by a source shall not be restricted in any manner  
38 by requirements of this paragraph.  
39

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

1  
2 *Rule 1.10 Provisions For Upsets, Startups, And Shutdowns.*

3  
4 A. Upsets

5  
6 (1) The occurrence of an upset as defined in Rule 1.2. constitutes an affirmative  
7 defense to an enforcement action brought for noncompliance with emission  
8 standards or other requirements of Applicable Rules and Regulations or any  
9 applicable permit if the source demonstrates through properly signed  
10 contemporaneous operating logs, or other relevant evidence that include  
11 information as follows:

12  
13 (a) an upset occurred and that the source can identify the cause(s) of the  
14 upset;

15  
16 (b) the source was at the time being properly operated;

17  
18 (c) during the upset the source took all reasonable steps to minimize levels of  
19 emissions that exceeded the emission standards, or other requirements of  
20 Applicable Rules and Regulations or any applicable permit;

21  
22 (d) the source submitted notice of the upset to the DEQ within 5 working days  
23 of the time the upset began; and

24  
25 (e) the notice of the upset shall contain a description of the upset, any steps  
26 taken to mitigate emissions, and corrective actions taken.

27  
28 (2) In any enforcement proceeding, the source seeking to establish the occurrence of  
29 an upset has the burden of proof.

30  
31 (3) This provision is in addition to any upset provision contained in any applicable  
32 requirement.

33  
34 B. Startups and Shutdowns

35  
36 (1) Startups and shutdowns are part of normal source operation. Emissions limitations  
37 applicable to normal operation apply during startups and shutdowns except as  
38 follows:

39  
40 (a) when sudden, unavoidable breakdowns occur during a startup or shutdown, the  
41 event may be classified as an upset subject to the requirements above;

42  
43 (b) when a startup or shutdown is infrequent, the duration of excess emissions is  
44 brief in each event, and the design of the source is such that the period of  
45 excess emissions cannot be avoided without causing damage to equipment or  
46 persons; or

1  
2 (c) when the emissions standards applicable during a startup or shutdown are  
3 defined by other requirements of Applicable Rules and Regulations or any  
4 applicable permit.  
5

6 (2) In any enforcement proceeding, the source seeking to establish the applicability of  
7 any exception during a startup or shutdown has the burden of proof.  
8

9 (3) In the event this startup and shutdown provision conflicts with another applicable  
10 requirement, the more stringent requirement shall apply.  
11

12 C. Maintenance.  
13

14 (1) Maintenance should be performed during planned shutdown or repair of process  
15 equipment such that excess emissions are avoided. Unavoidable maintenance that  
16 results in brief periods of excess emissions and that is necessary to prevent or minimize  
17 emergency conditions or equipment malfunctions constitutes an affirmative defense to  
18 an enforcement action brought for noncompliance with emission standards, or other  
19 regulatory requirements if the source can demonstrate the following:  
20

21 (a) the source can identify the need for the maintenance;  
22

23 (b) the source was at the time being properly operated;  
24

25 (c) during the maintenance the source took all reasonable steps to minimize levels  
26 of emissions that exceeded the emission standards, or other requirements of  
27 Applicable Rules and Regulations or any applicable permit;  
28

29 (d) the source submitted notice of the maintenance to the DEQ within 5  
30 working days of the time the maintenance began or such other times as  
31 allowed by DEQ; and  
32

33 (e) the notice shall contain a description of the maintenance, any steps taken  
34 to mitigate emissions, and corrective actions taken.  
35

36 (2) In any enforcement proceeding, the source seeking to establish the applicability of  
37 this rule has the burden of proof.  
38

39 (3) In the event this maintenance provision conflicts with another applicable  
40 requirement, the more stringent requirement shall apply.  
41

42 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
43

44 *Rule 1.11 Severability.* If any provision, section, subsection, sentence, clause or phrase of any of  
45 these regulations, or the application of same to any person or set of circumstances is for any reason



1 challenged or held to be invalid or void, the validity of the remaining regulations and/or portions thereof or  
2 their application to other persons or sets of circumstances shall not be affected thereby.

3  
4 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, *et seq.* and 49-17-1, *et seq.*

5  
6 *Rule 1.12 Provisions For Existing Hospital/Medical/Infectious Waste Incinerators.*

7  
8 A. Applicability.

- 9 (1) Except as provided in subparagraphs (2) through (8) of this paragraph, the designated or  
10 affected facility to which Rule 1.12 applies is each individual  
11 hospital/medical/infectious waste incinerator (HMIWI) for which construction was  
12 commenced on or before June 20, 1996.
- 13  
14 (2) A combustor is not subject to Rule 1.12 of these regulations during periods when  
15 only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is  
16 burned, provided the owner or operator of the combustor:
- 17 (a) Notifies the Department of an exemption claim; and
- 18  
19 (b) Keeps records on a calendar quarter basis of the periods of time when only  
20 pathological waste, low-level radioactive waste, and/or chemotherapeutic  
21 waste is burned.
- 22  
23 (3) Any co-fired combustor is not subject to Rule 1.12 of these regulations if the owner or  
24 operator of the co-fired combustor:
- 25 (a) Notifies the Department of an exemption claim;
- 26  
27 (b) Provides an estimate of the relative weight of hospital waste,  
28 medical/infectious waste, and other fuels and/or wastes to be combusted; and
- 29  
30 (c) Keeps records on a calendar quarter basis of the weight of hospital waste  
31 and medical/infectious waste combusted, and the weight of all other fuels and  
32 wastes combusted at the co-fired combustor.
- 33  
34  
35 (4) Any combustor required to have a permit under Section 3005 of the Solid Waste  
36 Disposal Act is not subject to Rule 1.12 of these regulations.
- 37  
38 (5) Any combustor which meets the applicability requirements in standards or guidelines for  
39 certain municipal waste combustors under Subpart Cb, Ea, or Eb of 40 C.F.R. 60 is  
40 not subject to Section 12 of these regulations.
- 41  
42 (6) Any pyrolysis unit is not subject to Rule 1.12 of these regulations.
- 43  
44 (7) Cement kilns firing hospital waste and/or medical/infectious waste are not subject  
45 to Section 12 of these regulations.
- 46

- 1  
2 (8) Physical or operational changes made to an existing HMIWI unit solely for the  
3 purpose of complying with Rule 1.12 of these regulations are not considered a  
4 modification and do not result in an existing HMIWI unit becoming subject to the new  
5 source provisions under Rule 1.6 of these regulations and Subpart Ec of 40 C.F.R. 60.  
6  
7 (9) Each existing HMIWI is subject to the permitting requirements in Title 11, Part 2,  
8 Chapter 6, Air Emissions Operating Permit Regulations for the Purposes of Title  
9 V of the Federal Clean Air Act. Each owner and operator of an existing HMIWI shall  
10 submit an application for a Title V permit to the Department by December 15, 1999.  
11  
12 (10) Beginning September 15, 2000, designated facilities subject to Rule 1.12 of these  
13 regulations shall operate pursuant to a permit issued under Title 11, Part 2,  
14 Chapter 6, Air Emissions Operating Permit Regulations for the Purposes of Title V of  
15 the Federal Clean Air Act.  
16

17 B. For the purpose of the requirements in Rule 1.12 of these regulations, the following  
18 definitions apply:  
19

- 20 (1) "Administrator of EPA" means the Administrator of the United States  
21 Environmental Protection Agency or his authorized representative.  
22  
23 (2) "Batch HMIWI" means an HMIWI that is designed such that neither waste  
24 charging nor ash removal can occur during combustion.  
25  
26 (3) "Biologicals" means preparations made from living organisms and their products,  
27 including vaccines, cultures, etc., intended for use in diagnosing, immunizing, or  
28 treating humans or animals or in research pertaining thereto.  
29  
30 (4) "Blood products" means any product derived from human blood, including but  
31 not limited to blood plasma, platelets, red or white blood corpuscles, and other  
32 derived licensed products, such as interferon, etc.  
33  
34 (5) "Body Fluids" means liquid emanating or derived from humans and limited to blood;  
35 dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial  
36 fluids; and semen and vaginal secretions.  
37  
38 (6) "Bypass stack" means a device used for discharging combustion gases to avoid severe  
39 damage to the air pollution control device or other equipment.  
40  
41 (7) "Chemotherapeutic waste" means waste material resulting from the production or  
42 use of antineoplastic agents used for the purpose of stopping or reversing the  
43 growth of malignant cells.  
44  
45 (8) "Co-fired combustor" means a unit combusting hospital waste and/or  
46 medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid

1 waste) and subject to an enforceable requirement limiting the unit to combusting a fuel  
2 feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of  
3 hospital waste and medical/infectious waste as measured on a calendar quarter basis.  
4 For purposes of this definition, pathological waste, chemotherapeutic waste, and low-  
5 level radioactive waste are considered "other" wastes when calculating the percentage of  
6 hospital waste and medical/infectious waste combusted.

- 7
- 8 (9) "Continuous emission monitoring system or CEMS" means a monitoring system for  
9 continuously measuring and recording the emissions of a pollutant from an  
10 affected facility.
- 11
- 12 (10) "Continuous HMIWI" means an HMIWI that is designed to allow waste charging  
13 and ash removal during combustion.
- 14
- 15 (11) "Dioxins/furans" means the combined emissions of tetra-through octa-chlorinated  
16 dibenzo-para-dioxins and dibenzofurans, as measured by EPA Reference Method 23.
- 17
- 18 (12) "Dry scrubber" means an add-on air pollution control system that injects dry  
19 alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react  
20 with and neutralize acid gases in the HMIWI exhaust stream forming a dry  
21 powder material.
- 22
- 23 (13) "Fabric filter or baghouse" means an add-on air pollution control system that  
24 removes particulate matter (PM) and nonvaporous metals emissions by passing  
25 flue gas through filter bags.
- 26
- 27 (14) "Facilities manager" means the individual in charge of purchasing, maintaining,  
28 and operating the HMIWI or the owner's or operator's representative responsible for the  
29 management of the HMIWI. Alternative titles may include Director of Facilities or Vice  
30 President of Support Services.
- 31
- 32 (15) "High-air phase" means the stage of the batch operating cycle when the primary  
33 chamber reaches and maintains maximum operating temperatures.
- 34
- 35 (16) "Hospital" means any facility which has an organized medical staff, maintains at  
36 least six inpatient beds, and where the primary function of the institution is to  
37 provide diagnostic and therapeutic patient services and continuous nursing care  
38 primarily to human inpatients who are not related and who stay on average in excess of 24  
39 hours per admission. This definition does not include facilities maintained for the sole  
40 purpose of providing nursing or convalescent care to human patients who generally are not  
41 acutely ill but who require continuing medical supervision.
- 42
- 43 (17) "Hospital/medical/infectious waste incinerator or HMIWI or HMIWI unit" means  
44 any device that combusts any amount of hospital waste and/or medical/infectious  
45 waste.
- 46

- 1 (18) "Hospital/medical/infectious waste incinerator operator or HMIWI operator"  
2 means any person who operates, controls, or supervises the day-to-day operation of an  
3 HMIWI.  
4
- 5 (19) "Hospital waste" means discards generated at a hospital, except unused items  
6 returned to the manufacturer. The definition of hospital waste does not include human  
7 corpses, remains, and anatomical parts that are intended for interment or cremation.  
8
- 9 (20) "Infectious agent" means any organism (such as a virus or bacteria) that is capable  
10 of being communicated by invasion and multiplication in body tissues and capable of  
11 causing disease or adverse health impacts in humans.  
12
- 13 (21) "Intermittent HMIWI" means an HMIWI that is designed to allow waste charging,  
14 but not ash removal, during combustion.  
15
- 16 (22) "Large HMIWI" means:  
17
- 18 (a) Except as provided in subparagraph (b)  
19
- 20 (1) An HMIWI whose maximum design waste burning capacity is  
21 more than 500 pounds per hour; or  
22
- 23 (2) A continuous or intermittent HMIWI whose maximum charge rate  
24 is more than 500 pounds per hour; or  
25
- 26 (3) A batch HMIWI whose maximum charge rate is more than 4,000  
27 pounds per day.  
28
- 29 (b) The following are not large HMIWI:  
30
- 31 (1) A continuous or intermittent HMIWI whose maximum charge rate is less  
32 than or equal to 500 pounds per hour; or  
33
- 34 (2) A batch HMIWI whose maximum charge rate is less than or equal to  
35 4,000 pounds per day.  
36
- 37 (23) "Low-level radioactive waste" means waste material which contains radioactive  
38 nuclides emitting primarily beta or gamma radiation, or both, in concentrations or  
39 quantities that exceed applicable Federal or State standards for unrestricted  
40 release. Low-level radioactive waste is not high-level radioactive waste, spent  
41 nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954  
42 [42 U.S.C. 2014 (e)(2)].  
43
- 44 (24) "Malfunction" means any sudden, infrequent, and not reasonably preventable failure of  
air pollution control equipment, process equipment, or a process to operate in a  
normal or usual manner. Failures that are caused, in part, by poor maintenance or

1 careless operation are not malfunctions. During periods of malfunction the operator  
2 shall operate within established parameters as much as possible, and monitoring of all  
3 applicable operating parameters shall continue until all waste has been combusted or until  
4 the malfunction ceases, whichever comes first.

5  
6 (25) "Maximum charge rate" means:

7  
8 (a) For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour  
9 average charge rate measured during the most recent performance test  
10 demonstrating compliance with all applicable emission limits.

11  
12 (b) For batch HMIWI, 110 percent of the lowest daily charge rate measured  
13 during the most recent performance test demonstrating compliance with all  
14 applicable emission limits.

15  
16 (26) "Maximum design waste burning capacity" means:

17  
18 (a) For intermittent and continuous HMIWI,

19  
20 
$$C = PV * \frac{15,000}{8,500}$$

21  
22  
23 Where:

24  
25 C = HMIWI capacity, lb/hr

26  
27 PV = primary chamber volume, ft<sup>3</sup>

28  
29 15,000 = primary chamber heat release rate factor, Btu/ft<sup>3</sup>/hr

30  
31 8,500 = standard waste heating value, Btu/lb;

32  
33 (b) For batch HMIWI,

34  
35 
$$C = PV * \frac{4.5}{8}$$

36  
37 Where:

38  
39 C = HMIWI capacity, lb/hr

40  
41 PV = primary chamber volume, ft<sup>3</sup>

42  
43 4.5 = waste density, lb/ft<sup>3</sup>;

44  
45 8 = typical hours of operation of a batch HMIWI, hours.

1 (27) "Maximum fabric filter inlet temperature" means 110 percent of the lowest 3-hour  
2 average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute)  
3 measured during the most recent performance test demonstrating compliance with the  
4 dioxin/furan emission limit.  
5

6 (28) "Maximum flue gas temperature" means 110 percent of the lowest 3-hour average  
7 temperature at the outlet from the wet scrubber (taken, at a minimum, once every  
8 minute) measured during the most recent performance test demonstrating compliance with  
9 the mercury (Hg) emission limit.  
10

11 (29) "Medical/infectious waste" means any waste generated in the diagnosis, treatment, or  
12 immunization of human beings or animals, in research pertaining thereto, or in the  
13 production or testing of biologicals that is listed in paragraphs (a) through (g) of this  
14 definition. The definition of medical/infectious waste does not include ash from  
15 incineration of medical/infectious waste, once the incineration process has been completed;  
16 human corpses, remains, and anatomical parts that are intended for interment or cremation;  
17 and domestic sewage materials, hazardous waste, and household waste identified,  
18 listed, or defined in Part 261 of Mississippi Hazardous Waste Management  
19 Regulations.  
20

21 (a) Cultures and stocks of infectious agents and associated biologicals,  
22 including: cultures from medical and pathological laboratories; cultures and  
23 stocks of infectious agents from research and industrial laboratories; wastes from  
24 the production of biologicals; discarded live and attenuated vaccines; and culture  
25 dishes and devices used to transfer, inoculate, and mix cultures.  
26

27 (b) Human pathological waste, including tissues, organs, and body parts and body  
28 fluids that are removed during surgery or autopsy, or other medical  
29 procedures, and specimens of body fluids and their containers.  
30

31 (c) Human blood and blood products including:  
32

33 (1) Liquid waste human blood;

34 (2) Products of blood;

35 (3) Items saturated and/or dripping with human blood; or

36 (4) Saturated and/or dripping with human blood that are now caked with  
37 dried human blood; including serum, plasma, and other blood  
38 components, and their containers, which were used or intended for use in  
39 either patient care, testing and laboratory analysis or the development of  
40 pharmaceuticals. Intravenous bags are also included in this category.  
41

42 (d) Sharps that have been used in animal or human patient care or treatment or in  
43 medical, research, or industrial laboratories, including hypodermic needles,  
44 syringes (with or without the attached needle), Pasteur pipettes, scalpel blades,

1 blood vials, needles with attached tubing, and culture dishes (regardless of  
2 presence of infectious agents). Also included are other types of broken or  
3 unbroken glassware that were in contact with infectious agents, such as used  
4 slides and cover slips.

5 (e) Animal waste including contaminated animal carcasses, body parts, and bedding  
6 of animals that were known to have been exposed to infectious agents during  
7 research (including research in veterinary hospitals), production of biologicals or  
8 testing of pharmaceuticals.

9 (f) Isolation wastes including biological waste and discarded materials contaminated  
10 with blood, excretions, exudates, or secretions from humans who are isolated to  
11 protect others from certain highly communicable diseases, or isolated animals  
12 known to be infected with highly communicable diseases.

13 (g) Unused sharps including the following unused, discarded sharps: hypodermic  
14 needles, suture needles, syringes, and scalpel blades.

15 (30) "Medium HMIWI" means:

16  
17 (a) Except as provided in subparagraph (b)

18  
19 (1) An HMIWI whose maximum design waste burning capacity is more  
20 than 200 pounds per hour but less than or equal to 500 pounds per  
21 hour; or

22 (2) A continuous or intermittent HMIWI whose maximum charge rate is  
23 more than 200 pounds per hour but less than or equal to 500 pounds per  
24 hour; or

25  
26 (3) A batch HMIWI whose maximum charge rate is more than 1,600  
27 pounds per day but less than or equal to 4,000 pounds per day.

28  
29 (b) The following are not medium HMIWI:

30  
31 (1) A continuous or intermittent HMIWI whose maximum charge rate is  
32 less than or equal to 200 pounds per hour or more than 500 pounds  
33 per hour; or

34  
35 (2) A batch HMIWI whose maximum charge rate is more than 4,000  
36 pounds per day or less than or equal to 1,600 pounds per day.

37  
38 (31) "Minimum dioxin/furan sorbent flow rate" means 90 percent of the highest 3-hour  
39 average dioxin/furan sorbent flow rate (taken, at a minimum, once every hour) measured  
40 during the most recent performance test demonstrating compliance with the  
41 dioxin/furan emission limit.

- 1 (32) "Minimum Hg sorbent flow rate" means 90 percent of the highest 3-hour average Hg  
2 sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent  
3 performance test demonstrating compliance with the Hg emission limit.
- 4 (33) "Minimum hydrogen chloride (HCl) sorbent flow rate" means 90 percent of the highest  
5 3-hour average HCl sorbent flow rate (taken, at a minimum, once every hour) measured  
6 during the most recent performance test demonstrating compliance with the HCl  
7 emission limit.
- 8 (34) "Minimum horsepower or amperage" means 90 percent of the highest 3-hour average  
9 horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute)  
10 measured during the most recent performance test demonstrating compliance with the  
11 applicable emission limits.
- 12 (35) "Minimum pressure drop across the wet scrubber" means 90 percent of the highest 3-  
13 hour average pressure drop across the wet scrubber PM control device (taken, at a  
14 minimum, once every minute) measured during the most recent performance test  
15 demonstrating compliance with the PM emission limit.
- 16 (36) "Minimum scrubber liquor flow rate" means 90 percent of the highest 3-hour average  
17 liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute)  
18 measured during the most recent performance test demonstrating compliance with all  
19 applicable emission limits.  
20
- 21 (37) "Minimum scrubber liquor pH" means 90 percent of the highest 3-hour average liquor  
22 pH at the inlet to the wet scrubber (taken, at a minimum, once every minute)  
23 measured during the most recent performance test demonstrating compliance with the  
24 HCl emission limit.
- 25 (38) "Minimum secondary chamber temperature" means 90 percent of the highest 3-hour  
26 average secondary chamber temperature (taken, at a minimum, once every minute)  
27 measured during the most recent performance test demonstrating compliance with the  
28 PM, CO, or dioxin/furan emission limits.
- 29 (39) "Modification or Modified HMIWI" means any change to an HMIWI unit after March  
30 16, 1998, such that:  
31
- 32 (a) The cumulative costs of the modifications, over the life of the unit, exceed 50  
33 per centum of the original cost of the construction and installation of the unit  
34 (not including the cost of any land purchased in connection with such  
35 construction or installation) updated to current costs, or  
36
- 37 (b) The change involves a physical change in or change in the method of operation of  
38 the unit which increases the amount of any air pollutant emitted by the unit  
39 for which standards have been established under Section 129 or Section 111 of  
40 the Federal Clean Air Act.



- 1  
2 (40) "Operating day" means a 24-hour period between 12:00 midnight and the  
3 following midnight during which any amount of hospital waste or medical/infectious  
4 waste is combusted at any time in the HMIWI.
- 5 (41) "Operation" means the period during which waste is combusted in the incinerator  
6 excluding periods of startup or shutdown.
- 7 (42) "Particulate matter or PM" means the total particulate matter emitted from an HMIWI as  
8 measured by EPA Reference Method 5 or EPA Reference Method 29.
- 9 (43) "Pathological waste" means waste material consisting of only human or animal  
10 remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport  
11 the waste material, and animal bedding (if applicable).
- 12 (44) "Primary chamber" means the chamber in an HMIWI that receives waste material, in  
13 which the waste is ignited, and from which ash is removed.
- 14 (45) "Pyrolysis" means the endothermic gasification of hospital waste and/or  
15 medical/infectious waste using external energy.
- 16 (46) "Secondary chamber" means a component of the HMIWI that receives combustion  
17 gases from the primary chamber and in which the combustion process is completed.
- 18 (47) "Shutdown" means the period of time after all waste has been combusted in the primary  
19 chamber. For continuous HMIWI, shutdown shall commence no less than 2 hours after the  
20 last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less  
21 than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown shall  
22 commence no less than 5 hours after the high-air phase of combustion has been  
23 completed.
- 24 (48) "Small HMIWI" means:
- 25 (a) Except as provided in subparagraph (b)
- 26 (1) An HMIWI whose maximum design waste burning capacity is less than  
27 or equal to 200 pounds per hour; or
- 28 (2) A continuous or intermittent HMIWI whose maximum charge rate  
29 is less than or equal to 200 pounds per hour; or
- 30 (3) A batch HMIWI whose maximum charge rate is less than or equal  
31 to 1,600 pounds per day.
- 32 (b) The following are not small HMIWI:
- 33  
34  
35  
36  
37  
38  
39

- 1 (1) A continuous or intermittent HMIWI whose maximum charge rate  
2 is more than 200 pounds per hour.  
3
- 4 (2) A batch HMIWI whose maximum charge rate is more than 1,600  
5 pounds per day.  
6
- 7 (49) "Standard conditions" means a temperature of 20DC and a pressure of 101.3  
8 kilopascals.
- 9 (50) "Standard Metropolitan Statistical Area or SMSA" means any areas listed in OMB  
10 Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas"  
11 dated June 30, 1993.
- 12 (51) "Startup" means the period of time between the activation of the system and the first  
13 charge to the unit. For batch HMIWI, startup means the period of time between activation  
14 of the system and ignition of the waste.  
15
- 16 (52) "Wet scrubber" means an add-on air pollution control device that utilizes an  
17 alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and  
18 condensed organic) and/or to absorb and neutralize acid gases.  
19
- 20 C. Emission limits.  
21
- 22 (1) Except as provided for in subparagraph (2) no owner or operator of an affected facility  
23 shall cause to be discharged into the atmosphere from that affected facility any gases  
24 that contain stack emissions in excess of the limits presented in Table 1 of this  
25 paragraph.  
26
- 27 (2) The emission limits in Table 2 shall apply to any small HMIWI which is located  
28 more than 50 miles from the boundary of the nearest Standard Metropolitan  
29 Statistical Area (SMSA) and which burns less than 2,000 pounds per week of  
30 hospital waste and medical/infectious waste. The 2,000 lb/week limitation does not apply  
31 during performance tests.  
32
- 33 (3) No owner or operator of an affected facility shall cause to be discharged into the  
34 atmosphere from the stack of that affected facility any gases that exhibit greater than 10  
35 percent opacity (6-minute block average).  
36

TABLE 1. EMISSION LIMITS FOR SMALL, MEDIUM, AND LARGE HMIWI

Pollutant	Units (7 percent oxygen, dry basis)	Emission Limits		
		HMIWI Size		
		Small	Medium	Large
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115(0.05)	69 (0.03)	34(0.015)
Carbon monoxide	Parts per million by volume	40	40	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3(1.0)	125(55) or 2.3(1.0)	125(55) or 2.3(1.0)
Hydrogen chloride	Parts per million by volume or percent reduction	100 or 93%	100 or 93%	100 or 93%
Sulfur dioxide	Parts per million by volume	55	55	55
Nitrogen oxides	Parts per million by volume	250	250	250
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2(0.52) or 70%	1.2(0.52) or 70%	1.2(0.52) or 70%
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16(0.07) or 65%	0.16(0.07) or 65%	0.16(0.07) or 65%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%

**TABLE 2. EMISSION LIMITS FOR SMALL RURAL HMIWI**

<b>Pollutant</b>	<b>Units (7 percent oxygen, dry basis)</b>	<b>HMIWI Emission Limits</b>
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	197(0.086)
Carbon monoxide	Parts per million by volume	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	800 (350) or 15(6.6)
Hydrogen chloride	Parts per million by volume	3100
Sulfur dioxide	Parts per million by volume	55
Nitrogen oxides	Parts per million by volume	250
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	10(4.4)
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	4(1.7)
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	7.5 (3.3)

3

4

## D. Operator Training and Qualification Requirements.

5

6

- (1) Compliance with the requirements of this paragraph shall occur no later than September 15, 2000.

7

8

9

- (2) No owner or operator of an affected facility shall allow the affected facility to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within 1 hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one or more HMIWI operators.

10

11

12

13

14

15

- (3) Operator training and qualification shall be obtained through a State-approved program that meets the requirements included in subparagraphs (4) through (11) of this paragraph.

16

17

18

- 1 (4) Training shall be obtained by completing an HMIWI operator training course that  
2 includes, at a minimum, the following provisions:  
3
- 4 (a) 24 hours of training on the following subjects:  
5
- 6 (1) Environmental concerns, including pathogen destruction and types  
7 of emissions;
- 8 (2) Basic combustion principles, including products of combustion;
- 9 (3) Operation of the type of incinerator to be used by the operator,  
10 including proper startup, waste charging, and shutdown procedures;
- 11 (4) Combustion controls and monitoring;
- 12 (5) Operation of air pollution control equipment and factors affecting  
13 performance (if applicable);
- 14 (6) Methods to monitor pollutants (continuous emission monitoring  
15 systems and monitoring of HMIWI and air pollution control device  
16 operating parameters) and equipment calibration procedures (where  
17 applicable);
- 18 (7) Inspection and maintenance of the HMIWI, air pollution control  
19 devices, and continuous emission monitoring systems;
- 20 (8) Actions to correct malfunctions or conditions that may lead to  
21 malfunction;
- 22 (9) Bottom and fly ash characteristics and handling procedures;
- 23 (10) Applicable federal, state, and local regulations;
- 24 (11) Work safety procedures;
- 25 (12) Pre-startup inspections; and
- 26 (13) Recordkeeping requirements.
- 27
- 28 (b) An examination designed and administered by the instructor.
- 29
- 30 (c) Reference material distributed to the attendees covering the course topics.
- 31
- 32 (5) Qualification shall be obtained by:  
33

- 1 (a) Completion of a training course that satisfies the criteria under  
2 subparagraph (4) of this paragraph; and  
3  
4 (b) Either 6 months experience as an HMIWI operator, 6 months experience as a  
5 direct supervisor of an HMIWI operator, or completion of at least two burn  
6 cycles under the observation of two qualified HMIWI operators.  
7  
8 (6) Qualification is valid from the date on which the examination is passed or the  
9 completion of the required experience, whichever is later.  
10  
11 (7) To maintain qualification, the trained and qualified HMIWI operator shall  
12 complete and pass an annual review or refresher course of at least 4 hours  
13 covering, at a minimum, the following:  
14  
15 (a) Update of regulations;  
16  
17 (b) Incinerator operation, including startup and shutdown procedures;  
18  
19 (c) Inspection and maintenance;  
20  
21 (d) Responses to malfunctions or conditions that may lead to malfunction; and  
22  
23 (e) Discussion of operating problems encountered by attendees.  
24  
25 (8) A lapsed qualification shall be renewed by one of the following methods:  
26  
27 (a) For a lapse of less than 3 years, the HMIWI operator shall complete and pass a  
28 standard annual refresher course described in subparagraph (7) of this  
29 paragraph above.  
30  
31 (b) For a lapse of 3 years or more, the HMIWI operator shall complete and  
32 pass a training course with the minimum criteria described in subparagraph (4)  
33 of this paragraph above.  
34  
35 (9) The owner or operator of an affected facility shall maintain documentation at the  
36 facility that address the following:  
37  
38 (a) Summary of the applicable standards under Rule 1.12 of these regulations;  
39  
40 (b) Description of basic combustion theory applicable to an HMIWI;  
41  
42 (c) Procedures for receiving, handling, and charging waste;  
43  
44 (d) HMIWI startup, shutdown, and malfunction procedures;  
45  
46 (e) Procedures for maintaining proper combustion air supply levels;

- 1  
2 (f) Procedures for operating the HMIWI and associated air pollution control  
3 systems within the standards established under Rule 1.12 of these  
4 regulations;  
5  
6 (g) Procedures for responding to periodic malfunction or conditions that may  
7 lead to malfunction;  
8  
9 (h) Procedures for monitoring HMIWI emissions;  
10  
11 (i) Reporting and recordkeeping procedures; and  
12  
13 (j) Procedures for handling ash.  
14  
15 (10) The owner or operator of an affected facility shall establish a program for  
16 reviewing the information listed in subparagraph (9) of this paragraph annually  
17 with each HMIWI operator.  
18  
19 (a) The initial review of the information listed in subparagraph (9) of this  
20 paragraph shall be conducted by March 15, 2000, or prior to assumption of  
21 responsibilities affecting HMIWI operation, whichever date is later.  
22  
23 (b) Subsequent reviews of the information listed in subparagraph (9) of this  
24 paragraph shall be conducted annually.  
25  
26 (11) The information listed in subparagraph (9) of this paragraph shall be kept in a  
27 readily accessible location for all HMIWI operators. This information, along with records of  
28 training shall be available for inspection by the Department upon request.  
29

30 E. Waste Management Guidelines.  
31

32 The owner or operator of an affected facility shall prepare a waste management plan. The  
33 waste management plan shall identify both the feasibility and the approach to separate certain  
34 components of solid waste from the health care waste stream in order to reduce the  
35 amount of toxic emissions from incinerated waste. A waste management plan may include,  
36 but is not limited to, elements such as paper, cardboard, plastics, glass, battery, or metal  
37 recycling; or purchasing recycled or recyclable products. A waste management plan may  
38 include different goals or approaches for different areas or departments of the facility and need not  
39 include new waste management goals for every waste stream. It should identify, where possible,  
40 reasonably available additional waste management measures, taking into account the effectiveness of  
41 waste management measures already in place, the costs of additional measures, the emission  
42 reductions expected to be achieved, and any other environmental or energy impacts they might  
43 have. The American Hospital Association publication entitled "An Ounce of Prevention: Waste  
44 Reduction Strategies for Health Care Facilities" shall be considered in the development of the  
45 waste management plan.  
46

1 F. Inspection Guidelines.

2  
3 (1) Requirements of this paragraph apply to any small HMIWI subject to the emission limits  
4 in Table 2 of paragraph C in Rule 1.12 of these regulations.

5  
6 (2) Later than September 15, 2000 and annually thereafter (no more than 12 months  
7 following the previous annual equipment inspection) an equipment inspection  
8 shall be performed.

9  
10 (a) At a minimum, an inspection shall include the following:

11  
12 (1) Inspect all burners, pilot assemblies, and pilot sensing devices for  
13 proper operation; clean pilot flame sensor, as necessary;

14 (2) Ensure proper adjustment of primary and secondary chamber combustion  
15 air, and adjust as necessary;

16 (3) Inspect hinges and door latches, and lubricate as necessary;

17 (4) Inspect dampers, fans, and blowers for proper operation;

18 (5) Inspect HMIWI door and door gaskets for proper sealing;

19 (6) Inspect motors for proper operation;

20 (7) Inspect primary chamber refractory lining; clean and repair/replace  
21 lining as necessary;

22 (8) Inspect incinerator shell for corrosion and/or hot spots;

23 (9) Inspect secondary/tertiary chamber and stack, clean as necessary;

24 (10) Inspect mechanical loader, including limit switches, for proper  
25 operation, if applicable;

26 (11) Visually inspect waste bed (grates), and repair/seal, as appropriate;

27 (12) For the burn cycle that follows the inspection, document that the  
28 incinerator is operating properly and make any necessary  
29 adjustments;

30 (13) Inspect air pollution control devices(s) for proper operation, if  
31 applicable;

32 (14) Inspect waste heat boiler systems to ensure proper operation, if  
33 applicable;



- 1
- 2 (15) Inspect bypass stack components;
- 3
- 4 (16) Ensure proper calibration of thermocouples, sorbent feed systems,
- 5 and any other monitoring equipment; and
- 6
- 7 (17) Generally observe that the equipment is maintained in good
- 8 operating condition.
- 9
- 10 (b) Within 10 operating days following an equipment inspection, all necessary
- 11 repairs shall be completed unless the owner or operator obtains written
- 12 approval from the Department establishing a date whereby all necessary
- 13 repairs of the designated facility shall be completed.
- 14

15 G. Compliance and Performance Testing.

16

- 17 (1) The emission limits under paragraph C in Rule 1.12 of these regulations shall
- 18 apply at all times except during periods of startup, shutdown, or malfunction, provided
- 19 that no hospital waste or medical/infectious waste is charged to the affected facility during
- 20 startup, shutdown, or malfunction.
- 21
- 22 (2) The owner or operator of an affected facility shall conduct an initial performance
- 23 test in accordance with the performance test requirements contained in 40 C.F.R. 60.8 to
- 24 determine compliance with the emission limits using the procedures and test methods listed
- 25 in subparagraphs (2)(a) through (2)(j) of this paragraph. The use of the bypass stack during a
- 26 performance test shall invalidate the performance test.
- 27
- 28 (a) All performance tests shall consist of a minimum of three test runs
- 29 conducted under representative operating conditions.
- 30
- 31 (b) The minimum sample time shall be 1 hour per test run unless otherwise
- 32 indicated.
- 33
- 34 (c) EPA Reference Method 1 of Appendix A of 40 C.F.R. 60 shall be used to
- 35 select the sampling location and number of traverse points.
- 36
- 37 (d) EPA Reference Method 3 or 3 A of Appendix A of 40 C.F.R. 60 shall be
- 38 used for gas composition analysis, including measurement of oxygen
- 39 concentration. EPA Reference Method 3 or 3A of Appendix A of 40 C.F.R. 60
- 40 shall be used simultaneously with each reference method.
- 41
- 42 (e) The pollutant concentrations shall be adjusted to 7 percent oxygen using
- 43 the following equation:
- 44

$$C_{adj} = C_{meas} \frac{(20.9 - 7)}{(20.9 - \% O_2)}$$

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Where:

$C_{adj}$  = pollutant concentration adjusted to 7 percent oxygen;

$C_{meas}$  = pollutant concentration measured on a dry basis;

$(20.9-7)$  = 20.9 percent oxygen - 7 percent oxygen (defined oxygen correction basis);

20.9 = oxygen concentration in air, percent; and

%O<sub>2</sub> = oxygen concentration measured on a dry basis, percent.

- (f) EPA Reference Method 5 or 29 Appendix A of 40 C.F.R. 60 shall be used to measure the particulate matter emissions.
- (g) EPA Reference method 9 of Appendix A of 40 C.F.R. 60 shall be used to measure stack opacity.
- (h) EPA Reference Method 10 or 10B of Appendix A of 40 C.F.R. 60 shall be used to measure the CO emissions.
- (i) EPA Reference Method 23 of Appendix A of 40 C.F.R. 60 shall be used to measure total dioxin/furan emissions. The minimum sample time shall be 4 hours per test run. If the affected facility has selected the toxic equivalency standards for dioxin/furans, under paragraph C in Rule 1.12 of these regulations, the following procedures shall be used to determine compliance:
  - (1) Measure the concentration of each dioxin/furan tetra-through octa-congener emitted using EPA Reference Method 23.
  - (2) For each dioxin/furan congener measured in accordance with subparagraph (2)(i)(1) of this paragraph, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 3 in Rule 1.12 of these regulations.
  - (3) Sum the products calculated in accordance with subparagraph (2)(i)(2) of this paragraph to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.
- (j) EPA Reference Method 26 of Appendix A of 40 C.F.R. 60 shall be used to measure HCl emissions. If the affected facility has selected the percentage reduction standards for HCl under paragraph (C) in Rule 1.12 of these

1 regulations, the percentage reduction in HCl emissions ( $\%R_{HCl}$ ) is computed  
2 using the following formula:  
3

$$4 \quad (\%R_{HCl}) = \left( \frac{E_i - E_o}{E_i} \right) \times 100$$

5 Where:

6 ( $\%R_{HCl}$ ) = percentage reduction of HCl emissions achieved;

7  $E_i$  = HCl emission concentration measured at the control device inlet,  
8 corrected to 7 percent oxygen (dry basis); and

9  $E_o$  = HCl emission concentration measured at the control device outlet,  
10 corrected to 7 percent oxygen (dry basis).  
11

- 12 (k) EPA Reference Method 29 of Appendix A of 40 C.F.R. 60 shall be used to  
13 measure Pb, Cd, and Hg emissions. If the affected facility has selected the  
14 percentage reduction standards for metals under paragraph (C) in Rule 1.12 of  
15 these regulations, the percentage reduction in emissions ( $\%R_{metal}$ ) is computed  
16 using the following formula:  
17

$$18 \quad (\%R_{metal}) = \left( \frac{E_i - E_o}{E_i} \right) \times 100$$

19 Where:

20 ( $\%R_{metal}$ ) = percentage reduction of metal emission (Pb, Cd, or Hg)  
21 achieved;

22  $E_i$  = metal emission concentration (Pb, Cd, or Hg) measured at the  
23 control device inlet, corrected to 7 percent oxygen (dry basis); and  
24

25  $E_o$  = metal emission concentration (Pb, Cd, or Hg) measured at the  
26 control device outlet, corrected to 7 percent oxygen (dry basis).  
27  
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**TABLE 3. TOXIC EQUIVALENCY FACTORS**

<b>Dioxin/Furan Congener</b>	<b>Toxic Equivalency Factor</b>
2,3,7,8-tetrachlorinateddibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8- hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinateddibenzofuran	0.1
2,3,4,7,8-pentachlorinateddibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
octachlorinated dibenzofuran	0.001

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- (3) Following the date on which the initial performance test is completed or is required to be completed under the performance test requirements contained in 40 C.F.R. 60.8, whichever date comes first, the owner or operator of an affected facility shall:

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(a) Determine compliance with the opacity limit by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in subparagraph (2) of this paragraph.

(b) Determine compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in subparagraph (2) of this paragraph. If all three performance tests over a 3-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for the subsequent 2 years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than 36 months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for up to an additional 2 years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a 3-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test.

(c) Facilities using a CEMS to demonstrate compliance with any of the emission limits under paragraph C in Rule 1.12 of these regulations shall:

(1) Determine compliance with the appropriate emission limit(s) using a 12-hour rolling average, calculated each hour as the average of the previous 12 operating hours (not including startup, shutdown, or malfunction).

(2) Operate all CEMS in accordance with the applicable procedures under Appendices B and F of 40 C.F.R. 60.

(4) The owner or operator of an affected facility equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber shall:

(a) Establish the appropriate maximum and minimum operating parameters, indicated in Table 4 of Rule 1.12 of these regulations for each control system, as site specific operating parameters during the initial performance test to determine compliance with the emission limits; and

- 1 (b) Following the date on which the initial performance test is completed or is  
2 required to be completed under the performance test requirements  
3 contained in 40 C.F.R. 60.8, whichever date comes first, ensure that the  
4 affected facility does not operate above any of the applicable maximum  
5 operating parameters or below any of the applicable minimum operating  
6 parameters listed in Table 4 in Rule 1.12 of these regulations and  
7 measured as 3-hour rolling averages (calculated each hour as the average  
8 of the previous 3 operating hours) at all times except during periods of  
9 startup, shutdown, and malfunction. Operating parameter limits do not  
10 apply during performance tests. Operation above the established  
11 maximum or below the established minimum operating parameter(s) shall  
12 constitute a violation of established operating parameter(s).  
13
- 14 (5) Except as provided in subparagraph (8) of this paragraph, for affected facilities  
15 equipped with a dry scrubber followed by a fabric filter:  
16
- 17 (a) Operation of the affected facility above the maximum charge rate and  
18 below the minimum secondary chamber temperature (each measured on a  
19 3-hour rolling average) simultaneously shall constitute a violation of the  
20 CO emission limit.  
21
- 22 (b) Operation of the affected facility above the maximum fabric filter inlet  
23 temperature, above the maximum charge rate, and below the minimum  
24 dioxin/furan sorbent flow rate (each measured on a 3-hour rolling average)  
25 simultaneously shall constitute a violation of the dioxin/furan emission  
26 limit.  
27
- 28 (c) Operation of the affected facility above the maximum charge rate and  
29 below the minimum HCl sorbent flow rate (each measured on a 3-hour  
30 rolling average) simultaneously shall constitute a violation of the HCl  
31 emission limit.  
32
- 33 (d) Operation of the affected facility above the maximum charge rate and  
34 below the minimum Hg sorbent flow rate (each measured on a 3-hour  
35 rolling average) simultaneously shall constitute a violation of the Hg  
36 emission limit.  
37
- 38 (e) Use of the bypass stack (except during startup, shutdown, or malfunction)  
39 shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg  
40 emission limits.  
41
- 42 (6) Except as provided in subparagraph (8) of this paragraph, for affected facilities  
43 equipped with a wet scrubber:  
44
- 45 (a) Operation of the affected facility above the maximum charge rate and  
46 below the minimum pressure drop across the wet scrubber or below the

1 minimum horsepower or amperage to the system (each measured on a 3-  
2 hour rolling average) simultaneously shall constitute a violation of the PM  
3 emission limit.  
4

5 (b) Operation of the affected facility above the maximum charge rate and  
6 below the minimum secondary chamber temperature (each measured on a  
7 3-hour rolling average) simultaneously shall constitute a violation of the  
8 CO emission limit.  
9

10 (c) Operation of the affected facility above the maximum charge rate, below  
11 the minimum secondary chamber temperature, and below the minimum  
12 scrubber liquor flow rate (each measured on a 3-hour rolling average)  
13 simultaneously shall constitute a violation of the dioxin/furan emission  
14 limit.  
15

16 (d) Operation of the affected facility above the maximum charge rate and  
17 below the minimum scrubber liquor pH (each measured on a 3-hour  
18 rolling average) simultaneously shall constitute a violation of the HCl  
19 emission limit.  
20

21 (e) Operation of the affected facility above the maximum flue gas temperature  
22 and above the maximum charge rate (each measured on a 3-hour rolling  
23 average) simultaneously shall constitute a violation of the Hg emission  
24 limit.  
25

26 (f) Use of the bypass stack (except during startup, shutdown, or malfunction)  
27 shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg  
28 emission limits.  
29

30 (7) Except as provided in subparagraph (h) of this paragraph, for affected facilities  
31 equipped with a dry scrubber followed by a fabric filter and a wet scrubber:  
32

33 (a) Operation of the affected facility above the maximum charge rate and  
34 below the minimum secondary chamber temperature (each measured on a  
35 3-hour rolling average) simultaneously shall constitute a violation of the  
36 CO emission limit.  
37

38 (b) Operation of the affected facility above the maximum fabric filter inlet  
39 temperature, above the maximum charge rate, and below the minimum  
40 dioxin/furan sorbent flow rate (each measured on a 3-hour rolling average)  
41 simultaneously shall constitute a violation of the dioxin/furan emission  
42 limit.  
43

44 (c) Operation of the affected facility above the maximum charge rate and  
45 below the minimum scrubber liquor pH (each measured on a 3-hour

1 rolling average) simultaneously shall constitute a violation of the HCl  
2 emission limit.

3  
4 (d) Operation of the affected facility above the maximum charge rate and  
5 below the minimum Hg sorbent flow rate (each measured on a 3-hour  
6 rolling average) simultaneously shall constitute a violation of the Hg  
7 emission limit.

8  
9 (e) Use of the bypass stack (except during startup, shutdown, or malfunction)  
10 shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg  
11 emission limits.

12  
13 (8) The owner or operator of an affected facility may conduct a repeat performance  
14 test within 30 days of violation of applicable operating parameter(s) to  
15 demonstrate that the affected facility is not in violation of the applicable emission  
16 limit(s). Repeat performance tests conducted pursuant to this paragraph shall be  
17 conducted using the identical operating parameters that indicated a violation  
18 under subparagraph (5), (6), or (7) of this paragraph.

19  
20 (9) The owner or operator of an affected facility using an air pollution control device  
21 other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry  
22 scrubber followed by a fabric filter and a wet scrubber to comply with the  
23 emission limits under paragraph C in Rule 1.12 of these regulations shall petition  
24 the Administrator for other site-specific operating parameters to be established  
25 during the initial performance test and continuously monitored thereafter. The  
26 owner or operator shall not conduct the initial performance test until after the  
27 petition has been approved by the Administrator.

28  
29 (10) The owner or operator of an affected facility may conduct a repeat performance  
30 test at any time to establish new values for the operating parameters. The  
31 Department may request a repeat performance test at any time.

32  
33 (11) Any small HMIWI subject to the emission limits in Table 2 of paragraph C in  
34 Rule 1.12 of these regulations shall meet the following compliance and  
35 performance testing requirements:

36  
37 (a) Conduct the performance testing requirements in subparagraphs (1), (2)(a)  
38 through (2)(i), (2)(k)(mercury only), and (3)(a) of this paragraph. The  
39 2,000 lb/week limitation does not apply during performance tests.

40  
41 (b) Establish maximum charge rate and minimum secondary chamber  
42 temperature as site-specific operating parameters during the initial  
43 performance test to determine compliance with applicable emission limits.

44  
45 (c) Following the date on which the initial performance test is completed or is  
46 required to be completed under the performance test requirements



1 contained in 40 C.F.R. 60.8, whichever date comes first, ensure that the  
2 designated facility does not operate above the maximum charge rate or  
3 below the minimum secondary chamber temperature measured as 3-hour  
4 rolling averages (calculated each hour as the average of the previous 3  
5 operating hours) at all times except during periods of startup, shutdown, or  
6 malfunction. Operating parameter limits do not apply during performance  
7 tests. Operation above the maximum charge rate or below the minimum  
8 secondary chamber temperature shall constitute a violation of the  
9 established operating parameter(s).

10  
11 (d) Except as provided in subparagraph (11)(e) of this paragraph below,  
12 operation of the designated facility above the maximum charge rate and  
13 below the minimum secondary chamber temperature (each measured on a  
14 3-hour rolling average) simultaneously shall constitute a violation of the  
15 PM, CO, and dioxin/furan emission limits.

16  
17 (e) The owner or operator of a designated facility may conduct a repeat  
18 performance test within 30 days of violation of applicable operating  
19 parameter(s) to demonstrate that the designated facility is not in violation  
20 of the applicable emission limit(s). Repeat performance tests conducted  
21 pursuant to this paragraph must be conducted using the identical operating  
22 parameters that indicated a violation under subparagraph (11)(d), of this  
23 paragraph above.

24  
25 H. Monitoring.

26  
27 (1) The owner or operator of an affected facility shall install, calibrate (to  
28 manufacturer's specifications), maintain, and operate devices (or establish  
29 methods) for monitoring the applicable maximum and minimum operating  
30 parameters listed in Table 4 in Rule 1.12 of these regulations such that these  
31 devices (or methods) measure and record values for these operating parameters at  
32 the frequencies indicated in Table 4 in Rule 1.12 of these regulations at all times  
33 except during periods of startup and shutdown.

34  
35 (2) The owner or operator of an affected facility shall install, calibrate (to  
36 manufacturer's specifications), maintain, and operate a device or method for  
37 measuring the use of the bypass stack including date, time, and duration.

38  
39 (3) The owner or operator of an affected facility using something other than a dry  
40 scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by  
41 a fabric filter and a wet scrubber to comply with the emission limits under  
42 paragraph C in Rule 1.12 of these regulations shall install, calibrate (to the  
43 manufacturer's specifications), maintain, and operate the equipment necessary to  
44 monitor the site-specific operating parameters developed pursuant to  
45 subparagraph G.(l) in Rule 1.12 of these regulations.

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- (4) The owner or operator of an affected facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating days per calendar quarter that the affected facility is combusting hospital waste and/or medical/infectious waste.
  
- (5) Any small HMIWI subject to the emission limits in Table 2 of paragraph C in Rule 1.12 of these regulations shall meet the following monitoring requirements:
  - (a) Install, calibrate (to manufacturer’s specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.
  
  - (b) Install, calibrate (to manufacturer’s specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.
  
  - (c) The owner or operator of a designated facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hour per day and for 90 percent of the operating hour per calendar quarter that the designated facility is combusting hospital waste and/or medical/infectious waste.

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**TABLE 4. OPERATING PARAMETERS TO BE MONITORED AND MINIMUM MEASUREMENT AND RECORDING FREQUENCIES**

<i>Operating Parameters to be Monitored</i>	Minimum Frequency		Control System		
	Data Measurement	Data Recording	Dry Scrubber followed by Fabric Filter	Wet Scrubber	Dry Scrubber followed by Fabric Filter and Wet Scrubber
<b>Maximum operating parameters:</b>					
Maximum charge rate	Continuous	1 x hour	X	X	X
Maximum fabric filter inlet temperature	Continuous	1 x minute	X		X
Maximum flue gas temperature	Continuous	1 x minute	X	X	
<b>Minimum operating parameters:</b>					
Minimum secondary chamber temperature	Continuous	1 x minute	X	X	X
Minimum dioxin/furan sorbent flow rate	Hourly	1 x hour	X		X
Minimum HCl sorbent flow rate	Hourly	1 x hour	X		X
Minimum mercury (Hg) sorbent flow rate	Hourly	1 x hour	X		X
Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to wet scrubber	Continuous	1 x minute		X	X
Minimum scrubber liquor flow rate	Continuous	1 x minute		X	X
Minimum scrubber liquor pH	Continuous	1 x minute		X	X

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1 I. Reporting and Recordkeeping Requirements.

2  
3 (1) The owner or operator of an affected facility shall maintain the following  
4 information (as applicable) for a period of at least 5 years:

5  
6 (a) Calendar date of each record;

7  
8 (b) Records of the following data:

9  
10 (1) Concentrations of any pollutant listed in paragraph C in Rule 1.12  
11 of these regulations or measurements of opacity as determined by  
12 the continuous emission monitoring system (if applicable);

13  
14 (2) Results of fugitive emissions (by EPA Reference Method 22) tests,  
15 if applicable;

16  
17 (3) HMIWI charge dates, times, and weights and hourly charge rates;

18  
19 (4) Fabric filter inlet temperatures during each minute of operation, as  
20 applicable;

21  
22 (5) Amount and type of dioxin/furan sorbent used during each hour of  
23 operation, as applicable;

24  
25 (6) Amount and type of Hg sorbent used during each hour of  
26 operation, as applicable;

27  
28 (7) Amount and type of HCl sorbent used during each hour of  
29 operation, as applicable;

30  
31 (8) Secondary chamber temperatures recorded during each minute of  
32 operation;

33  
34 (9) Liquor flow rate to the wet scrubber inlet during each minute of  
35 operation, as applicable;

36  
37 (10) Horsepower or amperage to the wet scrubber during each minute  
38 of operation, as applicable;

39  
40 (11) Pressure drop across the wet scrubber system during each minute  
41 of operation, as applicable;

42  
43 (12) Temperature at the outlet from the wet scrubber during each  
44 minute of operation, as applicable;

45

- 1 (13) pH at the inlet to the wet scrubber during each minute of operation,  
2 as applicable;  
3
- 4 (14) Records indicating use of the bypass stack, including dates, times,  
5 and durations; and  
6
- 7 (15) For affected facilities complying with subparagraphs G(1) and  
8 H(3) in Rule 1.12 of these regulations, the owner or operator shall  
9 maintain all operating parameter data collected.  
10
- 11 (c) Identification of calendar days for which data on emission rates or  
12 operating parameters specified under subparagraph (1)(b) of this  
13 paragraph have not been obtained, with an identification of the emission  
14 rates or operating parameters not measured, reasons for not obtaining the  
15 data, and a description of corrective actions taken.  
16
- 17 (d) Identification of calendar days, times and durations of malfunctions, a  
18 description of the malfunction and the corrective action taken.  
19
- 20 (e) Identification of calendar days for which data on emission rates or  
21 operating parameters specified under subparagraph (1)(b) of this  
22 paragraph exceeded the applicable limits, with a description of the  
23 exceedances, reasons for such exceedances, and a description of corrective  
24 actions taken.  
25
- 26 (f) The results of the initial, annual, and any subsequent performance tests  
27 conducted to determine compliance with the emission limits and/or to  
28 establish operating parameters, as applicable.  
29
- 30 (g) Records showing the names of HMIWI operators who have completed  
31 review of the information in subparagraph (D)(9) as required by  
32 subparagraph (D)(10) including the date of the initial review and all  
33 subsequent annual reviews;  
34
- 35 (h) Records showing the names of the HMIWI operators who have completed  
36 the operator training requirements, including documentation of training  
37 and the dates of the training;  
38
- 39 (i) Records showing the names of the HMIWI operators who have met the  
40 criteria for qualification under paragraph D. in Rule 1.12 of these  
41 regulations and the dates of their qualification; and  
42
- 43 (j) Records of calibration of any monitoring devices as required under  
44 subparagraphs H(1), (2), and (3) in Rule 1.12 of these regulations.  
45

- 1 (2) The owner or operator of an affected facility shall submit the information  
2 specified in subparagraphs (2)(a) through (2)(c) of this paragraph no later than 60  
3 days following the initial performance test. All reports shall be signed by the  
4 facilities manager.  
5
- 6 (a) The initial performance test data as recorded under subparagraphs G(2)(a)  
7 through (2)(k) as applicable.  
8
- 9 (b) The values for the site-specific operating parameters established pursuant  
10 to subparagraphs G(4) or (9) as applicable.  
11
- 12 (c) The waste management plan as specified in paragraph E in Rule 1.12 of  
13 these regulations.  
14
- 15 (3) An annual report shall be submitted 1 year following the submission of the  
16 information in subparagraph (2) of this paragraph and subsequent reports shall be  
17 submitted no more than 12 months following the previous report (once the unit is  
18 subject to permitting requirements in Title 11, Part 2, Chapter 6, Air Emissions  
19 Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air  
20 Act, the owner or operator of an affected facility must submit these reports  
21 semiannually). The annual report shall include the information specified in  
22 subparagraphs (3)(a) through (3)(h) of this paragraph. All reports shall be signed  
23 by the facilities manager.  
24
- 25 (a) The values for the site-specific operating parameters established pursuant  
26 to subparagraph G(4) or (9) as applicable.  
27
- 28 (b) The highest maximum operating parameter and the lowest minimum  
29 operating parameter, as applicable, for each operating parameter recorded  
30 for the calendar year being reported, pursuant to subparagraph G(4) or (9)  
31 as applicable.  
32
- 33 (c) The highest maximum operating parameter and the lowest minimum  
34 operating parameter, as applicable for each operating parameter recorded  
35 pursuant to subparagraph G(4) or (9) for the calendar year preceding the  
36 year being reported, in order to provide the Department with a summary of  
37 the performance of the affected facility over a 2-year period.  
38
- 39 (d) Any information recorded under (1)(c) through (1)(e) of this paragraph for  
40 the calendar year being reported.  
41
- 42 (e) Any information recorded under subparagraphs (1)(c) through (1)(e) of  
43 this paragraph for the calendar year preceding the year being reported, in  
44 order to provide the Department with a summary of the performance of the  
45 affected facility over a 2-year period.  
46

1 (f) If a performance test was conducted during the reporting period, the  
2 results of that test.

3  
4 (g) If no exceedances or malfunctions were reported under subparagraphs  
5 (1)(c) through (1)(e) of this paragraph for the calendar year being reported,  
6 a statement that no exceedances occurred during the reporting period.

7  
8 (h) Any use of the bypass stack, the duration, reason for malfunction, and  
9 corrective action taken.

10  
11 (4) The owner or operator of an affected facility shall submit semiannual reports  
12 containing any information recorded under subparagraphs (1)(c) through (1)(e) of  
13 this paragraph no later than 60 days following the reporting period. The first  
14 semiannual reporting period ends 6 months following the submission of  
15 information in subparagraph (2) of this paragraph. Subsequent reports shall be  
16 submitted no later than 6 calendar months following the previous report. All  
17 reports shall be signed by the facilities manager.

18  
19 (5) All records specified under subparagraph (1) of this paragraph shall be maintained  
20 onsite in either paper copy or computer-readable format, unless an alternative  
21 format is approved by the Department.

22  
23 (6) Any small HMIWI subject to the emission limits in Table 2 of paragraph C in  
24 Rule 1.12 of these regulations shall meet the following reporting and  
25 recordkeeping requirements:

26  
27 (a) Maintain records of the annual equipment inspections, any required  
28 maintenance, and any repairs not completed within 10 days of an  
29 inspection or the timeframe established by the Department; and

30  
31 (b) Submit an annual report containing information recorded under  
32 subparagraph (6)(1) above no later than 60 days following the year in  
33 which data were collected. Subsequent reports shall be sent no later than  
34 12 calendar months following the previous report (once the unit is subject  
35 to permitting requirements in Title 11, Part 2, Chapter 6, Air Emissions  
36 Operating Permit Regulations for the Purposes of Title V of the Federal  
37 Clean Air Act, the owner or operator must submit these reports  
38 semiannually). The report shall be signed by the facilities manager.

39  
40 J. Compliance Schedules.

41  
42 (1) Except as provided in subparagraph (2) designated or affected facilities to which  
43 the provisions in Rule 1.12 of these regulations applies (as defined in paragraph 1)  
44 shall comply with all requirements in Rule 1.12 of these regulations on or before  
45 September 15, 2000, regardless of whether the Department has identified a

1 designated or affected facility in the State Plan inventory required by Subpart B of  
2 40 C.F.R. 60.

3  
4 (2) For designated facilities planning to install the necessary air pollution control  
5 equipment, the Department may allow compliance on or before September 15,  
6 2002, but as expeditiously as possible. No later than December 15, 1999, these  
7 facilities shall petition the Department in writing, as outlined in subparagraphs (a)  
8 through (b) below. Under no circumstances can compliance with the provisions  
9 in Rule 1.12 of these regulations extend beyond September 15, 2002.

10  
11 (a) Documentation of the analyses undertaken to support the need for an  
12 extension, including an explanation of why September 15, 2002, is  
13 sufficient time to comply while September 15, 2000, is not sufficient. The  
14 documentation shall also include an evaluation of the option to transport  
15 the waste offsite to a commercial medical waste treatment and disposal  
16 facility on a temporary or permanent basis; and

17  
18 (b) Documentation of measurable and enforceable incremental steps of  
19 progress to be taken towards compliance with the requirements in Rule  
20 1.12 of these regulations, as defined in subparagraphs (1) through (10)  
21 below:

22  
23 (1) Date for submitting a petition for site specific operating parameters  
24 under subparagraph G(9) in Rule 1.12 of these regulations;

25  
26 (2) Date for obtaining services of an architectural and engineering firm  
27 regarding the air pollution control device(s);

28  
29 (3) Date for obtaining design drawings of the air pollution control  
30 device(s);

31  
32 (4) Date for ordering the air pollution control device(s);

33  
34 (5) Date for obtaining the major components of the air pollution  
35 control device(s);

36  
37 (6) Date for initiation of site preparation for installation of the air  
38 pollution control device(s);

39  
40 (7) Date for initiation of installation of the air pollution control  
41 device(s);

42  
43 (8) Date for initial startup of the air pollution control device(s); and

44  
45 (9) Date for initial compliance test(s) of the air pollution control  
46 device(s);



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(10) Date for final compliance.

(3) Designated facilities planning to shut down permanently to demonstrate compliance with subparagraph (1) of this paragraph shall notify the Department in writing, no later than December 15, 1999. The notification shall include documentation of measurable and enforceable incremental steps of progress to be taken towards compliance with the requirements in Rule 1.12 of these regulations, as defined in subparagraphs (a) through (f) below:

- (a) Date for designated facility plan for shut down;
- (b) Date for contract with the appropriate vendor (off-site hauler or alternative waste treatment equipment);
- (c) Date to begin construction of alternative waste treatment equipment (if applicable);
- (d) Date for complete installation of alternative waste treatment equipment (if applicable);
- (e) Date for shut down of incinerator;
- (f) Date for dismantling incinerator.

(4) Department Actions on Petitions. On receipt of a petition, the Department will authorize one of the following actions, as it shall determine:

- (a) The petition may be dismissed if the Department determines that it is not adequate under subparagraph (2) of this paragraph.
- (b) The Department may grant the request of the petition, as petitioned or by imposing such conditions as the requirements in Rule 1.12 of these regulations may require in the Title V permit, including the establishment of schedules of compliance.
- (c) The Department may deny the petition. If such a denial is made, the Department shall notify the petitioner in writing, state the reasons for denial and outline procedures for appeal.

(5) Termination Procedures. Any petition granted by the Department may be terminated by the Department whenever the Department finds, after an opportunity for the petitioner to demonstrate compliance and after notice and an opportunity for hearing, that the petitioner is in violation of any requirement, condition, schedule, limitation or any other provision of the petition or that operation under the petition does not meet the minimum requirements established

1 by State and Federal laws and regulations or is unreasonably threatening the  
2 public health.

3  
4 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.

5  
6 *Rule 1.13 Provisions for Existing Commercial and Industrial Solid Waste Incineration Units.*

7  
8 A. Emission Standards. Provisions under this paragraph that apply to existing commercial  
9 and industrial solid waste incineration (CISWI) units are the requirements that are  
10 contained in 40 CFR 60.2575 through 60.2875. All such requirements are hereby adopted  
11 by reference by the Commission as official regulations of the State of Mississippi and  
12 shall hereafter be enforceable as such.

13  
14 B. Applicability. The requirements of Rule 1.13 shall apply to each existing commercial and  
15 industrial solid waste incineration unit that commenced construction on or before  
16 November 30, 1999 and meets the following criteria:

17  
18 (1) Commercial and industrial solid waste incineration (CISWI) unit means any  
19 combustion device that combusts commercial and industrial waste. The  
20 boundaries of a CISWI unit are defined as, but not limited to, the commercial or  
21 industrial solid waste fuel feed system, grate system, flue gas system, and bottom  
22 ash. The CISWI unit does not include air pollution control equipment or the stack.  
23 The CISWI unit boundary starts at the commercial and industrial solid waste  
24 hopper (if applicable) and extends through two areas:

25  
26 (a) the combustion unit flue gas system, which ends immediately after the last  
27 combustion chamber and

28  
29 (b) the combustion unit bottom ash system, which ends at the truck loading  
30 station or similar equipment that transfers the ash to final disposal. It  
31 includes all ash handling systems connected to the bottom ash handling  
32 system.

33  
34 (2) Commercial and industrial waste means solid waste combusted in an enclosed  
35 device using controlled flame combustion without energy recovery that is a  
36 distinct operating unit of any commercial or industrial facility (including field-  
37 erected, modular, and custom built incineration units operating with starved or  
38 excess air), or solid waste combusted in an air curtain incinerator without energy  
39 recovery that is a distinct operating unit of any commercial or industrial facility.

40  
41 (3) Solid waste means any garbage, refuse, sludge from a waste treatment plant,  
42 water supply treatment plant, or air pollution control facility and other discarded  
43 material, including solid, liquid, semisolid, or contained gaseous material  
44 resulting from industrial, commercial, mining, agricultural operations, and from  
45 community activities but does not include solid or dissolved material in domestic  
46 sewage, or solid or dissolved materials in irrigation return flows or industrial

1 discharges which are point sources subject to permits under Section 402 of the  
2 Federal Water Pollution Control Act, as amended (42 U.S.C. 1342), or source,  
3 special nuclear, or byproduct material as defined by the Atomic Energy Act of  
4 1954, as amended (42 U.S.C. 2014).

5  
6 (4) Solid waste combustion units are exempt from the requirements of Rule 1.13 as  
7 described and set forth below:

8  
9 (a) Pathological waste incineration units. Incineration units burning 90  
10 percent or more by weight (on a calendar quarter basis and excluding the  
11 weight of auxiliary fuel and combustion air) of pathological waste, low-  
12 level radioactive waste, and/or chemotherapeutic waste as defined in 40  
13 CFR 60.2875 are not subject to the requirements of Rule 1.13 if the owner  
14 or operator of the CISWI unit meets the two requirements specified in  
15 (a)(1) and (2) of this paragraph.

16  
17 (1) Notify the Executive Director that the unit meets these criteria.

18  
19 (2) Keep records on a calendar quarter basis of the weight of  
20 pathological waste, low-level radioactive waste, and/or  
21 chemotherapeutic waste burned, and the weight of all other fuels  
22 and wastes burned in the unit.

23  
24 (b) Agricultural waste incineration units. Incineration units burning 90  
25 percent or more by weight (on a calendar quarter basis and excluding the  
26 weight of auxiliary fuel and combustion air) of agricultural wastes as  
27 defined in 40 CFR 60.2875 are not subject to the requirements of Rule  
28 1.13 if the owner or operator of the CISWI unit meets the two  
29 requirements specified in (b)(1) and (2) of this paragraph.

30  
31 (1) Notify the Executive Director that the unit meets these criteria.

32  
33 (2) Keep records on a calendar quarter basis of the weight of  
34 agricultural waste burned, and the weight of all other fuels and  
35 wastes burned in the unit.

36  
37 (c) Municipal waste combustion units. Incineration units that meet either of  
38 the two criteria specified in (c)(1) and (2) of this paragraph.

39  
40 (1) Are regulated under 40 CFR 60, Subpart Ea (Standards of  
41 Performance for Municipal Waste Combustors); 40 CFR 60,  
42 Subpart Eb (Standards of Performance for Municipal Waste  
43 Combustors for Which Construction is Commenced After  
44 September 20, 1994); 40 CFR 60, Subpart Cb (Emission  
45 Guidelines and Compliance Time for Large Municipal Combustors  
46 that are Constructed on or Before September 20, 1994); 40 CFR

1 60, Subpart AAAA (Standards of Performance for New Stationary  
2 Sources: Small Municipal Waste Combustion Units); or 40 CFR  
3 60, Subpart BBBB (Emission Guidelines for Existing Stationary  
4 Sources: Small Municipal Waste Combustion Units).  
5

6 (2) Burn greater than 30 percent municipal solid waste or refuse-  
7 derived fuel, as defined in Subpart Ea, Subpart Eb, Subpart  
8 AAAA, and Subpart BBBB, and that have the capacity to burn less  
9 than 35 tons (32 megagrams) per day of municipal solid waste or  
10 refuse-derived fuel, if the owner or operator of the CISWI unit  
11 meets the two requirements in (c)(2)(i) and (ii) of this paragraph.  
12

13 (i) Notify the Executive Director that the unit meets these  
14 criteria.  
15

16 (ii) Keep records on a calendar quarter basis of the weight of  
17 municipal solid waste burned, and the weight of all other  
18 fuels and wastes burned in the unit.  
19

20 (d) Medical waste incineration units. Incineration units regulated under 40  
21 CFR 60, Subpart Ec (Standards of Performance for  
22 Hospital/Medical/Infectious Waste Incinerators for Which Construction is  
23 Commenced After June 20, 1996) or 40 CFR 60, Subpart Ca (Emission  
24 Guidelines and Compliance Times for Hospital/Medical/Infectious Waste  
25 Incinerators).  
26

27 (e) Small power production facilities. Units that meet the three requirements  
28 specified in (e)(1) through (3) of this paragraph.  
29

30 (1) The unit qualifies as a small power-production facility under  
31 section 3 (17)(C) of the Federal Power Act (16 U.S.C. 796  
32 (17)(C)).  
33

34 (2) The unit burns homogeneous waste (not including refuse-derived  
35 fuel) to produce electricity.  
36

37 (3) The owner or operator of the CISWI unit notifies the Executive  
38 Director that the unit meets all of these criteria.  
39

40 (f) Co-generation facilities. Units that meet the three requirements specified  
41 in (f)(1) through (3) of this paragraph.  
42

43 (1) The unit qualifies as a co-generation facility under section  
44 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).  
45

- 1 (2) The unit burns homogeneous waste (not including refuse-derived  
2 fuel) to produce electricity and steam or other forms of energy  
3 used for industrial, commercial, heating, or cooling purposes.  
4
- 5 (3) The owner or operator of the CISWI unit notifies the Executive  
6 Director that the unit meets all of these criteria.  
7
- 8 (g) Hazardous waste combustion units. Units that meet either of the two  
9 criteria specified in (g)(1) or (2) of this paragraph.  
10
- 11 (1) Units for which the owner or operator is required to get a permit  
12 under section 3005 of the Solid Waste Disposal Act.  
13
- 14 (2) Units regulated under Subpart EEE of 40 CFR Part 63 (National  
15 Emission Standards for Hazardous Air Pollutants from Hazardous  
16 Waste Combustors).  
17
- 18 (h) Materials recovery units. Units that combust waste for the primary  
19 purpose of recovering metals, such as primary and secondary smelters.  
20
- 21 (i) Air curtain incinerators. Air curtain incinerators that burn only the  
22 materials listed in (h)(1) through (3) of this paragraph are only required to  
23 meet the requirements under "Air Curtain Incinerators" 40 CFR 60.2810  
24 through 60.2870.  
25
- 26 (1) 100 percent wood waste.  
27
- 28 (2) 100 percent clean lumber.  
29
- 30 (3) 100 percent mixture of only wood waste, clean lumber, and/or yard  
31 waste.  
32
- 33 (j) Cyclonic barrel burners. (See 40 CFR 60.2875)  
34
- 35 (k) Rack, part, and drum reclamation units. (See 40 CFR 60.2875)  
36
- 37 (l) Cement kilns. Kilns regulated under Subpart LLL of 40 CFR Part 63  
38 (National Emission Standards for Hazardous Air Pollutants from the  
39 Portland Cement Manufacturing Industry).  
40
- 41 (m) Sewage sludge incinerators. Incineration units regulated under Subpart O  
42 of 40 CFR Part 60 (Standards of Performance for Sewage Treatment  
43 Plants).  
44
- 45 (n) Chemical recovery units. Combustion units burning materials to recover  
46 chemical constituents or to produce chemical compounds where there is an

1 existing commercial market for such recovered chemical constituents or  
2 compounds. The seven types of units described in (n)(1) through (7) of  
3 this paragraph are considered chemical recovery units.

- 4
- 5 (1) Units burning only pulping liquors (i.e., black liquor) that are  
6 reclaimed in a pulping liquor recovery process and reused in the  
7 pulping process.
  - 8
  - 9 (2) Units burning only spent sulfuric acid used to produce virgin  
10 sulfuric acid.
  - 11
  - 12 (3) Units burning only wood or coal feedstock for the production of  
13 charcoal.
  - 14
  - 15 (4) Units burning only manufacturing byproduct streams/residues  
16 containing catalyst metals which are reclaimed and reused as  
17 catalysts or used to produce commercial grade catalysts.
  - 18
  - 19 (5) Units burning only coke to produce purified carbon monoxide that  
20 is used as an intermediate in the production of other chemical  
21 compounds.
  - 22
  - 23 (6) Units burning only hydrocarbon liquids or solids to produce  
24 hydrogen, carbon monoxide, synthesis gas, or other gases for use  
25 in other manufacturing processes.
  - 26
  - 27 (7) Units burning only photographic film to recover silver.
  - 28
  - 29 (o) Laboratory analysis units. Units that burn samples of materials for the  
30 purpose of chemical or physical analysis.
  - 31

32 C. Schedule for compliance.

- 33
- 34 (1) Except as provided in sub-paragraph (2), each designated or affected facility to  
35 which the provisions of Rule 1.13 are applicable, shall comply with the emission  
36 standards and requirements set forth in Rule 1.13 not later than December 1,  
37 2003.
  - 38
  - 39 (2) Any designated or affected facility that does not comply with sub-paragraph (1)  
40 shall be subject to the increments of progress requirements set forth in 40 CFR  
41 60.2575 through 60.2605 and shall comply as follows:  
42
    - 43 (a) Increment 1 - Submit final control plan - April 1, 2003
    - 44
    - 45 (b) Increment 2 - Achieve final compliance - December 1, 2005
    - 46

1 D. Permitting requirements. Each CISWI unit affected by the provisions of Rule 1.13 shall  
2 be subject to the permitting requirements of Title 11, Part 2, Chapter 6, Air Emissions  
3 Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act;  
4 and the owner and/or operator of the affected facility shall submit the necessary permit  
5 application not later than April 1, 2003. Beginning December 1, 2003, affected facilities  
6 shall only operate pursuant to authorization, or a permit issued, pursuant to the operating  
7 permit regulations referenced herein.  
8

9 E. Clarifications of terminology. Clarification for certain terms contained in the  
10 requirements adopted by reference into Rule 1.13 are as follows:  
11

12 (1) The term "Administrator", as it relates to the State Air Pollution Control Agency  
13 in 40 CFR 60.2575 through 60.2875, means the "Executive Director" of the  
14 Mississippi Department of Environmental Quality.  
15

16 (2) The term "You" in 40 CFR 60.2575 through 60.2875 means the owner or operator  
17 of a CISWI unit.  
18

19 (3) The term "State plan" in 40 CFR 60.2575 through 60.2875 means the plan  
20 (including the requirements set forth in Rule 1.13) submitted to the U.S.  
21 Environmental Protection Agency that implement the emission guidelines  
22 contained in 40 CFR 60, Subpart DDDD.  
23

24 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17- 49-2-1, et seq. and 49-17-1, et seq.  
25

26 *Rule 1.14 Provisions For The Clean Air Interstate Rule.* The provisions of this paragraph apply  
27 to Electric Generating Units subject to the Clean Air Interstate Rule (CAIR) as set forth in 40  
28 CFR 51.123, 40 CFR 51.124, and 40 CFR 96.102 through 40 CFR 96.388 as amended and  
29 promulgated by the U.S. Environmental Protection Agency as of October 3, 2008. All such  
30 requirements are incorporated herein and adopted by reference by the Mississippi Commission  
31 on Environmental Quality as official regulations of the State of Mississippi and shall hereafter be  
32 enforceable as such except as follows:  
33

34 A. The term "permitting authority" shall mean the "Mississippi Environmental Quality  
35 Permit Board" except when used in the definitions of "Allocate or allocation" and "CAIR  
36 NOx allowance" in 40 CFR 96.102, the definitions of "Allocate or allocation" and "CAIR  
37 SO2 allowance" in 40 CFR 96.202, and the definitions of "Allocate or allocation" and  
38 "CAIR NOx Ozone Season allowance" in 40 CFR 96.302.  
39

40 B. Unit specific nitrogen oxides (NO<sub>x</sub>) annual and ozone season allowances shall be  
41 established by the Commission in accordance with the procedures outlined in 40 CFR  
42 96.142 and 40 CFR 96.342 and will be assigned to each unit by the dates specified in 40  
43 CFR 96.141 and 40 CFR 96.341.  
44

45 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
46

1 **Part 2, Chapter 2: Mississippi Commission on Environmental Quality, Permit Regulations**  
2 **for the Construction and/or Operation of Air Emissions Equipment (Adopted May 8, 1970;**  
3 **Last Amended July 28, 2005)**

4  
5 *Rule 2.1 GENERAL REQUIREMENTS.*

6  
7 A. Replacement of Previous Regulation.

8  
9 This regulation supercedes and replaces previously adopted Title 11, Part 2, Chapter 2,  
10 “Permit Regulations for the Construction and/or Operation of Air Emissions Equipment.”

11  
12 B. Title 11, Part 2, Chapter 5, “Regulations for the Prevention of Significant Deterioration of  
13 Air Quality”, amended by the Commission on the date of this regulation amendment,  
14 provides in Rule 5.2 thereof for the adoption of 40 CFR 52.21 as amended and  
15 promulgated by July 1, 2004 as official Regulations of the State of Mississippi except for  
16 the exclusions and changes set forth in Rules 5.2 and 5.3. of Title 11, Part 2, Chapter 5.  
17 Therefore, the definitions set forth in 40 CFR 52.21(b), including the definitions of  
18 “emissions unit”, “major stationary source”, “major modification”, and “net emissions  
19 increase” as used in this Title 11, Part 2, Chapter 2, incorporated by reference and shall  
20 have the same definition in this Regulation, except for the exclusions and changes set  
21 forth in Rules 5.2 and 5.3 of Title 11, Part 2, Chapter 5 and except for changes noted  
22 herein.

23  
24 C. Definitions.

25  
26 (1) “Applicable rules and regulations” Any Commission regulation concerning  
27 and/or affecting air emissions and air quality established pursuant to State Law.

28  
29 (2) “Building, structure, facility, or installation”. All the pollutant-emitting activities  
30 which belong to the same industrial grouping, are located on one or more  
31 contiguous or adjacent properties, and are under the control of the same person (or  
32 persons under common control) except the activities of any vessel. Pollutant-  
33 emitting activities shall be considered as part of the same industrial grouping if  
34 they belong to the same “Major Group” (i.e., which have the same first two digit  
35 code) as described in the Standard Industrial Classification Manual, 1972, as  
36 amended by the 1977 Supplement (U.S. Government Printing Office stock  
37 numbers 4101-0066 and 003-005-00176-0, respectively).

38  
39 (3) “Commission”. The Mississippi Commission on Environmental Quality.

40  
41 (4) “Concentrated animal feeding operation” (CAFO). Any facility included within  
42 the definition of that term found at 40 CFR 122.23(b)(3).

43  
44 (5) “De minimis NSR modification”. Any modification in which the emissions  
45 increase of each regulated NSR pollutant is less than three-fourths of the threshold  
46 for a major modification using the same procedures for calculating the emissions



1 increase as the procedures of 40 CFR 52.21(a)(2)(iv)(c) through (f) for calculating  
2 a significant emissions increase; and which is not one of the following types of  
3 modifications:

- 4
- 5 (a) a major modification;
  - 6
  - 7 (b) a moderate modification;
  - 8
  - 9 (c) a modification involving “netting” out of PSD;
  - 10
  - 11 (d) a modification involving medical waste incineration or hazardous waste  
12 incineration;
  - 13
  - 14 (e) a modification meeting the definition of "constructing or reconstructing a  
15 major source of hazardous air pollutants" in Title 11, Part 2, Chapter 8,  
16 “Air Toxics Regulations”, and 40 CFR, Part 63, Subpart B and thereby  
17 requiring a case-by-case Maximum Achievable Control Technology  
18 (MACT) determination.
  - 19
  - 20 (6) “DEQ”. The Mississippi Department of Environmental Quality.
  - 21
  - 22 (7) “EPA”. The U.S. Environmental Protection Agency.
  - 23
  - 24 (8) “Federal Act”. The Federal Clean Air Act as amended in 1990, and any  
25 subsequent amendments.
  - 26
  - 27 (9) “Fixed capital cost”. The capital needed to provide all the depreciable  
28 components.
  - 29
  - 30 (10) “Light commercial area”. An area zoned for commercial use, or, in the absence  
31 of any local zoning ordinances, an area predominantly used for wholesale and  
32 retail trade in goods and services.
  - 33
  - 34 (11) “Major Title V source”. Any major stationary source as determined in the "Air  
35 Emissions Operating Permit Regulations for the Purposes of Title V of the  
36 Federal Clean Air Act", Miss. Admin Code, Title 11, Part 2, Chapter 6.
  - 37
  - 38 (12) “Minor stationary source”. Any stationary source that is neither a major  
39 stationary source nor a moderate stationary source.
  - 40
  - 41 (13) “Moderate modification”. Any modification in which the source is making  
42 enforceable emissions reductions to avoid major source requirements of Title 11,  
43 Part 2, Chapter 5, “Regulations for the Prevention of Significant Deterioration of  
44 Air Quality”, or Rule 2.5.E. of these regulations (i.e., “netting” out of PSD/NSR).  
45 These modifications are often called “synthetic minor modifications”.
  - 46

1 (14) "Moderate stationary source". Any new stationary source which makes  
2 enforceable emissions reductions to avoid major source requirements of  
3 Commission Regulation Miss. Admin. Code, Title 11, Part 2, Chapter 5,  
4 "Regulations for the Prevention of Significant Deterioration of Air Quality" or  
5 Rule 2.5.E of these regulations (i.e., "netting" out of PSD/NSR).  
6

7 (15) "Modification". Any physical change in or change in the method of operation of  
8 a facility which increases the actual emissions or the potential uncontrolled  
9 emissions of any air pollutant subject to regulation under the Federal Act emitted  
10 into the atmosphere by that facility or which results in the emission of any air  
11 pollutant subject to regulation under the Federal Act into the atmosphere not  
12 previously emitted. A physical change or change in the method of operation shall  
13 not include:  
14

15 (a) routine maintenance, repair, and replacement;

16  
17 (b) use of an alternative fuel or raw material by reason of an order under  
18 Sections 2 (a) and (b) of the Federal Energy Supply and Environmental  
19 Coordination Act of 1974 (or any superseding legislation) or by reason of  
20 a natural gas curtailment plan pursuant to the Federal Power Act;

21  
22 (c) use of an alternative fuel by reason of an order or rule under Section 125  
23 of the Federal Act;

24  
25 (d) use of an alternative fuel or raw material by a stationary source which:

26  
27 (1) the source was capable of accommodating before January 6, 1975,  
28 unless such change would be prohibited under any federally  
29 enforceable permit condition which was established after  
30 January 6, 1975, pursuant to 40 CFR 52.21 or under regulations  
31 approved pursuant to 40 CFR Part 51 Subpart I or 40 CFR 51.166;  
32 or  
33

34 (2) the source is approved to use under any permit issued under  
35 40 CFR 52.21 or under regulations approved pursuant to 40 CFR  
36 Part 51 Subpart I or 40 CFR 51.166;

37  
38 (e) an increase in the hours of operation or in the production rate unless such  
39 change would be prohibited under any federally enforceable permit  
40 condition which was established after January 6, 1975, pursuant to  
41 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51  
42 Subpart I or 40 CFR 51.166; or  
43

44 (f) any change in ownership of the stationary source.  
45

- 1 (16) "Modified Permit". Any permit already effective which is altered substantively as  
2 a result of the Permit Board's determination of the need for such alteration.  
3 Alterations to correct typographical errors or to clarify requirements shall not be  
4 considered substantive changes and, therefore, are not modifications for the  
5 purposes of this definition.  
6
- 7 (17) "NSR". New source review.  
8
- 9 (18) "Permit Board". The Mississippi Environmental Quality Permit Board.  
10
- 11 (19) "PSD". Prevention of Significant Deterioration.  
12
- 13 (20) "Recreational area". Recreational area means:  
14  
15 (a) a national, state, county, or city park; or  
16  
17 (b) an outdoor recreational area, such as a golf course or swimming pool,  
18 owned by a city, county, state, or other public agency.  
19
- 20 (21) "Regulated air pollutant". Any regulated NSR pollutant, any air pollutant subject  
21 to a standard promulgated under Section 112 or other requirements established  
22 under Section 112 of the Federal Act, and any other air pollutant for which there  
23 is a duly adopted state ambient air quality standard.  
24
- 25 (22) "Regulated NSR pollutant". An air pollutant defined as a regulated NSR  
26 pollutant in 40 CFR 52.21 (b)(50).  
27
- 28 (23) "Residential area". Residential area means:  
29  
30 (a) a group of 20 or more single-family dwelling units on contiguous property  
31 and having an average density of two or more units per acre, or  
32  
33 (b) a group of 40 or more single-family dwelling units on contiguous property  
34 and having an average density of one or more units per acre, or  
35  
36 (c) a subdivision containing at least 20 constructed houses, in which the  
37 subdivision plat is recorded in the chancery clerk's office of the  
38 appropriate county.  
39
- 40 (24) "Responsible Official". Responsible Official means as follows:  
41  
42 (a) for a corporation: a president, secretary, treasurer, or vice-president of the  
43 company or corporation in charge of a principal business function, or any  
44 other person who performs similar policy- or decision-making functions  
45 for the company or corporation, or a duly authorized representative of  
46 such person if the representative is responsible for the overall operation of

1 one or more manufacturing, production, or operating facilities employing  
2 more than 250 persons or having gross annual sales or expenditures  
3 exceeding \$25 million (in 1980 dollars), if authority to sign documents has  
4 been assigned or delegated in accordance with corporate procedures;  
5

6 (b) for a partnership or sole proprietorship: a general partner or the proprietor,  
7 respectively; or  
8

9 (c) for a municipality, state, federal, or other public agency: either a principal  
10 executive officer or ranking elected official (for the purposes of these  
11 regulations, a principal executive officer of a Federal agency includes the  
12 chief executive officer having responsibility for the overall operations of a  
13 principal geographic unit of the agency (e.g., a Regional Administrator of  
14 EPA). A principal executive officer of a military facility includes the  
15 facility commander, chief executive officer, or any other similar person  
16 who performs similar policy- or decision-making functions for the  
17 institution.  
18

19 (25) “Significant minor source”. A stationary source that is (a) not a synthetic minor  
20 source; (b) is not a major Title V source and is not otherwise required to obtain a  
21 Title V Permit to Operate; and (c) is one of the following categories of sources:  
22

23 (a) hot-mix asphalt plants,  
24

25 (b) cotton gins,  
26

27 (c) medical waste incinerators, not subject to the requirements of Rule 1.12 of  
28 Miss. Admin. Code, Title 11, Part 2, Chapter 1, “Air Emission  
29 Regulations for the Prevention, Abatement, and Control of Air Pollutants”.  
30

31 (d) rendering plants, or  
32

33 (e) Any other new stationary source deemed by the Permit Board to be a  
34 significant minor source due to (i) the source’s potential to require  
35 significant air pollution control operations in order to avoid a violation of  
36 the Mississippi Air and Water Pollution Control Law or any regulation  
37 promulgated thereunder, (ii) the source’s potential to require significant  
38 compliance demonstration or testing requirements, (iii) the source’s  
39 potential to cause a substantial threat to public health, welfare, or the  
40 environment, or (iv) the sources’ potential to cause or substantially  
41 contribute to a violation of any applicable ambient air quality standard.  
42

43 (26) “State Law”. The Mississippi Air and Water Pollution Control Law, specifically,  
44 Miss. Code Ann. §§ 49-17-1 through 49-17-45, and any subsequent amendments.  
45

- 1 (27) “State Permit to Operate or State Operating Permit”. A permit issued under State  
2 Law to operate air emissions equipment at a significant minor source, exclusive of  
3 Title V Permits.  
4
- 5 (28) “Stationary source”. For purposes of this regulation, any building, structure,  
6 facility, or installation which emits or may emit regulated air pollutant(s).  
7
- 8 (29) “Synthetic minor source”. Any stationary source which would otherwise  
9 constitute a major source as defined by Miss. Admin. Code, Title 11, Part 2,  
10 Chapter 6, “Air Emissions Operating Permit Regulations for the Purposes of  
11 Title V of the Federal Clean Air Act”, except that the owner or operator of the  
12 stationary source elects for federally enforceable emissions limitations which may  
13 include permit conditions restricting hours of operation, or type or amount of  
14 material stored, combusted or processed, or establishing more stringent air  
15 pollution control efficiency requirements to lower allowable emissions for air  
16 pollutants in the State Permit to Operate below applicability thresholds for a  
17 Title V major source.  
18
- 19 (30) “Title V”. The air operating permit program mandated in Title V of the 1990  
20 amendments to the Federal Clean Air Act, codified in 42 U.S.C. §7661.  
21
- 22 (31) “Title V permit”. Any permit or group of permits covering a Title V source that  
23 is issued, renewed, amended, or revised pursuant to Miss. Admin. Code, Title 11,  
24 Part 2, Chapter 6.  
25
- 26 (32) “Title V sources”. Title V sources include the following:  
27
- 28 (a) any major source;
  - 29
  - 30 (b) any source, including an area source, subject to a standard, limitation or  
31 other requirement under Section 111 of the Federal Act;  
32
  - 33 (c) any source, including an area source, subject to a standard or other  
34 requirement under Section 112 of the Federal Act, except that a source is  
35 not required to obtain a permit solely because it is subject to regulations or  
36 requirements under Section 112(r) of the Federal Act;  
37
  - 38 (d) any affected source; and
  - 39
  - 40 (e) any source in a source category designated by the Administrator.  
41

42 D. Permitting Requirements.

- 43
- 44 (1) Permit Types. The Permit Board will issue two types of air pollution control  
45 permits, a permit to construct air emissions equipment and a State Permit to

1 Operate such equipment. A State Permit to Operate is required for synthetic  
2 minor sources, major Title V sources, and significant minor sources.  
3

- 4 (2) Unless otherwise provided by Rule 2.13 and 2.15 or other provisions of these  
5 Regulations, any new stationary source or modification of a stationary source  
6 must have a permit to construct or multi-media permit incorporating such permit  
7 before beginning construction.  
8
- 9 (3) All applications must be submitted on the form supplied by the Permit Board and  
10 must be signed by a responsible official.  
11
- 12 (4) The Permit Board may require the applicant to submit any additional information  
13 which the Permit Board deems relevant to its decision on the permit application  
14 including, but not limited, to ambient air quality modeling. The Permit Board  
15 may require that all other media permits for a facility be issued simultaneously  
16 with any required air permit or may issue the air permit prior to or subsequent to  
17 other permits required by the facility.  
18
- 19 (5) A permit issued by the Permit Board will generally be for a specific site identified  
20 in the application. No permit application, except one for a portable facility which  
21 will be located only temporarily at a site or sites, will be processed unless the  
22 applicant controls the real property upon which the facility is located. The  
23 applicant may demonstrate control or the legal right to operate through ownership,  
24 lease, eminent domain, easement, license and/or contract. For portable facilities  
25 which will be located only temporarily at a site or sites, the Permit Board may  
26 issue a statewide permit or a permit for operation in multiple areas.  
27
- 28 (6) It is the responsibility of the applicant/permittee to obtain all other approvals,  
29 permits, clearances, easements, agreements, etc., which may be required  
30 including, but not limited to, all required local government zoning approvals or  
31 permits. DEQ may delay processing any permit application until the applicant  
32 provides to DEQ information or documentation sufficient to demonstrate any  
33 approval listed in this paragraph.  
34
- 35 (7) The provisions of a permit are severable. If any provision of a permit, or the  
36 application of any provision of a permit to any circumstances, is challenged or  
37 held invalid, the validity of the remaining permit provisions and/or portions  
38 thereof or their application to other persons or sets of circumstances, shall not be  
39 affected thereby.  
40
- 41 (8) In the event of a conflict between any of the requirements of these regulations  
42 and/or applicable requirements of any other regulation or law, the more stringent  
43 requirements shall be applied.  
44
- 45 (9) A stationary source which emits or causes to be emitted matter other than through  
46 a stack or a defined outlet of an air cleaning device may be classified inadequate

1 in regard to control equipment. Facilities which comply with emission standards  
2 which specifically address and include fugitive emissions shall be presumed  
3 adequate provided all other Applicable Rules and Regulations are complied with.  
4

5 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-2-1, et seq. and  
6 49-17-1, et seq.  
7

8 *Rule 2.2 GENERAL STANDARDS APPLICABLE TO ALL PERMITS.*  
9

10 A. Except as provided for in the “Air Emissions Operating Permit Regulations for the  
11 Purposes of Title V of the Federal Clean Air Act”, Miss Admin. Code, Title 11, Part 2,  
12 Chapter 6, no permit shall be issued unless the applicant has complied with applicable  
13 requirements of the Commission “Air Emission Regulations for the Prevention,  
14 Abatement, and Control of Air Contaminants”, Miss. Admin. Code, Title 11, Part 2,  
15 Chapter 1; the Commission “Permit Regulations for the Construction and/or Operation of  
16 Air Emissions Equipment”, Miss. Admin. Code, Title 11, Part 2, Chapter 2 the  
17 Commission “Regulations for the Prevention of Air Pollution Emergency Episodes”,  
18 Miss. Admin. Code, Title 11, Part 2, Chapter 3; the Commission “Ambient Air Quality  
19 Standards”, Miss. Admin. Code, Title 11, Part 2, Chapter 4 except as provided for in Rule  
20 2.5.E. herein; the Commission “Regulations for the Prevention of Significant  
21 Deterioration of Air Quality”, Miss. Admin. Code, Title 11, Part 2, Chapter 5, any  
22 amendments to these Rules and Regulations, and additional relevant Rules and  
23 Regulations promulgated by the Commission and/or Permit Board.  
24

25 B. General Provisions.  
26

- 27 (1) Any stationary source which holds a valid Title V permit shall be deemed to be in  
28 compliance with the requirements regarding a State Permit to Operate contained  
29 in, Miss. Admin. Code, Title 11, Part 2, Chapter 2 and State Law.  
30
- 31 (2) The Permit Board may require a permittee to submit an application for a Title V  
32 permit at any time the permittee becomes subject to Title V. The Permit Board  
33 may require a permittee to submit a Title V application even though the permittee  
34 has previously submitted an application for renewal of its State Operating Permit.  
35
- 36 (3) When requested by the Permit Board, an applicant shall submit information to  
37 demonstrate it has the financial resources to comply with the terms and conditions  
38 of the permit.  
39
- 40 (4) When requested by the Permit Board, an applicant shall submit information on the  
41 applicant's compliance history to provide reasonable assurance that it will comply  
42 with the terms and conditions of the permit.  
43
- 44 (5) The knowing submittal of a permit application with false information may serve  
45 as the basis for the Permit Board to void the permit issued pursuant thereto or

1 subject the applicant to penalties for operating without a valid permit pursuant to  
2 State Law.

- 3
- 4 (6) Acceptance by the Permit Board of a permit application does not constitute a  
5 waiver of the DEQ's right to assess appropriate penalties against the applicant  
6 pursuant to State Law for constructing or operating without a valid permit.  
7
- 8 (7) The issuance of a permit does not release the permittee from liability for  
9 constructing or operating air emissions equipment in violation of any applicable  
10 statute, rule or regulation of state or federal environmental authorities.  
11
- 12 (8) Applicants for all permits to construct or operate, or to renew a State Permit to  
13 Operate, shall specify in their application the air emission rate for each air  
14 pollutant subject to regulation under the Federal Act that can be reasonably  
15 expected to be emitted into the air as a result of operations from the source.  
16
- 17 (9) Each application must be signed by the responsible official. The signature of the  
18 applicant shall constitute an agreement that the applicant assumes the  
19 responsibility for any alterations, additions or changes in operation that may be  
20 necessary to achieve and maintain compliance with all Applicable Rules and  
21 Regulations.  
22
- 23 (10) The Permit Board may, in any permit, establish limitations and requirements on  
24 the emission of air pollutants and on other parameters of a stationary source to  
25 assure that the requirements of Applicable Rules and Regulations are met subject  
26 to Miss. Code Ann. §49-17-34(2) and (3). Where the Permit Board does not  
27 establish limitations and requirements in a permit, the permit shall provide that  
28 the rates of emissions and other operating conditions and parameters specified in  
29 the application shall be the applicable limitations and requirements.  
30
- 31 (11) The Permit Board may, in any permit, establish requirements for compliance  
32 testing by emissions sampling and analysis, for emissions and operation  
33 monitoring, and for reporting of the results from such testing and monitoring.  
34 The Permit Board shall consider factors in establishing such requirements as  
35 follows:  
36
- 37 (a) Applicable Rules and Regulations which address testing, monitoring, and  
38 reporting;
  - 39 (b) prior results of testing and monitoring at the stationary source;
  - 40 (c) the applicant's compliance history;
  - 41 (d) the size of the stationary source;
  - 42 (e) the cost of the testing, monitoring, reporting; and  
43  
44  
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44

(f) the potential environmental impact of the stationary source.

(12) The Permit Board may, in any permit, subdivide the permit requirements to facilitate their expression so as to adequately define, describe, and encompass emissions-producing units, processes, and other portions of a stationary source subject to the requirements.

(13) The Permit Board may, in any permit to construct, require the permittee to perform special environmental monitoring for the purpose of detecting, quantifying, and determining the impact of pollutants existing prior to the date the permittee begins to emit when, during the review of the application and the public participation process, questions arise, with regard to separate environmental impacts of pollution raised by the applicant or the Department and which cannot be determined by available scientific data and scientific methods. The Permit Board may, in any State Permit to Operate, require the permittee to perform special environmental monitoring for the purpose of detecting, quantifying, and determining the impact of pollutants emitted by the permittee when such monitoring is necessary because traditional air quality monitoring techniques will not measure the quality of the environment nor the impact of the pollutants emitted into the environment. Such special monitoring may include, but is not limited to, parameters such as ambient concentration, deposition, bio-accumulation in flora and fauna, etc.

(14) No permit for the construction or relocation of equipment which will cause the issuance of air contaminants shall be issued when said equipment cannot comply with buffer zone requirements as follows:

(a) All sources of air emissions must be at least 150 feet from the nearest residential or recreational area.

(b) All sources of air emissions at asphalt plants utilizing conventional technology for the control of air contaminants must be at least 1500 feet from the nearest residential, recreational or light commercial area.

(c) All sources of air emissions at asphalt plants utilizing best available technology for the control of air contaminants must be at least 600 feet from the nearest residential, recreational or light commercial area.

(d) Rendering plants or other similar operations which may cause objectionable odors must be at least 1500 feet from the nearest residential, recreational or light commercial area and be located in compliance with Miss. Code Ann. §41-51-19.

- 1 (e) Notwithstanding (a) above, incinerators must be at least 150 feet from any  
2 dwelling or from any light commercial building not owned by the  
3 applicant.  
4
- 5 (f) Where buffer zone requirements cannot be met, the Permit Board will  
6 consider requests for exceptions to, or variances from, these requirements  
7 upon the applicant's submittal of sufficient proof that affected property  
8 owners within the subject buffer zone have had timely and sufficient  
9 notice of the proposed stationary source. Any comments received as a  
10 result of such notice shall be considered prior to action upon any request  
11 for exceptions to, or variances from, the buffer zone requirements.  
12
- 13 (g) The Permit Board may establish buffer zone requirements for facilities not  
14 included in 15(a)-(f) considering factors including but not limited to, the  
15 type of emissions, the quantity of emissions, the physical characteristics of  
16 the stationary source (such as the location) and such other factors that the  
17 Permit Board deems appropriate to protect human health, welfare, or the  
18 environment.  
19
- 20 (15) Each permit issued shall include the following:  
21
- 22 (a) It shall not be a defense for a permittee in an enforcement action that it  
23 would have been necessary to halt or reduce the permitted activity in order  
24 to maintain compliance with the conditions of the permit unless halting or  
25 reducing activity would create an imminent and substantial endangerment  
26 threatening the public health and safety of the lives and property of the  
27 people of this state.  
28
- 29 (b) The permit and/or any part thereof may be modified, revoked, reopened,  
30 and reissued, or terminated for cause. Sufficient cause for a permit to be  
31 reopened shall exist when an air emissions stationary source becomes  
32 subject to Title V. The filing of a request by the permittee for a permit  
33 modification, revocation and reissuance, or termination, or of a  
34 notification of planned changes or anticipated noncompliance does not  
35 stay any permit condition.  
36
- 37 (c) The permit does not convey any property rights of any sort, or any  
38 exclusive privilege.  
39
- 40 (d) The permittee shall furnish to the DEQ within a reasonable time any  
41 information the DEQ may request in writing to determine whether cause  
42 exists for modifying, revoking and reissuing, or terminating the permit or  
43 to determine compliance with the permit. Upon request, the permittee  
44 shall also furnish to the DEQ copies of records required to be kept by the  
45 permit or, for information claimed to be confidential, the permittee shall  
46 furnish such records to the DEQ along with a claim of confidentiality.

1                   The permittee may furnish such records directly to the Administrator  
2                   along with a claim of confidentiality.  
3

4 C.     Permit Modification or Revocation  
5

6             After notice and opportunity for hearing, the Permit Board may modify, or revoke in  
7             whole or in part any permit issued pursuant to these regulations for good cause shown  
8             including, but not limited to, the following:  
9

- 10            (1)     persistent violation of any of the terms or conditions of the permit;  
11  
12            (2)     obtaining the permit by misrepresentation or failure to disclose fully all relevant  
13            facts; or  
14  
15            (3)     a change in federal, state or local laws or regulations that require either a  
16            temporary or permanent reduction or elimination of previously authorized air  
17            emissions.  
18

19 D.     Modification of Permits Without Modification of Facilities  
20

21             The terms and conditions of a previously issued permit to construct or State Permit to  
22             Operate may, upon request of the permittee, be modified if the Permit Board finds that  
23             those terms and conditions are no longer necessary to insure compliance with all  
24             Applicable Rules and Regulations or that the modifications sought by the permittee result  
25             in operating conditions that are protective of human health and the environment.  
26

27     Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-2-1, et seq. and 49-  
28     17-1, et seq.  
29

30     *Rule 2.3 Application for Permit to Construct and State Permit to Operate New Stationary*  
31     *Source.*  
32

33 A.     All engineering plans and specifications required by DEQ must bear the signature,  
34     registration number, and seal of a professional engineer registered in the State of  
35     Mississippi.  
36

37 B.     Information Required.  
38

- 39            (1)     The Permit Board may require each application for a permit to construct a new  
40            stationary source be accompanied by two (2) complete sets of site drawings,  
41            construction drawings, design calculations and specifications.  
42  
43            (2)     Upon request by the Permit Board, the applicant shall furnish any additional  
44            information necessary to evaluate the design adequacy of the new stationary  
45            source.  
46

- 1 (3) The Permit Board may require the applicant to predict the impact of emissions on  
2 air quality using air quality models as referenced in Rule 2.5.B. herein.  
3

4 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-2-1, et seq. and 49-  
5 17-1, et seq.  
6

7 *Rule 2.4 Public Participation and Public Availability of Information.*  
8

9 A. For any application for a Prevention of Significant Deterioration Permit to Construct, the  
10 DEQ will follow public information procedures specified in Commission Regulation,  
11 Miss. Admin Code, Title 11, Part 2, Chapter 5, "Regulations for the Prevention of  
12 Significant Deterioration of Air Quality", and any other Applicable Rules and  
13 Regulations set forth herein.  
14

15 B. For any application for a Title V Permit to Operate, the DEQ will follow public  
16 information procedures specified in Commission Regulation, Miss. Admin. Code, Title  
17 11, Part 2, Chapter 6, "Air Emissions Operating Permit Regulations For The Purposes Of  
18 Title V Of The Federal Clean Air Act".  
19

20 C. For any application for a permit to construct a new moderate stationary source, a  
21 moderate modification, or a new major stationary source impacting a nonattainment area  
22 as defined in Rule 2.5.E., the DEQ will provide opportunity for public comment on  
23 information submitted by the owner and operator. The public information will include  
24 the DEQ's analysis of the effect of construction or modification on ambient air quality,  
25 including the DEQ's recommendation for permit issuance or denial and shall include, as a  
26 minimum, the following:  
27

- 28 (1) availability for public inspection in at least one location in the area affected of the  
29 information submitted by the owner or operator and of DEQ's analysis of the  
30 effect on air quality;  
31  
32 (2) a 30-day period for submittal of public comment; and  
33  
34 (3) a notice, by prominent advertisement in the area affected, of the location of the  
35 source information and analysis.  
36

37 A copy of the notice will be sent to the Administrator of EPA through Region IV, and to  
38 all other State and local air pollution control agencies having jurisdiction in the region in  
39 which such new or modified installation will be located. A permit to construct issued  
40 pursuant to this paragraph is federally enforceable.  
41

42 D. For any application for a new State Permit to Operate a synthetic minor source, and any  
43 application for renewal of a State Permit to Operate a synthetic minor source, the DEQ  
44 will provide opportunity for public comment on information submitted by the owner or  
45 operator. The public information will include the application submitted, the DEQ's

1 recommendation for permit issuance or denial (including the draft permit) and shall  
2 include, as a minimum, the following:  
3

- 4 (1) availability for public inspection in at least one location in the area affected of the  
5 information submitted by the owner or operator and of DEQ's recommendation  
6 and the draft permit;  
7
- 8 (2) a 30-day period for submittal of public comment; and  
9
- 10 (3) a notice, by prominent advertisement in the area affected, of the location of the  
11 source information.  
12

13 A copy of the notice will be sent to the Administrator of EPA through Region IV, and to  
14 all other State and local air pollution control agencies having jurisdiction in the region in  
15 which the source is or will be located. A State Permit to Operate issued to a synthetic  
16 minor source is federally enforceable.  
17

- 18 E. For any request for coverage under a general permit to construct a moderate source or  
19 moderate modification, the public information procedures described in C. above will be  
20 followed except that the public information will also include the request for coverage. A  
21 general permit to construct which covers a moderate source or moderate modification is  
22 federally enforceable.  
23
- 24 F. For any request for coverage under a general permit to operate a synthetic minor source,  
25 the public information procedures described in D. above will be followed except that the  
26 public information will also include the request for coverage. A general permit to operate  
27 which covers a synthetic minor source is federally enforceable.  
28
- 29 G. For a multi-media permit incorporating a permit to construct a new moderate stationary  
30 source, a moderate modification, or a new major stationary source impacting a  
31 nonattainment area as defined in Rule 2.5.E, the DEQ will follow public information  
32 procedures described in C. above. The incorporated permit to construct in such a permit  
33 is federally enforceable.  
34
- 35 H. For a multi-media permit incorporating a State Permit to Operate a synthetic minor  
36 source, the DEQ shall follow public information procedures described in D. above. The  
37 incorporated State Permit to Operate in such a permit is federally enforceable.  
38
- 39 I. For a multi-media general permit incorporating a general permit to construct a moderate  
40 source or moderate modification, the DEQ shall follow public information procedures  
41 described in C. and E. above. The incorporated general permit to construct in such a  
42 permit is federally enforceable.  
43
- 44 J. For a multi-media general permit incorporating a general permit to operate a synthetic  
45 minor source, the DEQ shall follow public information procedures described in D. and F.

1 above. The incorporated general permit to operate in such a permit is federally  
2 enforceable.  
3

4 K. For any application for a PAL permit at an existing major stationary source in accordance  
5 with Rule 2.15.B. of these regulations, the DEQ shall follow public information  
6 procedures described in 40 CFR 52.21(aa)(5) except that the term "Administrator" as it  
7 appears shall mean the Permit Board.  
8

9 L. In addition to A. through F. above, the Permit Board may provide notice to the public and  
10 provide opportunity for public comment on any application for a construction permit or  
11 State Operating Permit.  
12

13 M. In addition to public hearings on PSD permits, as provided for in Commission Regulation  
14 Miss. Admin. Code, Title 11, Part 2, Chapter 5, Regulations for the Prevention of  
15 Significant Deterioration of Air Quality, the Permit Board may hold a public hearing on  
16 any application for a construction permit or State Operating Permit if it determines that  
17 there is sufficient interest in the application.  
18

19 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-2-1, et seq. and  
20 49-17-1, et seq..  
21

22 *Rule 2.5 Application Review.*  
23

24 A. Standards for Approving an Application for a Permit to Construct.  
25

26 (1) The stationary source shall be designed and constructed so as to operate without  
27 causing a violation of any Applicable Rules and Regulations.  
28

29 (2) The stationary source shall be designed and constructed so as to operate without  
30 interfering with the attainment and maintenance of State and National Ambient  
31 Air Quality Standards.  
32

33 (3) The stationary source shall be designed and constructed so as to operate such that  
34 the emission of air toxics does not result in an ambient concentration sufficient to  
35 adversely affect human health and well-being or unreasonably and adversely  
36 affect plant or animal life beyond the stationary source boundaries.  
37

38 (a) The Permit Board may require the applicant to provide data necessary to  
39 evaluate the impacts of air toxics, including the predicted emission rates  
40 and ambient concentrations, when it deems necessary, considering factors  
41 that follow:  
42

43 (1) the types of air toxics involved;  
44

45 (2) the quantity of emissions involved;  
46

- 1 (3) the physical characteristics of the stationary source (such as the  
2 location, size, etc.);  
3  
4 (4) the anticipated human health effects;  
5  
6 (5) the weight of scientific data supporting the health effects  
7 associated with the air toxics;  
8  
9 (6) the level of air pollution control equipment employed; and  
10  
11 (7) such other factors as the Permit Board deems appropriate.  
12  
13 (b) When an air toxics evaluation is required by the Permit Board, the  
14 evaluation shall consider:  
15  
16 (1) an analysis of the chronic human health risks associated with the  
17 air toxics including the lifetime excess cancer risks to the most  
18 exposed individual from air toxics which are known, probable, or  
19 possible human carcinogens calculated or determined using  
20 appropriate pathways of exposure;  
21  
22 (2) an analysis of the acute human health effects associated with the  
23 air toxics utilizing the most current health-effects data published  
24 by EPA and/or recognized public health institutions or, in its  
25 absence, other extrapolative acute health-effects data; and  
26  
27 (3) where applicable, an analysis of the impacts and effects of the air  
28 toxics on plant and/or animal life beyond the boundaries of the  
29 applicant's property.  
30  
31 (c) The carcinogenic risk analysis shall be considered to have satisfied  
32 applicable requirements of this regulation and Title 11, Part 2, Chapter 1  
33 when the lifetime excess cancer risk to the most exposed individual  
34 outside the property boundary is determined to be less than  $1 \times 10^{-6}$ . When  
35 the excess cancer risk is determined to be greater than  $1 \times 10^{-6}$  but less  
36 than  $1 \times 10^{-4}$ , the Permit Board may either:  
37  
38 (1) require the applicant to demonstrate that, notwithstanding the  
39 calculated risks, public health is not threatened by the proposed  
40 emissions of air toxics; or  
41  
42 (2) establish permit conditions to limit or prohibit the emissions of air  
43 toxics.  
44  
45 When this excess cancer risk is calculated or determined to be greater than  
46  $1 \times 10^{-4}$ , the applicant must demonstrate that, notwithstanding the

1 calculated risks, public health is not threatened by the proposed emissions  
2 of air toxics.

- 3  
4 (4) The construction of the stationary source shall be performed in such a manner so  
5 as to reduce fugitive dust emission from construction activities to a minimum.  
6

7 B. Air Quality Models.  
8

- 9 (1) All estimates of ambient concentrations of air pollutants shall be based on the  
10 applicable air quality models, data bases, and other requirements specified in the  
11 "Guideline on Air Quality Models (Revised)" 40 CFR, Part 51, Appendix W,  
12 which are incorporated herein and adopted by reference.  
13

- 14 (2) Where an air quality impact model specified in the "Guideline on Air Quality  
15 Models (Revised)" 40 CFR, Part 51, Appendix W, is inappropriate, the model  
16 may be modified or another model substituted. Such a modification or  
17 substitution of a model may be made on a case-by-case basis or, where  
18 appropriate, on a generic basis. Written approval of the DEQ and the  
19 Administrator of EPA must be obtained for any modification or substitution. In  
20 addition, use of a modified or substituted model shall be subject to public notice  
21 and opportunity for public comment.  
22

23 C. Cancellation of Permit to Construct a New Stationary Source and Notification.  
24

- 25 (1) The permit to construct will expire if construction does not begin within eighteen  
26 (18) months from the date of issuance or if construction is suspended for eighteen  
27 (18) months or more.  
28

- 29 (2) The permittee must notify DEQ in writing when construction begins within  
30 fifteen (15) days of beginning actual construction.  
31

- 32 (3) The permittee must notify DEQ in writing when construction does not begin  
33 within eighteen (18) months of issuance or if construction is suspended for  
34 eighteen (18) months or more.  
35

- 36 (4) The Permit Board may extend the permit to construct for such additional time it  
37 deems appropriate if, at the time of the extension request, the applicant can  
38 demonstrate it meets all requirements necessary to issue a new permit to  
39 construct.  
40

41 D. Certification of Construction, Beginning Operation, and Application for Permit to  
42 Operate.  
43

- 44 (1) Upon the completion of construction or installation of an approved stationary  
45 source or modification, the applicant shall notify the Permit Board that



1 construction or installation was performed in accordance with the approved plans  
2 and specifications on file with the Permit Board.

- 3
- 4 (2) The Permit Board shall be promptly notified in writing of any change in  
5 construction from the previously approved plans and specifications or permit. If  
6 the Permit Board determines the changes are substantial, it may require the  
7 submission of a new application to construct with "as built" plans and  
8 specifications. Notwithstanding any provision herein to the contrary, the  
9 acceptance of an "as built" application shall not constitute a waiver of the right to  
10 seek compliance penalties pursuant to State Law.
- 11
- 12 (3) A new stationary source issued a Permit to Construct cannot begin operation until  
13 certification of construction by the permittee.
- 14
- 15 (4) Except as prohibited by (7) below, after certification of construction by the  
16 permittee, the Permit to Construct shall be deemed to satisfy the requirement for a  
17 permit to operate until the date the application for issuance or modification of the  
18 Title V Permit or the application for issuance or modification of the State Permit  
19 to Operate, whichever is applicable, is due. This provision is not applicable to a  
20 source excluded from the requirement for a permit to operate as provided by Rule  
21 2.13.G.
- 22
- 23 (5) Except as otherwise required in (7) below, the application for issuance or  
24 modification of the State Permit to Operate or the application for issuance or  
25 modification of the Title V Permit, whichever is applicable, is due, twelve (12)  
26 months after beginning operation or such earlier date or time as specified in the  
27 Permit to Construct. The Permit Board may specify an earlier date or time for  
28 submittal of the application. Beginning operation will be assumed to occur upon  
29 certification of construction, unless the permittee specifies differently in writing.
- 30
- 31 (6) Except as otherwise required in (7) below, upon submittal of a timely and  
32 complete application for issuance or modification of a State Permit to Operate, or  
33 application for issuance or modification of a Title V Permit, whichever is  
34 applicable, the applicant may continue to operate under the terms and conditions  
35 of the Permit to Construct and in compliance with the submitted application until  
36 the Permit Board issues, modifies, or denies the Permit to Operate.
- 37
- 38 (7) For moderate modifications that require contemporaneous enforceable emissions  
39 reductions from more than one emission point in order to "net" out of PSD/NSR,  
40 the applicable Title V Permit to Operate or State Permit to Operate must be  
41 modified prior to beginning operation of the modified facilities.
- 42

43 E. Additional Requirements for a Construction Permit or a State Operating Permit for a New  
44 Major Stationary Source or Major Modification Significantly Impacting an Area in which  
45 a National Ambient Air Quality Standard is being exceeded or will be exceeded.

46

1 (1) The Offset Policy is the Emission Offset Interpretive Ruling adopted by EPA in  
2 (or to be printed in) 40 C.F.R. Part 51, Appendix S, and any subsequent  
3 amendments thereto as of April 25, 1988. A copy of such ruling is attached  
4 hereto and is incorporated herein and adopted by reference as Regulations of the  
5 Commission except as follows:  
6

7 (a) Notwithstanding Appendix S, the requirements for Offsets and Lowest  
8 Achievable Emission Rate will apply to all major stationary sources and  
9 major modifications which have a significant impact on nonattainment of  
10 the applicable ambient air quality standard.  
11

12 (b) The source types specified in Section IV.B. of Appendix S of  
13 40 CFR Part 51 will not be excepted from any conditions of the Offset  
14 Policy or any of the requirements contained herein.  
15

16 (c) All terms in Rule 2.5.E shall have the same definitions as those contained  
17 in the Offset Policy including the term "major stationary source" which is  
18 defined differently for purposes of this paragraph than throughout the  
19 remainder of Commission Regulations Miss. Adm. Code, Title 11, Part 2,  
20 Chapter 2.  
21

22 (2) Definitions  
23

24 (a) "Nonattainment area." A geographical area of the state in which a  
25 violation of a National Ambient Air Quality Standard is occurring and  
26 which has been designated by the Commission or EPA as nonattainment  
27 with respect to that standard.  
28

29 (b) "Nonattainment Area Implementation Plan." A revision to the  
30 Commission's Implementation Plan for the Control of Air Pollution, such  
31 revision having been adopted by the Commission and approved by the  
32 U.S. Environmental Protection Agency pursuant to the Federal Act, for the  
33 purpose of attainment and maintenance of the applicable National  
34 Ambient Air Quality Standard in a nonattainment area.  
35

36 (c) "Reasonable Further Progress Schedule." An incremental reduction in  
37 total emissions of the applicable air pollutant allowed in order to provide  
38 for the attainment of the applicable National Ambient Air Quality  
39 Standard by the applicable statutory deadlines.  
40

41 (d) "Significance Levels." Concentrations of pollutants against which air  
42 quality contributions of a stationary source are compared to determine  
43 whether the stationary source significantly impacts air quality in an area.  
44 The levels are as follows:  
45

1 SO<sub>2</sub> 1.0 µg/m<sup>3</sup>, annual average; 5 µg/m<sup>3</sup>, 24-hour average; 25 µg/m<sup>3</sup>, 3-  
2 hour average  
3  
4 PM<sub>10</sub> 1.0 µg/m<sup>3</sup>, annual average; 5 µg/m<sup>3</sup>, 24-hour average  
5  
6 NO<sub>2</sub> 1.0 µg/m<sup>3</sup>, annual average  
7  
8 CO 0.5 mg/m<sup>3</sup>, 8-hour average; 2.0 mg/m<sup>3</sup>, 1-hour average  
9

10 (e) "Significant impact." Air quality impact which exceeds the significance  
11 level.  
12

13 (3) A new stationary source which is a major stationary source or major modification  
14 for the pollutant which contributes to violations of the National Ambient Air  
15 Quality Standard for which the area is nonattainment and which locates in or  
16 significantly impacts a nonattainment area must also meet the following  
17 requirements before a construction permit or a State Operating Permit is issued:  
18

19 (a) The stationary source must meet the lowest achievable emission rate for  
20 the applicable air pollutant.  
21

22 (b) When the applicable Nonattainment Area Implementation Plan contains a  
23 Reasonable Further Progress Schedule, the Permit Board must determine  
24 that, by the time the stationary source is to commence operation, total  
25 combined allowable emissions of the applicable air pollutant from existing  
26 sources in the area, the proposed new stationary source, and all other new  
27 facilities in the area shall be no greater than the total allowable emissions  
28 for the nonattainment area which represents reasonable further progress  
29 for attaining the standard as defined in the applicable Nonattainment Area  
30 Implementation Plan Reasonable Further Progress Schedule.  
31

32 (c) The owner or operator of the proposed new stationary source must  
33 demonstrate that all major stationary sources which are owned or operated  
34 by such person (or by any entity controlled by, or under common control  
35 with such person) in the state are subject to emission limitations and are in  
36 compliance, or on a schedule for compliance, with all applicable emission  
37 limitations contained in any Applicable Rules and Regulations.  
38

39 (d) Exceptions will be made to the inclusion of fugitive emissions in the  
40 determination of whether a new stationary source is a major stationary  
41 source or major modification to the extent that those exceptions are made  
42 in the Offset Policy.  
43

44 (e) At such time that a particular source or modification becomes a major  
45 stationary source or major modification solely by virtue of a relaxation in  
46 an enforceable limitation on the capacity of the source or modification

1 otherwise to emit a pollutant, the requirements of these Regulations shall  
2 apply to the source or modification as though construction had not yet  
3 commenced.  
4

5 (f) When the Reasonable Further Progress Schedule in an applicable  
6 Nonattainment Area Implementation Plan is determined to have become  
7 inapplicable due to consumption of all available growth allowance under  
8 such Schedule, the stationary source must meet the conditions of Rule  
9 2.5.E(4) below.  
10

11 4. A new major stationary source which proposes to locate in or near an area where  
12 an air quality standard is being or will be exceeded but for which no  
13 nonattainment area implementation plan has been adopted shall be subject to the  
14 following:  
15

16 (a) The stationary source shall be subject to the Offset Policy if:  
17

18 (1) The stationary source is a major stationary source or major  
19 modification for the pollutant for which the standard is or will be  
20 exceeded; and  
21

22 (2) The stationary source is within or has significant impact in the area  
23 where the standard is or will be exceeded.  
24

25 (b) In addition to the requirements of the Offset Policy, the stationary source  
26 shall not be granted a construction permit or a State Operating Permit  
27 unless the owner or operator demonstrates that:  
28

29 (1) emissions reductions to offset the new stationary source emissions  
30 will compensate for the adverse ambient impact caused by the new  
31 stationary source; and  
32

33 (2) the emissions reductions have been achieved.  
34

35 5. The granting of a Permit shall not relieve the source of the responsibility to  
36 comply with other applicable requirements of this Regulation or with any other  
37 applicable Regulation or Law.  
38

39 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
40 seq. and 49-17-1, et seq. (Rev. 2003).  
41

42 *Rule 2.6 Compliance Testing.*  
43

44 A. Where compliance testing is required in any permit, it shall be performed as provided  
45 herein. The Permit Board may require in any permit the installation of sampling ports  
46 with safe access and the installation, maintenance and use of monitoring equipment.

1  
2 B. Requirements.

- 3  
4 (1) The emissions sampling and analysis will be performed in accordance with EPA  
5 Test Methods and with any continuous emission monitoring requirements, if  
6 applicable, unless otherwise approved by the Permit Board and the EPA. The  
7 Permit Board may establish an appropriate method for deviation from a test  
8 method.  
9
- 10 (2) In the event there is no applicable EPA Test Method or method required by  
11 Applicable Rules and Regulations, the Permit Board may specify an appropriate  
12 test method, taking into consideration any test methodology proposed by the  
13 applicant.  
14
- 15 (3) The results of the emissions sampling and analysis shall be expressed both in  
16 units consistent with the emission standards as set forth in any Applicable Rules  
17 and Regulations and in units of mass per time.  
18
- 19 (4) Compliance testing will be performed at the expense of the applicant.  
20
- 21 (5) The Permit Board may monitor compliance tests and perform compliance tests.  
22 Proper notification of compliance tests shall be provided to the Permit Board in  
23 accordance with Applicable Rules and Regulations or as specified in the  
24 applicable permit.  
25
- 26 (6) The emissions sampling and analysis report shall include but not be limited to the  
27 following:  
28
- 29 (a) detailed description of testing procedures;
  - 30 (b) sample calculation;
  - 31 (c) results; and
  - 32 (d) comparison of results to all Applicable Rules and Regulations and to  
33 emission limitations in the permit.  
34
- 35 (7) Unless otherwise specified in Applicable Rules and Regulations or by a condition  
36 of a permit issued by the Permit Board, compliance testing must be performed  
37 when the stationary source is operating at capacity and is otherwise operating  
38 normally. In the event that a demonstration of compliance by testing is performed  
39 at less than capacity, the Permit Board may modify the permit to limit capacity of  
40 the stationary source to the rate at which compliance was demonstrated if the  
41 Permit Board determines the rate was not representative of the normal operation  
42 of the stationary source or compliance with Applicable Rules and Regulations  
43 was not demonstrated. In the event that the stationary source is not operating or  
44  
45  
46

1 being operated normally during a demonstration of compliance by testing, the  
2 results of such testing will not be accepted by the Permit Board as representative  
3 of normal operation and will be considered inadequate.  
4

- 5 C. Compliance testing will be required of all facilities for which there is an applicable New  
6 Source Performance Standard or National Emission Standard for Hazardous Air  
7 Pollutants in accordance with the methods and time frames allowed by the applicable  
8 standard codified at 40 CFR Parts 60, 61, and 63 and the Federal Act.  
9

10 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
11 seq. and 49-17-1, et seq.  
12

13 *Rule 2.7 Emissions Evaluation Report.* Where emissions evaluation reporting is required in any  
14 permit, acceptable mathematical methods to demonstrate control adequacy shall include but not  
15 be limited to the following:  
16

- 17 A. an emission inventory including:  
18

- 19 (1) location and description of control equipment at each point source;  
20  
21 (2) determination of all possible pollutants at each point source (characteristics,  
22 conditions, particle size distribution, etc.);  
23  
24 (3) listing of all stack parameters at each point of emission, and  
25  
26 (4) detailed description of input material (e.g., percent sulfur content, percent  
27 moisture, average BTU heating value, input rate, etc.); and  
28

- 29 B. a detailed engineering report including:  
30

- 31 (1) sufficient calculations to demonstrate uncontrolled emissions;  
32  
33 (2) sufficient calculations to support or show design efficiency of control equipment;  
34  
35 (3) sufficient calculations to demonstrate controlled emissions; and  
36  
37 (4) comparison of calculated controlled emissions with the applicable emission  
38 standards as set forth in Commission Regulation Miss. Admin. Code, Title 11,  
39 Part 2, Chapter 1.  
40

41 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
42 seq. and 49-17-1, et seq.  
43

44 *Rule 2.8 Procedures For Renewal Of State Permit To Operate.*  
45

- 1 A. A State Permit to Operate shall expire five (5) years from the effective date of said permit  
2 or within any shorter period of time deemed appropriate by the Permit Board and stated  
3 in the State Permit to Operate when issued.  
4
- 5 B. Not less than one hundred and eighty (180) days prior to the expiration date of the State  
6 Permit to Operate, the applicant shall make application for renewal of a State Permit to  
7 Operate if the applicant desires to continue operation of that stationary source. If the  
8 applicant submits a timely and complete application pursuant to this paragraph and the  
9 Permit Board, through no fault of the applicant, fails to act on the application on or before  
10 the expiration date of the existing permit, the applicant shall continue to operate the  
11 stationary source under the terms and conditions of the expired permit which shall remain  
12 in effect until final action on the application is taken by the Permit Board.  
13
- 14 C. The application for renewal of a State Permit to Operate shall be substantiated with  
15 current emissions data, test results or reports, or other data as deemed necessary.  
16

17 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
18 seq. and 49-17-1, et seq.  
19

20 *Rule 2.9 Reporting & Recordkeeping.* The Permit Board may require in any permit the  
21 maintenance of records relating to the operation of air contamination sources, and any authorized  
22 representatives of the Commission may examine and copy any such records pertaining to the  
23 operation of such air contaminant source. Copies of such records shall be submitted to the  
24 Permit Board as required by Applicable Rules & Regulations or the permit or upon request.  
25

26 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
27 seq. and 49-17-1, et seq.  
28

29 *Rule 2.10 Emission Reduction Schedule.*  
30

- 31 A. In accordance with Commission Regulation Miss. Admin. Code Title 11, Part 2, Chapter  
32 3, it is the responsibility of each and every stationary source with actual emissions in  
33 excess of 0.25 tons per day of total air contaminants, and other significant sources, to  
34 have a Commission-approved emissions reduction schedule which shall set forth  
35 preplanned abatement strategies in the event of an emergency episode.  
36
- 37 B. Required Information.
- 38
- 39 (1) The emissions reduction schedule must have three (3) stages of reduction  
40 procedures: (1) alert level reduction; (2) warning level reduction; and  
41 (3) emergency level reduction.  
42
- 43 (2) Each level of reduction procedures must show the type and source of air  
44 contaminants, the amount of reduction of contaminants, the time required to  
45 reduce, and the manner in which reduction will be achieved.  
46

- 1 C. The emissions reduction schedule shall be subject to review and approval by the  
2 Commission.  
3
- 4 D. An unacceptable emissions reduction schedule shall be returned to the applicant along  
5 with the Commission's reasons for denial.  
6
- 7 E. The applicant shall have not more than thirty (30) days to amend a disapproved emissions  
8 reduction schedule to conform with the emission reduction standards as set forth by the  
9 Commission.  
10
- 11 F. Any person aggrieved by the requirements to amend an emissions reduction schedule  
12 shall be entitled to a hearing.  
13
- 14 G. Should an applicant fail to submit an emissions reduction schedule within the allowable  
15 time period or fail to submit an amended preplanned strategy, the Commission will  
16 establish or revise said plan to cause it to meet the standards as set forth by the  
17 Commission.  
18
- 19 H. Such established or revised preplanned strategies will thereafter be the preplanned  
20 strategies which the applicant will put into effect upon the issuance of an appropriate  
21 order by the Commission.  
22

23 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, *et*  
24 *seq.* and 49-17-1, *et seq.*  
25

26 *Rule 2.11 General Permits.* The Permit Board may issue general permits to construct and  
27 operate as described below to classes of articles, machines, equipment, or other contrivances. A  
28 general permit shall be issued for a period of time not to exceed five years. The Permit Board  
29 shall establish the schedule for submittal of the notice of intent (NOI) and the information that  
30 shall be required in the NOI. The Permit Board may choose, for certain types of operations, to  
31 confer automatic coverage under a general permit without requiring the submittal of an  
32 application or other request. General permits to construct moderate sources, general permits to  
33 construct moderate modifications, general permits to operate a synthetic minor source, or general  
34 Title V Permits must require submittal of a NOI. For any request for coverage under a general  
35 permit to construct a moderate source or moderate modification or for a general permit to operate  
36 a synthetic minor source, the public information procedures required by Rule 2.4.E or Rule 2.4.F  
37 of these regulations shall be followed.  
38

- 39 A. The applicant shall apply for coverage under an issued general permit in accordance with  
40 the schedule and requirements established in that general permit.  
41
- 42 B. If the proposed determination is to grant coverage under an issued general permit, the  
43 Permit Board's designee shall issue a certificate of coverage to the applicant  
44



- 1 C. Any stationary source covered or eligible to be covered under a general permit may be  
2 required to obtain an individual permit at the discretion of the Permit Board. Any  
3 interested person may petition the Permit Board to take action under this paragraph.  
4
- 5 D. The Permit Board may revoke and/or modify a general permit or coverage under a  
6 general permit.  
7
- 8 E. Any stationary source covered by a general permit may request to be excluded from such  
9 coverage by applying for an individual permit. Coverage under the general permit is  
10 automatically terminated upon issuance of an individual permit.  
11
- 12 F. Any stationary source excluded from coverage under a general permit solely because it is  
13 already covered under an individual permit may request that the individual permit be  
14 revoked and that it be covered by the general permit. Upon revocation of the individual  
15 permit by the Permit Board, coverage under the general permit may be granted to the  
16 stationary source if approved by the Permit Board.  
17
- 18 G. A general permit shall remain in force until it is either reissued, modified, or revoked by  
19 the Permit Board. All coverages under the general permit continue until the general  
20 permit is reissued or as defined in the reissued general permit. A stationary source may  
21 apply for coverage under any general permit that is currently in force.  
22
- 23 H. The granting of coverage under a general permit does not imply or express exclusion  
24 from the requirements of any emission-limiting regulation.  
25

26 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, *et*  
27 *seq.* and 49-17-1, *et seq.*  
28

29 *Rule 2.12 Multi-Media Permits.*  
30

- 31 A. The Permit Board may issue a multi-media permit incorporating a permit to construct air  
32 emissions equipment and/or a State Permit to Operate such equipment.  
33
- 34 B. For purpose of these regulations, a multi-media permit incorporating a permit to construct  
35 shall be the same as a permit to construct. The procedures for applying for such a multi-  
36 media permit and the standards applicable to such a permit follow those for a permit to  
37 construct. These procedures and standards are found in Rules 2.1, 2.2, 2.3, 2.4, 2.5, 2.6,  
38 2.7, 2.8, 2.9, and 2.10.  
39
- 40 C. For purpose of these regulations, a multi-media permit incorporating a State Permit to  
41 Operate shall be the same as a State Permit to Operate. The procedures for applying for  
42 such a multi-media permit and the standards applicable to such a permit follow those for  
43 a State Permit to Operate. These procedures and standards are found in Rule 2.1 through  
44 2.4, and 2.6.  
45

1 D. For purpose or these regulations, a multi-media general permit incorporating a permit to  
2 construct and/or a State Permit to Operate combined with certificate of coverage shall be  
3 the same as a permit to construct and/or a State Permit to Operate. The procedures for  
4 applying for coverage follow those for a general permit to construct and operate. These  
5 procedures are found in Rules 2.5 and 2.11 of these regulations.  
6

7 E. Any stationary source of facility obtaining a multi-media permit under these provisions is  
8 subject to the permitting requirements found in Rule 2.1.C of these regulations.  
9

10 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
11 seq. and 49-17-1, et seq.  
12

13 *Rule 2.13 Exclusions.*  
14

15 A. New Source Permit to Construct. Any new "Greenfield" stationary source must obtain a  
16 permit to construct except as excluded in D. or E.  
17

18 B. Compliance with Other Applicable Requirements. Exclusions from permit requirements  
19 does not exclude anyone from complying with all other applicable requirements and  
20 regulations.  
21

22 C. Maintenance of Emission Increase Records. Stationary sources excluded from the  
23 requirement for a permit to construct must maintain records of any emissions increases  
24 associated with any excluded activities and report that to DEQ upon request. Indirect  
25 measurements of emissions increases are allowable for these recordkeeping requirements.  
26

27 D. Categorical Exclusions from Both Permit to Construct and Operate. The following are  
28 excluded from the requirement for a permit to construct or a permit to operate:  
29

30 (1) Residential heating, cooking, or cleaning devices.  
31

32 (2) Residential yard and garden equipment.  
33

34 (3) Mobile sources.  
35

36 (4) Air conditioning, space heating, or ventilating systems not uniquely designed or  
37 operated in a manner to remove air contaminants generated by or released from  
38 equipment.  
39

40 (5) Stationary sources, other than incinerators or CAFOs, which neither emit nor  
41 have potential uncontrolled emissions of, 10 TPY or more of either PM<sub>10</sub>, SO<sub>2</sub>,  
42 NO<sub>x</sub>, CO or VOC, nor 1.0 TPY of a HAP, nor 2.5 TPY of all HAPs.  
43

44 (6) Feed milling facilities which mill, formulate, or otherwise prepare animal feed  
45 products for direct local retail sale solely in prepackaged form and are not  
46 associated with a grain elevator. Milling facilities engaged in preparing feed

1 products for wholesale distribution and/or bulk sale are not included in this  
2 exclusion.

- 3
- 4 (7) Sawmills/woodworking plants which do not have drying kilns onsite and process  
5 less than 25,000 board feet/day.
- 6
- 7 (8) Any equipment used exclusively for preparation of food for direct retail sale at a  
8 restaurant, cafeteria, bakery, or food service.
- 9
- 10 (9) Auto body shops with only one (1) paint spray booth and with substantial portions  
11 of business devoted to repainting entire vehicles or collision repairs.
- 12
- 13 (10) Surface sand and/or gravel mining operations which do not utilize rock crushers,  
14 pneumatic conveyors, or dust collectors.
- 15
- 16 (11) Recreational heaters.
- 17
- 18 (12) Gasoline service stations with no more than 17 refueling positions.
- 19
- 20 (13) Retail propane filling operations.
- 21
- 22 (14) Outdoor kerosene heaters.
- 23
- 24 (15) Refrigeration systems.
- 25

26 E. Emission-Based Exclusion from Permit to Construct. The following emissions units are  
27 excluded from the requirement for a permit to construct provided the unit is not a new  
28 major stationary source, major source of hazardous air pollutants, major modification or  
29 moderate modification nor a part of a new major stationary source, major source of  
30 hazardous air pollutants, major modification, or moderate modification.

- 31
- 32 (1) Coal or residual oil-fired combustion devices or groups of devices with a total  
33 rated input capacity of less than 2,000,000 BTU/hr, clean wood waste boilers or  
34 groups of boilers with a total rated input capacity of less than 10,000,000 BTU/hr,  
35 distillate oil or combination distillate and gas-fired units or groups of units with a  
36 total rated input capacity less than 10,000,000 BTU/hr and natural gas fired and/or  
37 LPG fired devices or groups of devices with all individual rated input capacities  
38 of less than 10,000,000 BTU/hr and a total rated input capacity less than  
39 25,000,000 BTU/hr.
- 40
- 41 (2) Equipment used exclusively for oil and gas field production, gathering, storing,  
42 and transmission, including, but not limited to: gas/oil separators, emulsion  
43 treaters, free water knockouts, compressors or group of compressors with a total  
44 rated capacity less than 500 brake horsepower, segregation basins, API oil/water  
45 separators, tank facilities, and crude oil loading equipment used solely for crude

1 oil collected from production wells onsite. Continuous flaring of sour gas and/or  
2 combustion devices firing sour gas are not excluded from permitting.

- 3
- 4 (3) Emergency safety relief systems, including pilot lights.
- 5
- 6 (4) Sand blasting operations which use no more than 83 tons of sand in any given  
7 365-day period.
- 8
- 9 (5) Wood, plastic, and/or metal machining operations which are totally enclosed  
10 within a building, and which have no direct exhausts to the ambient air other than  
11 common building ventilation points.
- 12
- 13 (6) Petroleum products storage facilities with no individual storage tank greater than  
14 19,800 gallons and total storage capacity less than 55,000 gallons.
- 15
- 16 (7) A compressor or groups of compressors firing either natural gas, gasoline, LPG  
17 and/or diesel fuel with a total rated capacity less than or equal to 500 brake  
18 horsepower.
- 19
- 20 (8) Surface coating operations which utilize less than 50 pounds per day of all  
21 solvents and coatings.
- 22
- 23 (9) Fire training exercises and equipment.
- 24
- 25 (10) Groundwater recovery/treatment facilities used for the remediation of motor fuel  
26 contamination addressed under the Underground Storage Tank Program when the  
27 facilities are located on the site of the contamination.
- 28
- 29 (11) Temporary storage/aeration of soils contaminated with motor fuel which are  
30 produced as a result of a remedial response to a release from an underground  
31 storage tank when the storage/operation is on the site of the tank.
- 32
- 33 (12) CERCLA/Superfund remediation or removal projects on the site of the  
34 contamination.
- 35
- 36 (13) Remediation of sites contaminated with hazardous constituents required under  
37 State authority on the site of the contamination.
- 38
- 39 (14) Portable TSCA treatment facilities permitted by EPA.
- 40
- 41 (15) Wastewater collection and treatment facilities, other than CAFOs or those listed  
42 in 40 CFR 61, Subpart FF - National Emission Standard for Benzene Waste  
43 Operations and in 40 CFR 60, Subpart QQQ, - Standards of Performance for  
44 VOC Emissions from Petroleum Refinery Wastewater Systems, which have the  
45 potential to emit no more than 5 tons/year of Volatile Organic Compounds  
46 (VOC).

- 1  
2 (16) Surface coal mining operations for which a permit has been issued by the Permit  
3 Board pursuant to Miss. Code Ann. §53-9-1, et seq. or by the Federal Office of  
4 Surface Mining pursuant to the Federal Surface Mining Control and Reclamation  
5 Act, 30 U.S.C. §1201, et seq. However, any rock crushers, pneumatic conveyors,  
6 and dust collectors at such operations may require permitting if they meet the  
7 definition of "stationary source".  
8  
9 (17) Auto body shops.  
10  
11 (18) Dedicated fuel stations with total storage capacity less than 55,000 gallons and no  
12 individual tank greater than 19,800 gallons.  
13  
14 (19) Subject to Rule 2.14, any existing or new animal feeding operation that is not a  
15 concentrated animal feeding operation (CAFO) and that does not incinerate  
16 animal carcasses or waste. For the purpose of this paragraph, "animal feeding  
17 operation" means any facility where animals have been, are, or will be stabled or  
18 confined, or allowed to roam or graze within a fenced or otherwise restricted area.  
19 This definition includes, but is not limited to, aquatic animal production facilities,  
20 kennels, swine growing operations, veal farms, chicken growing operations, cattle  
21 growing operations, and dairies.  
22  
23 (20) Initial field testing of oil and gas wells, after proper notification to the  
24 Commission provided such tests will not produce 100 tons per year or more of  
25 any pollutant.  
26

27 F. De minimis NSR Modification Exclusion from Permit to Construct. A de minimis NSR  
28 modification is excluded from the requirements for a permit to construct. This does not  
29 eliminate any requirement for modification of Title V permits or permits to operate for de  
30 minimis modifications. Any other modifications including modifications involving  
31 netting are subject to the requirements for permits to construct.  
32

33 G. Exclusion from Permit to Operate. Major Title V sources, other sources required to  
34 obtain a Title V Permit to Operate, synthetic minor sources, and significant minor sources  
35 are subject to the requirements for a permit to operate. Any other source is excluded  
36 from the requirement to obtain a permit to operate. Exclusion from the permit to operate  
37 requirement does not imply exclusion from any other requirements of these regulations  
38 including permit to construct requirements before construction and certification of  
39 construction requirements before beginning operation.  
40

41 H. General Permit May Supercede Exclusions. The Permit Board may issue a general  
42 permit which shall supercede the exclusions listed in D., E., and G. above.  
43

44 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
45 seq. and 49-17-1, et seq.  
46

1 *Rule 2.14 CAFOs.* Concentrated animal feeding operations (CAFOs) are not excluded from the  
2 requirements for a permit or any other provisions of these regulations. CAFOs issued a National  
3 Pollutant Discharge Elimination System permit or a state water pollution control permit prior to  
4 January 18, 2000, are required to submit an application for a permit to construct and/or operate  
5 or a multimedia permit in compliance with the provisions of these regulations at least 180 days  
6 prior to the expiration of the facility's NPDES permit or state water pollution control permit that  
7 was issued prior to the effective date of these regulations. Multimedia permits may be issued by  
8 the Permit Board as new permits or as a modification of an existing National Pollutant Discharge  
9 Elimination System or state water pollution control permit but all provisions and procedures of  
10 these regulations are applicable. The Permit Board on its own initiative or at the request of  
11 DEQ, may require any existing or new animal feeding operation or concentrated animal feeding  
12 operation to obtain a multimedia permit, including provisions regarding air emissions and/or  
13 odor control.

14  
15 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
16 seq. and 49-17-1, et seq.

17  
18 *Rule 2.15 Options.*

19  
20 A. Plantwide Applicability Limitation (PAL). In accordance with 40 CFR 52.21(aa), any  
21 major stationary source may establish a plantwide applicability limitation based on  
22 baseline actual emissions (actuals PAL) for use in future NSR actions. The actuals PAL  
23 can be established in a PSD Permit to Construct, a Title V Permit, or a Permit to Operate  
24 a Synthetic Minor Source. The applicable permit to construct or permit to operate shall be  
25 referred to as a PAL permit and, in addition to the normal applicable procedures and  
26 requirements for the permit action, shall meet all the requirements for a PAL permit and  
27 issuance shall follow all procedures for a PAL permit as specified in 40 CFR 52.21(aa)  
28 except that the term "Administrator" as it appears in 40 CFR 52.21(aa) shall mean the  
29 Permit Board.

30  
31 B. Optional Pre-Permit Construction. Pre-permit construction approval is available for new  
32 moderate stationary sources, new minor stationary sources, minor modifications, and  
33 moderate modifications except those sources and modifications excluded from this  
34 provision in 9. below. The applicant may request the Permit Board for approval to  
35 commence construction or modification of qualifying sources before receiving the  
36 required permit to construct. To obtain the Permit Board's pre-construction approval, the  
37 applicant shall satisfy the following requirements:

38  
39 (1) The applicant shall apply for a permit to construct or optional Title V permit  
40 modification in accordance with D. below.

41  
42 (2) The applicant shall submit a pre-permit construction approval application which  
43 must contain, but not be limited to (a) a letter requesting approval to construct  
44 before obtaining the required permit to construct, (b) a copy of the notice  
45 referenced in 4. below, (c) proof of eligibility, (d) process description(s), (e)  
46 equipment list(s), (f) proposed emission limits, (g) proof that buffer zone

1 requirements in Rule 2.2.B.(14) are met, (h) certification that construction is at the  
2 applicant's own risk, and (i) certification that the applicant shall not contest the  
3 final permit to construct or Title V permit modification decision based on the fact  
4 that construction has already begun.  
5

6 (3) An applicant seeking enforceable limitations on a source's potential to emit such  
7 as to qualify as a moderate stationary source or a moderate modification must  
8 describe in detail in the pre-permit construction application the proposed  
9 restrictions and certify that the applicant will comply with the restrictions,  
10 including any applicable monitoring and reporting requirements.  
11

12 (4) The applicant shall provide notice to the public of the application for pre-permit  
13 construction approval by notice published in a newspaper of general circulation in  
14 the county(ies) in which the stationary source is or will be located. The notice  
15 shall be in the format provided by DEQ and shall include (a) a general description  
16 of the proposed source or modification, (b) a statement that pre-permit  
17 construction approval is being requested from the Permit Board, (c) the location  
18 and address where additional information about the proposed source or  
19 modification and application may be obtained, (d) a statement that comments may  
20 be made to DEQ, and (e) DEQ's address where comments may be submitted; and  
21 shall provide at least ten (10) days for the public to comment to the Permit Board.  
22 Notarized proof of publication of the notice shall be included in the application for  
23 pre-permit construction approval.  
24

25 (5) After determination that all requirements have been met and after sufficient time  
26 for receipt of all public comments submitted during the ten-day public notice, the  
27 Permit Board may grant pre-construction permit approval.  
28

29 (6) Upon receipt of the pre-permit construction approval letter issued by the Permit  
30 Board, the applicant may begin construction at his own risk. Upon issuance of the  
31 pre-permit construction approval letter, any and all potential to emit limitations  
32 addressed in the pre-permit construction application shall become enforceable.  
33 The applicant cannot operate the new source or emissions units included in the  
34 proposed modification until issued the final permit to construct or Title V permit  
35 modification and until certification of construction in accordance with Rule 2.5.D.  
36 where applicable. This provision applies even if the source is excluded from the  
37 requirement to obtain a permit to operate.  
38

39 (7) Issuance of the pre-permit construction approval letter shall have no bearing on the  
40 issuance or denial of the final permit to construct or Title V permit modification.  
41 If the final permit to construct is denied and/or the Title V permit modification is  
42 denied, the applicant must cease construction and follow the procedures allowed  
43 by law and regulation for any appeal. The fact that construction has already begun  
44 and that approval was granted for pre-permit construction shall not be a basis for  
45 appeal of the Permit Board's decision.  
46

1 (8) The Permit Board may deny the pre-permit construction approval application or  
2 revoke an existing pre-permit construction approval for any reason it deems valid  
3 including objection(s) from the public. Denial/revocation of the pre-permit  
4 construction approval application shall have no bearing on the issuance or denial  
5 of a final permit to construct or Title V permit modification.  
6

7 (9) Pre-permit construction approval is not available for new major stationary sources,  
8 major modifications, medical waste incinerators or hazardous waste incinerators or  
9 any modification involving medical waste incineration or hazardous waste  
10 incineration, and new stationary sources or modifications meeting the definition of  
11 "constructing or reconstructing" a major source of hazardous air pollutants in  
12 Commission "Air Toxics Regulations," Miss. Admin. Code, Title 11, Part 2,  
13 Chapter 8, and 40 CFR Part 63, Subpart B and thereby requiring a case-by-case  
14 Maximum Achievable Control Technology (MACT) determination  
15

16 C. Optional Title V Permit Modification. For a modification of a source holding a valid  
17 Title V permit, a Permit to Construct may be issued as a modification of the Title V  
18 permit as an alternative to a new Permit to Construct. All requirements for a permit to  
19 construct are still applicable and the Title V permit modification must occur prior to  
20 beginning construction unless pre-permit construction approval is granted in accordance  
21 with C. above. If the applicant has been granted pre-permit construction approval, the  
22 Title V permit must be modified before beginning operation.  
23

24 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
25 seq. and 49-17-1, et seq.  
26

27 *Rule 2.16 Permit Transfer.*  
28

29 A. "Transfer" shall mean any sale, conveyance, or assignment of the rights held by the  
30 applicant in any permit issued pursuant to these Regulations which meets the conditions  
31 of both 1. and 2. below:  
32

33 (1) There is a change of more than 50 percent of the equity ownership of the permit  
34 holder over a sustained period which results in a new majority owner. A new  
35 majority owner for purposes of this provision shall be an individual, partnership,  
36 company, or group of affiliated companies.  
37

38 (2) The change in the ultimate ownership of the permit holder involves the parent,  
39 grandparent, or great-grandparent company.  
40

41 B. A permit issued pursuant to these Regulations shall not be transferred except upon  
42 approval of the Permit Board.  
43

44 C. When requested by the Permit Board, an applicant for transfer approval shall submit  
45 information to demonstrate that it has the financial resources, operational expertise and  
46 environmental compliance history over the last five years to ensure compliance with the



1 terms and conditions of the permit to be transferred except where this conflicts with State  
2 Law.

- 3  
4 D. The application for approval of the transfer may be combined with an early application  
5 for permit renewal.

6  
7 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
8 seq. and 49-17-1, et seq.

9  
10 *Rule 2.17 Severability.* If any provision, section, subsection, sentence, clause or phrase of any of  
11 these regulations, or the application of same to any person or set of circumstances is for any  
12 reason challenged or held to be invalid or void, the validity of the remaining regulations and/or  
13 portions thereof or their application to other persons or sets of circumstances shall not be  
14 affected thereby.

15  
16 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-2-1, et  
17 seq. and 49-17-1, et seq.

18  
19 **Part 2, Chapter 3: Mississippi Commission on Environmental Quality, Regulations for the**  
20 **Prevention of Air Pollution Emergency Episodes (Adopted May 8, 1970, Last Amended**  
21 **April 25, 1988)**

22  
23 *Rule 3.1 General. Authority.* Pursuant to the authority granted by Section 49-17-17, Mississippi  
24 Code of 1972, Recompiled, the following regulations are adopted to prevent the excessive  
25 buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an  
26 emergency due to the effects of these pollutants on the health of persons.

27  
28 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.

29  
30 *Rule 3.2 Definitions.*

31  
32 A. “Air Standards.” The maximum allowable concentration of any air contaminant existing  
33 in the ambient air during a stated period of time, as adopted by the Commission.

34  
35 B. “Director.” The Director of the Mississippi Department of Natural Resources.

36  
37 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.

38  
39 *Rule 3.3 Episode Criteria.* Conditions justifying the proclamation of an air pollution alert, air  
40 pollution warning, or air pollution emergency shall be deemed to exist whenever the Director  
41 determines that the accumulation of air pollutants in any place is attaining or has attained levels  
42 which could if such levels are sustained or exceeded, lead to a substantial threat to the health of  
43 persons. In making this determination, the Director will be guided by the following criteria:  
44

- 1 A. “Air Pollution Forecast”: An internal watch by the Office of Pollution Control shall be  
2 actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory  
3 is in effect or the equivalent local forecast of stagnant atmospheric condition.  
4
- 5 B. “Alert”: The Alert level is that concentration of pollutants at which first stage control  
6 actions are to begin. An Alert will be declared when any one of the following levels is  
7 reached at any monitoring site:  
8
- 9 (1) The SO<sub>2</sub> level is equal to or greater than 0.3 ppm (800 µg/m<sup>3</sup>) for a 24-hour  
10 average.
  - 11 (2) The PM<sub>10</sub> level is equal to or greater than 350 µg/m<sup>3</sup> for a 24-hour average.
  - 12 (3) The CO level is equal to or greater than 15 ppm (17 mg/m<sup>3</sup>) for an 8-hour  
13 average.
  - 14 (4) The ozone (O<sub>3</sub>) level is equal to or greater than 0.2 ppm (400 µg/m<sup>3</sup>) for 1-hour  
15 average.
  - 16 (5) The NO<sub>2</sub> level is equal to or greater than 0.6 ppm (1130 µg/m<sup>3</sup>) for a 1-hour  
17 average or 0.15 ppm (282 µg/m<sup>3</sup>) for a 24-hour average.  
18
  - 19 (6) In addition to the levels listed for the above pollutants, meteorological conditions  
20 are such that pollutant concentrations can be expected to remain at the above  
21 levels for twelve (12) or more hours or increase, or in the case of ozone, the  
22 situation is likely to reoccur within the next 24-hours unless control actions are  
23 taken.  
24
- 25 C. “Warning”: The warning level indicates that air quality is continuing to degrade and that  
26 additional control actions are necessary. A warning will be declared when any one of the  
27 following levels is reached at any monitoring site:  
28
- 29 (1) The SO<sub>2</sub> level is equal to or greater than 0.7 ppm (1600 µg/m<sup>3</sup>) for a 24-hour  
30 average.  
31
  - 32 (2) The PM<sub>10</sub> level is equal to or greater than 420 µg/m<sup>3</sup> for a 24-hour average.
  - 33 (3) The CO level is equal to or greater than 30 ppm (34 mg/m<sup>3</sup>) for an 8-hour  
34 average.  
35
  - 36 (4) The ozone (O<sub>3</sub>) level is equal to or greater than 0.4 ppm (800 µg/m<sup>3</sup>) for a 1-hour  
37 average.  
38
  - 39 (5) The NO<sub>2</sub> level is equal to or greater than 1.2 ppm (2260 µg/m<sup>3</sup>) for a 1-hour  
40 average.  
41
  - 42 (6) In addition to the levels listed for the above pollutants, meteorological conditions  
43 are such that pollutant concentrations can be expected to remain at the above  
44 levels for twelve (12) or more hours or increase, or in the case of ozone, the  
45 situation is likely to reoccur within the next 24-hours unless control actions are  
46 taken.

1 (6) In addition to the levels listed for the above pollutants, meteorological conditions  
2 are such that pollutant concentrations can be expected to remain at the above  
3 levels for twelve (12) or more hours or increase, or in the case of ozone, the  
4 situation is likely to reoccur within the next 24-hours unless control actions are  
5 taken.  
6

7 D. "Emergency": The emergency level indicates that air quality is continuing to degrade to  
8 a level that should never be reached and that the most stringent control actions are  
9 necessary. An emergency will be declared when any one of the following levels is  
10 reached at any monitoring site:  
11

12 (1) The SO<sub>2</sub> level is equal to or greater than 0.8 ppm (2100 µg/m<sup>3</sup>) for a 24-hour  
13 average.  
14

15 (2) The PM<sub>10</sub> level is equal to or greater than 500 µg/m<sup>3</sup> for a 24-hour average.  
16

17 (3) The CO level is equal to or greater than 40 ppm (46 mg/m<sup>3</sup>) for an 8-hour  
18 average.  
19

20 (4) The ozone (O<sub>3</sub>) level is equal to or greater than 0.5 ppm (1000 µg/m<sup>3</sup>) for a 1-hour  
21 average.  
22

23 (5) The NO<sub>2</sub> level is equal to or greater than 1.6 ppm (3000 µg/m<sup>3</sup>) for a 1-hour  
24 average or 0.4 ppm (750 µg/m<sup>3</sup>) for a 24-hour average.  
25

26 (6) In addition to the levels listed for the above pollutants, meteorological conditions  
27 are such that pollutant concentrations can be expected to remain at the above  
28 levels for twelve (12) or more hours or increase, or in the case of ozone, the  
29 situation is likely to reoccur within the next 24-hours unless control actions are  
30 taken.  
31

32 E. "Termination": Once declared, any status reached by application of these criteria will  
33 remain in effect until the criteria for that level are no longer met. At such time, the next  
34 lower status will be assumed.  
35

36 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
37

38 *Rule 3.4 Emission Control Action Programs.*  
39

40 A. Any person responsible for the operation of a source of air contaminant which emits 0.25  
41 tons per day or more of air contaminants for which air standards have been adopted shall  
42 prepare emission control action programs, consistent with good industrial practice and  
43 safe operating procedures, for reducing the emission of air contaminants into the outdoor  
44 atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION  
45 WARNING, AND AIR POLLUTION EMERGENCY. Emission control action  
46 programs shall be designed to reduce or eliminate emissions of air contaminants into the

1 outdoor atmosphere in accordance with the objectives set forth in Tables 1-5 which are  
2 made a part of this rule.  
3

- 4 B. Emission control action programs as required under Rule 3.4.A. shall be in writing and  
5 show the source of air contamination, the approximate amount of reduction of  
6 contaminants, the approximate time required to effect the program, a brief description of  
7 the manner in which the reduction will be achieved during each stage of an air pollution  
8 episode, and such other information as the Commission shall deem pertinent.  
9
- 10 C. During a condition of AIR POLLUTION ALERT, AIR POLLUTION WARNING, AND  
11 AIR POLLUTION EMERGENCY, emission control action programs as required by Rule  
12 3.4.A. shall be made available on the premises to any person authorized to enforce the  
13 provisions of the Commission's emergency procedure.  
14
- 15 D. Emission control action programs as required by Rule 3.4.A. shall be submitted to the  
16 Commission in accordance with procedures described in Commission Regulation Miss.  
17 Admin Code, Title 11, Part 2, Chapter 2; such emission control action programs shall be  
18 subject to review and approval by the Commission. If, in the opinion of the Commission,  
19 such emission control action programs do not effectively carry out the objectives as set  
20 forth in Tables 1-5, the Commission may disapprove said emission control action  
21 programs, state its reason for disapproval and order the preparation of amended emission  
22 control action programs within the time period specified in the order. Any person  
23 aggrieved by the order requiring the preparation of a revised program is entitled to a  
24 hearing in accordance with Section 49-17-41, Mississippi Code of 1972. If the person  
25 responsible fails within the time period specified in the order to submit an amended  
26 emission control action program which in the opinion of the Commission meets the said  
27 objectives, the Commission may revise the emission control action program to cause it to  
28 meet these objectives. Such revised program will thereafter be the emission control  
29 action program which the person responsible will put into effect upon the issuance of an  
30 appropriate order by the Commission.  
31

32 Source: *Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.*  
33

34 *Rule 3.5 Emergency Orders.*  
35

- 36 A. Following are emergency orders which may be appropriate for use by the Director upon  
37 his declaration that an Air Pollution Emergency Episode exists for any air contaminants  
38 for which air standards have been adopted:  
39

40 (1) Air Pollution Alert  
41

- 42 (a) Any one or combination of air contaminants:  
43

- 44 (1) Any person responsible for the operation of a source of air  
45 contaminants as set forth in Rule 3.4.B. shall take all AIR  
46 POLLUTION ALERT actions as required for such source of air

1 contamination, and shall particularly put into effect the emission  
2 control action programs for an AIR POLLUTION ALERT.

3  
4 (b) PM<sub>10</sub>

5  
6 (1) There shall be no open burning by any persons of tree waste,  
7 vegetation, refuse, or debris in any form.

8  
9 (2) The use of incinerators for the disposal of any form of solid waste  
10 shall be limited to the hours between 12:00 Noon and 4:00 P.M.

11  
12 (3) Persons operating fuel-burning equipment which requires boiler  
13 lancing or soot blowing shall perform such operations only  
14 between the hours of 12:00 Noon and 4:00 P.M.

15  
16 (c) Nitrogen Oxides

17  
18 (1) There shall be no open burning by any persons of tree waste,  
19 vegetation, refuse, or debris in any form.

20  
21 (2) The use of incinerators for the disposal of any form of solid waste  
22 shall be limited to the hours between 12:00 Noon and 4:00 P.M.

23  
24 (2) Air Pollution Warning

25  
26 (a) Any one or combination of air contaminants

27  
28 (1) Any person responsible for the operation of a source of air  
29 contamination as set forth in Rule 3.4.A. shall take all AIR  
30 POLLUTION WARNING actions as required for such source of  
31 air contamination; and shall particularly put into effect the  
32 emission control action programs for an AIR POLLUTION  
33 WARNING.

34  
35 (b) PM<sub>10</sub>

36  
37 (1) There shall be no open burning by any persons of tree waste,  
38 vegetation, refuse, or debris in any form.

39  
40 (2) The use of incinerators for the disposal of any form of solid waste  
41 or liquid waste shall be prohibited.

42  
43 (3) Persons operating fuel-burning equipment which requires boiler  
44 lancing or soot blowing shall perform such operations only  
45 between the hours of 12:00 Noon and 4:00 P.M.

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(c) Nitrogen oxides

- (1) There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
- (2) The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

(3) Air Pollution Emergency

(a) Any one or combination of contaminants:

- (1) Any person responsible for the operation of a source of air contamination as described in Rule 3.4.A. shall take all AIR POLLUTION EMERGENCY actions as listed as required for such source of air contaminants; and shall particularly put into effect the emission control action programs for an AIR POLLUTION EMERGENCY.
- (2) All manufacturing establishments except those included in Rule 3.4.A(3)(a)(1) will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.
- (3) All places of employment described below shall immediately cease operations:
  - (i) Mining and quarrying of non-metallic minerals.
  - (ii) All contract construction work except that which must proceed to avoid physical harm.
  - (iii) Wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.
  - (iv) All offices of local, county, and state government including authorities, joint meetings, and any other public body; except to the extent that such office must continue to operate in order to enforce the requirements of this order pursuant to statute.

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- (v) All retail trade establishments except pharmacies and stores primarily engaged in the sale of food.
  - (vi) Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; office of insurance carriers, agents and brokers; real estate offices.
  - (vii) Wholesale and retail laundries; laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.
  - (viii) Advertising Offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services; commercial testing laboratories.
  - (ix) Automobile repair, automobile services, garages.
  - (x) Establishments rendering amusement and recreation services including motion picture theaters.
  - (xi) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.
- (4) There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.
  - (5) The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.
  - (6) The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

B. When the Director determines that an Air Pollution Emergency Episode condition exists at one or more monitoring sites solely because of emissions from a limited number of sources, he may order such source or sources to put into effect the emission control action programs which are applicable for each episode stage.

Table 1. EMISSION REDUCTION OBJECTIVES FOR PM <sub>10</sub>		
Source of Air Contamination	Level	Action Required
1. Coal or oil-fired electric power generating facilities.	Alert	a. Substantial reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
	Warning	a. Maximum reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
	Emergency	a. Maximum reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area



**Table 1. EMISSION REDUCTION OBJECTIVES  
FOR PM<sub>10</sub>**

Source of Air Contamination	Level	Action Required
2. Coal or oil-fired process steam generating facilities	Alert	a. Substantial reduction by utilization of fuels having lowest available ash content
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Reduction of steam load demands consistent with continuing plant operations.
	Warning	a. Maximum reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Reduction of steam load demands consistent with continuing plant operations.
		d. Making ready for use a plan of action to be taken if an emergency develops.
	Emergency	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

**Table 1. EMISSION REDUCTION OBJECTIVES  
FOR PM<sub>10</sub>**

Source of Air Contamination	Level	Action Required
<p>3. A - Manufacturing, processing, and mining industries.</p> <p>AND</p> <p>B - Other persons required by the Commission to prepare standby plans.</p>	Alert	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Warning.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
		b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.
		c. Maximum reduction of heat load demands for processing.

**Table 1. EMISSION REDUCTION OBJECTIVES  
FOR PM<sub>10</sub>**

Source of Air Contamination	Level	Action Required
4. Refuse disposal operations	Alert	a. Maximum reduction by prevention of open burning.
		b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.
	Warning	a. Maximum reduction by prevention of open burning.
		b. Complete elimination of the use of incinerators.
	Emergency	a. Maximum reduction by prevention of open burning.
		b. Complete elimination of the use of incinerators.

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**Table 2. EMISSION REDUCTION OBJECTIVES  
FOR SULFUR OXIDES**

Source of Air Contamination	Level	Action Required
1. Coal or oil-fired electric power generating facilities.	Alert	a. Substantial reduction by utilization of fuels having lowest available sulfur content.
		b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
	Warning	a. Substantial reduction by utilization of fuels having lowest available sulfur content.
		b. Substantial reduction by diverting electric power generation to facilities outside of Warning Area.
	Emergency	a. Maximum reduction by utilization of fuels having lowest available sulfur content.
		b. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal or oil-fired process steam generating facilities.	Alert	a. Substantial reduction by utilization of fuels having lowest available sulfur content.
		b. Reduction of steam load demands consistent with continuing plant operations.
	Warning	a. Maximum reduction by utilization of fuels having the lowest available sulfur content.
		b. Reduction of steam load demands consistent with continuing plant operations.

**Table 2. EMISSION REDUCTION OBJECTIVES  
FOR SULFUR OXIDES**

Source of Air Contamination	Level	Action Required
		c. Making ready for use a plan of action to be taken if an emergency develops.
	Emergency	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
		b. Taking the action called for in the emergency plan.
<p>3. A - Manufacturing and Processing Industries</p> <p>AND</p> <p>B. – Other persons required by the Commission to prepare standby plans.</p>	Alert	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors, or malodorous substances.
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Warning	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship postponing production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors, or malodorous substances.

Table 2. EMISSION REDUCTION OBJECTIVES  
FOR SULFUR OXIDES

Source of Air Contamination	Level	Action Required
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
		b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.
		c. Maximum reduction of heat load demands for processing.

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**TABLE 3. EMISSION REDUCTION OBJECTIVES  
FOR NITROGEN OXIDES**

Source of Air Contamination	Level	Action Required
1. Steam-electric power generating facilities.	Alert	a. Substantial reduction by utilization of fuel which results in the formation of less air contaminant.
		b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
	Warning	a. Maximum reduction by utilization of fuel which results in the formation of less air contaminant.
		b. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
	Emergency	a. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
	2. Process steam generating facilities.	Alert
b. Reduction of steam load demands consistent with continuing plant operations.		
Warning		a. Maximum reduction by utilization of fuel which results in the formation of less air contaminant.
		b. Reduction of steam load demands consistent with continuing plant operations.

**TABLE 3. EMISSION REDUCTION OBJECTIVES  
FOR NITROGEN OXIDES**

Source of Air Contamination	Level	Action Required
		c. Making ready for use a plan of action to be taken if an emergency develops.
	Emergency	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
<p>3. A.- Manufacturing and processing industries.</p> <p>AND</p> <p>B. – Other persons required by the Commission to prepare standby plans.</p>	Alert	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors, or malodorous substances.
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Warning	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors, or malodorous substances.



**TABLE 3. EMISSION REDUCTION OBJECTIVES  
FOR NITROGEN OXIDES**

Source of Air Contamination	Level	Action Required
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
		b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.
		c. Maximum reduction of heat load demands for processing.
4. Stationary internal combustion engines	Alert	a. Reduction of power demands for pumping consistent with continuing operations.
	Warning	a. Reduction of power demands for pumping consistent with continuing operations.
b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.		
5. Refuse disposal operations.	Alert.	a. Maximum reduction by prevention of open burning.
		b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.

**TABLE 3. EMISSION REDUCTION OBJECTIVES  
FOR NITROGEN OXIDES**

Source of Air Contamination	Level	Action Required
	Warning	a. Maximum reduction by prevention of open burning.
		b. Complete elimination of the use of incinerators.
	Emergency	a. Maximum reduction by prevention of open burning.
		b. Complete elimination of the use of incinerators.

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**Table 4. EMISSION REDUCTION OBJECTIVES  
FOR HYDROCARBONS**

Source of Air Contamination	Alert	Action Required
1. Petroleum products storage and distribution.	Alert	a. Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations.
	Warning	a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.
	Emergency	a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.
2. Surface coating and preparation.	Alert	a. Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations.
	Warning	a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.
	Emergency	a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.

**Table 4. EMISSION REDUCTION OBJECTIVES  
FOR HYDROCARBONS**

Source of Air Contamination	Alert	Action Required
<p>3. A - Manufacturing and processing industries.</p> <p>AND</p> <p>B. – Other persons required by the Commission to prepare standby plans.</p>	Alert	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
	Warning	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

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TABLE 5. EMISSION REDUCTION OBJECTIVES FOR CARBON MONOXIDE		
Source of Air Contamination	Level	Action Required
1. A-Manufacturing  AND  B – Other persons required by the Commission to prepare standby plans.	Alert	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
	Warning	a. Substantial reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
Refuse disposal operations	Alert	a. Maximum reduction by prevention of open burning.
	Warning	a. Maximum reduction by prevention of open burning.
	Emergency	a. Maximum reduction by prevention of open burning.

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

1 **Part 2, Chapter 4: Mississippi Commission on Environmental Quality, Ambient Air**  
2 **Quality Standards (Adopted February 9, 1983, Amended June 22, 1988, and Last Amended**  
3 **June 27, 2002)**  
4

5 *Rule 4.1.* Except for odor, as covered below, the ambient air quality standards for Mississippi  
6 shall be the Primary and Secondary National Ambient Air Quality Standards as duly  
7 promulgated by the U.S. Environmental Protection Agency in (or to be printed in) 40 CFR Part  
8 50, pursuant to the Federal Clean Air Act, as amended. All such standards promulgated by the  
9 U.S. Environmental Protection Agency as of June 22, 1988, are hereby adopted and incorporated  
10 herein by the Commission by reference as the official ambient air quality standards of the State  
11 of Mississippi and shall hereafter be enforceable as such (except that the word “Administrator”  
12 in said standards shall be replaced by the words “Executive Director” and the word “Agency” in  
13 said standards shall be replaced by the word “Department”).  
14

15 There shall be no odorous substances in the ambient air in concentrations sufficient to adversely  
16 and unreasonably:

- 17  
18 A. affect human health and well-being;  
19  
20 B. interfere with the use or enjoyment of property; or  
21  
22 C. affect plant or animal life.  
23

24 In determining that concentrations of such substances in the ambient air are adversely and  
25 unreasonably affecting human well-being or the use or enjoyment of property of plant or animal  
26 life, the factors to be considered by the Commission will include, without limiting the generality  
27 of the foregoing, the number of complaints or petitioners alleging that such a condition exists,  
28 the frequency of the occurrence of such substances in the ambient air as confirmed by the  
29 Department of Environmental Quality staff, and the land use of the affected area.  
30

31 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
32

33 **Part 2, Chapter 5: Mississippi Commission on Environmental Quality, Regulations for the**  
34 **Prevention of Significant Deterioration of Air Quality (Adopted June 28, 1990, Last**  
35 **Amended December 14, 2011)**

36 *Rule 5.1.* The purpose of this regulation is to implement a program for the prevention of  
37 significant deterioration of air quality as required by 40 CFR 51.166. This regulation supercedes  
38 and replaces the previous adoption by reference of 40 CFR 52.21 and 40 CFR 51.166. 40 CFR  
39 52.21 and 51.166 as used in this regulation refer to the federal regulations as amended and  
40 promulgated by November 4, 2011, except as provided in Rule 5.2 below. CFR refers to the  
41 "Code of Federal Regulations".  
42

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

44 *Rule 5.2.* Other than the subsections and phrases listed below and except for the changes set

1 forth in Rule 5.3 of this regulation, the provisions of 40 CFR 52.21 as amended and promulgated  
2 by November 4, 2011, are incorporated herein and adopted by reference by the Mississippi  
3 Commission on Environmental Quality as official regulations of the State of Mississippi and  
4 shall hereafter be enforceable as such. The following subsection and phrases of 40 CFR 52.21  
5 are excluded from this regulation:  
6

- 7 A. (a) [Plan disapproval],
- 8
- 9 B. (q) [Public Participation],
- 10
- 11 C. (s) [Environmental Impact Statement],
- 12
- 13 D. (u) [Delegation of authority], and
- 14
- 15 E. (cc) [Routine maintenance, repair, and replacement]
- 16

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

18  
19 *Rule 5.3* The term "Administrator" as it appears in 40 CFR 52.21 shall mean the Mississippi  
20 Environmental Quality Permit Board, except that:  
21

- 22 A. In subparagraph (b)(3)(iii) [relating to "net emissions increase"], it shall mean either the  
23 Mississippi Environmental Quality Permit Board or the Administrator of the United  
24 States Environmental Protection Agency (USEPA).  
25
- 26 B. In the following subsections, it shall continue to mean the Administrator of the USEPA:  
27
  - 28 (1) (b)(17) [definition of "federally enforceable"];
  - 29
  - 30 (2) paragraph b(37)(i);
  - 31
  - 32 (3) paragraph b(43);
  - 33
  - 34 (4) paragraph b(48)(ii)(c);
  - 35
  - 36 (5) paragraph b(50)(i);
  - 37
  - 38 (6) paragraph b(51);
  - 39
  - 40 (7) (g)(1)-(g)(6) [Redesignation];
  - 41
  - 42 (8) (1)(2) [Air quality models];
  - 43
  - 44 (9) (p)(2) [concerning Federal Land Manager];
  - 45
  - 46 (10) (t) [Disputed permits or redesignations].

1  
2 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
3

4 *Rule 5.4* Subsections 40 CFR 51.166(f) Exclusions from Increment Consumption (excluding the  
5 phrase "The plan may provide that") and 40 CFR 51.166(q) "Public Participation" (excluding  
6 the phrase "The plan shall provide that.") are incorporated herein and adopted by reference, except  
7 for the changes set forth below:  
8

- 9 A. The phrases "the plan provides that" and "it shall also provide that" are excluded from  
10 paragraph 40 CFR 51.166(f)(2),  
11  
12 B. The term "Administrator" as it appears in subparagraphs (f)(1)(v),(f)(4), and (q)(2)(iv)  
13 shall continue to mean the Administrator of the USEPA,  
14  
15 C. The phrase "specified time period" in subparagraph (q)(l) shall mean thirty (30) days,  
16  
17 D. The phrase "reviewing authority" shall mean the Mississippi Department of  
18 Environmental Quality, and  
19  
20 E. The words "one year" in subparagraph (q)(2) shall be replaced by the words "one  
21 hundred and fifty (150) days."  
22

23 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
24

25 *Rule 5.5.* The Executive Director of the Mississippi Department of Environmental Quality shall transmit  
26 to the Administrator of the USEPA a copy of each permit application filed under this regulation and shall  
27 notify the Administrator of the USEPA of each significant action the Executive Director takes on the  
28 application.  
29

30 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
31

32 *Rule 5.6.* This regulation applies to any stationary source or modification to which 40 CFR 52.21  
33 applied as of the date of adoption of this regulation, but for which the Mississippi Environmental  
34 Quality Permit Board had not issued a permit pursuant to 40 CFR 52.21 by that date.  
35

36 Source: Miss. Code Ann. §§ 49-2-9 (1)(b), 49-17-17, 49-2-1, et seq. and 49-17-1, et seq.  
37

38 **Part 2, Chapter 6: Mississippi Commission on Environmental Quality, Air Emissions**  
39 **Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act**  
40 **(Adopted October 27, 1993, Last Amended June 28, 2012)**  
41

42 *Rule 6.1 General Requirements.*  
43

44 A. Definitions.  
45

- 46 (1) Advisory Council is the Council created by State law to conduct an independent



1 study of the costs for the development and administration of the Title V program  
2 within the Department of Environmental Quality and to conduct an annual review  
3 of the costs of administering such programs.

4 (2) Affected Source shall have the same meaning as set forth in the regulations  
5 promulgated under Title IV of the Federal Act.

6 (3) Affected State(s) means all states whose air quality may be affected and that are  
7 contiguous to Mississippi; or are within 50 miles of the permitted source.

8 (4) Affected unit shall have the same meaning as set forth in the regulations  
9 promulgated under Title IV of the Federal Act.

10 (5) Applicable requirement means all of the following as they apply to emissions  
11 units in a Title V source (including requirements that have been promulgated or  
12 approved by EPA through rulemaking at the time of issuance but have future-  
13 effective compliance dates):

14 (a) any standard or other requirement set forth in the State Implementation  
15 Plan (SIP) approved or promulgated by EPA through rulemaking under  
16 Title I of the Federal Act that implements the relevant requirements of the  
17 Federal Act, including any revisions to the SIP promulgated in 40 CFR  
18 Part 52;

19 (b) any term or condition of any construction permits issued pursuant to  
20 Mississippi regulations approved or promulgated through rulemaking  
21 under Title I, including parts C or D, of the Federal Act;  
22

23 (c) any standard or other requirement under Section 111 of the Federal Act,  
24 including Section 111(d);

25 (d) any standard or other requirement under Section 112 of the Federal Act,  
26 including any requirement concerning accident prevention under Section  
27 112(r)(7) of the Federal Act;

28 (e) any standard or other requirement of the acid rain program under Title IV  
29 of the Federal Act or the regulations promulgated thereunder;

30 (f) any requirements established pursuant to Section 504(b) or Section  
31 114(a)(3) of the Federal Act;

32 (g) any standard or other requirement governing solid waste incineration  
33 under Section 129 of the Federal Act;

34 (h) any standard or other requirement for consumer and commercial products  
35 under Section 183(e) of the Federal Act;

- 1 (i) any standard or other requirement for tank vessels under Section 183(f) of  
2 the Federal Act;
- 3 (j) any standard or other requirement of the program to control air pollution  
4 from outer continental shelf sources under Section 328 of the Federal Act;
- 5 (k) any standard or other requirement of the regulations promulgated to  
6 protect stratospheric ozone under Title VI of the Federal Act, unless the  
7 Administrator has determined that such requirements need not be  
8 contained in a Title V permit; and
- 9 (l) any national ambient air quality standard or increment or visibility  
10 requirement under part C of Title I of the Federal Act applicable only with  
11 regard to temporary sources permitted pursuant to Section 504(e) of the  
12 Federal Act.
- 13 (6) Commission means the Mississippi Commission on Environmental Quality.
- 14 (7) DEQ means the Mississippi Department of Environmental Quality.
- 15 (8) Designated representative shall have the same meaning as set forth in Section  
16 402(26) of the Federal Act and the regulations promulgated thereunder.
- 17 (9) Draft permit is the version of a recommended permit for which the DEQ offers  
18 public participation under Rule 6.4.I. or Affected State(s) review under Rule 6.5.
- 19 (10) Emissions allowable under a permit means a federally enforceable permit term or  
20 condition determined at issuance to be required by an applicable requirement that  
21 establishes an emissions limit (including a work practice standard) or a federally  
22 enforceable emissions cap that the source has assumed to avoid an applicable  
23 requirement to which the source would otherwise be subject.
- 24 (11) Emissions unit means any part or activity of a stationary source that emits or has  
25 the potential to emit any regulated air pollutant or any pollutant listed under  
26 Section 112(b) of the Federal Act. This term is not meant to alter or affect the  
27 definition of the term "unit" for purposes of Title IV of the Federal Act.
- 28 (12) The EPA or the Administrator means the Administrator of the United States  
29 Environmental Protection Agency (EPA) or his designee.
- 30 (13) Federal Act means the Federal Clean Air Act as amended in 1990, 42 U.S.C.  
31 §§7401-7671, and any subsequent amendments.
- 32 (14) Final permit means the version of a Title V permit issued by the Permit Board  
33 once all review procedures required by Rule 6.4 and Rule 6.5 have been  
34 completed.

- 1 (15) Fugitive emissions are those emissions which could not reasonably pass through a  
2 stack, chimney, vent or other functionally-equivalent opening.
- 3 (16) General permit is a Title V permit that meets the requirements of Rule 6.3.D.
- 4 (17) Major source is any stationary source (or any group of stationary sources that are  
5 located on one or more contiguous or adjacent properties, and are under common  
6 control of the same person (or persons under common control)) belonging to a  
7 single major industrial grouping and that is described in Paragraph a., b., or c. of  
8 this definition. For the purposes of defining "major source", a stationary source or  
9 group of stationary sources shall be considered part of a single industrial grouping  
10 if all of the pollutant emitting activities at such source or group of sources on  
11 contiguous or adjacent properties belong to the same Major Group (i.e., all have  
12 the same two-digit code) as described in the Standard Industrial Classification  
13 Manual, 1987.
- 14 (a) A major source under Section 112 of the Federal Act is defined as follows:
- 15 (1) for pollutants other than radionuclides, any stationary source or  
16 group of stationary sources located within a contiguous area and  
17 under common control that emits or has the potential to emit, in  
18 the aggregate, 10 tons per year (tpy) or more of any hazardous air  
19 pollutant which has been listed pursuant to Section 112(b) of the  
20 Federal Act, 25 tpy or more of any combination of such hazardous  
21 air pollutants, or such lesser quantity as the Administrator may  
22 establish by rule (notwithstanding the preceding sentence,  
23 emissions from any oil or gas exploration or production well (with  
24 its associated equipment) and emissions from any pipeline  
25 compressor or pump station shall not be aggregated with emissions  
26 from other similar units, whether or not such units are in a  
27 contiguous area or under common control, to determine whether  
28 such units or stations are major sources); or
- 29 (2) for radionuclides, "major source" shall have the meaning specified  
30 by the Administrator by rule.
- 31 (b) A major stationary source of air pollutants, as defined in Section 302 of  
32 the Federal Act, that directly emits or has the potential to emit, 100 tpy or  
33 more of any air pollutant subject to regulation (including any major source  
34 of fugitive emissions of any such pollutant, as determined by rule by the  
35 Administrator). The fugitive emissions of a stationary source shall not be  
36 considered in determining whether it is a major stationary source for the  
37 purposes of Section 302(j)) of the Federal Act, unless the source belongs  
38 to one of the following categories of stationary sources:
- 39 (1) coal cleaning plants (with thermal dryers);

- 1 (2) kraft pulp mills;
- 2 (3) portland cement plants;
- 3 (4) primary zinc smelters;
- 4 (5) iron and steel mills;
- 5 (6) primary aluminum ore reduction plants;
- 6 (7) primary copper smelters;
- 7 (8) municipal incinerators capable of charging more than 250 tons of  
8 refuse per day;
- 9 (9) hydrofluoric, sulfuric, or nitric acid plants;
- 10 (10) petroleum refineries;
- 11 (11) lime plants;
- 12 (12) phosphate rock processing plants;
- 13 (13) coke oven batteries;
- 14 (14) sulfur recovery plants;
- 15 (15) carbon black plants (furnace process);
- 16 (16) primary lead smelters;
- 17 (17) fuel conversion plants;
- 18 (18) sintering plants;
- 19 (19) secondary metal production plants;
- 20 (20) chemical process plants;
- 21 (21) fossil-fuel boilers (or combination thereof) totaling more than 250  
22 million British thermal units per hour heat input;
- 23 (22) petroleum storage and transfer units with a total storage capacity  
24 exceeding 300,000 barrels;

- 1 (23) taconite ore processing plants;
- 2 (24) glass fiber processing plants;
- 3 (25) charcoal production plant;
- 4 (26) fossil-fuel-fired steam electric plants of more than 250 million  
5 British thermal units per hour heat input; or
- 6 (27) all other stationary source categories regulated by a standard  
7 promulgated under Section 111 or 112 of the Federal Act, but only  
8 with respect to those air pollutants that have been regulated for that  
9 category
- 10 (c) A major stationary source as defined in part D of Title I of the Federal  
11 Act, including the following:
- 12 (1) for ozone nonattainment areas, sources with the potential to emit  
13 100 tpy or more of volatile organic compounds or oxides of  
14 nitrogen in areas classified as "marginal" or "moderate", 50 tpy or  
15 more in areas classified as "serious", 25 tpy or more in areas  
16 classified as "severe", and 10 tpy or more in areas classified as  
17 "extreme"; except that the references in this paragraph to 100, 50,  
18 25 and 10 tpy of nitrogen oxides shall not apply with respect to  
19 any source for which the Administrator has made a finding under  
20 Section 182(f) (1) or (2) of the Federal Act, that requirements  
21 under Section 182(f) of the Federal Act do not apply;
- 22
- 23 (2) for ozone transport regions established pursuant to Section 184 of  
24 the Federal Act, sources with the potential to emit 50 tpy or more  
25 of volatile organic compounds;
- 26 (3) for carbon monoxide nonattainment areas:
- 27 (a) that are classified as "serious", and
- 28 (b) in which stationary sources contribute significantly to  
29 carbon monoxide levels as determined under rules issued  
30 by the Administrator, sources with the potential to emit 50  
31 tpy or more of carbon monoxide; and
- 32 (4) for particulate matter (PM10) nonattainment areas classified as  
33 "serious", sources with the potential to emit 70 tpy or more of  
34 PM10.
- 35 (18) Permit Board means the Mississippi Environmental Quality Permit Board.

- 1 (19) Permit modification means a revision to a Title V permit that meets the  
2 requirements of Rule 6.4.E as distinguished from an administrative amendment.
- 3 (20) Permit program cost means all reasonable direct and indirect costs required to  
4 develop and administer the Title V permit program, as authorized by State law  
5 and set forth in Miss. Code Ann. §49-17-14.
- 6 (21) Permit revision means any permit modification or administrative permit  
7 amendment.
- 8 (22) Potential to emit means the maximum capacity of a stationary source to emit any  
9 air pollutant under its physical and operational design consistent with 40 CFR  
10 52.21. Any physical or operational limitation on the capacity of a source to emit  
11 an air pollutant, including air pollution control equipment and restrictions on  
12 hours of operation or on the type or amount of material combusted, stored, or  
13 processed, shall be treated as part of its design if the limitation is established in a  
14 construction permit required by the EPA approved Mississippi SIP for New  
15 Source Review (NSR) or a Title V permit. This term does not alter or affect the  
16 use of this term for any other purposes under the Federal Act, or the term  
17 "capacity factor" as used in Title IV of the Federal Act or the regulations  
18 promulgated thereunder.
- 19 (23) Proposed permit means the version of a recommended permit that the DEQ  
20 proposes to be issued and forwards to the Administrator for review in compliance  
21 with Rule 6.5.
- 22 (24) Regulated air pollutant includes the following:  
23  
24 (a) nitrogen oxides or any volatile organic compounds;  
25  
26 (b) any pollutant for which a national ambient air quality standard has been  
27 promulgated;  
28  
29 (c) any pollutant that is subject to any standard promulgated under Section  
30 111 of the Federal Act;  
31  
32 (d) any class I or II substance subject to a standard promulgated under or  
33 established by Title VI of the Federal Act; or  
34  
35 (e) any pollutant subject to a standard promulgated under Section 112 or  
36 other requirements established under Section 112 of the Federal Act,  
37 including Sections 112(g), (j), and (r) of the Federal Act, including the  
38 following:  
39 (1) any pollutant subject to requirements under Section 112(j) of the  
40 Federal Act (if the Administrator fails to promulgate a standard by

1 the date established pursuant to Section 112(e) of the Federal Act,  
2 any pollutant for which a subject source would be major shall be  
3 considered to be regulated on the date 18 months after the  
4 applicable date established pursuant to Section 112(e) of the  
5 Federal Act); and  
6

7 (2) any pollutant for which the requirements of Section 112(g)(2) of  
8 the Federal Act have been met, but only with respect to the  
9 individual source subject to Section 112(g)(2) requirements.

10 (25) Renewal means the process by which a permit is reissued at the end of its term.

11 (26) Responsible official means as follows:

12 (a) for a corporation: a president, secretary, treasurer, or vice-president of the  
13 corporation in charge of a principal business function, or any other person  
14 who performs similar policy or decision-making functions for the  
15 corporation, or a duly authorized representative of such person if the  
16 representative is responsible for the overall operation of one or more  
17 manufacturing, production, or operating facilities applying for or subject  
18 to a permit and either:

19 (1) the facilities employ more than 250 persons or have gross annual  
20 sales or expenditures exceeding \$25 million (in second quarter  
21 1980 dollars); or

22 (2) the delegation of authority to such representative is approved in  
23 advance by the DEQ;

24 (b) for a partnership or sole proprietorship: a general partner or the proprietor,  
25 respectively;

26 (c) for a municipality, state, federal, or other public agency: either a principal  
27 executive officer or ranking elected official (for the purposes of these  
28 regulations, a principal executive officer of a Federal agency includes the  
29 chief executive officer having responsibility for the overall operations of a  
30 principal geographic unit of the agency (e.g., a Regional Administrator of  
31 EPA); or

32 (d) for affected sources:

33  
34 (1) the designated representative in so far as actions, standards,  
35 requirements, or prohibitions under Title IV of the Federal Act or  
36 the regulations promulgated thereunder are concerned; and

37 (2) the designated representative for any other purposes under Title V.

- 1  
2 (27) Section 502(b)(10) changes are changes that contravene an express permit term.  
3 Such changes do not include changes that would violate applicable requirements  
4 or contravene federally enforceable permit terms and conditions that are  
5 monitoring (including test methods), recordkeeping, reporting, or compliance  
6 certification requirements.
- 7 (28) State Law means the Mississippi Air and Water Pollution Control Law,  
8 specifically, Section 49-17-1 through 49-17-43 of the Mississippi Code of 1972,  
9 and any subsequent amendments.
- 10 (29) Stationary source means any building, structure, facility, or installation that emits  
11 or may emit any regulated air pollutant or any pollutant listed under Section  
12 112(b) of the Federal Act.
- 13 (30) Sources or facilities required to hold Title V permits means all major sources and  
14 all other Title V sources beginning either five (5) years after full implementation  
15 of the Title V program in Mississippi or such other time as specified by EPA,  
16 whichever is later.
- 17 (31) Subject to regulation means, for any air pollutant, that the pollutant is subject to  
18 either a provision in the Clean Air Act, or a nationally-applicable regulation  
19 codified by the Administrator in subchapter C of 40 CFR Chapter I, that requires  
20 actual control of the quantity of emissions of that pollutant, and that such a  
21 control requirement has taken effect and is operative to control, limit or restrict  
22 the quantity of emissions of that pollutant released from the regulated activity.  
23 Except that:
- 24 (a) Greenhouse gases (GHGs), the air pollutant defined as the aggregate  
25 group of six greenhouse gases: carbon dioxide, nitrous oxide, methane,  
26 hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not  
27 be subject to regulation unless, as of July 1, 2011, the GHG emissions are  
28 at a stationary source emitting or having the potential to emit 100,000 tpy  
29 of CO<sub>2</sub>e equivalent emissions.
- 30 (b) The term tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e) shall represent an amount  
31 of GHGs emitted, and shall be computed by multiplying the mass amount  
32 of emissions (tpy), for each of the six greenhouse gases in the pollutant  
33 GHGs, by the gas's associated global warming potential published at Table  
34 A-1 to Subpart A of 40 CFR Part 98 - Global Warming Potentials, and  
35 summing the resultant value for each to compute a tpy CO<sub>2</sub>e.  
36
- 37 (32) Title V means the air operating permit program mandated in Title V of the 1990  
38 amendments to the federal Clean Air Act, codified in 42 U.S.C. § 7661.



- 1 (33) Title V permit means any permit or group of permits covering a Title V source  
2 that is issued, renewed, amended, or revised pursuant to these regulations.
- 3 (34) Title V sources include the following:
- 4 (a) any major source;
- 5 (b) any source, including an area source, subject to a standard, limitation or  
6 other requirement under Section 111 of the Federal Act;
- 7 (c) any source, including an area source, subject to a standard or other  
8 requirement under Section 112 of the Federal Act, except that a source is  
9 not required to obtain a permit solely because it is subject to regulations or  
10 requirements under Section 112(r) of the Federal Act;
- 11 (d) any affected source; and
- 12 (e) any source in a source category designated by the Administrator pursuant  
13 to this section.
- 14
- 15 B. General Title V Permit Requirements.
- 16
- 17 (1) Except as provided or excepted below all Title V sources must comply with all  
18 provisions herein with regard to Title V permit responsibilities including but not  
19 limited to filing an application for and obtaining a Title V permit.
- 20 (2) All sources that are not major sources, affected sources, or solid waste  
21 incineration units required to obtain a permit pursuant to Section 129(e) of the  
22 Federal Act are exempted from the obligation to obtain a Title V permit until  
23 either the date five years after full implementation of the Title V program in  
24 Mississippi or such time as the Administrator completes a rulemaking to  
25 determine how the program should be structured for nonmajor sources and the  
26 appropriateness of any permanent exemptions in addition to those provided for in  
27 Rule 6.1.B(5), whichever is later.
- 28 (3) In the case of nonmajor sources subject to a standard or other requirement under  
29 either Section 111 or Section 112 of the Federal Act promulgated after July 21,  
30 1992, the exemption of any or all such applicable sources from the requirement to  
31 obtain a Title V permit will be determined consistent with the newly promulgated  
32 standard and regulations.
- 33 (4) Any source listed in Rule 6.1.B(2), (3), and/or (5) which is exempt from the  
34 requirement to obtain a Title V permit may opt to apply for a Title V permit under  
35 the Title V program.  
36

1 (5) The following source categories are exempted from the obligation to obtain a  
2 Title V permit.

3 (a) All sources and source categories that would be required to obtain a Title  
4 V - permit solely because they are subject to 40 CFR Part 60, subpart  
5 AAA Standards of Performance for New Residential Wood Heaters.

6 (b) All sources and source categories that would be required to obtain a Title  
7 V permit solely because they are subject to 40 CFR Part 61, subpart M -  
8 National Emission Standard for Hazardous Air Pollutants for Asbestos §  
9 61.145, Standard for Demolition and Renovation.

10 (6) Emissions units and Title V sources.

11 (a) For major sources, the Title V permit shall include all applicable  
12 requirements for all relevant emissions units in the major source.

13 (b) For any nonmajor source subject to the Title V program under Paragraphs  
14 (2)-(5) of this section, the Permit Board shall include in the permit all  
15 applicable requirements applicable to emissions units that cause the source  
16 to be subject to the Title V program.

17 (7) Fugitive emissions. Fugitive emissions from a Title V source shall be included in  
18 the permit application and the Title V permit in the same manner as stack  
19 emissions, regardless of whether the source category in question is included in  
20 the list of sources contained in the definition of major source.

21 (8) For purposes of these regulations, the Commission shall not make any exceptions  
22 to and/or grant any exemptions and/or variances from any of the regulations  
23 regarding Title V permits except those specified herein.  
24

25 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-17-32,  
26 49-2-1, et seq. and 49-17-1, et seq.

27  
28 *Rule 6.2 Permit Applications.*  
29

30 A. Duty to apply. For each Title V source, the owner or operator shall submit a timely and  
31 complete permit application in accordance with this rule.

32 (1) Timely application.

33 (a) A timely application for a source applying for a Title V permit for the first  
34 time is one that is submitted within 12 months after the source becomes  
35 subject to the permit program or on or before such earlier date as the  
36 Permit Board may establish. In the latter case, at least six (6) months time

1 shall be given for application submittal from the time the Permit Board  
2 notifies the source of the early submittal requirement.  
3

4 (b) Title V sources required to meet the requirements under Section 112(g) of  
5 the Federal Act or to have a permit under the preconstruction review and  
6 construction permit requirements of Commission Regulation Miss.  
7 Admin. Code, Title 11, Part 2, Chapter 2, Permit Regulations for the  
8 Construction and/or Operation of Air Emissions Equipment shall file a  
9 complete application to obtain the Title V permit or permit revision within  
10 12 months after commencing operation or on or before such earlier date as  
11 the Permit Board may establish. Where an existing Title V permit would  
12 prohibit such construction or change in operation, the source must obtain a  
13 permit revision before commencing operation.

14 (c) For purposes of permit renewal, a timely application is one that is  
15 submitted at least 6 months prior to the date of permit expiration.

16 (d) Applications for initial phase II acid rain permits shall be submitted to the  
17 DEQ by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for  
18 nitrogen oxides.

19 (2) Complete application. To be deemed complete, an application must provide all  
20 information required pursuant to Rule 6.2.C, except that applications for permit  
21 revision need supply such information only if it is related to the proposed change.  
22 Information required under Rule 6.2.C. must be sufficient to evaluate the subject  
23 source and its application and to determine all applicable requirements. A  
24 responsible official shall certify the submitted information consistent with Rule  
25 6.2.E. Unless the DEQ determines that an application is not complete within 60  
26 days of receipt of the application, such application shall be deemed to be  
27 complete. If, while processing an application that has been determined or deemed  
28 to be complete, the DEQ determines that additional information is necessary to  
29 evaluate or take final action on that application, it may request such information  
30 in writing and set a reasonable deadline for a response. The source's ability to  
31 operate without a Title V permit, as set forth in Rule 6.4.B of these regulations,  
32 shall be in effect from the date the application is determined or deemed to be  
33 complete until the final permit is issued, provided that the applicant submits any  
34 requested additional information by the deadline specified by the DEQ.

35 (3) Confidential information. In the event a source submits information to the DEQ  
36 under a claim of confidentiality, the Permit Board may also require the source to  
37 submit a copy of such information directly to the Administrator.

38 B. Duty to supplement or correct application. Any applicant who fails to submit any relevant  
39 facts or who has submitted incorrect information in a permit application shall, upon  
40 becoming aware of such failure or incorrect submittal, promptly submit such  
41 supplementary facts or corrected information. In addition, an applicant shall provide

1 additional information as necessary to address any requirements that become applicable  
2 to the source after the date it filed a complete application but prior to release of a draft  
3 permit to public participation.  
4

5 C. Standard application form and required information. All applications must be submitted  
6 on the form supplied by the Permit Board. Insignificant activities which are specified in  
7 Rule 6.7.A, need not be included in permit applications. For insignificant activities which  
8 are specified in Rule 6.7.B, a list of such insignificant activities must be included in the  
9 application. An application may not omit information needed to determine the  
10 applicability of, or to impose, any applicable requirement, or to evaluate the fee amount  
11 required under the schedule pursuant to Rule 6.6 of these regulations. The forms and  
12 attachments shall include the elements specified as follows:

13 (1) identifying information, including company name and address (or plant name and  
14 address if different from the company name), owner's name and agent, and  
15 telephone number and names of plant site manager/contact;

16 (2) a description of the source's process and products (by Standard Industrial  
17 Classification Code) including any associated with any alternate scenario  
18 identified by the source;

19 (3) emission-related information as follows:

20 (a) all emissions of pollutants for which the source is major, and all emissions  
21 of regulated air pollutants. Fugitive emissions from individual components  
22 within a facility may be determined collectively based on their relationship  
23 to the associated process unless individual emission rates are needed to  
24 determine the applicability of an applicable requirement such as NSPS,  
25 NESHAPS, a MACT standard, etc. or to determine air quality impacts. A  
26 permit application shall describe all emissions of regulated air pollutants  
27 emitted from any emissions unit, except where such units are exempted  
28 under Rule 6.7. The Permit Board shall require additional information  
29 related to the emissions of air pollutants sufficient to verify which  
30 requirements are applicable to the source, and other information necessary  
31 to collect any permit fees owed under the fee schedule pursuant to Rule  
32 6.6 of these regulations.

33 (b) identification and description of all points of emissions described in Rule  
34 6.2.C(3)(a) of this rule in sufficient detail to establish.

35 (c) emission rates in tpy and in such terms as are necessary to establish  
36 compliance consistent with the applicable standard reference test method;

37 (d) to the extent it is needed to determine or regulate emissions, the  
38 information that follows: fuels, fuel use, raw materials, production rates,  
39 and operating schedules;

- 1 (e) identification and description of air pollution control equipment and  
2 compliance monitoring devices or activities;  
3
- 4 (f) limitations on source operation affecting emissions or any work practice  
5 standards, where applicable, for all regulated pollutants at the Title V  
6 source;  
7
- 8 (g) other information required by any applicable requirement (including  
9 information related to stack height limitations developed pursuant to  
10 Section 123 of the Federal Act);  
11
- 12 (h) calculations on which the information in Rule 6.2.C(3)(a) through (g) is  
13 based;
- 14 (4) air pollution control requirements as follows:
- 15 (a) citation and description of all applicable requirements, and
- 16 (b) description of or reference to any applicable test method for determining  
17 compliance with each applicable requirement;
- 18 (5) other specific information that may be necessary to implement and enforce other  
19 applicable requirements of the Federal Act or of these regulations or to determine  
20 the applicability of such requirements;
- 21 (6) an explanation of any proposed exemptions from otherwise applicable  
22 requirements;
- 23 (7) additional information as determined to be necessary by the Permit Board to  
24 define alternative operating scenarios identified by the source pursuant to Rule  
25 6.3.A(9) of these regulations or to define permit terms and conditions  
26 implementing 40 CFR 70.4(b)(12) or Rule 6.3.A(10) of these regulations.
- 27 (8) a compliance plan for all Title V sources that contains all of the following:
- 28 (a) a description of the compliance status of the source with respect to all  
29 applicable requirements;
- 30 (b) a description as follows:
- 31 (1) for applicable requirements with which the source is in  
32 compliance, a statement that the source will continue to comply  
33 with such requirements;
- 34 (2) for applicable requirements that will become effective during the  
35 permit term, a statement that the source will meet such

- 1 requirements on a timely basis;
- 2 (3) for requirements for which the source is not in compliance at the  
3 time of permit issuance, a narrative description of how the source  
4 will achieve compliance with such requirements;
- 5 (c) a compliance schedule as follows:
- 6 (1) For applicable requirements with which the source is in  
7 compliance, a statement that the source will continue to comply  
8 with such requirements;
- 9 (2) For applicable requirements that will become effective during the  
10 permit term, a statement that the source will meet such  
11 requirements on a timely basis. A statement that the source will  
12 meet in a timely manner applicable requirements that become  
13 effective during the permit term shall satisfy this provision, unless  
14 a more detailed schedule is expressly required by the applicable  
15 requirements;
- 16 (3) A schedule of compliance for sources that are not in compliance  
17 with all applicable requirements at the time of permit issuance.  
18 Such a schedule shall include a schedule or remedial measures,  
19 including an enforceable sequence of actions with milestones,  
20 leading to compliance with any applicable requirements for which  
21 the source will be in noncompliance at the time of permit issuance.  
22 This compliance schedule shall resemble and be at least as  
23 stringent as that contained in any judicial consent decree or  
24 administrative order to which the source is subject. Any such  
25 schedule of compliance shall be supplemental to, and shall not  
26 sanction noncompliance with, the applicable requirements on  
27 which it is based;
- 28 (d) a schedule for submission of certified progress reports, to be submitted no  
29 less frequently than every 6 months for sources required to have a  
30 schedule of compliance to remedy a violation;
- 31 (e) the compliance plan content requirements specified in this paragraph shall  
32 apply and be included in the acid rain portion of a compliance plan for an  
33 affected source, except as specifically superseded by regulations  
34 promulgated under Title IV of the Federal Act with regard to the schedule  
35 and method(s) the source will use to achieve compliance with the acid  
36 rain emissions limitations.
- 37 (9) requirements for compliance certification, including the following:

- 1 (a) a certification of compliance with all applicable requirements by a  
2 responsible official consistent with Rule 6.2.E and Section 114(a)(3) of  
3 the Federal Act;
- 4 (b) a statement of methods used for determining compliance, including a  
5 description of monitoring, recordkeeping, and reporting requirements and  
6 test methods;
- 7 (c) a schedule for submission of compliance certifications during the permit  
8 term, to be submitted no less frequently than annually, or more frequently  
9 if specified by the underlying applicable requirement or by the Permit  
10 Board;
- 11
- 12 (d) a statement indicating the source's compliance status with any applicable  
13 enhanced monitoring and compliance certification requirements of the  
14 Federal Act; and  
15
- 16 (10) the use of nationally-standardized forms for acid rain portions of permit  
17 applications and compliance plans, as required by regulations promulgated under  
18 Title IV of the Federal Act.

19  
20 D. Applicant's duty to apply for alternative scenarios. Any operating scenario allowed for in  
21 an applicable Title V permit may be implemented by the facility without the need for any  
22 permit revision or any notification to the Permit Board. It is incumbent upon the Title V  
23 permit applicant to apply for any reasonably anticipated alternative facility operating  
24 scenarios at the time of initial or renewal permit application.

25 E. Any application form, report, or compliance certification submitted pursuant to these  
26 regulations shall contain a certification of truth, accuracy, and completeness signed by a  
27 responsible official. This certification and any other certification required under these  
28 regulations shall state that, based on information and belief formed after reasonable  
29 inquiry, the statements and information in the document are true, accurate, and complete.  
30

31 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-17-32,  
32 49-2-1, et seq. and 49-17-1, et seq.

33  
34 *Rule 6.3 Permit Content.*

35  
36 A. Standard permit requirements. Each permit issued under these regulations shall include  
37 the following requirements.

- 38 (1) Emission limitations and standards, including those operational requirements and  
39 limitations that assure compliance with all applicable requirements at the time of  
40 permit issuance.

- 1 (a) The permit shall specify and reference the origin of and authority for each  
2 term or condition, and identify any difference in form as compared to the  
3 applicable requirement upon which the term or condition is based.
- 4 (b) The permit shall state that, where an applicable requirement of the Federal  
5 Act is more stringent than an applicable requirement of regulations  
6 promulgated under Title IV of the Federal Act, both provisions shall be  
7 incorporated into the permit and shall be enforceable by the Administrator  
8 and the Commission.
- 9 (2) Permit duration. The Permit Board shall issue permits for a fixed term of 5 years  
10 in the case of affected sources, and for a term not to exceed 5 years in the case of  
11 all other sources. Notwithstanding this requirement, the Permit Board shall issue  
12 permits for solid waste incineration units combusting municipal waste subject to  
13 standards under Section 129(e) of the Federal Act for a period not to exceed 12  
14 years and shall review such permits at least every 5 years.
- 15 (3) Monitoring and related recordkeeping and reporting requirements.
- 16
- 17 (a) Each permit shall contain the requirements with respect to monitoring as  
18 follows:
- 19
- 20 (1) all emissions monitoring and analysis procedures or test methods  
21 required under the applicable requirements, including any  
22 procedures and methods promulgated pursuant to Sections  
23 114(a)(3) or 504(b) of the Federal Act;
- 24 (2) where the applicable requirement does not require periodic testing  
25 or instrumental or non-instrumental monitoring (which may consist  
26 of recordkeeping designed to serve as monitoring), periodic  
27 monitoring sufficient to yield reliable data from the relevant time  
28 period that are representative of the source's compliance with the  
29 permit as reported pursuant to Rule 6.3.A(3)(e). Such monitoring  
30 requirements shall assure use of terms, test methods, units,  
31 averaging periods, and other statistical conventions consistent with  
32 the applicable requirement. Recordkeeping provisions shall be  
33 sufficient to meet the requirements of Rule 6.3.A(3)(b); and
- 34 (3) as necessary, requirements concerning the use, maintenance, and,  
35 where appropriate, installation of monitoring equipment or  
36 methods.
- 37 (b) With respect to recordkeeping, the permit shall incorporate all applicable  
38 recordkeeping requirements and require, where applicable, the following:



- 1 (1) records of required monitoring information that include the  
2 following:
- 3
- 4 (i) the date, place as defined in the permit, and time of  
5 sampling or measurements;
- 6 (ii) the date(s) analyses were performed;
- 7 (iii) the company or entity that performed the analyses;
- 8 (iv) the analytical techniques or methods used;
- 9 (v) the results of such analyses;
- 10 (vi) the operating conditions existing at the time of sampling or  
11 measurement; and  
12
- 13 (2) retention of records of all required monitoring data and support  
14 information for a period of at least 5 years from the date of the  
15 monitoring sample, measurement, report, or application. Support  
16 information includes all calibration and maintenance records, all  
17 original strip-chart recordings for continuous monitoring  
18 instrumentation, and copies of all reports required by the permit.
- 19 (c) With respect to reporting, the permit shall incorporate all applicable  
20 reporting requirements and require the following:
- 21 (1) submittal of reports of any required monitoring at least every 6  
22 months (all instances of deviations from permit requirements must  
23 be clearly identified in such reports and all required reports must  
24 be certified by a responsible official consistent with Rule 6.2.E of  
25 these regulations); and
- 26 (2) prompt reporting of deviations from permit requirements,  
27 including those attributable to upset conditions as defined in the  
28 permit, the probable cause of such deviations, and any corrective  
29 actions or preventive measures taken. The Permit Board shall  
30 define "prompt" in the permit in relation to the degree and type of  
31 deviation likely to occur and the applicable requirements.  
32
- 33 (4) A permit condition prohibiting emissions exceeding any allowances that the  
34 source lawfully holds under Title IV of the Federal Act or the regulations  
35 promulgated hereunder.

- 1 (a) No permit revision shall be required for increases in emissions that are  
2 authorized by allowances acquired pursuant to the acid rain program,  
3 provided that such increases do not require a permit revision under any  
4 other applicable requirement.
- 5 (b) No limit shall be placed on the number of allowances held by the source.  
6 The source may not, however, use allowances as a defense to  
7 noncompliance with any other applicable requirement.
- 8 (c) Any such allowance shall be accounted for according to the procedures  
9 established in regulations promulgated under Title IV of the Federal Act.
- 10 (5) A severability clause to ensure the continued validity of the various permit  
11 requirements in the event of a challenge to any portions of the permit.
- 12 (6) Provisions stating the following:
- 13 (a) The permittee must comply with all conditions of the Title V permit. Any  
14 permit noncompliance constitutes a violation of the Federal Act and is  
15 grounds for enforcement action; for permit termination, revocation and  
16 reissuance, or modification; or for denial of a permit renewal application.
- 17 (b) The need to halt or reduce activity is not a defense. It shall not be a  
18 defense for a permittee in an enforcement action that it would have been  
19 necessary to halt or reduce the permitted activity in order to maintain  
20 compliance with the conditions of this permit.
- 21 (c) The permit and/or any part thereof may be modified, revoked, reopened,  
22 and reissued, or terminated for cause. The filing of a request by the  
23 permittee for a permit modification, revocation and reissuance, or  
24 termination, or of a notification of planned changes or anticipated  
25 noncompliance does not stay any permit condition.
- 26 (d) The permit does not convey any property rights of any sort, or any  
27 exclusive privilege.
- 28 (e) The permittee shall furnish to the DEQ within a reasonable time any  
29 information the DEQ may request in writing to determine whether cause  
30 exists for modifying, revoking and reissuing, or terminating the permit or  
31 to determine compliance with the permit. Upon request, the permittee shall  
32 also furnish to the DEQ copies of records required to be kept by the  
33 permittee or, for information claimed to be confidential, the permittee  
34 shall furnish such records to DEQ along with a claim of confidentiality.  
35 The permittee may furnish such records directly to the Administrator  
36 along with a claim of confidentiality.

- 1 (7) A provision to ensure that a Title V source pays fees to the permitting authority  
2 consistent with the fee schedule pursuant to Rule 6.6 of these regulations.
- 3 (8) Emissions trading. A provision stating that no permit revision shall be required,  
4 under any approved economic incentives, marketable permits, emissions trading  
5 and other similar programs or processes for changes that are provided for in the  
6 permit.
- 7 (9) Terms and conditions for reasonably anticipated operating scenarios identified by  
8 the source in its application, as approved by the Permit Board, as follows:
- 9 (a) shall require the source, contemporaneously with making a change from  
10 one operating scenario to another, to record in a log at the permitted  
11 facility a record of the scenario under which it is operating;
- 12 (b) may extend the permit shield described in Rule 6.3.F to all terms and  
13 conditions under each such operating scenario; and
- 14 (c) must ensure that the terms and conditions of each such alternative  
15 scenario meet all applicable requirements and the requirements of these  
16 regulations.
- 17 (10) If the permit applicant requests them, terms and conditions for the trading of  
18 emissions increases and decreases in the permitted facility, to the extent that the  
19 applicable requirements provide for trading such increases and decreases without  
20 a case-by-case approval of each emissions trade, as follows:
- 21 (a) shall include all terms required under Rule 6.3.A and Rule 6.3.C to  
22 determine compliance;
- 23 (b) may extend the permit shield described in Rule 6.3.F to all terms and  
24 conditions that allow such increases and decreases in emissions; and  
25
- 26 (c) must meet all applicable requirements and requirements of these  
27 regulations.  
28
- 29 B. Federally-enforceable requirements.
- 30 (1) All terms and conditions in a Title V permit, including any provisions designed to  
31 limit a source's potential to emit, are enforceable by the Administrator and  
32 citizens under the Federal Act as well as the Commission.
- 33 (2) Notwithstanding Rule 6.3.B(1), the Permit Board shall specifically designate as  
34 not being federally enforceable under the Federal Act, any terms and conditions  
35 included in the permit that are not required under the Federal Act or under any of  
36 its applicable requirements. Terms and conditions so designated are not subject to

1 the requirements of Rules 6.3, 6.4, or 6.5 of these regulations, other than those  
2 contained in Rule 6.3.B.

3 C. Compliance requirements. All Title V permits shall contain elements with respect to  
4 compliance as follows:  
5

6 (1) Consistent with Rule 6.3 of this rule, compliance certification, testing,  
7 monitoring, reporting, and recordkeeping requirements sufficient to assure  
8 compliance with the terms and conditions of the permit. Any document (including  
9 reports) required by a Title V permit to be submitted to the DEQ shall contain a  
10 certification by a responsible official that meets the requirements of Rule 6.2.E of  
11 these regulations.

12 (2) Inspection and entry requirements that require that, upon presentation of  
13 credentials and other documents as may be required by law, the permittee shall  
14 allow the DEQ, or an authorized representative, to perform the following:

15 (a) enter upon the permittee's premises where a Title V source is located or  
16 emissions-related activity is conducted, or where records must be kept  
17 under the conditions of the permit;

18 (b) have access to and copy, at reasonable times, any records that must be  
19 kept under the conditions of the permit;

20 (c) inspect at reasonable times any facilities, equipment (including monitoring  
21 and air pollution control equipment), practices, or operations regulated or  
22 required under the permit; and  
23

24 (d) as authorized by the Federal Act, sample or monitor, at reasonable times,  
25 substances or parameters for the purpose of assuring compliance with the  
26 permit or applicable requirements.

27 (3) A schedule of compliance consistent with Rule 6.2.C(8) of these regulations.

28 (4) Progress reports consistent with an applicable schedule of compliance and Rule  
29 6.2.C(8) of these regulations to be submitted at least semiannually, or at a more  
30 frequent period if specified in the applicable requirement or by the Permit Board.  
31 Such progress reports shall contain the following:

32 (a) dates for achieving the activities, milestone(s), or compliance required in  
33 the schedule of compliance, and dates when such activities, milestone(s)  
34 or compliance were achieved; and

35 (b) an explanation of why any dates in the schedule of compliance were not  
36 or will not be met, and any preventive or corrective measures adopted.

1 (5) Requirements for compliance certification with terms and conditions contained in  
2 the permit, including emission limitations, standards, or work practices. Permits  
3 shall include each of the following:

4 (a) the frequency (not less than annually or such more frequent period as  
5 specified in the applicable requirement or by the Permit Board) of  
6 submissions of compliance certifications;

7 (b) in accordance with Rule 6.3.A(3) of these regulations, a means for  
8 monitoring the compliance of the source with its emissions limitations,  
9 standards, and work practices;

10 (c) a requirement that the compliance certification include the following:

11 (1) the identification of each term or condition of the permit that is the  
12 basis of the certification;

13 (2) the compliance status;

14 (3) whether compliance was continuous or intermittent;

15 (4) the method(s) used for determining the compliance status of the  
16 source, currently and over the reporting period consistent with  
17 Rule 6.3.A(3) and

18 (5) such other facts as the DEQ may require to determine the  
19 compliance status of the source;  
20

21 (d) a requirement that all compliance certifications be submitted to the  
22 Administrator as well as to the Permit Board; and

23 (e) such additional requirements as may be specified pursuant to Sections  
24 114(a)(3) and 504(b) of the Federal Act.

25 (6) such other provisions as the Permit Board may require.

26 D. General permits.

27 (1) The Permit Board may, after notice and opportunity for public participation  
28 provided under Rule 6.4.I of these regulations, issue a general permit covering  
29 numerous similar sources. Any general permit shall comply with all requirements  
30 applicable to other Title V permits and shall identify criteria by which sources  
31 may qualify for the general permit. To sources that qualify, the DEQ shall extend  
32 coverage of the terms and conditions of the general permit for a period of time not  
33 to exceed five years from the date coverage is extended. Notwithstanding the  
34 shield provisions of Rule 6.3.F, the source shall be subject to enforcement action

1 for operating without a Title V permit if the source is later determined not to  
2 qualify for the terms and conditions of the general permit. General permits shall  
3 not be authorized for affected sources under the acid rain program unless  
4 otherwise provided in regulations promulgated under Title IV of the Federal Act.

5 (2) After notice and opportunity for a hearing, the Permit Board may revoke and/or  
6 modify a general permit. After notice and opportunity for a hearing, the Permit  
7 Board may also revoke or deny coverage under a general permit and require a  
8 facility to obtain a Title V permit.

9 (3) Title V sources that would qualify for a general permit must apply to the DEQ for  
10 coverage under the terms of the general permit or must apply for a Title V permit  
11 consistent with Rule 6.2 of these regulations. The Permit Board may, in the  
12 general permit, provide for applications which deviate from the requirements of  
13 Rule 6.2 of these regulations, provided that such applications meet the  
14 requirements of Title V of the Federal Act, and include all information necessary  
15 to determine qualification for, and to assure compliance with, the general permit.  
16 Without repeating the public participation procedures required under Rule 6.4.I of  
17 these regulations, the DEQ may grant a source's request for coverage under a  
18 general permit, but such a grant shall not constitute a final Permit Board action  
19 for purposes of appeal only.

20 E. Temporary sources. The Permit Board may issue a single permit authorizing emissions  
21 from similar operations by the same source owner or operator at multiple temporary  
22 locations. The operation must be temporary and involve at least one change of location  
23 during the term of the permit. No affected source shall be permitted as a temporary  
24 source. Permits for temporary sources shall include the following:

25  
26 (1) conditions that will assure compliance with all applicable requirements at all  
27 authorized locations;

28 (2) requirements that the owner or operator notify the DEQ at least 10 days in  
29 advance of each change in location; and

30 (3) conditions that assure compliance with all other provisions of this rule.

31 F. Permit shield.

32 (1) Except as provided in these regulations, the Permit Board shall expressly include  
33 in a Title V permit a provision stating that compliance with the conditions of the  
34 permit shall be deemed compliance with any applicable requirements as of the  
35 date of permit issuance, upon satisfaction of either condition as follows:

36 (a) such applicable requirements are included and are specifically identified  
37 in the permit; or

- 1 (b) the Permit Board, in acting on the permit application or revision,  
2 determines in writing that other requirements specifically identified are  
3 not applicable to the source, and the permit includes such determination or  
4 a concise summary thereof.
- 5 (2) Nothing in Rule 6.3.F. or in any Title V permit shall alter or affect the following:
- 6 (a) the provisions of Section 303 of the Federal Act (emergency orders),  
7 including the authority of the Administrator under that section;
- 8 (b) the liability of an owner or operator of a source for any violation of  
9 applicable requirements prior to or at the time of permit issuance;
- 10 (c) the applicable requirements of the acid rain program, consistent with  
11 Section 408(a) of the Federal Act; or
- 12 (d) the ability of EPA to obtain information from a source pursuant to Section  
13 114 of the Federal Act.

14 G. Emergency provision.

- 15 (1) Definition. An "emergency" means any situation arising from sudden and  
16 reasonably unforeseeable events beyond the control of the source, including acts  
17 of God, which situation requires immediate corrective action to restore normal  
18 operation, and that causes the source to exceed a technology-based emission  
19 limitation under the permit, due to unavoidable increases in emissions attributable  
20 to the emergency. An emergency shall not include noncompliance to the extent  
21 caused by improperly designed equipment, lack of preventative maintenance,  
22 careless or improper operation, or operator error.
- 23
- 24 (2) Effect of any emergency. An emergency constitutes an affirmative defense to an  
25 action brought for noncompliance with such technology-based emission  
26 limitations if the conditions of Rule 6.3.G(3) are met.
- 27 (3) The affirmative defense of emergency shall be demonstrated through properly  
28 signed contemporaneous operating logs, or other relevant evidence that include  
29 information as follows:
- 30 (a) an emergency occurred and that the permittee can identify the cause(s) of  
31 the emergency;
- 32 (b) the permitted facility was at the time being properly operated;
- 33 (c) during the period of the emergency the permittee took all reasonable steps  
34 to minimize levels of emissions that exceeded the emission standards, or  
35 other requirements in the permit; and

1 (d) the permittee submitted notice of the emergency to the DEQ within 2  
2 working days of the time when emission limitations were exceeded due to  
3 the emergency. This notice fulfills the requirement of Rule 6.3.A(3)(c)(2)  
4 This notice must contain a description of the emergency, any steps taken  
5 to mitigate emissions, and corrective actions taken.

6 (4) In any enforcement proceeding, the permittee seeking to establish the occurrence  
7 of an emergency has the burden of proof.

8 (5) This provision is in addition to any emergency or upset provision contained in  
9 any applicable requirement.

10 H. Risk Management Plans. If the source is required to develop and register a risk  
11 management plan pursuant to Section 112(r) of the Act, the permit need only specify that  
12 it will comply with the requirement to register such a plan. The content of the risk  
13 management plan need not itself be incorporated as a permit term.

14  
15 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-17-32,  
16 49-2-1, et seq. and 49-17-1, et seq.

17  
18 *Rule 6.4 Permit Issuance(s), Renewal(s), Reopening(s), And Revision(s).*

19  
20 A. Action on application.

21  
22 (1) A permit, permit modification, or renewal may be issued only upon satisfaction of  
23 the conditions that follow:

24 (a) the DEQ has received a complete application for a permit, permit  
25 modification, or permit renewal, except that a complete application need  
26 not be received before issuance of a general permit under Rule 6.3.D of  
27 these regulations;

28  
29 (b) except for modifications qualifying for minor permit modification  
30 procedures under this section, the DEQ has complied with the  
31 requirements for public participation under this section;

32 (c) the DEQ has complied with the requirements for notifying and responding  
33 to Affected State(s) under Rule 6.5.B of these regulations;

34 (d) the conditions of the permit provide for compliance with all applicable  
35 requirements and the requirements of these regulations; and

36 (e) the Administrator has received a copy of the proposed permit and any  
37 notices required under Rule 6.5.A. and Rule 6.5.B. of these regulations,  
38 and has not objected to issuance of the permit under Rule 6.5.C. of these  
39 regulations within the time period specified therein.



- 1 (2) Except as provided under the initial transition plan or under regulations  
2 promulgated under Title IV or Title V of the Federal Act for the permitting of  
3 affected sources under the acid rain program, the Permit Board shall take final  
4 action on each permit application (including a request for permit modification or  
5 renewal) within 180 days or as otherwise provided for under State Law, after  
6 receiving a complete application.
- 7 (3) The DEQ shall provide a statement that sets forth the legal and factual basis for  
8 the draft permit conditions (including references to the applicable statutory or  
9 regulatory provisions). The DEQ shall send this statement to any person upon a  
10 written request and to EPA.
- 11 (4) The submittal of a complete application shall not affect the requirement that any  
12 source have a Construction Permit.
- 13 B. Requirement for a permit. Except as provided in the following sentence, and paragraphs  
14 of this section, no Title V source may operate after the time that it is required to submit a  
15 timely and complete application, except in compliance with a Title V permit. If a Title V  
16 source submits a timely and complete application for permit issuance (including for  
17 renewal), the source's failure to have a Title V permit is not a violation of these  
18 regulations until the Permit Board takes final action on the permit application, except as  
19 noted in this section. This protection shall cease to apply if, subsequent to the  
20 completeness determination made pursuant to Rule 6.2.A(2) and as required by Rule  
21 6.2.A(2) of these regulations, the applicant fails to submit by the deadline specified in  
22 writing by the DEQ any additional information identified as being needed to process the  
23 application.
- 24 C. Permit renewal and expiration.
- 25 (1) Permits being renewed are subject to the same procedural requirements, including  
26 those for public participation, Affected State(s) review and EPA review, that  
27 apply to initial permit issuance; and  
28
- 29 (2) Permit expiration terminates the source's right to operate unless a timely and  
30 complete renewal application has been submitted consistent with Rule 6.4.B and  
31 Rule 6.2.A(1)(c) of these regulations.
- 32 D. Administrative permit amendments.
- 33 (1) An "administrative permit amendment" is a permit revision that revises a permit  
34 as follows:
- 35 (a) corrects typographical errors;

- 1 (b) identifies a change in the name, address, or phone number of any person  
2 identified in the permit, or provides a similar minor administrative change  
3 at the source;
- 4 (c) requires more frequent monitoring or reporting by the permittee; and,
- 5 (d) allows for a change in ownership or operational control of a source in  
6 accordance with Rule 6.4.D(4).
- 7 (2) Administrative permit amendments for purposes of the acid rain portion of the  
8 permit shall be governed by regulations promulgated under Title IV of the Federal  
9 Act.
- 10 (3) Administrative permit amendment procedures. Any administrative permit  
11 amendment except for change in ownership or operational control may be made  
12 by the DEQ consistent with the following:
- 13 (a) The DEQ shall take no more than 60 days from receipt of a request for an  
14 administrative permit amendment to take final action on such request, and  
15 may incorporate such changes without providing notice to the public or  
16 Affected State(s) provided that it designates any such permit revisions as  
17 having been made pursuant to this paragraph.
- 18 (b) The DEQ shall submit a copy of the revised permit to the Administrator.
- 19 (c) The source may implement the changes addressed in the request for an  
20 administrative amendment immediately upon submittal of the request.
- 21 (4) Permit Transfer. An administrative permit amendment may be made by the  
22 Permit Board authorizing changes in ownership or operational control consistent  
23 with the following:
- 24 (a) the Permit Board shall take action within 60 days after receipt of a  
25 completed request for a permit transfer, unless a public hearing is  
26 scheduled. The Permit Board may incorporate such changes without  
27 providing notice to the public or affected State(s) provided that it  
28 designates any such permit revision as having been made pursuant to this  
29 paragraph.
- 30 (b) A permit transfer shall be approved upon satisfaction of the following:
- 31 (1) the applicant for transfer approval can demonstrate to the Permit  
32 Board it has the financial resources, operational expertise and  
33 environmental compliance history over the last five years to insure  
34 compliance with the terms and conditions of the permit to be  
35 transferred except where this conflicts with State Law, and

- 1 (2) the Permit Board determines that no other change in the permit is  
2 necessary, provided that a written agreement containing a specific  
3 date for transfer of permit responsibility, coverage, and liability  
4 between the current and new permittee has been submitted to the  
5 DEQ.
- 6 (c) The DEQ shall submit a copy of the revised permit to the Administrator.
- 7 E. Permit Modification. A permit modification is any revision to a Title V permit that  
8 cannot be accomplished under the program's provisions for administrative permit  
9 amendments under Rule 6.4.D. A permit modification for purposes of the acid rain  
10 portion of the permit shall be governed by regulations promulgated under Title IV of the  
11 Federal Act.
- 12 (1) Minor permit modification procedures.
- 13 (a) Minor permit modification procedures may be used only for those permit  
14 modifications that satisfy the following:
- 15 (1) do not violate any applicable requirement;
- 16 (2) do not involve significant changes to existing monitoring,  
17 reporting, or recordkeeping requirements in the permit;
- 18 (3) do not require or change a case-by-case determination of an  
19 emission limitation or other standard, or a source-specific  
20 determination for temporary sources of ambient impacts, or a  
21 visibility or increment analysis;
- 22 (4) do not seek to establish or change a permit term or condition for  
23 which there is no corresponding underlying applicable  
24 requirement and that the source has assumed to avoid an  
25 applicable requirement to which the source would otherwise be  
26 subject. Such terms and conditions include the following:
- 27 (i) a federally enforceable emissions cap assumed to avoid  
28 classification as a modification under any provision of Title  
29 I; and  
30
- 31 (ii) an alternative emissions limit approved pursuant to  
32 regulations promulgated under Section 112(i)(5) of the  
33 Federal Act;
- 34
- 35 (5) are not modifications under any provision of Title I of the Federal  
36 Act; and  
37

- 1 (6) are not required by Commission regulations to be processed as a  
2 significant modification.  
3
- 4 (b) Notwithstanding other paragraphs of this rule, minor permit modification  
5 procedures may be used for permit modifications involving the use of  
6 economic incentives, marketable permits, emissions trading, and other  
7 similar approaches, to the extent that such minor permit modification  
8 procedures are explicitly provided for in an applicable implementation  
9 plan or in applicable requirements promulgated by EPA.
- 10 (c) Application. An application requesting the use of minor permit  
11 modification procedures shall meet the requirements of Rule 6.2.C of  
12 these regulations and shall include the following:
- 13 (1) a description of the change, the emissions resulting from the  
14 change, and any new applicable requirements that will apply if the  
15 change occurs;
- 16 (2) the source's suggested draft permit;
- 17 (3) certification by a responsible official, that the proposed  
18 modification meets the criteria for use of minor permit  
19 modification procedures and a request that such procedures be  
20 used; and
- 21 (4) completed forms for the DEQ to use to notify the Administrator  
22 and Affected State(s) as required under Rule 6.5.
- 23 (d) EPA and Affected State(s) notification. Within 5 working days of receipt  
24 of a complete permit modification application, the DEQ shall notify the  
25 Administrator and Affected State(s) of the requested permit modification.  
26 The DEQ shall promptly send any notice required to the Administrator.
- 27 (e) Timetable for issuance. The Permit Board may not issue a final permit  
28 modification until after EPA's 45-day review period or until EPA has  
29 notified the DEQ that EPA will not object to issuance of the permit  
30 modification, whichever is first, although the Permit Board can approve  
31 the permit modification prior to that time. Within 90 days of the DEQ's  
32 receipt of an application under minor permit modification procedures or  
33 15 days after the end of the Administrator's 45-day review period under  
34 Rule 6.5.C, whichever is later, the Permit Board shall take one of the  
35 actions as follows:
- 36 (1) issue the permit modification as proposed;  
37  
38 (2) deny the permit modification application;

- 1 (3) determine that the requested modification does not meet the minor  
2 permit modification criteria and should be reviewed under the  
3 significant modification procedures; or
- 4 (4) revise the draft permit modification and transmit to the  
5 Administrator the new proposed permit modification as required  
6 by these regulations.
- 7 (f) Source's ability to make change. The source may make the change  
8 proposed in its minor permit modification application immediately after it  
9 files such application. After the source makes the change allowed by the  
10 preceding sentence, and until the Permit Board takes any of the actions  
11 specified in Rule 6.4.E(1)(e)(1)-(4) the source must comply with both the  
12 applicable requirements governing the change and the proposed terms and  
13 conditions of the permit. During this time period, the source need not  
14 comply with the existing permit terms and conditions it seeks to modify.  
15 However, if the source fails to comply with the proposed terms and  
16 conditions of its permit during this time period, the existing permit terms  
17 and conditions it seeks to modify may be enforced against it.
- 18 (g) Permit shield. The permit shield does not extend to minor permit  
19 modifications.
- 20 (2) Group processing of minor permit modifications. Consistent with this paragraph,  
21 the Permit Board may modify the procedure to process groups of a source's  
22 applications for certain modifications eligible for minor permit modification  
23 processing.
- 24 (a) Criteria. Group processing of modifications may be used only for those  
25 permit modifications which satisfy the following:  
26  
27 (1) meet the criteria for minor permit modification procedures and  
28  
29 (2) collectively, are below the threshold level. This threshold shall be  
30 10 percent of the emissions allowed by the permit for the  
31 emissions unit for which the change is requested, 20 percent of the  
32 applicable definition of major source or 5 tons per year, whichever  
33 is least.  
34  
35 (b) Application. An application requesting the use of group processing  
36 procedures shall meet the requirements of Rule 6.2.C. and shall include  
37 the following:  
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39 (1) a description of the change, the emissions resulting from the  
40 change, and any new applicable requirements that will apply if the  
41 change occurs;

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- (2) the source's suggested draft permit;
  - (3) certification by a responsible official consistent with Rule 6.2.E, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;
  - (4) a list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under this rule;
  - (5) certification that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the requested modification;
  - (6) completed forms for the DEQ to use to notify the Administrator and Affected State(s) as required.
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- (c) EPA and Affected State(s) notification. On a quarterly basis or within 5 business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level, whichever is earlier, the DEQ promptly shall notify the Administrator and Affected State(s) of the requested permit modifications. The DEQ shall send any notice required under these regulations to the Administrator.
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- (d) Timetable for issuance. The provisions of this rule shall apply to modifications eligible for group processing, except that the Permit Board shall take one of the actions specified in Rule 6.4.E(1)(e)(1)-(4) within 180 days of receipt of the application or 15 days after the end of the Administrator's 45-day review period whichever is later.
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- (e) Source's ability to make change. The provisions of Rule 6.4.E(1)(f) shall apply to modifications eligible for group processing.
- 32  
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- (f) Permit shield. The provisions of Rule 6.4.E(1)(g) of this rule shall also apply to modifications eligible for group processing.
- 34
- (3) Significant modification procedures.
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- (a) Criteria. Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. The DEQ shall determine whether a modification is significant. At a minimum, every significant modification in existing monitoring permit terms or conditions

1 and every relaxation of reporting or recordkeeping permit terms or  
2 conditions shall be considered significant.

- 3  
4 (b) Significant permit modifications shall meet all requirements of these  
5 regulations, including those for applications, public participation, review  
6 by Affected State(s), and review by EPA, as they apply to permit issuance  
7 and permit renewal.

8 F. Operational Flexibility. A permitted facility is authorized to make the changes described  
9 below within their facility without requiring a permit revision, if the changes are not  
10 modifications under any provision of Title I of the Act and the changes do not exceed the  
11 emissions allowable under the permit (whether expressed therein as a rate of emissions or  
12 in terms of total emissions): Provided that the facility provides the Administrator and the  
13 Department with written notification as required below in advance of the proposed  
14 changes, which shall be a minimum of seven (7) days, unless other applicable regulations  
15 specify a different time frame for emergencies. The source, Department, and EPA shall  
16 attach each such notice to their copy of the relevant permit.

- 17 (1) The permitted sources are allowed to make Section 502(b)(10) changes without  
18 requiring a permit revision, if the changes are not modifications under any  
19 provision of Title I of the Act and the changes do not exceed the emissions  
20 allowable under the permit (whether expressed therein as a rate of emissions or in  
21 terms of total emissions).

- 22 (a) For each such change, the written notification required above shall include  
23 a brief description of the change within the permitted facility, the date on  
24 which the change will occur, any change in emissions, and any permit  
25 term or condition that is no longer applicable as a result of the change.

- 26 (a) The permit shield described in Rule 6.3.F. shall not apply to any change  
27 made pursuant to Rule 6.4.F(1).

- 28 (2) The Department may provide for permitted sources to trade increases and  
29 decreases in emissions in the permitted facility, where the Mississippi State  
30 Implementation Plan (SIP) provides for such emissions trades without requiring a  
31 permit revision and based on the 7-day notice prescribed herein. This provision is  
32 available in those cases where the permit does not already provide for such  
33 emissions trading.

- 34  
35 (a) The written notification required above shall include such information as  
36 may be required by the provision in the SIP authorizing the emissions  
37 trade, including at a minimum, when the proposed change will occur, a  
38 description of each such change, any change in emissions, the permit  
39 requirements with which the source will comply using the emissions  
40 trading provisions of the SIP, and the pollutants emitted subject to the

1 emissions trade. The notice shall also refer to the provisions with which  
2 the source will comply in the SIP and that provide for the emissions trade.

3  
4 (b) Compliance with the permit requirements that the source will meet using  
5 the emissions trade shall be determined according to requirements of the  
6 SIP authorizing the emissions trade.

7  
8 (c) The permit shield described in Rule 6.3.F shall not apply to any change  
9 made pursuant to Rule 6.4.F(2).

10 (3) The Department shall, if a permit applicant requests it, issue permits that contain  
11 terms and conditions, including all terms required under Rule 6.3.A and 6.3.C to  
12 determine compliance, allowing for the trading of emissions increases and  
13 decreases in the permitted facility solely for the purpose of complying with a  
14 federally-enforceable emissions cap that is established in the permit independent  
15 of otherwise applicable requirements. The permit applicant shall include in its  
16 application proposed replicable procedures and permit terms that ensure the  
17 emissions trades are quantifiable and enforceable. The Department shall not be  
18 required to include in the emissions trading provisions any emissions units for  
19 which emissions are not quantifiable or for which there are no replicable  
20 procedures to enforce the emissions trades. The permit shall also require  
21 compliance with all applicable requirements.

22 (a) The written notification required above shall state when the change will  
23 occur and shall describe the changes in emissions that will result and how  
24 these increases and decreases in emissions will comply with the terms and  
25 conditions of the permit.

26 (b) The permit shield described in Rule 6.3.F shall apply to any changes made  
27 pursuant to Rule 6.4.F(3).

28 G. Reopening for cause.

29 (1) Each issued permit shall include provisions specifying the conditions under which  
30 the permit will be reopened prior to the expiration of the permit. A permit shall be  
31 reopened and revised under any of the following circumstances:

32 (a) Additional applicable requirements under the Federal Act become  
33 applicable to a major Title V source with a remaining permit term of 3 or  
34 more years. Such a reopening shall be completed no later than 18 months  
35 after promulgation of the applicable requirement. No such reopening is  
36 required if the effective date of the requirement is later than the date on  
37 which the permit is due to expire, unless the original permit or any of its  
38 terms and conditions has been extended.



- 1 (b) Additional requirements (including excess emissions requirements)  
2 become applicable to an affected source under the acid rain program.  
3 Upon approval by the Administrator, excess emissions offset plans shall  
4 be deemed to be incorporated into the permit.
- 5 (c) The Permit Board or EPA determines that the permit contains a material  
6 mistake or that inaccurate statements were made in establishing the  
7 emissions standards or other terms or conditions of the permit.  
8
- 9 (d) The Administrator or the Permit Board determines that the permit must be  
10 revised or revoked to assure compliance with the applicable requirements.
- 11 (2) Proceedings to reopen and issue a permit shall follow the same procedures as  
12 apply to initial permit issuance and shall affect only those parts of the permit for  
13 which cause to reopen exists. Such reopening shall be made as expeditiously as  
14 practicable.
- 15 (3) Reopenings shall not be initiated before a notice of such intent is provided to the  
16 Title V source by the DEQ at least 30 days in advance of the date that the permit  
17 is to be reopened, except that the Permit Board may provide a shorter time period  
18 in the case of an emergency.
- 19 H. Reopenings for cause by EPA.
- 20 (1) The DEQ shall within 90 days after receipt of notification from the Administrator  
21 that cause exists to terminate, modify, or revoke and reissue a permit, forward to  
22 EPA a proposed determination of termination, modification, or revocation and  
23 reissuance, as appropriate.
- 24 (2) The Permit Board shall have 90 days from receipt of an EPA objection to resolve  
25 any objection that EPA makes and to terminate, modify, or revoke and issue the  
26 permit in accordance with the Administrator's objection.
- 27 I. Public participation. Except for administrative permit amendments and modifications  
28 qualifying for minor permit modification procedures, all permit proceedings, including  
29 initial permit issuance, significant modifications, and renewals, shall provide adequate  
30 procedures for public notice including offering an opportunity for public comment and a  
31 hearing on the draft permit. These procedures shall include the following:
- 32 (1) Notice shall be given by publication in a newspaper of general circulation in the  
33 area where the source is located or in a State publication designed to give general  
34 public notice; to persons on a mailing list developed by the DEQ, including those  
35 who request in writing to be on the list; and by other means if necessary to assure  
36 adequate notice to the affected public;
- 37 (2) The notice shall identify the affected facility; the name and address of the

1 permittee; the name and address of the Permit Board; the activity or activities  
2 involved in the permit action; the emissions change involved in any permit  
3 modification; the name, address, and telephone number of a person from whom  
4 interested persons may obtain additional information, including copies of the  
5 permit draft, the application, all relevant supporting materials, and all other  
6 materials available to the Permit Board that are relevant to the permit decision; a  
7 brief description of the comment procedures required by these regulations; and  
8 the time and place of any hearing that may be held, including a statement of  
9 procedures to request a hearing (unless a hearing has already been scheduled);

- 10  
11 (3) The DEQ shall provide notice and opportunity for participation by Affected  
12 State(s) as is provided for by Rule 6.5;
- 13 (4) Timing. The DEQ shall provide at least 30 days for public comment and shall  
14 give notice of any public hearing at least 30 days in advance of the hearing;
- 15 (5) The DEQ shall keep a record of all commenters and also of the issues raised  
16 during the public participation process. Such records shall be available to the  
17 public.  
18

19 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-17-32,  
20 49-2-1, et seq. and 49-17-1, et seq.

21  
22 *Rule 6.5 Permit Review by EPA and Affected State(s).*  
23

24 A. Transmission of information to the Administrator.

- 25 (1) The DEQ shall provide to the Administrator a copy of each permit application  
26 (including any application for permit modification), each proposed permit and  
27 each final Title V permit. The applicant may be required by the Permit Board to  
28 provide a copy of the permit application (including the compliance plan) directly  
29 to the Administrator. Upon agreement with the Administrator, the DEQ may  
30 submit to the Administrator a permit application summary form and any relevant  
31 portion of the permit application and compliance plan, in place of the complete  
32 permit application and compliance plan. To the extent practicable, the preceding  
33 information shall be provided in computer-readable format compatible with EPA's  
34 national database management system.
- 35 (2) The DEQ shall keep such records for 5 years and submit to the Administrator  
36 such information as the Administrator may reasonably require.

37 B. Review by Affected State(s).

- 38 (1) The DEQ shall give notice of each draft permit to any Affected State(s) on or  
39 before the time that the DEQ provides this notice to the public.

1 (2) As part of the submittal of the proposed permit to the Administrator (or as soon as  
2 possible after the submittal for minor permit modification procedure), the DEQ  
3 shall notify the Administrator and any Affected State(s) in writing of any refusal  
4 by the Permit Board to accept all recommendations for the proposed permit that  
5 the Affected State(s) submitted during the public or Affected State(s) review  
6 period. The notice shall include the Permit Board's reasons for not accepting any  
7 such recommendation. The Permit Board is not required to accept  
8 recommendations that are not based on applicable requirements or the  
9 requirements of these regulations.

10 C. EPA objection.

11 (1) No permit for which an application must be transmitted to the Administrator shall  
12 be issued if the Administrator objects to its issuance in writing within 45 days of  
13 receipt of the proposed permit and all necessary supporting information.  
14

15 (2) The DEQ shall within 90 days after the date of an objection revise and submit a  
16 proposed permit in response to the objection.

17 D. Public petitions to the Administrator.

18 If the Administrator objects to the permit as a result of a petition filed within 60 days  
19 after the expiration of the Administrator's 45-day review period to make such objection  
20 when no objection was made during that 45-day review period, the Permit Board shall  
21 not issue the permit until EPA's objection has been resolved, except that a petition for  
22 review does not stay the effectiveness of a permit or its requirements if the permit was  
23 issued after the end of the 45-day review period and prior to an EPA objection. If the  
24 Permit Board has issued a permit prior to receipt of an EPA objection under this  
25 paragraph and the Administrator modifies, terminates, or revokes such permit, the Permit  
26 Board may thereafter issue only a revised permit that satisfies EPA's objection. In any  
27 case, the source will not be in violation of the requirement to have submitted a timely and  
28 complete application.

29 E. Prohibition on default issuance. A Title V permit (including a permit renewal or  
30 modification) will not issue until Affected State(s) and EPA have had an opportunity to  
31 review the proposed permit as required.  
32

33 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-17-32,  
34 49-2-1, *et seq.* and 49-17-1, *et seq.*  
35

36 *Rule 6.6 Permit Fees.*

37 A. Fee Amounts. The owner or operator of any stationary source that is required to hold a  
38 Title V permit shall pay to the Department of Environmental Quality an annual permit  
39 fee. The Commission shall establish the amount of each fee to cover the permit program  
40 costs. The fee shall be deposited into the Air Operating Permit Program Fee Trust Fund.

- 1 (1) For purposes of fee assessment and collection, the maximum emission rate of  
2 each pollutant used in the calculation of fees shall be four thousand (4,000) tons  
3 per year per facility.
- 4 (2) For purposes of fee assessment and collection, the permit holder shall elect for  
5 actual or allowable emissions to be used in determining the annual quantity of  
6 emissions unless the Commission determines by order that the method chosen by  
7 the applicant for calculating actual emissions fails to reasonably represent actual  
8 emissions.
- 9 (a) In electing to use actual emissions as the basis of the fee, the permit holder  
10 shall provide a report of actual emissions which complies with the  
11 following:
- 12 (1) At a minimum, the report of actual emissions shall consist of an  
13 inventory of the actual emissions summarized on a form supplied  
14 by the Department of Environmental Quality for that purpose and  
15 of supporting information as appropriate and necessary for proper  
16 use of one or more of the emissions determination methods  
17 described in (6) below.  
18
- 19 (2) The permit holder shall deliver the report of actual emissions to the  
20 Department of Environmental Quality by close of business on July  
21 1 of each year. If the report of actual emissions is not received by  
22 the Department by close of business on July 1, allowable  
23 emissions shall be used by the Department to calculate the fee for  
24 the pertinent annual period.
- 25 (3) The emissions reported shall be the actual emissions determined  
26 for and only for the previous calendar year.
- 27 (4) The total annual actual emissions shall be expressed in tons/year  
28 for each pollutant specified on the form. If the total annual  
29 emissions value of any pollutant is left blank or is reported only by  
30 reference to another document, the allowable emissions for that  
31 pollutant shall be used in calculation of the fee.
- 32 (5) The emissions reporting form shall be signed in the original by the  
33 facility's responsible official.
- 34 (6) Actual emissions shall be calculated using emission monitoring  
35 data or direct emissions measurements for the pollutant(s); mass  
36 balance calculations such as the amount of the pollutant(s) entering  
37 and leaving process equipment and where mass balance  
38 calculations can be supported by direct measurement of process  
39 parameters, such direct measurement data shall be supplied;

1 published emission factors such as those relating release quantities  
2 to throughput or equipment type (e.g., air emission factors); or  
3 other approaches such as engineering calculations (e.g., estimating  
4 volatilization using published mathematical formulas) or best  
5 engineering judgments where such judgments are derived from  
6 process and/or emission data which supports the estimates of  
7 maximum actual emissions.

8 (7) If the Commission determines that there is not sufficient  
9 information available to the permit holder regarding the facility's  
10 emissions to allow the permit holder accurately to calculate actual  
11 emissions by July 1, the calculation of the permit holder's fee  
12 initially shall be based on the permitted allowable emissions. If,  
13 after July 1, sufficient information becomes available and an  
14 adequate determination of actual emissions is made by the permit  
15 holder and approved by the Department, the Department shall  
16 modify the permit holder's annual fee as follows:

17 (i) For approvable actual emissions reported after July 1 but  
18 before October 1, the permit holder's total annual fee shall  
19 be the sum of one-fourth of the fee based on allowable  
20 emissions and three-fourths of the fee based on actual  
21 emissions.

22 (ii) For approvable actual emissions reported after October 1  
23 but before January 1, the permit holder's total annual fee  
24 shall be the sum of one-half of the fee based on allowable  
25 emissions and one-half of the fee based on actual  
26 emissions.

27 (iii) For approvable actual emissions reported after January 1  
28 but before April 1, the permit holder's total annual fee shall  
29 be the sum of three-fourths of the fee based on allowable  
30 emissions and one-fourth of the fee based on actual  
31 emissions.

32 (iv) For approvable actual emissions reported after April 1, the  
33 permit holder's total annual fee shall be based solely on  
34 allowable emissions.

35 This paragraph shall not apply to situations where adequate information  
36 was available to the permit holder in order for a calculation to be  
37 submitted by July 1 and no adequate calculation was submitted. That  
38 circumstance shall be governed by Rule 6.6.A(2)(a)(2) above. This  
39 paragraph shall not alter a permit holder's responsibility to make  
40 payments of appropriate sums in a timely fashion as otherwise required by

1 this section and by law and shall not exempt any permit holder from  
2 paying a penalty for late fee payment.

3 (b) For facilities using allowable emissions as the basis for the fee, the fee  
4 shall be calculated based upon the allowable emissions contained in the  
5 permit on the date of the invoice. Allowable emissions contained in the  
6 permit include emissions of air pollutants not limited by the permit and  
7 therefore not listed in the permit (but allowed by the permit) as well as  
8 those air pollutant emissions limited by the permit. No fee actually paid to  
9 the Department shall be refunded due to a change of the basis of the fee  
10 calculation from allowable emissions to actual emissions. If a fee  
11 calculated based on allowable emissions is later recalculated to a fee based  
12 in whole or in part on actual emissions, and the facility already has paid  
13 part or all of the annual period fee, then the annual period fee may be  
14 reduced down to the amount as calculated, but no less than the amount of  
15 the fee already paid to the Department for that annual period.

16 (3) A minimum annual fee of Two Hundred Fifty Dollars (\$250.00) shall be assessed  
17 to and collected from the owner or operator of each facility that is required to  
18 hold a Title V permit.

19 (4) Prior to the date of full implementation of the Title V program in Mississippi, the  
20 fee assessed shall be Four Dollars (\$4.00) per ton of emissions of each air  
21 pollutant for which fees can be assessed under the Title V program, not to exceed  
22 Fifty Thousand Dollars (\$50,000.00) per facility with the exceptions as follows:

23 (a) no fee shall be assessed for carbon monoxide emissions, and

24 (b) no fee shall be assessed for emissions of Class I or Class II substances as  
25 established by Title VI of the Federal Act.  
26

27 (5) Following the date of full implementation of the Title V program in Mississippi,  
28 the regulated pollutants for fee calculations and the fee schedule for Title V  
29 permit fees for any subsequent calendar year shall be set by order of the  
30 Commission in an amount sufficient to cover the permit program cost. The  
31 Commission's order shall follow:

32 (a) receipt of the report and recommendations of the Advisory Council; and

33 (b) a public hearing to be held not earlier than thirty (30) days following  
34 receipt by the Commission of the report and recommendations of the  
35 Advisory Council. The commission may proceed with entry of the order  
36 on fees if the Advisory Council fails to submit its report in a timely  
37 manner.

- 1 (6) Following the date of full implementation of Title V in this state, all new sources  
2 required to hold a Title V permit shall pay an annual permit fee to the DEQ in  
3 accordance with the following:
- 4 (a) any new source commencing operation between and including January 1  
5 and September 1 of any year shall pay a Title V permit fee on or before  
6 September 1 of the year it commences operation;
- 7 (b) any new source commencing operation between and including September  
8 2 and December 31 of any year shall pay a Title V permit fee on or before  
9 September 1 of the year after it commences operation; and
- 10 (c) any new source shall submit to DEQ a declaration of its emissions on or  
11 before the first July 1 after it commences operation.
- 12 B. Excess Fees. If the annual fees collected exceed the cost of administering the Title V  
13 program for that fiscal year, then the excess shall be applied to the cost of administering  
14 the program for the succeeding fiscal year. In the succeeding fiscal year, the total to be  
15 collected from fees shall be reduced by the excess retained in the fund and the assessment  
16 rates shall be adjusted proportionately.
- 17 C. Disputed Fees. Any owner or operator required to pay the Title V permit fee set forth  
18 under this chapter who disagrees with the calculation or applicability of the owner's or  
19 operator's fee may petition the Commission in writing for a hearing in accordance with  
20 State Law. Any disputed portion of the fee for which a hearing has been requested will  
21 not incur any penalty or interest from and after the receipt by the Commission of the  
22 hearing petition.
- 23 D. Due Dates. The air operating permit fee shall be due September 1 of each year. A permit  
24 holder may elect a quarterly payment method of four (4) equal payments with the  
25 payments due September 1, December 1, March 1 and June 1. The permit holder shall  
26 notify the Department of Environmental Quality that the quarterly payment method will  
27 be used by September 1.
- 28
- 29 (1) If any part of the air operating permit fee imposed is not paid within thirty (30)  
30 days after the due date, a penalty often percent (10%) of the amount due shall at  
31 once accrue and be added thereto. If the fee is not paid in full, including any  
32 interest and penalty within sixty (60) days of the due date, the Permit Board may  
33 revoke the permit upon proper notice and hearing as required by law.
- 34 (2) If at any time within the year the Commission determines that the information  
35 submitted by the permittee on actual emissions is insufficient or incorrect, the  
36 permittee will be notified of the deficiencies and the adjusted fee schedule. Past  
37 due fees from the adjusted fee schedule will be paid on the next scheduled  
38 quarterly payment time.  
39

1 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-17-32,  
2 49-2-1, et seq. and 49-17-1, et seq.

3  
4 *Rule 6.7 Insignificant Activities and Emissions.*

5  
6 A. The following activities/emissions sources are not required to be included in a Title V  
7 permit application:

8 (1) new or modified pilot plants, subject to temporary source regulations located in  
9 Rule 6.3.E.

10 (2) maintenance and upkeep:

11 (a) maintenance, structural changes, or repairs which do not change the  
12 capacity of such process, fuel-burning, refuse-burning, or control  
13 equipment, and do not involve any change in quality, nature, or quantity of  
14 potential emissions of any regulated air pollutants; and

15 (b) housekeeping activities or building maintenance procedures;

16 (3) air conditioning or ventilation: comfort air conditioning or comfort ventilating  
17 systems which do not transport, remove, or exhaust regulated air pollutants to the  
18 atmosphere;

19 (4) laboratory equipment:

20 (a) laboratory equipment used exclusively for chemical or physical analysis  
21 for quality control or environmental monitoring purposes; or

22 (b) non-production laboratory equipment used at non-profit health or non-  
23 profit educational institutions for chemical or physical analyses, bench  
24 scale experimentation or training, or instruction;

25 (5) hot water heaters which are used for domestic purposes only and are not used to  
26 heat process water;

27  
28 (6) fuel use related to food preparation by a restaurant, cafeteria, residential cooker or  
29 barbecue grill where the products are intended for human consumption;

30 (7) clerical activities such as operating copy machines and document printers, except  
31 operation of such units on a commercial basis;

32 (8) hand held equipment used for buffing, polishing, carving, cutting, drilling,  
33 machining, routing, sanding, sawing, surface grinding, or turning of ceramic art  
34 work, precision parts, leather, metals, plastics, fiber board, masonry, carbon,  
35 glass, or wood;



- 1 (9) equipment for washing or drying fabricated glass or metal products, if no VOCs  
2 are used in the process and no oil or solid fuel is burned;
- 3 (10) water cooling towers (except at nuclear power plants); water treatment systems  
4 for process cooling water or boiler feed water; and water tanks, reservoirs, or  
5 other water containers not used in direct contact with gaseous or liquid process  
6 streams containing carbon compounds, sulfur compounds, halogens or halogen  
7 compounds, cyanide compounds, inorganic acids, or acid gases;
- 8 (11) domestic sewage treatment facilities (excluding combustion or incineration  
9 equipment, land farms, storage silos for dry material, or grease trap waste  
10 handling or treatment facilities);
- 11 (12) stacks or vents to prevent escape of sewer gases through plumbing traps;
- 12 (13) vacuum cleaning systems for housekeeping, except at a source with hazardous air  
13 pollutants;
- 14 (14) alkaline/phosphate washers and associated cleaners and burners;
- 15 (15) mobile sources;
- 16 (16) livestock and poultry feedlots and associated fuel burning equipment other than  
17 incinerators;
- 18 (17) outdoor kerosene heaters;
- 19 (18) equipment used for hydraulic or hydrostatic testing;
- 20 (19) safety devices, excluding those with continuous emissions; and
- 21 (20) brazing, soldering, or welding equipment that is used intermittently or in a non-  
22 continuous mode.
- 23 B. The following activities/emissions sources must be listed in the application but emissions  
24 from these activities do not have to be quantified.
- 25
- 26 (1) all gas fired, #2 oil fired, infrared, electric ovens with no emissions other than  
27 products of fuel combustion;
- 28 (2) combustion units with rated input capacity less than 10 million Btu/hr that are  
29 fueled by:
- 30 (a) liquefied petroleum gas or natural gas supplied by a public utility; or
- 31 (b) commercial fuel oil #2 or lighter;

- 1 (3) equipment used for inspection of metal products;
- 2 (4) equipment used exclusively for forging, pressing, drawing, spinning, or extruding  
3 metals;
- 4 (5) equipment used exclusively to mill or grind coatings and molding compounds  
5 where all materials charged are in paste form;
- 6 (6) mixers, blenders, roll mills, or calendars for rubber or plastics for which no  
7 materials in powder form are added and in which no organic solvents, diluents, or  
8 thinners are used;
- 9 (7) all storage tanks used exclusively to store fuel oils, kerosene, diesel, jet fuel,  
10 crude oil, natural gas, or liquefied petroleum gas (the application must list the size  
11 of the tank, date constructed and/or modified, type tank, and material stored);
- 12 (8) space heaters utilizing natural or LPG gas and used exclusively for space heating;
- 13 (9) back-up or emergency use generators, boilers or other fuel burning equipment  
14 which is of equal or smaller capacity than normal main operating equipment,  
15 cannot be used in conjunction with normal main operating equipment, and does  
16 not emit, have or cause the potential to emit of any regulated air pollutant to  
17 increase;
- 18 (10) blast cleaning equipment using a suspension of abrasives in water;
- 19 (11) die casting machines;
- 20 (12) foundry sand mold forming equipment to which no heat is applied and from  
21 which no organics are emitted;
- 22 (13) bark and wood-waste storage and handling;
- 23 (14) log wetting areas;
- 24 (15) log flumes;
- 25  
26 (16) sodium hydrosulfide storage tank;
- 27  
28 (17) sodium hydrosulfide storage tank;
- 29  
30 (18) spout cooling water storage;
- 31  
32 (19) effluent drains;
- 33

- 1 (20) white water chest;
- 2
- 3 (21) repulper vents;
- 4
- 5 (22) clay storage tank;
- 6
- 7 (23) alum storage tank;
- 8
- 9 (24) starch storage tank;
- 10
- 11 (25) steam vents and leaks;
- 12
- 13 (26) de-aerator vents;
- 14
- 15 (27) mill air and instrument air system;
- 16
- 17 (28) demineralizer water storage tank;
- 18
- 19 (29) acid storage tank;
- 20
- 21 (30) process water tank;
- 22
- 23 (31) air purification system vents;
- 24
- 25 (32) effluent neutralizing tank/system;
- 26
- 27 (33) dregs washer;
- 28
- 29 (34) lime silo;
- 30
- 31 (35) lime mud mix tank;
- 32
- 33 (36) lime mud slurry tank;
- 34
- 35 (37) H<sub>2</sub>O<sub>2</sub> storage tank;
- 36
- 37 (38) green liquor tank; and
- 38
- 39 (39) tall oil storage tank.

40 C. Notwithstanding Rule 6.7.A. and 6.7.B. above, the applicant shall include all emissions  
41 sources and quantify emissions if needed to determine major source status, to determine  
42 compliance with an applicable requirement and/or the applicability of any applicable  
43 requirement such as a NSPS, NESHAP, MACT standard, etc. as such term is defined in  
44 Rule 6.1., or collect any permit fee owed under the approved fee schedule.

1 D. Notwithstanding Rule 6.7.A. and B. above, the applicant shall include all emission  
2 sources with a potential to emit:

3 (1) greater than 1 pound per hour of any regulated pollutant that is not a hazardous air  
4 pollutant, or is not a GHG;

5 (2) greater than 0.1 pound per hour of any hazardous air pollutant.

6 E. The permittee does not have to report the addition of any insignificant activity listed in  
7 Rule 6.7.A., unless the addition is a Title I modification or requires a permit to construct.  
8 If a Title I permit or a permit to construct is required, then the modification procedures  
9 outlined in Rule 6.4.E. shall be followed.

10 F. The addition of any insignificant activity listed in Rule 6.7.B. shall be handled as an  
11 administrative amendment as defined in Rule 6.4.D. unless the addition is a Title I  
12 modification or requires a permit to construct. If a Title I permit or a permit to constructs  
13 required, then the modification procedures outlined in Rule 6.4.E. shall be followed.  
14

15 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-17-32,  
16 49-2-1, et seq. and 49-17-1, et seq.  
17

18 **Part 2, Chapter 7: Mississippi Commission on Environmental Quality Acid Rain Program**  
19 **Permit Regulations for Purposes of Title IV of the Federal Clean Air Act (Adopted**  
20 **November 17, 1994 Last Amended December 14, 2011)**  
21

22 *Rule 7.1.* The Federal permit regulations applicable to facilities affected by the requirements of  
23 Title IV of the Clean Air Act are those regulations promulgated by the U.S. Environmental  
24 Protection Agency in (or to be printed in) 40 CFR Parts 72 and 76. All such regulations duly  
25 promulgated by the U.S. Environmental Protection Agency as of November 4, 2011, are  
26 incorporated herein and adopted by reference by the Commission as official regulations of the  
27 State of Mississippi and shall hereafter be enforceable as such (the word "Administrator" in said  
28 regulations shall mean the Administrator of the United States Environmental Protection Agency  
29 and the words "permitting authority" shall mean "Mississippi Environmental Quality Permit  
30 Board").

31  
32 In any case where the provisions or requirements of 40 CFR Parts 72 and 76 conflict with or are  
33 not included in Commission Regulation, Miss. Admin. Code, Title 11, Part 2, Chapter 6, Air  
34 Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air  
35 Act, the provisions of 40 CFR Parts 72 and 76 shall apply and take precedence.  
36

37 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-2-1, et seq. and 49-  
38 17-1, et seq.  
39

40 **Part 2, Chapter 8: Mississippi Commission on Environmental Quality, Air Toxics**  
41 **Regulations (Adopted May 28, 1998, Last Amended November 16, 2006)**  
42

1 **TABLE OF CONTENTS**

2  
3 Rule 8.1 Requirements for Control Technology Determinations for Major Sources in Accordance  
4 With Clean Air Act Section 112(g)

5  
6 Rule 8.2 Chemical Accident Prevention Provisions

7  
8 *Rule 8.1 Requirements for Control Technology Determinations for Major Sources in Accordance*  
9 *with Clean Air Act Section 112(g).*

10  
11 A. Regulations for case-by-case maximum achievable control technology (MACT)  
12 applicable to facilities affected by the requirements of Section 112(g) of the Federal  
13 Clean Air Act are those regulations duly promulgated by the United States Environmental  
14 Protection Agency in (or to be printed in) Subpart B of Part 63 of Title 40 of the Code of  
15 Federal Regulations (C.F.R.). All such regulations promulgated by United States  
16 Environmental Protection Agency are incorporated herein and adopted by reference by  
17 the Mississippi Commission on Environmental Quality as official regulations of the State  
18 of Mississippi and shall hereafter be enforceable as such except as follows:

19  
20 (1) The "effective date of Section 112(g)(2)(b)" as defined in 40 C.F.R. 63.41 shall be  
21 the effective date of this regulation.

22  
23 (2) The "permitting authority" as defined in 40 C.F.R. 63.41 shall be the "Mississippi  
24 Environmental Quality Permit Board" (Permit Board).

25  
26 (3) The "Notice of MACT Approval" as defined in 40 C.F.R. 63.41 shall be the  
27 "Permit to Construct" pursuant to Commission Regulation, Miss. Admin. Code,  
28 Title 11, Part 2, Chapter 2, Permit Regulations for the Construction and/or  
29 Operation of Air Emissions Equipment, as adopted by the Mississippi  
30 Commission on Environmental Quality (Commission) and said Permit to  
31 Construct shall include the case-by-case MACT determination.

32  
33 (4) In lieu of the administrative procedures for review of the Notice of MACT  
34 Approval as set forth in 40 C.F.R. 63.43(f)(1) through (5), the Permit Board will  
35 follow Commission Regulation, Miss. Admin. Code, Title 11, Part 2, Chapter 2,  
36 Permit Regulations for the Construction and/or Operation of Air Emissions  
37 Equipment, as adopted by the Commission.

38  
39 (5) In lieu of the opportunity for public comment on the Notice of MACT Approval  
40 as set forth in 40 C.F.R. 63.43(h), the Permit Board will provide opportunity for  
41 public comment on information submitted by the owner or operator. The public  
42 information will include the Mississippi Department of Environmental Quality's  
43 (MDEQ's) analysis of the case-by-case MACT determination, including the  
44 MDEQ's recommendation for permit issuance or denial. The public information  
45 and opportunity for comment shall also include the following:  
46

- 1 (a) availability for public inspection in at least one location in the area
- 2 affected of the information submitted by the owner or operator and of
- 3 MDEQ's recommendation and the draft permit;
- 4
- 5 (b) a 30-day period for submittal of public comment; and
- 6
- 7 (c) a notice, by prominent advertisement in the area affected, of the location
- 8 of the source information.
- 9

10 B. Applicability.

- 11
- 12 (1) Overall requirements. The requirements of the regulations referenced in Rule
- 13 8.1.A. apply to any owner or operator who constructs or reconstructs a major
- 14 source of hazardous air pollutants after the effective date of this regulation unless
- 15 the major source in question has been specifically regulated or exempted from
- 16 regulation under a MACT standard issued pursuant to Section 112(d), a work
- 17 practice standard or other requirement pursuant to Section 112(h), or an
- 18 equivalent emission limitation by permit pursuant to Section 112(j) and
- 19 incorporated in another Subpart of Part 63, or the owner or operator of such major
- 20 source has received all necessary air quality permits for such construction or
- 21 reconstruction project before the effective date of the regulations referenced in
- 22 Rule 8.1.A.
- 23
- 24 (2) Exclusion for electric utility steam generating units. The requirements of the
- 25 regulations referenced in Rule 8.1.A. do not apply to electric utility steam
- 26 generating units unless and until such time as these units are added to the source
- 27 category list pursuant to Section 112(c)(5) of the Federal Clean Air Act as
- 28 amended.
- 29
- 30 (3) Exclusion for stationary sources in deleted source categories. The requirements of
- 31 the regulations referenced in Rule 8.1.A. do not apply to stationary sources that
- 32 are within a source category that has been deleted from the source category list
- 33 pursuant to Section 112(c)(9) of the Federal Clean Air Act as amended.
- 34
- 35 (4) Exclusion for research and development activities. The requirements of the
- 36 regulations referenced in Rule 8.1.A. do not apply to research and development
- 37 activities, as defined in the regulations referenced in Rule 8.1.A.
- 38

39 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-2-1, et seq. and 49-

40 17-1, et seq.

41

42 *Rule 8.2 Chemical Accident Prevention Provisions.*

43

- 44 A. Chemical Accident Prevention Provisions are regulations duly promulgated by the United
- 45 States Environmental Protection Agency in (or to be printed in) Part 68 of Title 40 of the
- 46 Code of Federal Regulations. All such regulations promulgated by the United States

1 Environmental Protection Agency as of September 15, 2006 are incorporated herein and  
2 adopted by reference by the Mississippi Commission on Environmental Quality as  
3 official regulations of the State of Mississippi and shall be enforceable as such except as  
4 follows:

5  
6 (1) The word "Administrator" shall mean the Administrator of the United States  
7 Environmental Protection Agency.

8  
9 (2) The words "air permitting authority" shall mean "Mississippi Environmental  
10 Quality Permit Board".

11  
12 (3) The words "implementing agency" shall mean "Mississippi Department of  
13 Environmental Quality".

14  
15 Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-2-1, et seq. and 49-  
16 17-1, et seq.

17  
18 **Part 2, Chapter 9: Mississippi Commission on Environmental Quality Regulations for**  
19 **Lead-Based Paint Activities (Adopted January 22, 1998, Amended November 20, 2003, and**  
20 **Last Amended December 10, 2009)**

21  
22 **TABLE OF CONTENTS**

23  
24 Rule 9.1 General Scope and Applicability

25  
26 Rule 9.2 Definitions

27  
28 Rule 9.3 Accreditation of Training Programs

29  
30 A. Scope

31 B. Application Process

32 C. Requirements for the Accreditation of Training Programs

33 D. Minimum Training Curriculum Requirements

34 E. Requirements for the Accreditation of Refresher Training Programs

35 F. Re-accreditation of Training Programs

36 G. Suspension, Revocation, and Modification of Accredited Training Programs

37 H. Procedures for Suspension, Revocation, or Modification of Training Program  
38 Accreditation

39 I. Training Program Recordkeeping Requirements

40 J. Training Course Notification

41 K. Non-English Language Courses

42 L. Type and Duration of Certificates

43 M. Reciprocity

44  
45 Rule 9.4. Certification of Individuals and Firms Engaged in Lead-Based Paint Activities  
46

- 1 A. Certification of Individuals
- 2 B. Inspector
- 3 C. Risk Assessor
- 4 D. Supervisor
- 5 E. Project Designer
- 6 F. Abatement Worker
- 7 G. Renovator
- 8 H. Dust Sampling Technician
- 9 I. Documents
- 10 J. Certification Based on Prior Training
- 11 K. Re-Certification
- 12 L. Certification of Firms
- 13 M. Suspension, Revocation, and Modification of Certifications of Individuals Engaged in
- 14 Lead-Based Paint Activities
- 15 N. Suspension, Revocation, and Modification of Certifications of Firms Engaged in Lead-
- 16 Based Paint Activities
- 17 O. Procedures for Suspension, Revocation, or Modification of the Certification of
- 18 Individuals or Firms
- 19 P. Type and Duration of Certificates
- 20 Q. Reciprocity

21

#### 22 Rule 9.5 Work Practice Standards for Conducting Lead-Based Paint Activities

23

- 24 A. Effective Date, Applicability, and Terms
- 25 B. Inspection
- 26 C. Lead Hazard Screen
- 27 D. Risk Assessment
- 28 E. Abatement
- 29 F. Renovation
- 30 G. Collection and Laboratory Analysis of Samples
- 31 H. Composite Dust Sampling
- 32 I. Recordkeeping
- 33 J. Project Notifications
- 34 K. Lead-Based Paint Activities Requirements

35

#### 36 Rule 9.6 Compliance Monitoring and Enforcement

37

- 38 A. Compliance Inspections and Investigations
- 39 B. Enforcement - Penalties, Reprimands, Suspensions, Revocation of Certificates,
- 40 Proceedings, and Hearings before the Commission and Appeals
- 41 C. Severability

42

43 *Rule 9.1 General Scope and Applicability.* Pursuant to the authority granted by the Lead-Based  
44 Paint Activity Accreditation and Certification Act, Miss. Code 49-17-501 through 49-17-531, the  
45 following regulations contain procedures and requirements for the accreditation of lead-based  
46 paint activities training programs, procedures and requirements for the certification of inspectors,



1 risk assessors, project designers, supervisors, workers, renovators, dust sampling technicians, and  
2 firms engaged in lead-based paint activities, and work practice standards for performing such  
3 activities. No person may engage in lead-based paint activities in target housing or child-  
4 occupied facilities as an inspector, risk assessor, project designer, supervisor, worker, renovator,  
5 dust sampling technician, or firm on or after the effective date of these regulations, unless  
6 applicable initial or renewed certificates to so engage in lead-based paint activities have been  
7 issued to such persons by the Commission, and are currently in effect. No firm shall employ any  
8 person on a lead-based paint activity who does not possess a current certificate issued by the  
9 Commission. No individual will be certified as an inspector, risk assessor, or supervisor until the  
10 individual has passed the required certification (3rd party) examination for the discipline.

11  
12 These regulations are applicable to all persons engaged in lead-based paint activities in target  
13 housing and child-occupied facilities. Persons who perform lead-based paint activities within  
14 residential dwellings that they own are exempt from the regulations unless the residential  
15 dwelling is occupied by a person or persons other than the owner or owner's immediate family  
16 while these activities are being performed, or a child residing in the building has been identified  
17 as having an elevated blood lead level as determined by the United States Department of Health  
18 and Human Services; Centers for Disease Control and Prevention.

19  
20 Also exempt from the required work practice standards of the regulations are renovations  
21 performed in target housing if the firm performing the renovation has obtained a statement  
22 signed by the owner that the renovation will occur in the owner's residence, no child under age 6  
23 resides there, no pregnant woman resides there, the housing is not a child-occupied facility, and  
24 the owner acknowledges that the renovation firm will not be required to use the work practices  
25 applicable to renovation activities.

26  
27 These regulations do not require the performance of lead-based paint activities but establish  
28 requirements and procedures to follow when lead-based paint activities are performed. Each  
29 department, agency, and instrumentality of the executive, legislative, and judicial branches of the  
30 Federal Government having jurisdiction over any property or facility, or engaged in any activity  
31 resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee  
32 thereof shall be subject to, and comply with all of the requirements of these regulations regarding  
33 lead-based paint, lead-based paint activities and lead-based paint hazards.

34  
35 These regulations require that owners and occupants of target housing and child-occupied  
36 facilities receive information on lead-based paint hazards before renovations begin. The  
37 pamphlet, *Renovate Right: Important Lead Hazard Information for Families, Child Care  
38 Providers, and Schools*, must be distributed.

39  
40 Compliance with these regulations shall not affect or substitute for compliance with all other  
41 applicable laws and regulations of the United States Department of Housing and Urban  
42 Development, the United States Occupational Safety and Health Administration, the United  
43 States Environmental Protection Agency and other federal agencies with jurisdiction over issues  
44 concerning lead-based paint hazards.

45

1 It is the intent of the “Lead-Based Paint Activity Accreditation and Certification Act” that the  
2 cost of the administration and enforcement of the act be borne fully by federal grants and fees for  
3 accreditation, certification, and abatement and renovation projects. Any fee to fund activities  
4 shall be set by order of the Commission on Environmental Quality and shall be at levels  
5 graduated to reflect the type of certificate and the size of the project, as the case may be. Fees  
6 for more than one (1) discipline shall be paid by a separate check or money order for each  
7 discipline. All fees shall be submitted to the Commission by check or money order, payable to  
8 the Lead-Based Paint Program Operations Funds.

9  
10 Source: Miss. Code Ann. §§ 49-17-501, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

11  
12 *Rule 9.2 Definitions.*

13  
14 A. “Abatement” means any measure or set of measures designed to permanently eliminate  
15 lead-based paint hazards. Abatement includes, but is not limited to:

16  
17 (1) The removal of lead-based paint and lead-contaminated dust, the permanent  
18 enclosure or encapsulation of lead-based paint, the replacement of lead-painted  
19 surfaces or fixtures, and the removal or covering of lead-contaminated soil; and

20  
21 (2) All preparation, cleanup, disposal, and post-abatement clearance testing activities  
22 associated with such measures.

23  
24 (3) Specifically, abatement includes, but is not limited to:

25  
26 (a) Projects for which there is a written contract or other documentation,  
27 which provides that a person will be conducting activities in or to a  
28 residential dwelling or child-occupied facility that will result in the  
29 permanent elimination of lead-based paint hazards; or are designed to  
30 permanently eliminate lead-based paint hazards as defined in this rule.

31  
32 (b) Projects resulting in the permanent elimination of lead-based paint  
33 hazards, conducted by persons certified in accordance with Rule 9.4,  
34 unless such projects are covered by subsection d. of this definition;

35  
36 (c) Projects resulting in the permanent elimination of lead-based paint  
37 hazards, conducted by persons who, through their company name or  
38 promotional literature, represent, advertise, or hold themselves out to be in  
39 the business of performing lead-based paint activities as identified and  
40 defined by this rule, unless such projects are covered by subsection d. of  
41 this definition; or

42  
43 (d) Projects resulting in the permanent elimination of lead-based paint hazards  
44 that are conducted in response to State or local abatement orders.

1 (4) Abatement does not include renovation, remodeling, painting or repainting,  
2 landscaping or other activities, when such activities are not designed to  
3 permanently eliminate lead-based paint hazards, but, instead, are designed to  
4 repair, restore, or remodel a given structure or dwelling, even though these  
5 activities may incidentally result in a reduction or elimination of lead-based paint  
6 hazards. Furthermore, abatement does not include interim controls, operations and  
7 maintenance activities, or other measures and activities designed to temporarily,  
8 but not permanently, reduce lead-based paint hazards.  
9

10 B. “Accredited training program” means a training program that has been accredited by  
11 either: the Commission, the United States Environmental Protection Agency (EPA), or an  
12 EPA-approved lead-based paint program in a state or tribe with reciprocity agreements  
13 with the Commission to provide training for individuals engaged in lead-based paint  
14 activities.  
15

16 C. “Adequate quality control” means a plan or design to ensure the authenticity, integrity,  
17 and accuracy of samples, including dust, soil, and paint chip or paint film samples.  
18 Adequate quality control also includes provisions for representative sampling.  
19

20 D. “Administrator” means the Administrator of the Environmental Protection Agency.  
21

22 E. “Certificate” means a document authorizing a person to perform lead-based paint  
23 activities as described in these regulations.  
24

25 F. “Child-occupied facility”, as the term applies to abatements, means a building or portion  
26 of a building constructed prior to 1978, visited regularly by the same child, 6 years of age  
27 or under, on at least two different days within any week (Sunday through Saturday  
28 period), provided that each day’s visit lasts at least 3 hours and the combined weekly visit  
29 lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-  
30 occupied facilities may include, but are not limited to, day-care centers, preschools and  
31 kindergarten classrooms.  
32

33 G. “Child-occupied facility”, as the term applies to renovations, means a building, or portion  
34 of a building, constructed prior to 1978, visited regularly by the same child, under 6 years  
35 of age, on at least two different days within any week (Sunday through Saturday period),  
36 provided that each day’s visit lasts at least 3 hours and the combined weekly visits last at  
37 least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied  
38 facilities may include, but are not limited to, day care centers, preschools and  
39 kindergarten classrooms. Child-occupied facilities may be located in target housing or in  
40 public or commercial buildings. With respect to common areas in public or commercial  
41 buildings that contain child-occupied facilities, the child-occupied facility encompasses  
42 only those common areas that are routinely used by children under age 6, such as  
43 restrooms and cafeterias. Common areas that children under age 6 only pass through,  
44 such as hallways, stairways, and garages are not included. In addition, with respect to  
45 exteriors of public or commercial buildings that contain child-occupied facilities, the  
46 child-occupied facility encompasses only the exterior sides of the building that are

1 immediately adjacent to the child-occupied facility or the common areas routinely used  
2 by children under age 6.  
3

4 H. "Clearance levels" are values that indicate the maximum amount of lead permitted in  
5 dust on a surface following completion of an abatement or renovation activity.  
6

7 I. "Cleaning verification card" means a card developed and distributed, or otherwise  
8 approved, by EPA for the purpose of determining, through comparison of wet and dry  
9 disposable cleaning cloths with the card, whether post-renovation cleaning has been  
10 properly completed.  
11

12 J. "Commission" means the Mississippi Commission on Environmental Quality.  
13

14 K. "Common area" means a portion of a building that is generally accessible to all  
15 occupants. Such an area may include, but is not limited to, hallways, stairways, laundry  
16 and recreational rooms, playgrounds, community centers, garages, and boundary fences.  
17

18 L. "Component or building component" means specific design or structural elements or  
19 fixtures of a building, residential dwelling, or child-occupied facility that are  
20 distinguished from each other by form, function, and location. These include, but are not  
21 limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors,  
22 door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports,  
23 stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows  
24 and trim (including sashes, window heads, jambs, sills or stools and troughs), built in  
25 cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and  
26 exterior components such as: painted roofing, chimneys, flashing, gutters and  
27 downspouts, ceilings, soffits, fasciae, rake boards, corner boards, bulkheads, doors and  
28 door trim, fences, floors, joists, lattice work, railings and railing caps, siding handrails,  
29 stair risers and treads, stair stringers, columns, balustrades, window sills or stools and  
30 troughs, casings, sashes and wells, and air conditioners.  
31

32 M. "Containment" means a process to protect workers and the environment by controlling  
33 exposures to the lead-contaminated dust and debris created during an abatement or  
34 renovation.  
35

36 N. "Course agenda" means an outline of the key topics to be covered during a training  
37 course, including the time allotted to teach each topic.  
38

39 O. "Course test" means an evaluation of the overall effectiveness of the training which shall  
40 test the trainee's knowledge and retention of the topics covered during the course.  
41

42 P. "Course test blue print" means written documentation identifying the proportion of  
43 course test questions devoted to each major topic in the course curriculum.  
44

45 Q. "Department" means the Mississippi Department of Environmental Quality.  
46

- 1 R. “Deteriorated paint” means paint that is cracking, flaking, chipping, peeling, or otherwise  
2 separating from the substrate of a building component or unit.  
3
- 4 S. “Discipline” means one of the specific types or categories of lead-based paint activities  
5 identified in this rule for which individuals may receive training from accredited  
6 programs and become certified by the Commission. For example, “worker” is a  
7 discipline.  
8
- 9 T. “Distinct painting history” means the application history, as indicated by its visual  
10 appearance or a record of application, over time, of paint or other surface coatings to a  
11 component, room, or unit of a building structure.  
12
- 13 U. “Documented methodologies” are methods or protocols used to sample for the presence  
14 of lead in paint, dust, and soil.  
15
- 16 V. “Dry disposable cleaning cloth” means a commercially available dry, electrostatically  
17 charged, white disposable cloth designed to be used for cleaning hard surfaces such as  
18 uncarpeted floors or counter tops.  
19
- 20 W. “Dust sampling technician” means an individual employed to perform dust clearance  
21 sampling.  
22
- 23 X. “Elevated blood lead level (EBL)” means an excessive absorption of lead as determined  
24 by the United States Department of Health and Human Services; Centers for Disease  
25 Control and Prevention.  
26
- 27 Y. “Encapsulant” means a substance that forms a barrier between lead-based paint and the  
28 environment using a liquid-applied coating (with or without reinforcement materials) or  
29 an adhesively bonded covering material.  
30
- 31 Z. “Encapsulation” means the application of an encapsulant.  
32
- 33 AA. “Enclosure” means the use of rigid, durable construction materials that are mechanically  
34 fastened to the substrate in order to act as a barrier between lead-based paint and the  
35 environment.  
36
- 37 BB. “EPA” means the United States Environmental Protection Agency.  
38
- 39 CC. “Executive Director” means the Executive Director of the Mississippi Department of  
40 Environmental Quality.  
41
- 42 DD. “Firm” means a company, partnership, corporation, sole proprietorship or individual  
43 doing business, association, or other business entity that performs or offers to perform  
44 lead-based paint activities. This term also includes a Federal, State, Tribal, or local  
45 government agency, or a nonprofit organization that performs or offers to perform lead-  
46 based paint activities.

- 1  
2 EE. “Guest instructor” means an individual designated by the training program manager or  
3 principal instructor to provide instruction specific to the lecture, hands-on activities, or  
4 work practice components of a course.  
5
- 6 FF. “HEPA vacuum” means a vacuum cleaner which has been designed with a high-  
7 efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a  
8 filter that is capable of capturing particles of 0.3 microns with 99.97% efficiency. The  
9 vacuum cleaner must be designed so that all the air drawn into the machine is expelled  
10 through the HEPA filter with none of the air leaking past it.  
11
- 12 GG. “Hands-on skills assessment” means an evaluation which tests the trainees’ ability to  
13 satisfactorily perform the work practices and procedures identified in Rule 9.3.D, as well  
14 as any other skills taught in a training course.  
15
- 16 HH. “Inspection” means a surface-by-surface investigation to determine the presence of lead-  
17 based paint and the provision of a report explaining the results of the investigation.  
18
- 19 II. “Inspector” means an individual employed to inspect or reinspect for the presence of  
20 lead-based paint, to collect samples for the presence of lead in dust and soil for the  
21 purposes of abatement and renovation clearance testing and to prepare inspection reports.  
22
- 23 JJ. “Interim controls” means a set of measures designed to temporarily reduce human  
24 exposure or likely exposure to lead-based paint hazards, including specialized cleaning,  
25 repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based  
26 paint hazards or potential hazards, and the establishment and operation of management  
27 and resident education programs.  
28
- 29 KK. “Lead-based paint” means paint or other surface coatings that contain lead equal to or in  
30 excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.  
31
- 32 LL. “Lead-based paint activities” means, in the case of target housing and child-occupied  
33 facilities, inspection, risk assessment, renovation, and abatement, as defined in this rule.  
34
- 35 MM. “Lead-based paint hazard” means any condition that causes exposure to lead from lead-  
36 contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated  
37 or present in accessible surfaces, friction surfaces, or impact surfaces that would result in  
38 adverse human health effects as identified by the Department pursuant to the federal  
39 Toxic Substances Control Act (TSCA) section 403.  
40
- 41 NN. “Lead-contaminated dust” means surface dust in residential dwellings, or child-occupied  
42 facilities that contains an area or mass concentration of lead at or in excess of levels  
43 identified by the Department pursuant to TSCA Section 403.  
44

- 1 OO. “Lead-contaminated soil” means bare soil on residential real property and on the property  
2 of a child-occupied facility that contains lead at or in excess of levels identified by the  
3 Department pursuant to TSCA section 403.  
4
- 5 PP. “Lead-hazard screen” is a limited risk assessment activity that involves limited paint and  
6 dust sampling as described in Rule 9.5.C.  
7
- 8 QQ. “Living area”, involving abatement activities, means any area of a residential dwelling  
9 used by one or more children age 6 and under, including, but not limited to, living rooms,  
10 kitchen areas, dens, play rooms, and children’s bedrooms  
11
- 12 RR. “Living area”, in the case of renovations, means any area of a residential dwelling used  
13 by one or more children age 5 or under, including, but not limited to, living rooms,  
14 kitchen areas, dens, play rooms, and children’s bedrooms.  
15
- 16 SS. “Minor repair and maintenance activities” are activities including minor heating,  
17 ventilation or air conditioning work, electrical work, and plumbing, that disrupts 6 square  
18 feet or less of painted surface per room for interior activities or 20 square feet or less of  
19 painted surface for exterior activities where none of the work practices prohibited or  
20 restricted by paragraph F.2.a.(3) of Rule 9.5 are used and where the work does not  
21 involve window replacement or demolition of painted surface areas. When removing  
22 painted components, or portions of painted components, the entire surface area removed  
23 is the amount of painted surface disturbed. Jobs, other than emergency renovations,  
24 performed in the same room within the same 30 days must be considered the same job for  
25 the purpose of determining whether the job is a minor repair and maintenance activity.  
26
- 27 TT. “Multi-family dwelling” means a structure that contains more than one separate  
28 residential dwelling unit, which is used or occupied, or intended to be used or occupied,  
29 in whole or in part, as the home or residence of one or more persons.  
30
- 31 UU. “Paint in poor condition” means more than 10 square feet of deteriorated paint on exterior  
32 components with large surface areas; or more than 2 square feet of deteriorated paint on  
33 interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more  
34 than 10 percent of the total surface area of the component is deteriorated on interior or  
35 exterior components with small surface areas (window sills, baseboards, soffits, trim).  
36
- 37 VV. “Pamphlet” means the EPA pamphlet titled *Renovate Right: Important Lead Hazard*  
38 *Information for Families, Child Care Providers and Schools* developed under Section  
39 406(a) of TSCA for use in complying with Section 406(b) of TSCA, or any State or  
40 Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the  
41 same purpose. This includes reproductions of the pamphlet when copied in full and  
42 without revision or deletion of material from the pamphlet (except for the addition or  
43 revision of state or local sources of information). Before December 7, 2008, the term  
44 “pamphlet” also meant any pamphlet developed by EPA under Section 406(a) of TSCA  
45 or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326.  
46

- 1 WW. “Permanently covered soil” means soil which has been separated from human contact by  
2 the placement of a barrier consisting of solid, relatively impermeable materials, such as  
3 pavement or concrete. Grass, mulch, and other landscaping materials are not considered  
4 permanent covering.  
5
- 6 XX. “Person” means any natural or judicial person including any individual corporation,  
7 partnership, or association; any Indian Tribe, State, or political subdivision thereof; any  
8 interstate body; and any department, agency, or instrumentality of the Federal  
9 Government.  
10
- 11 YY. “Principal instructor” means the individual who has the primary responsibility for  
12 organizing and teaching a particular course.  
13
- 14 ZZ. “Project designer” means an individual employed to prepare abatement project designs,  
15 occupant protection plans and abatement project reports.  
16
- 17 AAA. “Recognized laboratory” means an environmental laboratory recognized by EPA  
18 pursuant to TSCA Section 405(b) as being capable of performing an analysis for lead  
19 compounds in paint, soil, and dust.  
20
- 21 BBB. “Recognized test kit” means a commercially available kit recognized by EPA under 40  
22 CFR 745.88 as being capable of allowing a user to determine the presence of lead at  
23 levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5%  
24 lead by weight, in a paint chip, paint powder or painted surface.  
25
- 26 CCC. “Reduction” means measures designed to reduce or eliminate human exposure to lead-  
27 based paint hazards through methods including interim controls, and abatement.  
28
- 29 DDD. “Renovation” means the modification of any existing structure, or portion thereof, that  
30 results in the disturbance of painted surfaces, unless that activity is performed as part of  
31 an abatement as defined by this regulation. The term renovation includes (but is not  
32 limited to): The removal, modification, or repair of painted surfaces or painted  
33 components (e.g., modification of painted doors, surface restoration, window repair,  
34 surface preparation activity (such as sanding, scraping, or other such activities that may  
35 generate paint dust)); the removal of building components (e.g., walls, ceilings,  
36 plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to  
37 install blown-in insulation or to gain access to attics, planing thresholds to install  
38 weather-stripping) and interim controls that disturb painted surfaces. A renovation  
39 performed for the purpose of converting a building, or part of a building, into target  
40 housing or a child-occupied facility is a renovation under this rule. The term renovation  
41 does not include minor repair and maintenance activities.  
42
- 43 EEE. “Renovator” means an individual who either performs or directs workers who perform  
44 renovations. A certified renovator is a renovator who has successfully completed a  
45 renovator course accredited by EPA or an EPA-authorized State or Tribal program and  
46 has been certified to perform renovations in the State of Mississippi.



- 1  
2 FFF. “Residential dwelling” means (1) a detached single family dwelling unit, including  
3 attached structures such as porches and stoops; or (2) a single family dwelling unit in a  
4 structure that contains more than one separate residential dwelling unit, which is used or  
5 occupied, or intended to be used or occupied, in whole or in part, as the home or  
6 residence of one or more persons.  
7  
8 GGG. “Risk assessment” means (1) an on-site investigation to determine the existence, nature,  
9 severity, and location of lead-based paint hazards, and (2) the provision of a report by the  
10 person conducting the risk assessment, explaining the results of the investigation and  
11 options for reducing lead-based paint hazards.  
12  
13 HHH. “Risk assessor” means an individual employed to conduct risk assessments and lead  
14 hazard screens, to prepare inspection reports and to collect samples for the presence of  
15 lead in dust and soil for the purposes of abatement and renovation clearance testing.  
16  
17 III. “Room” means an enclosed or semi-enclosed living space within a residential dwelling or  
18 a child-occupied facility.  
19  
20 JJJ. “Supervisor” means an individual designated by a contractor or certified firm to be  
21 responsible for the direction and conduct of lead-based paint abatement activities and to  
22 prepare occupant protection plans and abatement reports.  
23  
24 KKK. “Target housing”, as the term applies to abatement activities, means any housing  
25 constructed prior to 1978, except housing for the elderly or persons with disabilities  
26 (unless any one or more children age 6 years or under resides or is expected to reside in  
27 such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.  
28  
29 LLL. “Target housing” as the term applies to renovations, means any housing constructed  
30 before 1978, except housing for the elderly or persons with disabilities (unless any one or  
31 more children under the age of 6 years resides or is expected to reside in that housing for  
32 the elderly or persons with disabilities) or any zero-bedroom dwelling.  
33  
34 MMM. “Training curriculum” means an established set of course topics for instruction in an  
35 accredited training program for a particular discipline designed to provide specialized  
36 knowledge and skills.  
37  
38 NNN. “Training hour” means at least 50 minutes of actual learning, including, but not limited to  
39 time devoted to lecture, learning activities, small group activities, demonstrations,  
40 evaluations, and/or hands-on experience.  
41  
42 OOO. “Training manager” means the individual responsible for administering a training  
43 program and monitoring the performance of principal instructors and guest instructors.  
44

- 1 PPP. “Visual inspection for clearance testing” means the visual examination of a residential  
2 dwelling or a child-occupied facility following an abatement or renovation to determine  
3 whether or not the abatement or renovation has been successfully completed.  
4
- 5 QQQ. “Visual inspection for risk assessment” means the visual examination of a residential  
6 dwelling or a child-occupied facility to determine the existence of deteriorated lead-based  
7 paint or other potential sources of lead-based paint hazards.  
8
- 9 RRR. “Wet disposable cleaning cloth” means a commercially available, pre-moistened, white  
10 disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors  
11 or counter tops.  
12
- 13 SSS. “Wet mopping system” means a device with the following characteristics: A long handle,  
14 a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for  
15 cleaning solution, and a built-in mechanism for distributing or spraying the cleaning  
16 solution onto a floor, or a method of equivalent efficacy.  
17
- 18 TTT. “Work area” means the area that the certified renovator establishes to contain the dust  
19 and debris generated by a renovation.  
20
- 21 UUU. “Worker”, as the term applies to abatements, means an individual certified as a worker to  
22 work on abatement projects.  
23
- 24 VVV. “Worker”, as the term applies to renovations, means an individual trained by a certified  
25 renovator to work on a renovation project.  
26

27 Source: Miss. Code Ann. §§ 49-17-501, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*  
28

29 *Rule 9.3 Accreditation of Training Programs.*  
30

31 A. *Scope.*  
32

- 33 (1) A training program may seek accreditation to offer lead-based paint activities  
34 courses in any of the following disciplines: inspector, risk assessor, supervisor,  
35 project designer, renovator, dust sampling technician, and abatement worker. A  
36 training program may also seek accreditation to offer refresher courses for each of  
37 the above listed disciplines.  
38
- 39 (2) A training program shall not provide, offer, or claim to provide Commission  
40 accredited lead-based paint activities courses without applying for and receiving  
41 accreditation from the Commission as required under paragraph B. of this rule on  
42 or after August 31, 1998.  
43

44 B. *Application Process.* The following are procedures a training program shall follow to  
45 receive Commission accreditation to offer lead-based paint activities courses:  
46

- 1 (1) A training program seeking accreditation shall submit the required accreditation  
2 fee along with the completed form prescribed by the Commission containing the  
3 following information:  
4
- 5 (a) The training program’s name, address, and telephone number.  
6
  - 7 (b) A list of courses for which it is applying for accreditation.  
8
  - 9 (c) A statement signed by the training program manager certifying that the  
10 training program meets the requirements established in paragraph C. of  
11 this rule. If a training program uses EPA-developed model training  
12 materials, or training materials approved by a State or Indian Tribe that  
13 has been authorized by EPA, the training program manager shall include a  
14 statement certifying that, as well.  
15
  - 16 (d) A copy of the student and instructor manuals, or other materials to be used  
17 for each course.  
18
  - 19 (e) A copy of the course agenda for each course, including the time allotted to  
20 teaching each course topic.  
21
  - 22 (f) A copy of the course examination with the correct answers marked for  
23 each question.  
24
  - 25 (g) All training programs shall include in their application for accreditation  
26 the following:  
27
    - 28 (1) A description of the facilities and equipment to be used for lecture  
29 and hands-on training.  
30
    - 31 (2) A copy of the course test blueprint for each course.  
32
    - 33 (3) A description of the activities and procedures that will be used for  
34 conducting the assessment of hands-on skills for each course.  
35
    - 36 (4) A copy of the quality control plan for each course as described in  
37 paragraph C.9. of this rule.  
38
    - 39 (5) A list of learning objectives for each lecture, exercise, and hands-  
40 on activity.  
41
- 42 (2) If a training program meets the requirements in paragraph C. of this rule, then the  
43 Commission shall approve the application for accreditation no more than 180  
44 days after receiving a complete application from the training program contingent  
45 upon a satisfactory on-site course audit by the Department. In the case of  
46 approval, a certificate of accreditation shall be sent to the applicant. In the case of

1 disapproval, a letter describing the reasons for disapproval shall be sent to the  
2 applicant. Prior to disapproval, the Department may, at its discretion, work with  
3 the applicant to address inadequacies in the application for accreditation. The  
4 Department may also request additional materials retained by the training  
5 program, under paragraph I. of this rule. If a training program's application is  
6 disapproved, the program may reapply for accreditation at any time.  
7

8 (3) A training program may apply for accreditation to offer courses or refresher  
9 courses in as many disciplines as it chooses. A training program may seek  
10 accreditation for additional courses at any time as long as the program can  
11 demonstrate that it meets the requirements of this rule.  
12

13 (4) For the purposes of this rule, courses taught in different languages are considered  
14 different courses and each must independently meet the accreditation  
15 requirements.  
16

17 (5) When applying for accreditation of a course in a language other than English, a  
18 signed statement from a qualified, independent translator that they had compared  
19 the course to the English language version and found the translation to be  
20 accurate.  
21

22 C. *Requirements for the Accreditation of Training Programs.* For a training program to  
23 obtain accreditation from the Commission to offer lead-based paint activities courses, the  
24 program shall meet the following requirements for each discipline for which the program  
25 is seeking accreditation:  
26

27 (1) The training program shall employ a training manager who has:

- 28 (a) At least 2 years of experience, education, or training in teaching adults; or  
29  
30 (b) A bachelor's or graduate degree in building construction technology,  
31 engineering, industrial hygiene, safety, public health, education, business  
32 administration or program management or a related field; or  
33  
34 (c) Two years of experience in managing a training program specializing in  
35 environmental hazards; and  
36  
37 (d) Demonstrated 2 years of experience, education, or training in the  
38 construction industry including: lead or asbestos abatement, painting,  
39 carpentry, renovation, remodeling, occupational safety and health or  
40 industrial hygiene.  
41  
42

43 (2) The training manager shall designate a qualified principal instructor for each  
44 course who has:  
45

- 1 (a) Demonstrated experience, education, or training in teaching workers or  
2 adults; and  
3
- 4 (b) Successfully completed the initial and prerequisite training course  
5 requirements of the EPA-accredited or EPA-authorized State or Tribal-  
6 accredited training course to be taught; and  
7
- 8 (c) Demonstrated experience, education, or training in lead or asbestos  
9 abatement, painting, carpentry, renovation, remodeling, occupational  
10 safety and health, or industrial hygiene.  
11
- 12 (3) The principal instructor shall be responsible for the organization of the course and  
13 oversight of the teaching of all course material. The training manager may  
14 designate guest instructors as needed to provide instruction specific to the lecture,  
15 hands-on activities, or work practice components of a course. Guest instructors  
16 that teach work practice standards and hands-on activities must meet the  
17 qualifications of the principal instructor.  
18
- 19 (4) The following documents shall be recognized by the Commission as evidence that  
20 training managers and principal instructors have the education, work experience,  
21 training requirements or demonstrated experience, specifically listed in paragraphs  
22 C.1. and C.2. of this rule. This documentation need not be submitted with the  
23 accreditation application, but, if not submitted, shall be retained by the training  
24 program as required by the recordkeeping requirements contained in paragraph I.  
25 of this rule. Those documents include the following:  
26
- 27 (a) Official academic transcripts or diploma as evidence of meeting the  
28 education requirements.  
29
- 30 (b) Resumes, letters of reference, or documentation of work experience as  
31 evidence of meeting the work experience requirements.  
32
- 33 (c) Certificates from the train-the-trainer courses and lead-specific training  
34 courses, as evidence of meeting the training requirements.  
35
- 36 (5) The training program shall ensure the availability of, and provide adequate  
37 facilities for, the delivery of the lecture, course test, hands-on training, and  
38 assessment activities. This includes providing training equipment that reflects  
39 current work practices and maintaining or updating the equipment and facilities as  
40 needed.  
41
- 42 (6) To become accredited in the following disciplines, the training program shall  
43 provide training courses that meet the following training hour requirements:  
44
- 45 (a) The inspector course shall last a minimum of 24 training hours, with a  
46 minimum of 8 hours devoted to hands-on training activities. The

1 minimum curriculum requirements for the inspector course are contained  
2 in paragraph D.1. of this rule.  
3

4 (b) The risk assessor course shall last a minimum of 16 training hours, with a  
5 minimum of 4 hours devoted to hands-on training activities. The  
6 minimum curriculum requirements for the risk assessor course are  
7 contained in paragraph D.2. of this rule.  
8

9 (c) The supervisor course shall last a minimum of 32 training hours, with a  
10 minimum of 8 hours devoted to hands-on activities. The minimum  
11 curriculum requirements for the supervisor course are contained in  
12 paragraph D.3. of this rule.  
13

14 (d) The project designer course shall last a minimum of 8 training hours. The  
15 minimum curriculum requirements for the project designer course are  
16 contained in paragraph D.4. of this rule.  
17

18 (e) The abatement worker course shall last a minimum of 16 training hours,  
19 with a minimum of 8 hours devoted to hands-on training activities. The  
20 minimum curriculum requirements for the abatement worker course are  
21 contained in paragraph D.5. of this rule.  
22

23 (f) The renovator course shall last a minimum of 8 training hours, with a  
24 minimum of 2 hours devoted to hands-on training activities. The  
25 minimum curriculum requirements for the renovator course are contained  
26 in paragraph D.6. of this rule. Hands-on training activities must cover  
27 renovation methods that minimize the creation of dust and lead-based  
28 paint hazards, interior and exterior containment and cleanup methods, and  
29 post-renovation cleaning verification.  
30

31 (g) The dust sampling technician course shall last a minimum of 8 training  
32 hours, with a minimum of 2 hours devoted to hands-on training activities.  
33 The minimum curriculum requirements for the dust sampling technician  
34 course are contained in paragraph D.7. of this rule. Hands-on training  
35 activities must cover dust sampling methodologies.  
36

37 (7) For each course offered, the training program shall conduct a course test at the  
38 completion of the course, and if applicable, a hands-on skills assessment. Each  
39 individual must successfully complete the hands-on skills assessment and receive  
40 a minimum score of 70% on the course test to pass any course.  
41

42 (a) The training manager is responsible for maintaining the validity and  
43 integrity of the hands-on skills assessment to ensure that it accurately  
44 evaluates the trainees' performance of the work practices and procedures  
45 associated with the course topics contained in paragraph D. of this rule.  
46

- 1 (b) The training manager is responsible for maintaining the validity and  
2 integrity of the course test to ensure that it accurately evaluates the  
3 trainees' knowledge and retention of the course topics.  
4
- 5 (c) The course test shall be developed in accordance with the test blueprint  
6 submitted with the training accreditation application.  
7
- 8 (8) The training program shall issue unique course completion certificates to each  
9 individual who passes the training course. The course completion certificate shall  
10 include:  
11
- 12 (a) The name and unique identification number of the individual.  
13
- 14 (b) The name of the particular course that the individual completed.  
15
- 16 (c) Dates of course completion/test passage.  
17
- 18 (d) The name, address, and telephone number of the training program.  
19
- 20 (e) The printed name and signature of the training manager and printed name  
21 of the principal instructor.  
22
- 23 (f) The language in which the course was taught, if other than English.  
24
- 25 (g) An "approval statement" including the name of the approving agency(s)  
26 and dates the approvals were issued.  
27
- 28 (h) For renovator and dust sampling technician course completion certificates,  
29 a photograph of the individual.  
30
- 31 (9) The training manager shall develop and implement a quality control plan. The  
32 plan shall be used to maintain and improve the quality of the training program  
33 over time. This plan shall contain at least the following elements:  
34
- 35 (a) Procedures for periodic revision of training materials and the course test to  
36 reflect innovations in the field.  
37
- 38 (b) Procedures for the training manager's annual review of principal instructor  
39 competency.  
40
- 41 (10) The training program shall offer courses which teach the work practice standards  
42 for conducting lead-based paint activities contained in Rule 9.5 and other  
43 standards developed by EPA pursuant to Title IV of TSCA. These standards shall  
44 be taught in the appropriate courses to provide trainees with the knowledge  
45 needed to perform the lead-based paint activities they are responsible for  
46 conducting.

- 1  
2 (11) The training manager shall be responsible for ensuring that the training program  
3 complies at all times with all of the requirements in this rule.  
4  
5 (12) The training manager shall allow the Department to audit the training program to  
6 verify the contents of the application for accreditation as described in paragraph  
7 B. of this rule and to assure compliance with all requirements of the regulations  
8 regarding training.  
9

10 D. *Minimum Training Curriculum Requirements.* To become accredited to offer lead-based  
11 paint course instruction in the specific disciplines listed below, training programs must  
12 ensure that their courses of study include, at a minimum, the following course topics.  
13

14 (1) *Inspector*

- 15  
16 (a) Role and responsibilities of an inspector.  
17  
18 (b) Background information on lead and its adverse health effects.  
19  
20 (c) Background information on Federal, State, and local regulations and  
21 guidance that pertains to lead-based paint and lead-based paint activities.  
22  
23 (d) Lead-based paint inspection methods, including selection of rooms and  
24 components for sampling or testing.  
25  
26 (e) Paint, dust, and soil sampling methodologies.  
27  
28 (f) Clearance standards and testing, including random sampling.  
29  
30 (g) Preparation of the final inspection report.  
31  
32 (h) Recordkeeping.

33  
34 Requirements (d), (e), (f), and (g) require hands-on activities as an integral  
35 component of the course.  
36

37 (2) *Risk Assessor*

- 38  
39 (a) Role and responsibilities of a risk assessor.  
40  
41 (b) Collection of background information to perform a risk assessment.  
42  
43 (c) Sources of environmental lead contamination such as paint, surface dust  
44 and soil, water, air, packaging, and food.  
45



- 1 (d) Visual inspection for the purposes of identifying potential sources of lead-  
2 based paint hazards.
- 3
- 4 (e) Lead hazard screen protocol.
- 5
- 6 (f) Sampling for other sources of lead exposure.
- 7
- 8 (g) Interpretation of lead-based paint and other lead sampling results,  
9 including all applicable State or Federal guidance or regulations pertaining  
10 to lead-based paint hazards.
- 11
- 12 (h) Development of hazard control options, the role of interim controls, and  
13 operations and maintenance activities to reduce lead-based paint hazards.
- 14
- 15 (i) Preparation of a final risk assessment report.
- 16

17 Requirements (d), (f), and (g) require hands-on activities as an integral component of  
18 the course.

19  
20 (3) *Supervisor*

- 21
- 22 (a) Role and responsibilities of a supervisor.
- 23
- 24 (b) Background information on lead and its adverse health effects.
- 25
- 26 (c) Background information on Federal, State, and local regulations and  
27 guidance that pertain to lead-based paint abatement.
- 28
- 29 (d) Liability and insurance issues related to lead-based paint abatement.
- 30
- 31 (e) Risk assessment and inspection report interpretation.
- 32
- 33 (f) Development and implementation of an occupant protection plan and  
34 abatement report.
- 35
- 36 (g) Lead-based paint hazard recognition and control.
- 37
- 38 (h) Lead-based paint abatement and lead-based paint hazard reduction  
39 methods, including restricted practices.
- 40
- 41 (i) Interior dust abatement/cleanup or lead-based paint hazard control and  
42 reduction methods.
- 43
- 44 (j) Soil and exterior dust abatement or lead-based paint hazard control and  
45 reduction methods.
- 46

1 (k) Clearance standards and testing.

2  
3 (l) Cleanup and waste disposal.

4  
5 (m) Recordkeeping.

6  
7 Requirements (e), (g), (h), (i), and (j) require hands-on activities as an integral  
8 component of the course.

9  
10 (4) *Project Designer*

11 (a) Role and responsibilities of a project designer.

12 (b) Development and implementation of an occupant protection plan for large  
13 scale abatement projects.

14 (c) Lead-based paint abatement and lead-based paint hazard reduction  
15 methods, including restricted practices for large-scale abatement projects.

16 (d) Interior dust abatement/cleanup or lead hazard control and reduction  
17 methods for large-scale abatement projects.

18 (e) Clearance standards and testing for large scale abatement projects.

19 (f) Integration of lead-based paint abatement methods with modernization and  
20 rehabilitation projects for large scale abatement projects.

21  
22  
23 (5) *Abatement Worker*

24 (a) Role and responsibilities of an abatement worker.

25 (b) Background information on lead and its adverse health effects.

26 (c) Background information on Federal, State, and local regulations and  
27 guidance that pertain to lead-based paint abatement.

28 (d) Lead-based paint hazard recognition and control.

29 (e) Lead-based paint abatement and lead-based paint hazard reduction  
30 methods, including restricted practices.

31 (f) Interior dust abatement methods/cleanup or lead-based paint hazard  
32 reduction.

33 (g) Soil and exterior dust abatement methods or lead-based paint hazard  
34 reduction.

1  
2 Requirements (d), (e), (f), and (g) require hands-on activities as an integral  
3 component of the course.

4  
5 (6) *Renovator*

- 6  
7 (a) Role and responsibilities of a renovator.  
8  
9 (b) Background information on lead and its adverse health effects.  
10  
11 (c) Background information on EPA, HUD, OSHA, and other Federal, State,  
12 and local regulations and guidance that pertains to lead-based paint and  
13 renovation activities.  
14  
15 (d) Procedures for using acceptable test kits to determine whether paint is  
16 lead-based paint.  
17  
18 (e) Renovation methods to minimize the creation of dust and lead-based paint  
19 hazards.  
20  
21 (f) Interior and exterior containment and cleanup methods.  
22  
23 (g) Methods to ensure that the renovation has been properly completed,  
24 including cleaning verification, and clearance testing.  
25  
26 (h) Waste handling and disposal.  
27  
28 (i) Providing on-the-job training to other workers.  
29  
30 (j) Record preparation.

31  
32 Requirements (e), (f), and (g) require hands-on activities as an integral component  
33 of the course.

34  
35 7. *Dust sampling technician*

- 36  
37 (a) Role and responsibilities of a dust sampling technician.  
38  
39 (b) Background information on lead and its adverse health effects.  
40  
41 (c) Background information on Federal, State, and local regulations and  
42 guidance that pertains to lead-based paint and renovation activities.  
43  
44 (d) Dust sampling methodologies.  
45  
46 (e) Clearance standards and testing.

1  
2 (f) Report preparation.  
3

4 Requirement (d) requires hands-on activities as an integral component of the  
5 course.  
6

7 E. *Requirements for the Accreditation of Refresher Training Programs.* A training program  
8 may seek accreditation to offer refresher courses in any of the following disciplines:  
9 inspector, risk assessor, supervisor, project designer, renovator, dust sampling technician,  
10 and abatement worker. To obtain Commission accreditation to offer refresher training, a  
11 training program must meet the following minimum requirements:  
12

13 (1) Each refresher course shall review the curriculum topics of the full-length courses  
14 listed under paragraph D. of this rule, as appropriate. In addition, to become  
15 accredited to offer refresher training courses, training programs shall ensure that  
16 their courses of study include, at a minimum, the following:  
17

18 (a) An overview of current safety practices relating to lead-based paint  
19 activities in general, as well as specific information pertaining to the  
20 appropriate discipline.  
21

22 (b) Current laws and regulations relating to lead-based paint activities in  
23 general, as well as specific information pertaining to the appropriate  
24 discipline.  
25

26 (c) Current technologies relating to lead-based paint activities in general, as  
27 well as specific information pertaining to the appropriate discipline.  
28

29 (2) Each refresher course, except for the project designer, renovator, and dust  
30 sampling technician courses, shall last a minimum of 8 training hours. The  
31 project designer, renovator, and dust sampling technician refresher courses shall  
32 last a minimum of 4 training hours.  
33

34 (3) For each course offered, the training program shall conduct a hands-on  
35 assessment (if applicable), and at the completion of the course, a course test.  
36

37 (4) A training program may apply for accreditation of a refresher course concurrently  
38 with its application for accreditation of the corresponding training course as  
39 described in paragraph B. of this rule. If so, the Commission shall use the  
40 approval procedure described in paragraph B. of this rule. In addition, the  
41 minimum requirements contained in paragraphs C., except for the requirements in  
42 paragraph C.6., and E.1., E.2., and E.3. of this rule shall also apply.  
43

44 (5) A training program seeking accreditation to offer refresher training courses only  
45 shall submit a completed application on forms provided by the Commission  
46 containing the following information:

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- (a) The refresher training program’s name, address, and telephone number.
- (b) A list of courses for which it is applying for accreditation.
- (c) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in paragraph C. of this rule, except for the requirements in paragraph C.6. of this rule. If a training program uses EPA-developed model training materials, or training materials approved by a State or Indian Tribe that has been authorized by EPA to develop its refresher training course materials, the training manager shall include a statement certifying that, as well.
- (d) A copy of the student and instructor manuals to be used for each course.
- (e) A copy of the course agenda for each course.
- (f) A copy of the course examination with the correct answers marked for each question.
- (g) All refresher training programs shall include in their application for accreditation the following:
  - (1) A description of the facilities and equipment to be used for lecture and hands-on training.
  - (2) A copy of the course test blueprint for each course.
  - (3) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable).
  - (4) A copy of the quality control plan as described in paragraph C.9 of this rule.
  - (5) A list of learning objectives for each lecture, exercise, and hands-on activity.
- (6) The requirements in paragraphs C.1 through C.5 and C.7 through C.12 of this rule apply to refresher training providers.
- (7) If a refresher training program meets the requirements listed in this paragraph and has paid the required fee, then the Commission shall approve the application for accreditation no more than 180 days after receiving a complete application from the refresher training program contingent upon a satisfactory on-site course audit by the Department. In the case of approval, a certificate of accreditation shall be

1 sent to the applicant. In the case of disapproval, a letter describing the reasons for  
2 disapproval shall be sent to the applicant. Prior to disapproval, the Commission  
3 may, at its discretion, work with the applicant to address inadequacies in the  
4 application for accreditation. The Commission may also request additional  
5 materials retained by the refresher training program under paragraph I. of this  
6 rule. If a refresher training program's application is disapproved, the program  
7 may reapply for accreditation at any time.  
8

9 F. *Re-accreditation of Training Programs.*

- 10  
11 (1) Unless re-accredited, a training program's accreditation (including refresher  
12 training accreditation) shall expire 4 years after the date of issuance. If a training  
13 program meets the requirements of this rule, the training program shall be re-  
14 accredited.  
15  
16 (2) A training program seeking re-accreditation shall submit an application to the  
17 Commission no later than 180 days before its accreditation expires. If a training  
18 program does not submit its application for re-accreditation by that date, the  
19 Commission cannot guarantee that the program will be re-accredited before the  
20 end of the accreditation period.  
21  
22 (3) The training program's application for re-accreditation shall contain:  
23  
24 (a) The training program's name, address, and telephone number.  
25  
26 (b) A list of courses for which it is applying for re-accreditation.  
27  
28 (c) A description of any changes to the training facility, equipment, or course  
29 materials since the last application was approved.  
30  
31 (d) A statement signed by the program manager stating:  
32  
33 (1) That the training program complies at all times with all  
34 requirements in paragraphs C and E of this rule, as applicable; and  
35  
36 (2) The recordkeeping and reporting requirements in paragraph I. of  
37 this chapter shall be followed.  
38  
39 (4) Upon request, the training program shall allow the Department to audit the  
40 training program to verify the contents of the application for re-accreditation as  
41 described in paragraph F.3 of this rule and to assure compliance with all  
42 requirements of the regulations regarding training.  
43

44 G. *Suspension, Revocation, and Modification of Accredited Training Programs.*  
45

- 1           1.     The Commission may, after notice and an opportunity for hearing, suspend,  
2           revoke, or modify training program accreditation (including refresher training  
3           accreditation) if a training program, training manager, or other person with  
4           supervisory authority over the training program has:  
5  
6           (a)     Misrepresented the contents of a training course to the Commission and/or  
7           the student population.  
8  
9           (b)     Failed to submit required information or notifications in a timely manner.  
10  
11          (c)     Failed to maintain required records.  
12  
13          (d)     Falsified accreditation records, instructor qualifications, or other  
14          accreditation-related information or documentation.  
15  
16          (e)     Failed to comply with the training standards and requirements in this rule.  
17  
18          (f)     Failed to comply with Federal, State, or local lead-based paint statutes or  
19          regulations.  
20  
21          (g)     Made false or misleading statements to the Commission in its application  
22          for accreditation or re-accreditation which the Commission relied upon in  
23          approving the application.  
24

25   H.     *Procedures for Suspension, Revocation or Modification of Training Program*  
26           *Accreditation.*  
27

- 28          (1)     Prior to taking action to suspend, revoke, or modify the accreditation of a training  
29          program, the Commission shall notify the affected entity in writing of the  
30          following:  
31  
32          (a)     The legal and factual basis for the suspension, revocation, or modification.  
33  
34          (b)     The anticipated commencement date and duration of the suspension,  
35          revocation, or modification.  
36  
37          (c)     Actions, if any, which the affected entity may take to avoid suspension,  
38          revocation, or modification, or to receive accreditation in the future.  
39  
40          (d)     The opportunity and method for requesting a hearing prior to final  
41          Commission action to suspend, revoke or modify accreditation.  
42  
43          (e)     Any additional information, as appropriate, which the Commission may  
44          provide.  
45

1 (2) If a hearing is requested by the accredited training program, all proceedings and  
2 hearings before the Commission shall be conducted in accordance with sections  
3 49-17-31 through 49-17-41, Mississippi Code of 1972.  
4

5 I. *Training Program Recordkeeping Requirements.*  
6

7 (1) Accredited training programs shall maintain, and make available to the  
8 Commission or the Department upon request, the following records:  
9

10 (a) All documents specified in paragraph C.4 of this rule that demonstrate the  
11 qualifications listed in paragraphs C.1 and C.2 of this rule of the training  
12 manager and principal instructors.  
13

14 (b) Current curriculum/course materials and documents reflecting any  
15 changes made to these materials.  
16

17 (c) The course test blueprint.  
18

19 (d) Information regarding how the hands-on assessment is conducted  
20 including, but not limited to:  
21

22 (1) Who conducts the assessment.  
23

24 (2) How the skills are graded.  
25

26 (3) What facilities are used.  
27

28 (4) The pass/fail rate.  
29

30 (e) The quality control plan as described in paragraph C.9 of this rule.  
31

32 (f) Results of the student's hands-on skills assessments and course tests, and a  
33 record of each student's course completion certificate.  
34

35 (g) Any other material not listed above in paragraphs I.1.a through I.1.f of this  
36 rule that was submitted to the Commission as part of the program's  
37 application for accreditation.  
38

39 (2) The training program shall retain these records at the address specified on the  
40 training program accreditation application (or as modified in accordance with  
41 paragraph I.3. of this rule) for a minimum of 3 years and 6 months.  
42

43 (3) The training program shall notify the Commission in writing within 30 days of  
44 changing the address specified on its training program accreditation application or  
45 transferring the records from that address.  
46



1 J. *Training Course Notification.*

- 2
- 3 (1) Not less than ten (10) days prior to the first day of an anticipated training course,
- 4 training course providers must provide written notification to the Department, on
- 5 forms developed by the Department, of the following:
- 6
- 7 (a) The course discipline;
- 8
- 9 (b) Date and time of the training course;
- 10
- 11 (c) Exact location of the site of the training course (if the location is different
- 12 from the principal location of the training provider, a vicinity map, sketch
- 13 or detailed written directions showing the training site location shall be
- 14 included in the notification, unless a vicinity map has previously been
- 15 submitted for the specific location);
- 16
- 17 (d) Information about the language to be used in the training course;
- 18
- 19 (e) The name of the principal instructor; and
- 20
- 21 (f) A copy of the training course agenda. (If the agenda is identical to an
- 22 agenda which has previously been submitted, an additional copy of the
- 23 agenda is not required with the notification).
- 24
- 25 (2) Failure to provide re-notification of changes in the time or location of the training
- 26 course or any other information listed on the original notification within two (2)
- 27 working days prior to the first day of the pending training course may lead to
- 28 rejection of any certificate of training issued by the training provider in support of
- 29 individual accreditation in Mississippi.
- 30
- 31 (3) Within seven (7) calendar days after completion of a training course, the training
- 32 course provider must provide the Department with a written roster containing the
- 33 following:
- 34
- 35 (a) The name of the course indicating the discipline and whether the course is
- 36 an initial or refresher training course;
- 37
- 38 (b) The names of all course applicants;
- 39
- 40 (c) For each participant, whether the participant passed or failed the
- 41 examination;
- 42
- 43 (d) The date, time and location of the training course;
- 44
- 45 (e) For each participant, the training certificate number;
- 46

- 1 (f) The name of the principal instructor;
- 2
- 3 (g) The name, address and phone number of the training provider; and
- 4
- 5 (h) For renovator or dust sampling technician courses only, a digital
- 6 photograph of each participant.
- 7
- 8 (4) Failure to submit a roster may result in the rejection of any certificate of training
- 9 submitted to the Department in support of an application for accreditation.

10  
11 K. *Non-English Language Courses.* The following shall apply to all courses taught in non-

- 12 English languages:
- 13
  - 14 (1) Training courses shall be taught in the language in which all participating students
  - 15 are fluent;
  - 16
  - 17 (2) Written materials, including examinations, must be correctly translated into the
  - 18 language in which all participating students are fluent; and
  - 19
  - 20 (3) Interpreters may not be used to teach or instruct training courses.
  - 21

22 L. *Type and Duration of Certificates*

23  
24 Unless the Commission revokes or suspends a certificate, an initial certification of

25 training providers shall be valid for one year. Training providers may obtain a renewal of

26 their certificates annually. To maintain certification, training providers must be

27 reaccredited every four (4) years.

28

29 M. *Reciprocity*

30  
31 Any training provider which has been issued a certificate of accreditation in another state

32 or a tribe which has certification, educational, and experience requirements equal to or

33 greater than those of this State, and which grants equal accreditation privileges to training

34 providers accredited in this State, may be issued an equivalent accreditation in this State

35 upon terms and conditions determined by the Department.

36

37 Source: Miss. Code Ann. §§ 49-17-501, et seq., 49-2-1, et seq. and 49-17-1, et seq.

38

39 *Rule 9.4 Certification of Individuals and Firms Engaged in Lead-Based Paint Activities: Target*

40 *Housing and Child-Occupied Facilities.*

41

42 A. *Certification of Individuals.*

- 43
- 44 (1) Individuals seeking certification by the Commission to engage in lead-based paint
- 45 activities must either:
- 46

- 1 (a) Submit to the Commission an application demonstrating that they meet the  
2 requirements established in paragraphs B. thru H. of this Rule for the  
3 particular discipline for which certification is sought; or  
4  
5 (b) Submit to the Commission an application with a copy of a valid lead-  
6 based paint activities certification from a State or Tribal program that has  
7 been authorized by EPA and has established accreditation and certification  
8 reciprocity agreements with the State of Mississippi covering the  
9 certification being requested.  
10  
11 (2) Following the submission of an application provided by the Department  
12 demonstrating that all the requirements of this rule have been met, and the  
13 required fee, the Commission shall certify an applicant as an inspector, risk  
14 assessor, supervisor, project designer,–renovator, dust sampling technician, or  
15 abatement worker, as appropriate.  
16  
17 (3) Upon receiving certification by the Commission, individuals conducting lead-  
18 based paint activities shall comply with the work practice standards for  
19 performing the appropriate lead-based paint activities as established in Rule 9.5.  
20  
21 (4) Beginning on the date of adoption, it shall be a violation of these regulations for  
22 an individual to conduct any of the lead-based paint activities described in Rule  
23 9.5 if that individual has not been certified by the Commission pursuant to this  
24 rule to do so.  
25

26 B. *Inspector.*  
27

- 28 (1) To become certified as an inspector, an individual must:  
29  
30 (a) Have a high school diploma or its equivalent;  
31  
32 (b) Successfully complete an accredited training program for lead-based paint  
33 inspectors;  
34  
35 (c) Pass the EPA approved inspector certification exam offered by the  
36 Commission; and  
37  
38 (d) Demonstrate to the satisfaction of the Commission that the applicant is  
39 familiar with and capable of complying with all applicable federal and  
40 state laws and regulations.  
41  
42 (e) The inspector certification exam must be passed with a minimum score of  
43 70% within six (6) months of receiving the course completion certificate.  
44 During this six (6) months, the certification exam can be taken no more  
45 than three (3) times. If an individual does not pass the certification exam  
46 and receive a certificate within the six (6) month period after receiving

1 their course completion certificate, the individual must retake the course  
2 from an accredited training program before reapplying for certification  
3 from the Commission.  
4

5 C. *Risk Assessor.*  
6

7 (1) To become certified as a risk assessor an individual must:  
8

9 (a) (1) Be a registered professional engineer or a licensed architect; or  
10

11 (2) Have a bachelor's degree in a profession related to engineering,  
12 health or environmental science and one (1) year of experience in a  
13 related field, as determined by the Commission (e.g., lead,  
14 asbestos, or environmental remediation work); or  
15

16 (3) Have an associate's degree and two (2) years of experience in a  
17 related field, as determined by the Commission (e.g., lead,  
18 asbestos, or environmental remediation work); or  
19

20 (4) Have a high school diploma or equivalent and three (3) years of  
21 experience in a related field, as determined by the Commission  
22 (e.g., lead, asbestos, or environmental remediation work);  
23

24 (b) Successfully complete an accredited training program for lead-based paint  
25 risk assessors and lead-based paint inspectors;  
26

27 (c) Pass the EPA approved risk assessor certification exam offered by the  
28 Commission;  
29

30 (d) Demonstrate to the satisfaction of the Commission that the applicant is  
31 familiar with and capable of complying with all applicable federal and  
32 state laws and regulations; and  
33

34 (e) The risk assessor certification exam must be passed with a minimum score  
35 of 70% within six (6) months of receiving the course completion  
36 certificate. During this six (6) months, the certification exam can be taken  
37 no more than three (3) times. If an individual does not pass the  
38 certification exam and receive a certificate within the six (6) month period  
39 after receiving their course completion certificate, the individual must  
40 retake the course from an accredited training program before reapplying  
41 for certification from the Commission.  
42

43 D. *Supervisor.*  
44

45 (1) To become certified as a supervisor, an individual must:  
46

- 1 (a) Have a high school diploma or its equivalent and one (1) year of  
2 experience as a certified lead-based paint abatement worker or two (2)  
3 years of experience in a related field, as determined by the Commission  
4 (e.g., lead, asbestos, or environmental remediation work) or in the building  
5 trades;  
6  
7 (b) Successfully complete an accredited training program for lead-based paint  
8 supervisors;  
9  
10 (c) Pass the EPA approved supervisor certification exam offered by the  
11 Commission; and  
12  
13 (d) Demonstrate to the satisfaction of the Commission that the applicant is  
14 familiar with and capable of complying with all applicable federal and  
15 state laws and regulations;  
16  
17 (e) The supervisor certification exam must be passed with a minimum score  
18 of 70% within six (6) months of receiving the course completion  
19 certificate. During this six (6) months, the certification exam can be taken  
20 no more than three (3) times. If an individual does not pass the  
21 certification exam and receive a certificate within the six (6) month period  
22 after receiving their course completion certificate, the individual must  
23 retake the course from an accredited training program before reapplying  
24 for certification from the Commission.  
25

26 E. *Project Designer.*  
27

- 28 (1) To become certified as a project designer an individual must:  
29  
30 (a) (1) Be a registered professional engineer or a licensed architect; or  
31  
32 (2) Have a bachelor's degree in engineering, architecture or a  
33 profession related to engineering or architecture and one (1) year  
34 of experience in building design or a related field, as determined  
35 by the Commission; or  
36  
37 (3) Have an associate's degree and two (2) years of experience in  
38 building design or a related field, as determined by the  
39 Commission; or  
40  
41 (4) Have a high school diploma or equivalent and three (3) years of  
42 experience in building design or a related field, as determined by  
43 the Commission.  
44  
45 (b) Successfully complete an accredited training program for lead-based paint  
46 project designers and lead-based paint supervisors; and

- 1  
2 (c) Demonstrate to the satisfaction of the Commission that the applicant is  
3 familiar with and capable of complying with all applicable federal and  
4 state laws and regulations.  
5

6 F. *Worker.*  
7

- 8 (1) To become certified as an abatement worker an individual must:  
9  
10 (a) Successfully complete an accredited training program for lead-based paint  
11 abatement workers; and  
12  
13 (b) Demonstrate to the satisfaction of the Commission that the applicant is  
14 familiar with and capable of complying with all applicable federal and  
15 state laws and regulations.  
16  
17 (2) An individual working on renovation projects as a worker does not have to be  
18 certified but must be trained by a certified renovator to perform the required  
19 renovation work duties.  
20

21 G. *Renovator*  
22

- 23 (1) To become certified as a renovator, an individual must:  
24  
25 (a) Have a high school diploma or its equivalent and one (1) year of  
26 experience as a certified lead-based paint abatement worker or two (2)  
27 years of experience in a related field, as determined by the Commission  
28 (e.g., lead, asbestos, or environmental remediation work) or in the building  
29 trades;  
30  
31 (b) Successfully complete an accredited training program for lead-based paint  
32 renovators;  
33  
34 (c) Demonstrate to the satisfaction of the Commission that the applicant is  
35 familiar with and capable of complying with all applicable federal and  
36 state laws and regulations;  
37  
38 (d) Individuals who have successfully completed an accredited abatement  
39 worker or supervisor course, or individuals who have successfully  
40 completed courses in lead safe work practices meeting Environmental  
41 Protection Agency Renovation, Repair, and Painting Rule requirements  
42 may take an accredited refresher renovator training course in lieu of the  
43 initial renovator training course to become a certified renovator.  
44

1 (2) Renovator responsibilities. Certified renovators are responsible for ensuring  
2 compliance with paragraph F.2 of Rule 9.5 at all renovations to which they are  
3 assigned. A certified renovator must:

4  
5 (a) Perform all of the tasks described in paragraph F.2.b. of Rule 9.5 and must  
6 either perform or direct workers who perform all of the tasks described in  
7 paragraph F.2.a. of Rule 9.5;

8  
9 (b) Provide training to workers on the work practices they will be using in  
10 performing their assigned tasks;

11  
12 (c) Be physically present at the work site when the signs required by  
13 paragraph F.2.a.(1) of Rule 9.5 are posted, while the work area  
14 containment required by paragraph F.2.a.(2) of Rule 9.5 is being  
15 established, and while the work area cleaning required by paragraph  
16 F.2.a.(5) of Rule 9.5 is performed;

17  
18 (d) Regularly direct work being performed by other individuals to ensure that  
19 the work practices are being followed, including maintaining the integrity  
20 of the containment barriers and ensuring that dust or debris does not  
21 spread beyond the work area;

22  
23 (e) Be available, either on-site or by telephone, at all times that renovations  
24 are being conducted;

25  
26 (f) When requested by the party contracting for renovation services, use an  
27 acceptable test kit to determine whether components to be affected by the  
28 renovation contain lead-based paint;

29  
30 (g) Have with them at the work site copies of their initial course completion  
31 certificate, their most recent refresher course completion certificate and  
32 their current Mississippi renovator certification certificate; and

33  
34 (h) Prepare the records required by paragraph F.3.b.(7) of Rule 9.5.  
35

36 H. *Dust Sampling Technician*

37 (1) To become certified as a dust sampling technician an individual must:

38 (a) Have a high school diploma or its equivalent;

39 (b) Successfully complete an accredited training program for lead-based paint  
40 dust sampling technicians; and  
41

- 1 (c) Demonstrate to the satisfaction of the Commission that the applicant is  
2 familiar with and capable of complying with all applicable federal and  
3 state laws and regulations.  
4

5 Individuals who have successfully completed an accredited lead-based paint inspector or  
6 risk assessor course may take an accredited refresher dust sampling technician course in  
7 lieu of the initial training to become a certified dust sampling technician.  
8

- 9 (2) Dust sampling technician responsibilities. When performing optional dust  
10 clearance sampling under paragraph F.2.c. of Rule 9.5, a certified dust sampling  
11 technician must:  
12

- 13 (a) Collect dust samples in accordance with paragraph E.8. of Rule 9.5,  
14  
15 (b) Send the collected samples to a laboratory recognized by EPA under  
16 TSCA section 405(b), and  
17  
18 (c) Compare the results to the clearance levels in accordance with paragraph  
19 A.4. of Rule 9.5.  
20  
21 (d) Have with them at the work site a copy of their current Mississippi dust  
22 sampling technician certification certificate.  
23

24 I. *Documents.*  
25

- 26 (1) The following documents shall be recognized by the Commission as evidence of  
27 meeting the requirements listed in paragraphs B. thru F. of this Rule.  
28  
29 (a) Official academic transcripts or diploma, as evidence of meeting the  
30 education requirements.  
31  
32 (b) Resumes, letters of reference, or documentation of work experience, as  
33 evidence of meeting the work experience requirements.  
34  
35 (c) Course completion certificates from lead-specific or other related training  
36 courses, issued by accredited training programs, as evidence of meeting  
37 the training requirements.  
38

39 J. *Certification Based on Prior Training.*  
40

- 41 (1) Any individual who received risk assessor, inspector, project designer, supervisor,  
42 or worker lead based paint activity training between October 1, 1990, and August  
43 31, 1998, shall be eligible for certification by the Commission under the  
44 alternative procedures contained in this paragraph. Individuals who have received  
45 lead-based paint activities training at an EPA-authorized State or Tribal accredited



1 training program shall also be eligible for certification by the Commission under  
2 the following alternative procedures.

3  
4 (a) Applicants for certification as an inspector, risk assessor, or supervisor  
5 shall:

6  
7 (1) Show proof that the applicant has successfully completed training  
8 for the appropriate discipline.

9  
10 (2) Show proof that the applicant meets or exceeds the education  
11 and/or experience requirements in paragraphs B. thru D. of this  
12 rule for the appropriate discipline.

13  
14 (3) Successfully complete an accredited refresher training course for  
15 the appropriate discipline.

16  
17 (4) Pass a certification exam administered by the Commission for the  
18 appropriate discipline.

19  
20 (b) Applicants for certification as an abatement worker or project designer  
21 shall:

22  
23 (1) Show proof that the applicant has successfully completed training  
24 for the appropriate discipline,

25  
26 (2) Show proof that the applicant meets the education and/or  
27 experience requirements in paragraph E. or F. of this rule as  
28 applicable; and

29  
30 (3) Successfully complete an accredited refresher training course for  
31 the appropriate discipline.

32  
33 (2) Individuals shall have until February 1, 1999, to apply to the Commission for  
34 certification under the above procedures. After that date, all individuals wishing  
35 to obtain certification must do so through the procedures described in paragraphs  
36 A. thru H. of this rule, according to the discipline for which certification is sought.

37  
38 K. *Re-Certification.*

39  
40 (1) To maintain certification in the project designer, inspector, risk assessor,  
41 renovator, dust sampling technician, supervisor and abatement worker disciplines,  
42 the certified individual shall apply to and be re-certified by the Commission in  
43 that discipline every three (3) years.  
44

- 1 (2) An individual shall be re-certified if the individual successfully completes the  
2 appropriate accredited refresher training course and submits the appropriate  
3 refresher course completion certificate, the appropriate application and fee.  
4

5 L. *Certification of Firms.*  
6

- 7 (1) Beginning on the date of adoption, all firms which perform or offer to perform  
8 any of the lead-based paint activities described in Rule 9.5 must be certified by  
9 the Commission.  
10

- 11 (2) A firm seeking certification shall submit to the Commission: a completed  
12 application provided by the Department; a letter attesting that the firm shall only  
13 employ appropriately certified employees to conduct lead-based paint activities,  
14 and that the firm and its employees shall follow the work practice standards in  
15 Rule 9.5 for conducting lead-based paint activities; and the required fee.  
16

- 17 (3) After receiving the firm's application, letter requesting certification, and the  
18 required certification fee, the Commission shall have 90 days to approve or  
19 disapprove the firm's request for certification. Within that time, the Commission  
20 shall respond with either a certificate of approval or a letter describing the reasons  
21 for disapproval.  
22

- 23 (4) The firm shall maintain all records pursuant to the requirements in Rule 9.5.  
24

- 25 (5) To maintain their certification, firms must renew their certification license  
26 annually by submitting the required application and renewal fee.  
27

- 28 (6) A firm must amend its certification within 90 days of the date a change occurs to  
29 the information included in the firm's most recent certification application. To  
30 amend a certification, a firm must submit a completed "Application for Firms"  
31 signed by an authorized agent of the firm, noting on the form that it is submitted  
32 as an amendment and indicating the information that has changed. The firm must  
33 also pay the correct amount of fees.  
34

- 35 (7) Firm responsibilities. Firms performing renovations must ensure that:  
36

- 37 (a) All individuals performing renovation activities on behalf of the firm are  
38 either certified renovators or have been trained by a certified renovator in  
39 accordance with paragraph G.2. of this rule.  
40

- 41 (b) A certified renovator is assigned to each renovation performed by the firm  
42 and discharges all of the certified renovator responsibilities identified in  
43 paragraph G.2. of this rule.  
44

- 45 (c) All renovations performed by the firm are performed in accordance with  
46 the work practice standards in paragraph F.2. of Rule 9.5.

- 1  
2 (d) The pre-renovation education requirements of paragraph F.4. of Rule 9.5  
3 have been performed. Requires distribution of pamphlet Renovate Right:  
4 Important Lead Hazard Information for Families, Child Care Providers  
5 and Schools.  
6  
7 (e) The recordkeeping requirements of paragraph F.3. of Rule 9.5 are met.  
8

9 M. *Suspension, Revocation, and Modification of Certifications of Individuals Engaged in*  
10 *Lead-Based Paint Activities.*

- 11  
12 (1) The Commission may, after notice and opportunity for hearing, suspend or revoke  
13 or modify an individual's certification if an individual has:  
14  
15 (a) Obtained training documentation through fraudulent means.  
16  
17 (b) Gained admission to and completed an accredited training program  
18 through misrepresentation of admission requirements.  
19  
20 (c) Obtained certification through misrepresentation of certification  
21 requirements or related documents dealing with education, training,  
22 professional registration, or experience.  
23  
24 (d) Performed work requiring certification at a job site without having proof of  
25 certification.  
26  
27 (e) Permitted the duplication or use of the individual's own certificate by  
28 another.  
29  
30 (f) Performed work for which certification is required, but for which  
31 appropriate certification has not been received.  
32  
33 (g) Failed to comply with the appropriate work practice standards for lead-  
34 based paint activities at Rule 9.5.  
35  
36 (h) Failed to comply with Federal, State, or local lead-based paint statutes or  
37 regulations.  
38

39 N. *Suspension, Revocation, and Modification of Certifications of Firms Engaged in Lead-*  
40 *Based Paint Activities.*

- 41  
42 (1) The Commission may, after notice and opportunity for hearing, suspend, revoke,  
43 or modify a firm's certification if a firm has:  
44  
45 (a) Performed work requiring certification at a job site with individuals who  
46 are not certified.

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- (b) Failed to comply with the work practice standards established in Rule 9.5.
- (c) Misrepresented facts in its letter of application for certification to the Commission.
- (d) Failed to maintain required records.
- (e) Failed to comply with Federal, State, or local lead-based paint statutes or regulations.

O. *Procedures for Suspension, Revocation, or Modification of the Certification of Individuals or Firms.*

- (1) If the Commission decides to suspend, revoke, or modify the certification of any individual or firm, it shall notify the affected entity in writing of the following:
  - (a) The legal and factual basis for the suspension, revocation, or modification.
  - (b) The commencement date and duration of the suspension, revocation, or modification.
  - (c) Actions, if any, which the individual or affected entity may take to avoid suspension, revocation, or modification or to receive certification in the future.
  - (d) The opportunity and method for requesting a hearing prior to final Commission action to suspend, revoke, or modify certification.
  - (e) Any additional information, as appropriate, which Commission may provide.
- (2) If a hearing is requested by the certified individual or firm, all proceedings and hearings before the Commission shall be conducted in accordance with Sections 49-17-31 through 49-17-41, Mississippi Code of 1972.

P. *Type and Duration of Certificates*

- (1) Certification of Individuals (Inspectors, Risk Assessors, Project Designers, Supervisors, Renovators, Dust Sampling Technicians and Abatement Workers).

Unless the Commission revokes or suspends a certificate, an initial certificate shall remain in effect during the period of time training is effective, but not to exceed one (1) year after the date of issuance. To maintain certification in a particular discipline an individual must comply with the following requirements:

1 (a) Each certificate must be renewed annually during the period of required  
2 training.

3  
4 (b) Refresher training must be successfully completed in each discipline every  
5 three (3) years following successful completion of the initial training  
6 course.

7  
8 (2) Certification of Firms

9  
10 Unless the Commission revokes or suspends a certificate, the initial certificate  
11 shall remain in effect for a period of one (1) year. To maintain certification, the  
12 certification license must be renewed annually.

13  
14 Q. *Reciprocity*

15  
16 Any person who has been issued a certificate in another state or a tribe which has  
17 certification, educational, and experience requirements equal to or greater than those of  
18 this State, and which grants equal certification privileges to persons certified in this State,  
19 may be issued a certificate in this State upon terms and conditions determined by the  
20 Department.

21  
22 Source: Miss. Code Ann. §§ 49-17-501, et seq., 49-2-1, et seq. and 49-17-1, et seq.

23  
24 *Rule 9.5 Work Practice Standards for Conducting Lead-Based Paint Activities.*

25  
26 A. *Effective Date, Applicability, and Terms.*

27  
28 (1) Beginning on the date of adoption all lead-based paint abatement and renovation  
29 activities shall be performed pursuant to the work practice standards contained in  
30 this rule.

31  
32 (2) When performing any lead-based paint activity described by the certified  
33 individual as an inspection, lead-hazard screen, risk assessment, renovation, or  
34 abatement, a certified individual must perform that activity in compliance with the  
35 appropriate requirements below.

36  
37 (3) Documented methodologies that are appropriate for this rule are found in the  
38 following: The U.S. Department of Housing and Urban Development (HUD)  
39 Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in  
40 Housing; the EPA Guidance on Residential Lead-Based Paint, Lead-  
41 Contaminated Dust, Lead-Contaminated Soil; the EPA Residential Sampling for  
42 Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001);  
43 40 CFR Part 745, Lead; Requirements for Lead-Based Paint activities in Target  
44 Housing and Child-occupied Facilities: Final Rule (Federal Register, Volume 61,  
45 Number 169, Thursday, August 29, 1996); EPA Lead; Renovation, Repair, and

1 Painting Program: Final Rule (Federal Register, Volume 73, Number 78, April  
2 22, 2008); and other equivalent methods and guidelines.

- 3  
4 (4) Clearance levels appropriate for the purposes of this rule may be found in the  
5 EPA January 2001 rules (40 CFR 745; Identification of Dangerous Levels of  
6 Lead, Final Rule) at 745.227(e)(8)(viii).

7  
8 B. *Inspection.*

- 9  
10 (1) An inspection shall be conducted only by a person certified by the Commission as  
11 an inspector or risk assessor and, if conducted, must be conducted according to  
12 the procedures in this paragraph.

- 13  
14 (2) When conducting an inspection, the following locations shall be selected  
15 according to documented methodologies and tested for the presence of lead-based  
16 paint:

17  
18 (a) In a residential dwelling and child-occupied facility, each component with  
19 a distinct painting history and each exterior component with a distinct  
20 painting history shall be tested for lead-based paint, except those  
21 components that the inspector or risk assessor determines to have been  
22 replaced after 1978, or to not contain lead-based paint; and

23  
24 (b) In a multi-family dwelling or child-occupied facility, each component with  
25 a distinct painting history in every common area, except those components  
26 that the inspector or risk assessor determines to have been replaced after  
27 1978, or to not contain lead-based paint.

- 28  
29 (3) Paint shall be sampled in the following manner:

30  
31 (a) The analysis of paint to determine the presence of lead shall be conducted  
32 using documented methodologies which incorporate adequate quality  
33 control procedures; and/or

34  
35 (b) All collected paint chip samples shall be analyzed according to paragraph  
36 F. of this rule to determine if they contain detectable levels of lead that can  
37 be quantified numerically.

- 38  
39 (4) The certified inspector or risk assessor shall prepare an inspection report which  
40 shall include the following information:

41  
42 (a) Date of each inspection.

43  
44 (b) Address of building.

45  
46 (c) Date of construction.

- 1  
2 (d) Apartment numbers (if applicable).  
3  
4 (e) Name, address, and telephone number of the owner or owners of each  
5 residential dwelling or child-occupied facility.  
6  
7 (f) Name, signature, and certification number of each certified inspector  
8 and/or risk assessor conducting testing.  
9  
10 (g) Name, address, and telephone number of the certified firm employing  
11 each inspector and/or risk assessor, if applicable.  
12  
13 (h) Each testing method and device and/or sampling procedure employed for  
14 paint analysis, including quality control data and, if used, the serial  
15 number of an x-ray fluorescence (XRF) device.  
16  
17 (i) Specific locations of each painted component tested for the presence of  
18 lead-based paint.  
19  
20 (j) The results of the inspection expressed in terms appropriate to the  
21 sampling method used.  
22

23 C. *Lead Hazard Screen.*

- 24  
25 (1) A lead hazard screen shall be conducted only by a person certified by the  
26 Commission as a risk assessor.  
27  
28 (2) If conducted, a lead hazard screen shall be conducted as follows:  
29  
30 (a) Background information regarding the physical characteristics of the  
31 residential dwelling or child-occupied facility and occupant use patterns  
32 that may cause lead-based paint exposure to one or more children age 6  
33 years and under shall be collected.  
34  
35 (b) A visual inspection of the residential dwelling or child-occupied facility  
36 shall be conducted to:  
37  
38 (1) Determine if any deteriorated paint is present, and  
39  
40 (2) Locate at least two dust sampling locations.  
41  
42 (c) If deteriorated paint is present, each surface with deteriorated paint, which  
43 is determined, using documented methodologies, to be in poor condition  
44 and to have a distinct painting history, shall be tested for the presence of  
45 lead.  
46

- 1 (d) In residential dwellings, two composite dust samples shall be collected,  
2 one from the floors and the other from the windows, in rooms, hallways,  
3 or stairwells where one or more children, age 6 or under, are most likely to  
4 come in contact with dust.  
5  
6 (e) In multi-family dwellings and child-occupied facilities, in addition to the  
7 floor and window samples required in paragraph C.2.d. of this Rule, the  
8 risk assessor shall also collect composite dust samples from common areas  
9 where one or more children, age 6 and under, are most likely to come into  
10 contact with dust.  
11  
12 (3) Dust samples shall be collected and analyzed in the following manner:  
13  
14 (a) All dust samples shall be taken using documented methodologies that  
15 incorporate adequate quality control procedures.  
16  
17 (b) All collected dust samples shall be analyzed according to paragraph F. of  
18 this rule to determine if they contain detectable levels of lead that can be  
19 quantified numerically.  
20  
21 (4) Paint shall be sampled in the following manner:  
22  
23 (a) The analysis of paint to determine the presence of lead shall be conducted  
24 using documented methodologies which incorporate adequate quality  
25 control procedures; and/or  
26  
27 (b) All collected paint chip samples shall be analyzed according to paragraph  
28 F. of this Rule to determine if they contain detectable levels of lead that  
29 can be quantified numerically.  
30  
31 (5) The risk assessor shall prepare a lead hazard screen report, which shall include the  
32 following information:  
33  
34 (a) The information required in a risk assessment report as specified in  
35 paragraph D. of this rule, including paragraphs D.11.a. through D.11.n.,  
36 and excluding paragraphs D.11.o. through D.11.r. of this rule.  
37 Additionally, any background information collected pursuant to paragraph  
38 C.2.a. of this rule shall be included in the risk assessment report; and  
39  
40 (b) Recommendations, if warranted, for a follow-up risk assessment, and as  
41 appropriate, any further actions.  
42

43 D. *Risk Assessment.*  
44



- 1 (1) A risk assessment shall be conducted only by a person certified by the  
2 Commission as a risk assessor and, if conducted, must be conducted according to  
3 the procedures in this paragraph.  
4
- 5 (2) A visual inspection for risk assessment of the residential dwelling or child-  
6 occupied facility shall be undertaken to locate the existence of deteriorated paint,  
7 assess the extent and causes of the deterioration, and other potential lead-based  
8 paint hazards.  
9
- 10 (3) Background information regarding the physical characteristics of the residential  
11 dwelling or child-occupied facility and occupant use patterns that may cause lead-  
12 based paint exposure to one or more children age 6 years and under shall be  
13 collected.  
14
- 15 (4) Each surface with deteriorated paint, which is determined, using documented  
16 methodologies, to be in poor condition and to have a distinct painting history,  
17 shall be tested for the presence of lead. Each other surface determined, using  
18 documented methodologies, to be a potential lead-based paint hazard and having a  
19 distinct painting history, shall also be tested for the presence of lead.  
20
- 21 (5) In residential dwellings, dust samples (either composite or single-surface samples)  
22 from the window and floor shall be collected in all living areas where one or more  
23 children, age 6 and under, are most likely to come into contact with dust.  
24
- 25 (6) For multi-family dwelling and child-occupied facilities, the samples required in  
26 paragraph D.4. of this rule shall be taken. In addition, window and floor dust  
27 samples (either composite or single-surface samples) shall be collected in the  
28 following locations:  
29
- 30 (a) Common areas adjacent to the sampled residential dwelling or child-  
31 occupied facility; and  
32
- 33 (b) Other common areas in the building where the risk assessor determines  
34 that one or more children, age 6 or under, are likely to come into contact  
35 with dust.  
36
- 37 (7) For child-occupied facilities, window and floor dust samples (either composite or  
38 single-surface samples) shall be collected in each room, hallway, or stairwell  
39 utilized by one or more children, age 6 and under, and in other common areas in  
40 the child-occupied facility where the risk assessor determines one or more  
41 children, age 6 or under, are likely to come into contact with dust.  
42
- 43 (8) Soil samples shall be collected and analyzed for lead concentrations in the  
44 following locations:  
45
- 46 (a) Exterior play areas where bare soil is present; and

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- (b) Drip line/foundation areas where bare soil is present; and
  - (c) The rest of the yard (i.e., non-play areas) where bare soil is present.
- (9) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.
- (10) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph F. of this Rule to determine if they contain detectable levels of lead that can be quantified numerically.
- (11) The certified risk assessor shall prepare a risk assessment report which shall include the following information:
- (a) Date of assessment.
  - (b) Address of each building.
  - (c) Date of construction of buildings.
  - (d) Apartment number (if applicable).
  - (e) Name, address, and telephone number of each owner of each building.
  - (f) Name, signature, and certification of the certified risk assessor conducting the assessment.
  - (g) Name, address and telephone number of the certified firm employing each certified risk assessor if applicable.
  - (h) Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
  - (i) Results of the visual inspection.
  - (j) Testing method and sampling procedure for paint analysis employed.
  - (k) Specific locations of each painted component tested for the presence of lead.
  - (l) All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
  - (m) All results of laboratory analysis on collected paint, soil, and dust samples.

- 1 (n) Any other sampling results.  
2  
3 (o) Any background information collected pursuant to paragraph D.3. of this  
4 Rule.  
5  
6 (p) To the extent that they are used as part of the lead-based paint hazard  
7 determination, the results of any previous inspections or analyses for the  
8 presence of lead-based paint, or other assessments of lead-based paint-  
9 related hazards.  
10  
11 (q) A description of the location, type, severity of identified lead-based paint  
12 hazards and any other potential lead hazards.  
13  
14 (r) A description of interim controls and/or abatement options for each  
15 identified lead-based paint hazard and a suggested prioritization for  
16 addressing each hazard. If the use of an encapsulant or enclosure is  
17 recommended, the report shall recommend a maintenance and monitoring  
18 schedule for the encapsulant or enclosure.  
19

20 E. *Abatement.*  
21

- 22 (1) An abatement shall be conducted only by an individual certified by the  
23 Commission, and if conducted, shall be conducted according to the procedures in  
24 this paragraph.  
25  
26 (2) A certified supervisor is required for each abatement project and shall be onsite  
27 during all work site preparation and during the post-abatement cleanup and  
28 clearance of work areas. At all other times when abatement activities are being  
29 conducted, the certified supervisor shall be onsite or available by telephone, pager  
30 or answering service, and able to be present at the work site in no more than 2  
31 hours.  
32  
33 (3) The certified supervisor and the certified firm employing that supervisor shall:  
34 (1) ensure that all abatement activities are conducted according to the  
35 requirements of this rule and all other Federal, State, and local requirements, and  
36 (2) maintain all certificates for all firms, supervisors and workers who are  
37 employed in connection with the abatement project at the abatement project site.  
38 All such certificates shall be made available to Department personnel during  
39 abatement project inspections.  
40  
41 (4) Notification of the commencement of lead-based paint abatement activities in a  
42 residential dwelling or child-occupied facility or as a result of a Federal, State, or  
43 local order shall be given to the Department prior to the commencement of  
44 abatement activities as required in paragraph I. of this rule.  
45

- 1 (5) A written occupant protection plan shall be developed for all abatement projects  
2 and shall be prepared according to the following procedures:  
3
- 4 (a) The occupant protection plan shall be unique to each residential dwelling  
5 or child-occupied facility and be developed prior to the abatement. The  
6 occupant protection plan shall describe the measures and management  
7 procedures that will be taken during the abatement to protect the building  
8 occupants from exposure to any lead-based paint hazards.  
9
- 10 (b) A certified supervisor or project designer shall prepare the occupant  
11 protection plan.  
12
- 13 (6) The work practices listed below shall be restricted during an abatement as  
14 follows:  
15
- 16 (a) Open-flame burning or torching of lead-based paint is prohibited;  
17
- 18 (b) Machine sanding or grinding or abrasive blasting or sandblasting of lead-  
19 based paint is prohibited unless used with High Efficiency Particulate Air  
20 (HEPA) exhaust control which removes particles of 0.3 microns or larger  
21 from the air at 99.97 percent or greater efficiency;  
22
- 23 (c) Dry scraping of lead-based paint is permitted only in conjunction with  
24 heat guns or around electrical outlets or when treating defective paint  
25 spots totaling no more than 2 square feet in any one room, hallway or  
26 stairwell or totaling no more than 20 square feet on exterior surfaces; and  
27
- 28 (d) Operating a heat gun on lead-based paint is permitted only at temperatures  
29 below 1100 degrees Fahrenheit.  
30
- 31 (7) If conducted, soil abatement shall be conducted in one of the following ways:  
32
- 33 (a) If soil is removed, the lead-contaminated soil shall be replaced with soil  
34 that is not lead-contaminated; or  
35
- 36 (b) If soil is not removed, the lead-contaminated soil shall be permanently  
37 covered, as defined in these regulations.  
38
- 39 (8) The following post-abatement clearance procedures shall be performed only by a  
40 certified inspector or risk assessor:  
41
- 42 (a) Following an abatement, a visual inspection shall be performed to  
43 determine if deteriorated painted surfaces and/or visible amounts of dust,  
44 debris or residue are still present. If deteriorated painted surfaces or visible  
45 amounts of dust, debris or residue are present, these conditions must be  
46 eliminated prior to the continuation of the clearance procedures.

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- (b) Following the visual inspection and any post-abatement cleanup required by paragraph E.8.a. of this Rule, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques.
- (c) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.
- (d) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post-abatement cleanup activities.
- (e) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:
  - (1) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of no less than four rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.
  - (2) After conducting an abatement with no containment, two dust samples shall be taken from no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.
  - (3) Following an exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable Federal, State and local requirements.

- 1 (f) The rooms, hallways or stairwells selected for sampling shall be selected  
2 according to documented methodologies.  
3
- 4 (g) The certified inspector or risk assessor shall compare the residual lead level  
5 (as determined by the laboratory analysis) from each dust sample with  
6 applicable clearance levels for lead in dust on floors and windows. If the  
7 residual lead levels in a dust sample exceed the clearance levels, all the  
8 components represented by the failed sample shall be recleaned and  
9 retested until clearance levels are met.  
10
- 11 (9) In a multi-family dwelling with similarly constructed and maintained residential  
12 dwellings, random sampling for the purposes of clearance may be conducted  
13 provided:  
14
- 15 (a) The certified individuals who abate or clean the residential dwellings do  
16 not know which residential dwelling will be selected for the random  
17 sample.  
18
- 19 (b) A sufficient number of residential dwellings are selected for dust sampling  
20 to provide a 95 percent level of confidence that no more than 5 percent or  
21 50 of the residential dwellings (whichever is smaller) in the randomly  
22 sampled population exceed the appropriate clearance levels.  
23
- 24 (c) The randomly selected residential dwellings shall be sampled and  
25 evaluated for clearance according to the procedures found in paragraph  
26 E.8. of this Rule.  
27
- 28 (10) An abatement report shall be prepared by a certified supervisor or project  
29 designer. The abatement report shall include the following information:  
30
- 31 (a) Start and completion dates of abatement.  
32
- 33 (b) The name and address of each certified firm conducting the abatement and  
34 the name of each supervisor assigned to the abatement project.  
35
- 36 (c) The occupant protection plan prepared pursuant to paragraph E.5. of this  
37 Rule.  
38
- 39 (d) The name, address, and signature of each certified risk assessor or  
40 inspector conducting clearance sampling and the date of clearance testing.  
41
- 42 (e) The results of clearance testing and all soil analyses (if applicable) and the  
43 name of each recognized laboratory that conducted the analyses.  
44
- 45 (f) A detailed written description of the abatement, including abatement  
46 methods used, locations of rooms and/or components where abatement

1 occurred, reason for selecting particular abatement methods for each  
2 component, and any suggested monitoring of encapsulants or enclosures.  
3

4 F. *Renovation*

5  
6 (1) Applicability

7  
8 (a) This section applies to all renovations performed for compensation in  
9 target housing and child-occupied facilities, except for the following:

10  
11 (1) Renovations in target housing or child-occupied facilities in which  
12 a written determination has been made by a certified inspector or  
13 risk assessor that the components affected by the renovation are  
14 free of paint or other surface coatings that contain lead equal to or  
15 in excess of 1.0 milligrams/per square centimeter ( $\text{mg}/\text{cm}^2$ ) or  
16 0.5% by weight, where the firm performing the renovation has  
17 obtained a copy of the determination.  
18

19 (2) Renovations in target housing or child-occupied facilities in which  
20 a certified renovator, using an EPA recognized test kit and  
21 following the kit manufacturer's instructions, has tested each  
22 component affected by the renovation and determined that the  
23 components are free of paint or other surface coatings that contain  
24 lead equal to or in excess of  $1.0 \text{ mg}/\text{cm}^2$  or 0.5% by weight. If the  
25 components make up an integrated whole, such as the individual  
26 stair treads and risers of a single staircase, the renovator is required  
27 to test only one of the individual components, unless the individual  
28 components appear to have been repainted or refinished separately.  
29

30 (3) Persons who perform lead-based paint activities within residential  
31 dwellings that they own are exempt from the regulations unless the  
32 residential dwelling is occupied by a person or persons other than  
33 the owner or owner's immediate family while these activities are  
34 being performed, or a child residing in the building has been  
35 identified as having an elevated blood lead level as determined by  
36 the United States Department of Health and Human Services;  
37 Centers for Disease Control and Prevention.  
38

39 (b) The training requirements in paragraphs G. and H. of Rule 9.4 and the  
40 work practice standards for renovation activities in paragraph F.2. of this  
41 rule, apply to all renovations covered by this regulation, except for  
42 renovations in target housing for which the firm performing the renovation  
43 has obtained a statement signed by the owner that the renovation will  
44 occur in the owner's residence, no child under age 6 resides there, no  
45 pregnant woman resides there, the housing is not a child-occupied facility,  
46 and the owner acknowledges that the renovation firm will not be required

1 to use the work practices contained in EPA's renovation, repair, and  
2 painting rule. For the purposes of this rule, a child resides in the primary  
3 residence of his or her custodial parents, legal guardians, and foster  
4 parents. A child also resides in the primary residence of an informal  
5 caretaker if the child lives and sleeps most of the time at the caretaker's  
6 residence.  
7

8 (c) The information distribution requirements in paragraph F.4. of this rule do  
9 not apply to emergency renovations, which are renovation activities that  
10 were not planned but result from a sudden, unexpected event (such as non-  
11 routine failures of equipment) that, if not immediately attended to,  
12 presents a safety or public health hazard, or threatens equipment and/or  
13 property with significant damage. Interim controls performed in response  
14 to an elevated blood lead level in a resident child are also emergency  
15 renovations. Emergency renovations other than interim controls are also  
16 exempt from the warning sign, containment, waste handling, training, and  
17 certification requirements in paragraph F.2. of this rule, L. of Rule 9.4, and  
18 G. of Rule 9.4 to the extent necessary to respond to the emergency.  
19 Emergency renovations are not exempt from the cleaning requirements of  
20 paragraph F.2.a.(5) of this Rule, which must be performed by certified  
21 renovators or individuals trained in accordance with paragraph G.2. of  
22 Rule 9.4, the cleaning verification requirements of paragraph F.2.b. of this  
23 rule, which must be performed by certified renovators, and recordkeeping  
24 requirements of paragraphs F.3.b.(6) and F.3.b.(7) of this rule.  
25

26 (2) Work practice standards listed below shall be followed.  
27

28 (a) Standards for renovation activities. Renovations must be performed by  
29 certified firms using certified renovators as required in paragraph L.7.a. of  
30 Rule 9.4 The responsibilities of certified firms are set forth in paragraph  
31 L.7. of Rule 9.4 The responsibilities of certified renovators are set forth in  
32 paragraph G.2. of Rule 9.4.  
33

34 (1) Occupant protection. Firms must post signs clearly defining the  
35 work area warning occupants and other persons not involved in  
36 renovation activities to remain outside of the work areas. To the  
37 extent practicable, these signs must be in the primary language of  
38 the occupants. These signs must be posted before beginning the  
39 renovation and must remain in place and readable until the  
40 renovation and the post-renovation cleaning verification has been  
41 completed. If warning signs have been posted in accordance with  
42 24 CFR 35.1345(b)(2) or 29 CFR 1926.62(m), additional signs are  
43 not required by this rule.  
44

45 (2) Containing the work area. Before beginning the renovation, the  
46 firm must isolate the work area so that no dust or debris leaves the



1 work area while the renovation is being performed. In addition,  
2 the firm must maintain the integrity of the containment by ensuring  
3 that any plastic or other impermeable materials are not torn or  
4 displaced, and taking any other steps necessary to ensure that no  
5 dust or debris leaves the work area while the renovation is being  
6 performed. The firm must also ensure that containment is installed  
7 in such a manner that it does not interfere with occupant and  
8 worker egress in an emergency.  
9

10 (i) Interior renovations. The firm must:

11 (A) Remove all objects from the work area, including  
12 furniture, rugs, and window coverings, or cover  
13 them with plastic sheeting or other impermeable  
14 material with all seams and edges taped or  
15 otherwise sealed.  
16

17 (B) Close and cover all ducts opening in the work area  
18 with taped down plastic sheeting or other  
19 impermeable material.  
20

21 (C) Close windows and doors in the work area. Doors  
22 must be covered with plastic sheeting or other  
23 impermeable material. Doors used as an entrance to  
24 the work area must be covered with plastic sheeting  
25 or other impermeable material in a manner that  
26 allows workers to pass through while confining dust  
27 and debris to the work area.  
28

29 (D) Cover the floor surface, including installed carpet,  
30 with taped down plastic sheeting or other  
31 impermeable material in the work area 6 feet  
32 beyond the perimeter of surfaces undergoing  
33 renovation or a sufficient distance to contain the  
34 dust, whichever is greater.  
35

36 (E) Use precautions to ensure that all personnel, tools,  
37 and other items, including the exteriors of  
38 containers of waste, are free of dust and debris  
39 before leaving the work area.  
40

41 (ii) Exterior renovations. The firm must:

42 (A) Close all doors and windows within 20 feet of the  
43 renovation. On multi-story buildings, close all  
44 doors and windows within 20 feet of the  
45  
46

1 renovation on the same floor as the renovation, and  
2 close all doors and windows on all floors below  
3 that are the same horizontal distance from the  
4 renovation.

5  
6 (B) Ensure that doors within the work area that will be  
7 used while the job is being performed are covered  
8 with plastic sheeting or other impermeable material  
9 in a manner that allows workers to pass through  
10 while confining dust and debris to the work area.

11  
12 (C) Cover the ground with plastic sheeting or other  
13 disposable impermeable material extending 10 feet  
14 beyond the perimeter of surfaces undergoing  
15 renovation or a sufficient distance to collect falling  
16 paint debris, whichever is greater, unless the  
17 property line prevents 10 feet of such ground  
18 covering.

19  
20 (D) In certain situations, the renovation firm must take  
21 extra precautions in containing the work area to  
22 ensure that dust and debris from the renovation  
23 does not contaminate other buildings or other areas  
24 of the property or migrate to adjacent properties.

25  
26 (3) Prohibited and restricted practices. The work practices listed  
27 below shall be prohibited or restricted during a renovation as  
28 follows:

29  
30 (i) Open-flame burning or torching of lead-based paint is  
31 prohibited;

32  
33 (ii) The use of machines that remove lead-based paint through  
34 high speed operation such as sanding, grinding, power  
35 planing, needle gun, abrasive blasting, or sandblasting, is  
36 prohibited unless such machines are used with HEPA  
37 exhaust control; and

38  
39 (iii) Operating a heat gun on lead-based paint is permitted only  
40 at temperatures below 1100 degrees Fahrenheit.

41  
42 (4) Waste from renovations

43  
44 (i) Waste from renovation activities must be contained to  
45 prevent releases of dust and debris before the waste is  
46 removed from the work area for storage or disposal. If a

1 chute is used to remove waste from the work area, it must  
2 be covered.

3  
4 (ii) At the conclusion of each work day and at the conclusion  
5 of the renovation, waste that has been collected from  
6 renovation activities must be stored under containment, in  
7 an enclosure or behind a barrier that prevents release of  
8 dust and debris out of the work area and prevents access to  
9 dust and debris.

10  
11 (iii) When the firm transports waste from renovation activities,  
12 the firm must contain the waste to prevent release of dust  
13 and debris.

14  
15 (5) Cleaning the work area. After the renovation has been completed,  
16 the firm must clean the work area until no dust, debris or residue  
17 remains.

18  
19 (i) Interior and exterior renovations. The firm must:

20  
21 (A) Collect all paint chips and debris and, without  
22 dispersing any of it, seal this material in a heavy-  
23 duty bag.

24  
25 (B) Remove the protective sheeting. Mist the sheeting  
26 before folding it, fold the dirty side inward, and  
27 either tape shut to seal or seal in heavy-duty bags.  
28 Sheeting used to isolate contaminated rooms from  
29 non-contaminated rooms must remain in place until  
30 after the cleaning and removal of other sheeting.  
31 Dispose of the sheeting as waste.

32  
33 (ii) Additional cleaning for interior renovation. The firm must  
34 clean all objects and surfaces in the work area and within 2  
35 feet of the work area in the following manner, cleaning  
36 from higher to lower:

37  
38 (A) Walls. Clean walls starting at the ceiling and  
39 working down to the floor by either vacuuming with  
40 a HEPA vacuum or wiping with a damp cloth.

41  
42 (B) Remaining surfaces. Thoroughly vacuum all  
43 remaining surfaces and objects in the work area,  
44 including furniture and fixtures, with a HEPA  
45 vacuum. The HEPA vacuum must be equipped  
46 with a beater bar when vacuuming carpets and rugs.

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(C) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

(b) Standards for post-renovation cleaning verification.

(1) Interiors.

(i) A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.

(ii) After a successful visual inspection, a certified renovator must:

(A) Verify that each windowsill in the working area has been adequately cleaned, using the following procedure:

(a) Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

(b) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed in paragraphs F.2.a.(5)(ii)(B) and a.(5)(ii)(C) of this Rule, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.

(c) If the cloth does not match and is darker than the cleaning verification card, wait for

1 1 hour or until the surface has dried  
2 completely, whichever is longer.

3  
4 (d) After waiting for the windowsill to dry, wipe  
5 the windowsill with a dry disposable  
6 cleaning cloth. After this wipe, the  
7 windowsill has been adequately cleaned.

8  
9 (B) Wipe uncarpeted floors and countertops within the  
10 work area with a wet disposable cleaning cloth.  
11 Floors must be wiped using an application device  
12 with a long handle and a head to which the cloth is  
13 attached. The cloth must remain damp at all times  
14 while it is being used to wipe the surface for post-  
15 renovation cleaning verification. If the surface  
16 within the work area is greater than 40 square feet,  
17 the surface within the work area must be divided  
18 into roughly equal sections that are each less than  
19 40 square feet. Wipe each such section separately  
20 with a new wet disposable cleaning cloth. If the  
21 cloth used to wipe each section of the surface within  
22 the work area matches the cleaning verification  
23 card, the surface has been adequately cleaned.

24  
25 (a) If the cloth used to wipe a particular section  
26 does not match the cleaning verification  
27 card, re-clean that section of the surface as  
28 directed in paragraphs F.2.a.(5)(ii)(B) and  
29 a.(5)(ii)(C) of this rule, then use a new wet  
30 disposal cleaning cloth to wipe that section  
31 again. If the cloth matches the cleaning  
32 verification card, that section of the surface  
33 has been adequately cleaned.

34  
35 (b) If the cloth used to wipe a particular surface  
36 section does not match the cleaning  
37 verification card after the surface has been  
38 re-cleaned, wait for one hour or until the  
39 entire surface within the work area has dried  
40 completely, whichever is longer.

41  
42 (c) After waiting for the entire surface within  
43 the work area to dry, wipe each section of  
44 the surface that has not yet achieved post-  
45 renovation cleaning verification with a dry  
46 disposable cleaning cloth. After this wipe,

1 that section of the surface has been  
2 adequately cleaned.

3  
4 (iii) When the work area passes the post-renovation cleaning  
5 verification, remove the warning signs.  
6

7 (2) Exteriors. A certified renovator must perform a visual inspection  
8 to determine whether dust, debris or residue is still present on  
9 surfaces in and below the work area, including windowsills and the  
10 ground. If dust, debris or residue is present, these conditions must  
11 be eliminated and another visual inspection must be performed.  
12 When the area passes the visual inspection, remove the warning  
13 signs.  
14

15 (c) Optional dust clearance testing. Cleaning verification need not be  
16 performed if the contract between the renovation firm and the person  
17 contracting for the renovation requires:  
18

19 (1) The renovation firm to perform dust clearance sampling at the  
20 conclusion of a renovation covered by this subpart.  
21

22 (2) The dust clearance samples are required to be collected by a  
23 certified inspector, risk assessor or dust sampling technician.  
24

25 (3) The renovation firm is required to re-clean the work area until the  
26 dust clearance sample results are below the clearance standards in  
27 paragraph A.4. of this rule.  
28

29 (d) Activities conducted after post-renovation cleaning verification. Activities  
30 that do not disturb paint, such as applying paint to walls that have already  
31 been prepared, are not regulated by this subpart if they are conducted after  
32 post-renovation cleaning verification has been performed.  
33

34 (3) Recordkeeping and reporting requirements.  
35

36 (a) Firms performing renovations must retain and, if requested, make  
37 available to the Commission all records necessary to demonstrate  
38 compliance with this subpart for a period of 3 years following completion  
39 of the renovation.  
40

41 (b) Records that must be retained pursuant to paragraph F.3.a. of this rule  
42 shall include (where applicable):  
43

44 (1) Reports certifying that a determination had been made by a  
45 certified inspector that lead-based paint is not present on the

1 components affected by the renovation as described in paragraph  
2 F.1.a.(1) of this rule.  
3

4 (2) Signed and dated acknowledgments of receipt as described in  
5 paragraphs F.4.a.(1)(i), a.(2)(i), b.(1)(i), c.(1)(i)(A) and c.(1)(ii)(A)  
6 of this rule.  
7

8 (3) Certificates of attempted delivery as described in paragraphs  
9 F.4.a.(2)(i) and c.(1)(ii)(A) of this rule.  
10

11 (4) Certificates of mailing as described in paragraphs F.4.a.(1)(ii),  
12 a.(2)(ii), b.(1)(ii), c.(1)(i)(B) and c.(1)(ii)(B) of this rule.  
13

14 (5) Records of notification activities performed regarding common  
15 area renovations, as described in paragraphs F.4.(b)(3) and (4) of  
16 this rule, and renovations in child-occupied facilities, as described  
17 in paragraph F.4.c.(2) of this rule.  
18

19 (6) Any signed and dated statements received from owner-occupants  
20 documenting that the renovation requirements of paragraph F.2. of  
21 this rule do not apply. These statements must include a declaration  
22 that the renovation will occur in the owner's residence, a  
23 declaration that no children under 6 reside there, a declaration that  
24 no pregnant woman resides there, a declaration that the housing is  
25 not a child-occupied facility, the address of the unit undergoing  
26 renovation, the owner's name, an acknowledgement by the owner  
27 that the work practices to be used during the renovation will not  
28 necessarily include all of the lead-safe work practices contained in  
29 EPA's renovation, repair, and painting rule, the signature of the  
30 owner, and the date of signature. These statements must be written  
31 in the same language as the text of the renovation contract, if any.  
32

33 (7) Documentation of compliance with the requirements of paragraph  
34 F.2. of this rule, including documentation that a certified renovator  
35 was assigned to the project, that the certified renovator provided  
36 on-the-job training for workers used on the project, that the  
37 certified renovator performed or directed workers who performed  
38 all of the tasks described in paragraph F.2.a. of this rule, and that  
39 the certified renovator performed the post-renovation cleaning  
40 verification described in paragraph F.2.b. of this rule. If the  
41 renovation firm was unable to comply with all of the requirements  
42 of this rule due to an emergency as defined in paragraph F.1.c. of  
43 this rule, the firm must document the nature of the emergency and  
44 the provisions of the rule that were not followed. This  
45 documentation must include a copy of the certified renovator's  
46 training certificate, a copy of the renovator's Mississippi renovator

1 certification certificate, and a certification by the certified  
2 renovator assigned to the project that:

- 3
- 4 (i) Training was provided to workers (topics must be identified  
5 for each worker).
- 6
- 7 (ii) Warning signs were posted at the entrances to the work  
8 area.
- 9
- 10 (iii) If test kits were used, that the specified brand of kits was  
11 used at the specified locations and that the results were as  
12 specified.
- 13
- 14 (iv) The work area was contained by:
- 15
- 16 (A) Removing or covering all objects in the work area  
17 (interiors).
- 18
- 19 (B) Closing and covering all HVAC ducts in the work  
20 area (interiors).
- 21
- 22 (C) Closing all windows in the work area (interiors) or  
23 closing all windows in and within 20 feet of the  
24 work area (exteriors).
- 25
- 26 (D) Closing and sealing all doors in the work area  
27 (interiors) or closing and sealing all doors in and  
28 within 20 feet of the work area (exteriors).
- 29
- 30 (E) Covering doors in the work area that were being  
31 used to allow passage but prevent spread of dust.
- 32
- 33 (F) Covering the floor surface, including installed  
34 carpet, with taped-down plastic sheeting or other  
35 impermeable material in the work area 6 feet  
36 beyond the perimeter of surfaces undergoing  
37 renovation or a sufficient distance to contain the  
38 dust, whichever is greater (interiors) or covering the  
39 ground with plastic sheeting or other disposable  
40 impermeable material anchored to the building  
41 extending 10 feet beyond the perimeter of surfaces  
42 undergoing renovation or a sufficient distance to  
43 collect falling paint debris, whichever is greater,  
44 unless the property line prevents 10 feet of such  
45 ground covering, weighted down by heavy objects  
46 (exteriors).



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- (G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
- (v) Waste was contained on-site and while being transported off site.
- (vi) The work area was properly cleaned after the renovation by:
  - (A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
  - (B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
- (vii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).
- (c) When test kits are used, the renovation firm must, within 30 days of the completion of the renovation, provide identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test results to the person who contracted for the renovation.
- (d) If dust clearance sampling is performed in lieu of cleaning verification as permitted by paragraph F.2.c. of this rule, the renovation firm must provide, within 30 days of the completion of the renovation, a copy of the dust sampling report to the person who contracted for the renovation.
- (4) Information distribution requirements.
  - (a) Renovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must:
    - (1) Provide the owner of the unit with the pamphlet *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*, and comply with one of the following:

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- (i) Obtain, from the owner, a written acknowledgement that the owner has received the pamphlet.
  - (ii) Obtain a certificate of mailing at least 7 days prior to the renovation.
- (2) In addition to the requirements in paragraph F.4.a.(1) of this rule, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:
- (i) Obtain, from the adult occupant, a written acknowledgement that the occupant received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling and that the renovator has been unsuccessful in obtaining a written acknowledgement from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgement (e.g., occupant refuses to sign, no adult occupant available), the signature of the renovator, and the date of signature.
  - (ii) Obtain a certificate of mailing at least 7 days prior to the renovation.
- (b) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the firm performing the renovation must:
- (1) Provide the owner with the pamphlet Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools, and comply with one of the following:
    - (i) Obtain, from the owner, a written acknowledgement that the owner has received the pamphlet.
    - (ii) Obtain a certificate of mailing at least 7 days prior to the renovation.
  - (2) Comply with one of the following:
    - (i) Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected

1 unit. The notice shall describe the general nature and  
2 locations of the planned renovation activities; the expected  
3 starting and ending dates; and a statement of how the  
4 occupant can obtain the pamphlet, at no charge, from the  
5 firm performing the renovation, or  
6

7 (ii) While the renovation is ongoing, post informational signs  
8 describing the general nature and locations of the  
9 renovation and the anticipated completion date. These  
10 signs must be posted in areas where they are likely to be  
11 seen by the occupants of all the affected units. The signs  
12 must be accompanied by a posted copy of the pamphlet or  
13 information on how interested occupants can review a copy  
14 of the pamphlet or obtain a copy from the renovation firm  
15 at no cost to occupants.  
16

17 (3) Prepare, sign, and date a statement describing the steps performed  
18 to notify all occupants of the intended renovation activities and to  
19 provide the pamphlet.  
20

21 (4) If the scope, locations, or expected starting and ending dates of the  
22 planned renovation activities change after the initial notification,  
23 and the firm provided written initial notification to each affected  
24 unit, the firm performing the renovation must provide further  
25 written notification to the owners and occupants providing revised  
26 information on the ongoing planned activities. This subsequent  
27 notification must be provided before the firm performing the  
28 renovation initiates work beyond that which was described in the  
29 original notice.  
30

31 (c) Renovations in child-occupied facilities. No more than 60 days before  
32 beginning renovation activities in any child-occupied facility, the firm  
33 performing the renovation must:  
34

35 (1) (i) Provide the owner of the building with the pamphlet  
36 Renovate Right: Important Lead Hazard Information for  
37 Families, Child Care Providers and Schools, and comply  
38 with one of the following:  
39

40 (A) Obtain, from the owner, a written acknowledgement  
41 that the owner has received the pamphlet.  
42

43 (B) Obtain a certificate of mailing at least 7 days prior  
44 to the renovation.  
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(ii) If the child-occupied facility is not the owner of the building, provide an adult representative of the child-occupied facility with the pamphlet, and comply with one of the following:

(A) Obtain, from the adult representative, a written acknowledgment that the adult representative has received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgement from an adult representative. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., representative refuses to sign), the signature of a representative of the firm performing the renovation, and the date of signature.

(B) Obtain a certificate of mailing at least 7 days prior to the renovation.

(2) Provide the parents and guardians of children using the child-occupied facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with one of the following:

(i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or

(ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.

- 1 (3) The renovation firm must prepare, sign, and date a statement  
2 describing the steps performed to notify all parents and guardians  
3 of the intended renovation activities and to provide the pamphlet.  
4
- 5 (d) Written acknowledgment. The written acknowledgements required by  
6 paragraphs F.4.a.(1)(i), a.(2)(i), b.(1)(i), c.(1)(i)(A), and c.(1)(ii)(A) of this  
7 rule must:  
8
- 9 (1) Include a statement recording the owner or occupant's name and  
10 acknowledging receipt of the pamphlet prior to the start of  
11 renovation, the address of the unit undergoing renovation, the  
12 signature of the owner or occupant as applicable, and the date of  
13 signature.  
14
- 15 (2) Be either a separate sheet or part of any written contract or service  
16 agreement for the renovation.  
17
- 18 (3) Be written in the same language as the text of the contract or  
19 agreement for the renovation or, in the case of non-owner occupied  
20 target housing, in the same language as the lease or rental  
21 agreement or the pamphlet.  
22
- 23 G. *Collection and Laboratory Analysis of Samples.* Any paint chip, dust, or soil samples  
24 collected pursuant to the work practice standards contained in this section shall be:  
25
- 26 (1) Collected by persons certified by the Commission as an inspector, risk assessor,  
27 or dust sampling technician; and  
28
- 29 (2) Analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA  
30 as being capable of performing analyses for lead compounds in paint chip, dust,  
31 or soil samples.  
32
- 33 H. *Composite Dust Sampling.* Composite dust sampling may only be conducted in the  
34 situations specified in paragraphs C. through E. of this rule. If such sampling is  
35 conducted, the following conditions shall apply:  
36
- 37 (1) Composite dust samples shall consist of at least two subsamples;  
38
- 39 (2) Every component that is being tested shall be included in the sampling; and  
40
- 41 (3) Composite dust samples shall not consist of subsamples from more than one type  
42 of component.  
43
- 44 I. *Recordkeeping.* All reports or plans required in this rule shall be maintained by the  
45 certified firm or individual who prepared the report for a minimum of 3 years. The

1 certified firm or individual also shall provide copies of these reports to the building  
2 owner who contracted for its services.  
3

4 *J. Project Notifications.*  
5

6 (1) General Provision. The Department shall be notified in writing on a form  
7 provided by the Department of any lead-based paint abatement or renovation  
8 activity in target housing or child-occupied facility no less than six (6) working  
9 days prior to commencement of the activity. Abatement or renovation  
10 notifications involving one or more units at the same address may be submitted on  
11 a single notification form; however, only one address per each notification form  
12 submitted to the Department. The Department notification form must be filled  
13 out completely and properly. Blanks which do not apply shall be marked "N/A".  
14 The designation of "N/A" will not be accepted for references requiring  
15 identification of the work site, building description, building owner, abatement  
16 and transportation companies, and individuals required to be identified on the  
17 notification form. An original signature is required of the certified firm's owner  
18 or an authorized agent of the firm on each notification form. A copied signature  
19 is not acceptable. The notification shall be considered invalid if it does not  
20 contain an original signature.  
21

22 (2) Responsibility. It is the responsibility of the certified firm's owner or an  
23 authorized agent of the firm to notify the Department under this section.  
24

25 (3) Timeliness of Notification. Written notifications of lead-based paint abatement or  
26 renovation activity must be hand delivered, express mailed, or postmarked at least  
27 six (6) working days (not calendar days) before the start of lead-based paint  
28 abatement or renovation. Notifications must be delivered by United States Postal  
29 Service, commercial delivery, or by hand delivery. Telephone facsimile (FAX) is  
30 not permitted. The start date is considered to be the date when lead-based paint  
31 abatement or renovation begins.  
32

33 (4) Start-Date Change to Later Date. When lead-based paint abatement or renovation  
34 activity will begin later than the date contained in the notice, the certified firm's  
35 owner or an authorized agent of the firm shall:  
36

37 (a) Notify the Department of the changed start date by telephone as soon as  
38 possible but prior to the original start date. An amended notification is  
39 required in writing immediately following the foregoing notification; and  
40

41 (b) Provide the Department with a written notice of the new start date as soon  
42 as possible, but no later than the original start date. Delivery of the  
43 updated notice by the United States Postal Service, commercial delivery  
44 service, or hand delivery is acceptable.  
45

- 1 (5) Start-Date Change to Earlier Date. When lead-based paint abatement or  
2 renovation will begin on a date earlier than the date contained in the notice, the  
3 certified firm's owner or an authorized agent of the firm shall provide the  
4 Department with a written notice of the new start date at least six working days  
5 before the start of work.  
6
- 7 (6) Start-Date/Stop-Date (completion date) requirement. In no event shall lead-based  
8 paint abatement or renovation activity, as covered by this rule, begin or be  
9 completed on a date other than the date contained in the written notice.  
10 Amendments to start date changes are to be submitted as required in J.4. and J.5.  
11 of this rule. An amendment is required for any stop dates which change by more  
12 than one work day for each week (seven calendar day period) for which the  
13 project has been scheduled and notification submitted. The certified firm shall  
14 provide schedule changes to the Department no less than 24 hours prior to the  
15 change or completion of the project. Emergency notification can be confirmed  
16 with the Department telephonically and followed up in writing.  
17
- 18 (7) Provision for Emergency. In the event lead-based paint abatement or renovation  
19 activity is required due to an unexpected or unplanned lead-based paint incident,  
20 notification shall be made as soon as practicable, but not later than the following  
21 work day after the occurrence of the incident. Initial notification can be made by  
22 telephone, followed by formal notification on the Department's notification form.  
23 Emergencies shall be documented to the extent that the need for the emergency is  
24 evident. An emergency lead-based paint abatement or renovation activity means  
25 a lead-based paint abatement or renovation activity that was not planned, but  
26 results from a sudden, unexpected event which if not immediately attended to,  
27 presents a public health or safety hazard, and is necessary to protect equipment  
28 from damage, or is necessary to avoid imposing an unreasonable financial burden.  
29 This term includes activities necessitated by non-routine failures of equipment.  
30 This term does not include immediate abatement or renovation work solely from a  
31 lack of adequate planning for foreseeable lead-based paint abatement activity.  
32
- 33 (8) Lead-based Paint Abatement and Renovation Notification Fees.  
34
- 35 (a) Applicability. The certified firm's owner or an authorized agent of the  
36 firm shall remit to the Department a fee that is based on each individual  
37 and separate residential dwelling or multi-family dwelling or child-  
38 occupied facility at the same address to be abated or renovated as listed in  
39 this paragraph.  
40

41 *K. Lead-Based Paint Activities Requirements.*  
42

43 Lead-based paint activities, as defined in these regulations, shall only be conducted according to  
44 the procedures and work practice standards contained in this rule. No individual or firm may  
45 offer to perform or perform any lead-based paint activity as defined in these regulations, unless  
46 certified to perform that activity according to the procedures in Rule 9.4.

1  
2 Source: Miss. Code Ann. §§ 49-17-501, et seq., 49-2-1, et seq. and 49-17-1, et seq.

3  
4 *Rule 9.6 Compliance Monitoring and Enforcement.*

5  
6 A. *Compliance Inspections and Investigations*

- 7  
8 (1) The Department may inspect or investigate the practices of any person involved in  
9 lead-based paint activities in target housing or child-occupied facilities as defined  
10 in these rules.  
11  
12 (2) Advance notice of inspections or investigations by the Department is not required.  
13  
14 (3) Department representatives shall not be impeded or refused entry in the course of  
15 their official duties in accordance with these regulations by reason of any  
16 regulatory or contractual specification.  
17  
18 (4) All persons engaged in lead-based paint activities must have the Commission-  
19 issued certificate present at the worksite.  
20

21 B. *Enforcement - Penalties, Reprimands, Suspensions, Revocation of Certificates,*  
22 *Proceedings and Hearings before the Commission and Appeals.*

23  
24 Penalties, reprimands, suspensions and revocations of certificates shall be governed by  
25 Section 49-17-529, Mississippi Code Annotated. All proceedings and hearings before the  
26 Commission regarding violations of Section 49-17-501, et seq. Mississippi Code  
27 Annotated, or any rule or regulation, written order of the Commission, emergency order  
28 of the Executive Director or certificates issued or renewed by the Commission pursuant  
29 to Section 49-17-501, et seq., Mississippi Code Annotated and all appeals therefrom shall  
30 be conducted in accordance with Section 49-17-31 through 49-17-41, Mississippi Code  
31 Annotated.  
32

33 C. *Severability.*

34  
35 If any rule, paragraph, subparagraph, provision, section, subsection, sentence, clause or  
36 phrase of any of these regulations, or the application of same to any person or set of  
37 circumstances is for any reason challenged or held to be invalid or void, the validity of  
38 the remaining regulations and/or portions thereof or their application to other persons or  
39 sets of circumstances shall not be affected thereby.  
40

41 Source: Miss. Code Ann. §§ 49-17-501, et seq., 49-2-1, et seq. and 49-17-1, et seq.

42  
43 **Part 2, Chapter 10: Mississippi Commission on Environmental Quality Regulations for the**  
44 **Accreditation and Certification of Asbestos Abatement Personnel (Adopted December 20,**  
45 **1989, Amended October 25, 1990, Last Amended November 20, 2003)**  
46



1 *Rule 10.1 General.* The Asbestos Abatement Accreditation and Certification Act, codified as  
2 Miss. Code Ann. §§37-138-1 through 37-138-31, requires that, beginning on the effective date of  
3 these regulations, all persons who perform inspections and reinspections, prepare management  
4 plans and perform as air monitors, contractors, project designers, supervisors and workers in  
5 abatement projects for the purpose of identifying, evaluating and abating the hazard of  
6 asbestos-containing material in public and private elementary and secondary school buildings  
7 and in all public and commercial buildings in this State must be accredited and certified as  
8 qualified to perform such asbestos abatement activities. These regulations provide requirements  
9 for the accreditation and certification of asbestos abatement inspectors, management planners,  
10 project designers, air monitors, contractors, supervisors and workers. These regulations do not  
11 require the performance of inspections, management plans, project designs, or asbestos projects  
12 but require utilization of personnel certified in accordance with the provisions of these  
13 regulations in the event these activities are performed in or on a school building, public building,  
14 or commercial building.

15  
16 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

17  
18 *Rule 10.2 Definitions.*

- 19  
20 A. “Abatement” means removal, encapsulation, enclosure or repair of or an operations and  
21 maintenance program for asbestos-containing materials including responses to major  
22 fiber release episodes.  
23  
24 B. “Act” shall mean the Asbestos Abatement Accreditation and Certification Act.  
25  
26 C. “Air monitor” means a person who collects airborne samples for analysis of asbestos  
27 fibers during an abatement project including baseline, area and clearance samples.  
28  
29 D. “Asbestos” means the asbestiform varieties of: chrysotile (serpentine); crocidolite  
30 (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.  
31  
32 E. “Asbestos-containing materials” (ACM) means any material or product which contains  
33 more than one percent (1%) asbestos.  
34  
35 F. “Asbestos project” means a project for the abatement of ACM in school buildings, public  
36 buildings or commercial buildings including the abatement of shingles, tiles, or felt  
37 containing ACM in the roof or exterior siding of such building except for exclusions  
38 adopted by the Commission in accordance with Section 37-138-9(a) and except for  
39 abatement of asbestos-containing resilient floor tile, sheet vinyl flooring and associated  
40 adhesives provided there is a two-working-day advance notification to the commission of  
41 the abatement of asbestos-containing floor tile, sheet vinyl flooring and associated  
42 adhesives, unless sanding, grinding, burning or sawing occurs or such abatement is  
43 otherwise considered a “response action” or would cause the material to become “friable”  
44 as both those terms are defined under 40 CFR Section 763.83.  
45

- 1 G. “Building” means (1) any structure having two or more walls and a roof or ceiling and  
2 (2) any other structure that is totally enclosed.  
3
- 4 H. “Certificate” means a document issued by the Commission or its designee authorizing an  
5 individual to perform certain specific activities related to the identification, evaluation or  
6 abatement of ACM in or on school buildings, public buildings and commercial buildings  
7 as described in these regulations.  
8
- 9 I. “Commercial building” means any privately owned building, including any industrial  
10 building, in which the public is invited or allowed access and any other privately owned  
11 building so located that the conduct of any asbestos abatement activities therein could  
12 reasonably expose any person or persons to ACM hazards, except that a commercial  
13 building shall not include any residence.  
14
- 15 J. “Commission” means the Mississippi Commission on Environmental Quality.  
16
- 17 K. “Continuous” and “continuously current” mean, with respect to training as required  
18 herein, that applicable refresher course(s) have been successfully completed annually  
19 since the successful completion of the initial training course.  
20
  - 21 (1) For purposes of this definition, “annually” shall be construed to mean the  
22 one-year period from an applicable initial or refresher training completion date  
23 and the anniversary of that date or any shorter period.  
24
  - 25 (2) For purposes of this definition, “annually” shall be construed to be greater than a  
26 one-year period only if an individual demonstrates to the satisfaction of the  
27 Commission that
    - 28 (a) a reasonable effort was made by the individual to complete applicable  
29 training within one year,  
30
    - 31 (b) failure to complete training was beyond the individual’s control, and  
32
    - 33 (c) training was completed as soon as possible following the one-year  
34 anniversary.  
35
- 36
- 37 L. “Contract for the performance of an asbestos project” shall mean an agreement,  
38 either oral or written, which is for the purpose of the performance, in whole or in  
39 part, of an asbestos project for a valuable consideration.  
40
- 41 M. “Contractor” means an individual who contracts for the performance of an asbestos  
42 project on his own behalf or on behalf of a business entity. The contractor, if  
43 acting on behalf of a business entity, must be a responsible official for the  
44 company, partnership, corporation, sole proprietorship, or other business entity  
45 performing, or offering to perform, an asbestos project.  
46

- 1 N. “Duly authorized representative (DAR)” means a representative of a responsible  
2 official who, in accordance with corporate by-laws or policy, can legally bind the  
3 business entity and is to be held responsible for actions, standards, requirements,  
4 and prohibitions under state and federal asbestos control regulations. Notification  
5 of the designation of the DAR by the responsible official must be submitted to  
6 MDEQ in writing and must be signed by a responsible official prior to any action  
7 by the DAR and/or submission of any documentation by the DAR.  
8
- 9 O. “Director” means the Executive Director of the Mississippi Department of  
10 Environmental Quality or his designee.  
11
- 12 P. “EPA” means the United States Environmental Protection Agency.  
13
- 14 Q. “Encapsulation” means the treatment of ACM with a material that surrounds or  
15 embeds asbestos fibers in an adhesive matrix to prevent the release of fibers as the  
16 encapsulant creates a membrane over the surface (bridging encapsulant) or  
17 penetrates the material and binds its components together (penetrating  
18 encapsulant).  
19
- 20 R. “Enclosure” means an airtight, impermeable, permanent barrier around ACM to  
21 prevent the release of asbestos fibers into the air and does not include a temporary  
22 barrier erected for the purpose of ACM removal.  
23
- 24 S. “Friable” when referring to ACM in or on a school building, public building or  
25 commercial building, means that the material, when dry, may be crumbled,  
26 pulverized, or reduced to powder by hand pressure, and includes previously  
27 nonfriable ACM after such previously nonfriable ACM becomes damaged to the  
28 extent that when dry it may be crumbled, pulverized, or reduced to powder by  
29 hand pressure.  
30
- 31 T. “Individual” means a natural person as distinguished from the State or other  
32 agency or institution thereof, any municipality, political subdivision, public or  
33 private corporation, partnership, association or other entity.  
34
- 35 U. “Inspector” means a person employed to inspect or reinspect for the presence of  
36 ACM, collect samples for confirmation of ACM and provide written assessment  
37 of ACM.  
38
- 39 V. “Major fiber release episode” means any uncontrolled or unintentional  
40 disturbance of friable asbestos containing building materials (ACBM), resulting in  
41 a visible emission, which involves the falling or dislodging of more than 3 square  
42 or linear feet of ACBM.  
43
- 44 W. “Management Plan” means a plan for abatement of ACM.  
45
- 46 X. “Management Planner” means a person employed to develop a management plan.

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- Y. “Minor fiber release episode” means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of 3 square or linear feet or less of friable ACBM.
- Z. “Model Plan” means the Model Accreditation Plan for States promulgated under Title II of Toxic Substances Control Act (TSCA) (Section I of Appendix C to Title 40, Part 763, Subpart E of the Code of Federal Regulations) which is incorporated herein and adopted by reference except as otherwise noted.
- AA. “Non-friable” means ACM in or on a school building, public building or commercial building which when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure.
- BB. “Operations and maintenance program” means a program of work practices to maintain ACM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling ACM disturbance or damage.
- CC. “Person” means the State or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation, or the United States or any officer or employee thereof.
- DD. “Project designer” means a person who specifies engineering methods and work practices to be used during asbestos projects.
- EE. “Public building” means any building owned by the State, counties, municipalities, institutions of higher learning, community colleges or any political subdivision.
- FF. “Removal” means the taking out or the stripping of ACM from a school building, public building or commercial building.
- GG. “Repair” means returning damaged ACM to an undamaged condition or to an intact state so as to prevent fiber release.
- HH. “Residence” means a building other than a school building, public building or commercial building or portion of a commercial building, which is actually owned or leased and simultaneously occupied by one or more individuals as a fixed or permanent place of habitation, including but not limited to and primarily consisting of single family unit houses and apartment buildings having four or fewer dwelling units.

- 1 II. “Response action” means a method including removal, encapsulation, enclosure,  
2 and repair, and operation and maintenance, or some other method which disturbs  
3 asbestos containing materials and is intended to protect human health and the  
4 environment from friable asbestos-containing materials except for small scale,  
5 short duration projects. Includes response to major fiber release episodes as  
6 defined in Section I of the Model Plan.  
7
- 8 JJ. “Responsible official” means:  
9
- 10 (1) for a corporation, a responsible corporate officer. For the purposes of this  
11 section, a responsible corporate officer means: a president, secretary,  
12 treasurer, or vice-president of the corporation in charge of a principal  
13 business function, or any other person who performs similar policy or  
14 decision-making functions for the corporation, or a duly authorized  
15 representative;  
16
- 17 (2) for a partnership or sole proprietorship: a general partner or the proprietor,  
18 respectively; and  
19
- 20 (3) for any other business entity: the owner or disclosed agent who can legally  
21 bind that business entity.  
22
- 23 KK. “Routine maintenance activities” mean an asbestos project consisting of  
24 maintenance activities performed on a scheduled basis or during an emergency  
25 situation, where the abatement of ACM is necessary for conducting the scheduled  
26 or emergency maintenance activities. Such maintenance activities shall not have  
27 as any of its intended purposes the abatement of ACM. Routine maintenance  
28 activities can include, but are not limited to, the replacement of gasket materials,  
29 removal or replacement of pipes, the rebuilding of valves, or the removal of  
30 beams above ceilings.  
31
- 32 LL. “School” means any elementary or secondary school as defined in Section 198 of  
33 the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854).  
34
- 35 MM. “School building” means:  
36
- 37 (1) Any structure suitable for use as a classroom, including a school facility  
38 such as a laboratory, library, school eating facility, or facility used for the  
39 preparation of food.  
40
- 41 (2) Any gymnasium or other facility which is specially designed for athletic  
42 or recreational activities or for an academic course in physical education.  
43
- 44 (3) Any other facility used for the instruction or housing of students or for the  
45 administration of educational or research programs.  
46

1 (4) Any maintenance, storage or utility facility, including any hallway,  
2 essential to the operation of any facility described in this definition of  
3 “school building” under paragraphs (1), (2) or (3).

4  
5 (5) Any portico or covered exterior hallway or walkway.

6  
7 (6) Any exterior portion of a mechanical system used to condition interior  
8 space.

9  
10 NN. “Small-scale, short duration abatement activities” shall have the meaning as set  
11 forth in the Model Plan which is incorporated herein and adopted by reference.

12  
13 OO. “Supervisor” means a person designated by a contractor to be responsible for  
14 direction of day-to-day activities of an asbestos project.

15  
16 PP. “Worker” means a person who works on an asbestos project other than a project  
17 designer, contractor, air monitor, supervisor, inspector or management planner.

18  
19 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

20  
21 *Rule 10.3 Prohibition.* No persons may engage in any asbestos project in a school building,  
22 public building or commercial building as an inspector, management planner, project designer,  
23 air monitor, contractor, supervisor or worker on or after the effective date of these regulations,  
24 unless applicable initial or renewed certificates to so engage in an asbestos project have been  
25 issued to individuals by the Commission, and are currently in effect. Certificates may be issued  
26 only to individuals and not to other persons. No persons shall engage in the physical activities  
27 related to abatement of ACM in a school building, public building or commercial building except  
28 individuals who have been issued initial or renewed worker certificates that are currently in  
29 effect. A contractor shall not employ any worker, or any other individual of different  
30 certification category, on an asbestos project who does not possess a current and appropriate  
31 certificate issued by the Commission.

32  
33 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

34  
35 *Rule 10.4 Type and Duration of Certificates.*

36  
37 A. The Commission shall have authority to issue certificates for inspectors, management  
38 planners, project designers, air monitors, contractors, supervisors and workers.

39  
40 B. Unless the Commission revokes or suspends a certificate, an initial certificate shall  
41 remain in effect during the period of time training is effective but not to exceed one (1)  
42 year after the date of issuance. Each initial certificate may be renewed annually in  
43 accordance with these regulations. Each renewal certificate shall remain in effect during  
44 the period of time training is effective but not to exceed one (1) year after the date of  
45 certificate issuance.

1 C. Not less than thirty (30) days prior to the expiration date of the initial or renewal  
2 certificate, the applicant will make application for renewal of the certification in  
3 accordance with Rule 10.5 of these regulations if the applicant desires to continue  
4 certification in effect. If the applicant submits a timely and complete application in  
5 accordance with Rule 10.5 of these regulations and the Commission, through no fault of  
6 the applicant, fails to act on the application on or before the expiration date of the  
7 existing certificate, the existing certificate shall continue in effect until final action on the  
8 application is taken by the Commission.  
9

10 D. The Commission may modify, revoke, or suspend any certificate issued to individuals  
11 accredited and certified in accordance with these regulations if the individual:  
12

- 13 (1) Knowingly submits false or inaccurate information for issuance or renewal of a  
14 certificate under these regulations;
- 15 (2) Willfully fails to comply with the conditions of the certificate issued by the  
16 Commission;
- 17 (3) Violates any provision of these regulations, the Asbestos Abatement  
18 Accreditation and Certification Act, or any laws, rules, regulations, or written  
19 orders of the Commission;
- 20 (4) Performs work at a job site requiring accreditation/certification without being in  
21 physical possession of initial and current certificates;
- 22 (5) Permits the duplication or use of one's own accreditation or certification  
23 certificate by another;
- 24 (6) Performs work for which required accreditation has not been received; or  
25 (7) Obtains accreditation from a training provider that does not have approval to offer  
26 training for the particular discipline from either EPA or an EPA-approved state  
27 program.  
28  
29  
30  
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34

35 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.  
36

37 *Rule 10.5 Applications.*  
38

39 A. No individual shall be considered for an initial or renewal certificate unless the  
40 qualification requirements of Rule 10.9 and the accreditation training requirements of  
41 Rule 10.9 for the discipline that is the subject of the application have been met and  
42 completed prior to application. Additionally, no individual shall be granted an initial or  
43 renewal certificate if the applicant fails to pay the applicable annual certificate fee(s)  
44 provided for in Rule 10.7 of these regulations simultaneously with the submission of the  
45 application as provided for in Paragraph 5 below.  
46

- 1 B. Each application for an initial or renewal certificate shall be made on forms prepared by  
2 the Commission for this purpose and shall contain the information that the Commission  
3 deems necessary to determine whether the initial or renewal certificate should be issued  
4 in accordance with the Act.  
5
- 6 C. Each application for an initial or renewal certificate shall be signed by the individual  
7 requesting the initial or renewal certificate. The signature shall be made under oath and  
8 shall constitute personal affirmation that the statements made in the application are true  
9 and complete.  
10
- 11 D. Each application shall contain the applicable fee as indicated in Rule 10.7 of these  
12 regulations.  
13
- 14 E. Individuals applying for certification in more than one category may submit multiple  
15 applications in the same transmittal. Each application so submitted shall be completed as  
16 required above so as to be separable from the others. Provided, however, an applicant for  
17 a contractor certificate may apply for a supervisor certificate in the same application. If  
18 an individual meets all of the requirements of these regulations, including payment of  
19 both the contractor and supervisor certification fees, the individual shall be issued both a  
20 contractor certificate and a supervisor certificate.  
21

22 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.  
23

24 *Rule 10.6 Consideration of Applications and Issuance of Certificates.*  
25

- 26 A. The Commission shall review each application and supporting documents. If the  
27 application is incomplete, the Commission may return the materials submitted by the  
28 applicant and advise the applicant what additional information is necessary in order to  
29 evaluate the application.  
30
- 31 B. If the application is approved, the Commission shall issue to the applicant the initial or  
32 renewal certificate for the discipline that is the subject of the application within thirty  
33 (30) days after receipt of the complete application.  
34
- 35 C. The Commission may deny an application for certification if the Commission determines  
36 that the applicant (a) has not complied with all of the provisions of these regulations and  
37 with all other applicable federal, State and local statutes and regulations, or (b) submits  
38 inaccurate or falsified information in the application, or (c) submits incomplete  
39 application forms after receiving the notice from the Commission provided in Subsection  
40 1 of this rule. The Commission shall make determinations regarding issuance or denial of  
41 the certificate based upon the information contained in the application, the applicant's  
42 compliance history, and any other pertinent information that is available to the  
43 Commission. The Commission shall not be required to conduct any investigation  
44 concerning an applicant other than information available at the offices of the Department  
45 of Environmental Quality in Jackson, Mississippi.  
46



1 D. Each applicant who is issued an initial or renewal certificate shall be subject to the terms  
2 and conditions set forth and embodied in the initial or renewal certificate as the  
3 Commission deems necessary to ensure compliance with the requirements of these  
4 regulations in accordance with the Act.

5  
6 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

7  
8 *Rule 10.7 Fees.* All fees shall be submitted to the Commission by check or money order,  
9 payable to the Asbestos Accreditation and Certification Act Fund. Fees for more than one (1)  
10 discipline shall be paid by a separate check or money order for each discipline. The fees for  
11 initial and renewal certificates are as follows:

12

13 Management Planner	\$200.00
14 Project Designer	\$200.00
15 Inspector	\$200.00
16 Air Monitor	\$250.00
17 Contractor	\$350.00
18 Supervisor	\$250.00
19 Worker	\$35.00

20

21 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

22  
23 *Rule 10.8 Accreditation Training Requirements.*

24  
25 A. Training Providers. Pursuant to Section 37-138-27 of the Mississippi Code, the Board of  
26 Trustees of State Institutions of Higher Learning designated Mississippi State University  
27 (MSU) to offer all accreditation training courses set forth in these regulations. MSU has  
28 certified in writing to the Commission that it is currently offering all such training  
29 courses. After November 1, 1990, all such training courses offered by MSU shall meet  
30 the requirements of the Model Plan, 40 CFR 763, Subpart E, Appendix C, which is  
31 incorporated herein and adopted by reference except as otherwise noted. MSU has  
32 certified in writing to the United States Environmental Protection Agency and  
33 Commission that all training courses offered by MSU meet the requirements of the  
34 Model Plan. The Commission has received such written certification by MSU and has  
35 approved the training courses offered by MSU as meeting the requirements for  
36 accreditation training under these regulations.

37  
38 The only training courses offered within the geographic boundaries of the State of  
39 Mississippi that will be approved by the Commission as meeting accreditation  
40 requirements under these regulations, other than worker training courses, are those  
41 offered by MSU that are approved by the Commission in accordance with Section  
42 37-138-7, Mississippi Code Annotated. All EPA-approved training courses offered  
43 outside of the geographic boundaries of the State of Mississippi, as well as  
44 EPA-approved worker training courses offered within the geographic boundaries of the  
45 State of Mississippi, will meet accreditation training requirements under these  
46 regulations. Each applicant who submits proof of successful completion of an applicable

1 EPA-approved training course shall provide proof of EPA approval of such training  
2 course.

3  
4 B. Initial Training. Every individual applying for an initial certificate shall have attended  
5 and successfully completed (a) the applicable MSU Commission-approved initial training  
6 course or (b) an EPA-approved initial training course offered outside the geographic  
7 boundaries of the State of Mississippi, or (c) for a worker certificate, an EPA approved  
8 worker training course offered within or outside the geographic boundaries of the State of  
9 Mississippi, for the appropriate discipline for which an initial certificate is requested  
10 within one (1) year prior to applying for said certificate. Provided however, an individual  
11 shall not be required to attend and successfully complete any additional initial training  
12 course prior to applying for an initial certificate as long as required refresher training has  
13 been successfully completed within 24 months of the initial and subsequent refresher  
14 courses completed thereafter.

15  
16 C. Refresher Training.

17  
18 (1) Every individual applying for a renewal certificate shall have attended and  
19 successfully completed the MSU Commission-approved refresher training course  
20 or an EPA-approved refresher training course offered outside the geographic  
21 boundaries of the State of Mississippi, or, for a worker renewal certificate, an  
22 EPA-approved worker refresher training course offered within or outside the  
23 geographic boundaries of the State of Mississippi, for the discipline for which a  
24 renewal certificate is requested within one year after the expiration date of the  
25 initial certificate or renewal certificate.

26  
27 (2) If an individual fails to successfully complete the MSU Commission-approved  
28 refresher training course or an EPA-approved refresher course offered outside the  
29 geographic boundaries of the State of Mississippi, or, for a worker renewal  
30 certificate, an EPA-approved worker refresher training course offered within or  
31 outside the geographic boundaries of the State of Mississippi, for the discipline  
32 for which an application is requested within one year after the expiration date of  
33 the initial certificate or renewal certificate the individual shall complete all  
34 requirements for an initial certificate in order to receive renewal certification.

35  
36 D. The Commission, acting through the Office of Pollution Control of the Department of  
37 Environmental Quality, shall have authority to monitor and audit all initial and refresher  
38 training courses offered within the geographic boundaries of the State of Mississippi.

39  
40 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

41  
42 *Rule 10.9 Qualifications.* In addition to completing the applicable EPA approved training course  
43 that meets the requirements of the Model Plan, each applicant for an initial or renewal certificate  
44 must demonstrate to the satisfaction of the Commission that the applicant is familiar with and  
45 capable of complying fully with all applicable federal and State laws and regulations and  
46 possesses the following qualifications listed below prior to submitting an application:

- 1  
2 A. Inspectors - Education qualifications - high school diploma or Graduate Equivalent  
3 Degree (GED).  
4
- 5 B. Management Planners - Education and professional license qualifications:  
6
- 7 (1) Bachelor of Science degree in engineering or its equivalent from an accredited  
8 university and a current, valid license by the Mississippi Board of Registration for  
9 Professional Engineers and Land Surveyors as a registered professional engineer,  
10 or  
11
- 12 (2) Bachelor of Science degree in architecture or its equivalent from an accredited  
13 university and a current, valid license as an architect by the Mississippi Board of  
14 Architecture.  
15
- 16 C. Project Designer - Education and professional license qualifications:  
17
- 18 (1) Bachelor of Science degree in engineering or its equivalent from an accredited  
19 university and a current, valid license by the Mississippi Board of Registration for  
20 Professional Engineers and Land Surveyors as a registered professional engineer,  
21 or  
22
- 23 (2) Bachelor of Science degree in architecture or its equivalent from an accredited  
24 university and a current, valid license as an architect by the Mississippi Board of  
25 Architecture.  
26
- 27 D. Contractor – Education Qualifications – high school diploma or GED.  
28
- 29 The applicant for a contractor certificate must be a responsible official or DAR. *See*  
30 Definitions for responsible official and DAR, Rule 10.2.  
31
- 32 E. Supervisor – Education Qualifications – high school diploma or GED.  
33
- 34 F. Worker - Medical Qualifications – a written certificate, on a form provided by the  
35 Commission, by a licensed physician in accordance with State Law approving the worker  
36 applicant to work on an asbestos project, which must be submitted to the Commission  
37 with the worker applicant’s application for an initial certificate. Such certificate must  
38 accompany the worker applicant’s application for a renewal certificate only every three  
39 years thereafter. A chest x-ray is not required for either the initial or any renewal  
40 application.  
41
- 42 G. Air Monitor – Education and training requirements:  
43
- 44 (1) Have earned a high school diploma or GED;  
45

1 (2) Satisfactorily complete a commission-approved training course for supervisors. A  
2 supervisor training course approved by the United States Environmental  
3 Protection Agency completed satisfactorily shall be sufficient to meet this  
4 requirement, and  
5

6 (3) Satisfactorily complete a commission-approved training course for collecting and  
7 evaluating air samples. Successful completion of the National Institute for  
8 Occupational Safety & Health (NIOSH) 582 course shall be sufficient to meet this  
9 requirement.  
10

11 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.  
12

13 *Rule 10.10 Exclusion.* Notwithstanding anything in these regulations to the contrary, small-scale,  
14 short duration abatement activities, as defined in Rule 10.2 (40) of these regulations, may be  
15 conducted in school buildings, public buildings and commercial buildings without utilization of  
16 certified inspectors, management planners, project designers, supervisors, air monitors,  
17 contractors and workers.  
18

19 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.  
20

21 *Rule 10.11 Supervision of Asbestos Projects.* At least one certified supervisor is required to be at  
22 the asbestos project worksite at all times while abatement activities are in progress. Certified  
23 workers must have access to a certified supervisor throughout the duration of the asbestos  
24 project. The contractor(s) and supervisor(s) for an asbestos project shall maintain all certificates  
25 for all contractors, supervisors and workers who are employed in connection with the asbestos  
26 project at the asbestos project site. The contractor(s) and/or supervisor(s) shall make available  
27 all such certificates to the Commission, acting through the Office of Pollution Control, at the  
28 time of any inspection at the asbestos project site by the Office of Pollution Control.  
29

30 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.  
31

32 *Rule 10.12 Enforcement - Penalties, Reprimands, Suspensions, Revocation of Certificates,*  
33 *Proceedings and Hearings Before the Commission and Appeals.*  
34

35 A. If the Commission decides to suspend, revoke, or modify the certification of any  
36 individual, it shall notify the affected individual in writing of the following:  
37

38 (1) The legal and factual basis for the suspension, revocation, or modification.  
39

40 (2) The commencement date and duration of the suspension, revocation, or  
41 modification.  
42

43 (3) Actions, if any, which the individual may take to avoid suspension, revocation, or  
44 modification or to receive certification in the future.  
45

1 (4) The opportunity and method for requesting a hearing prior to final Commission  
2 action to suspend, revoke, or modify certification.  
3

4 (5) Any additional information, as appropriate, which the Commission may provide.  
5

6 B. In the event the Commission suspends and/or revokes a contractor's certificate, it also  
7 may order any business entity for which the individual is a responsible official or DAR to  
8 cease and desist performing asbestos abatement activities if necessary to ensure that the  
9 business entity does not then operate without appropriately certified personnel, or in  
10 violation of any emission standard, regulation, or written order of the Commission.  
11

12 C. If the Commission determines that an individual has submitted false information, the  
13 Commission has the discretion to vote for lifetime revocation or denial.  
14

15 D. Penalties, reprimands, suspensions and revocations of certificates shall be governed by  
16 Section 37-138-27, Mississippi Code Annotated. All proceedings and hearings before the  
17 Commission regarding violations of Section 37-138-1, et seq., Mississippi Code  
18 Annotated, or any rule or regulation, written order of the Commission, emergency order  
19 of the Director or certificates issued or renewed by the Commission pursuant to Section  
20 37-138-1, et seq., Mississippi Code Annotated and all appeals therefrom shall be  
21 conducted in accordance with Section 49-17-31 through 49-17-41, Mississippi Code  
22 Annotated.  
23

24 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-17-31 through 49-17-41, 49-2-1, et seq. and  
25 49-17-1, et seq.  
26

27 *Rule 10.13 Other Laws.* Compliance with these regulations shall not affect or substitute for  
28 compliance with all other applicable laws and regulations concerning accreditation of asbestos  
29 abatement personnel, including but not limited to, National Emissions Standards for Hazardous  
30 Air Pollutants (NESHAPS), Occupational Safety Health Act (OSHA), and Asbestos Hazard  
31 Emergency Response Act (AHERA) requirements.  
32

33 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.  
34

35 *Rule 10.14 Severability.* If any provision, section, subsection, sentence, clause or phrase of any  
36 of these regulations, or the application of same to any person or set of circumstances is for any  
37 reason challenged or held to be invalid or void, the validity of the remaining regulations and/or  
38 portions thereof or their application to other persons or sets of circumstances shall not be  
39 affected thereby.  
40

41 Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.  
42

43 *Rule 10.15 Training Course Standards.* The following are the requirements for initial training  
44 courses and refresher training courses that must be successfully completed by individuals  
45 seeking certification to perform asbestos related work pursuant to these regulations.  
46

1 A. Initial training

- 2
- 3 (1) Training courses required by individuals seeking certification as inspectors,  
4 management planners, project designers, contractors, supervisors, or workers and  
5 the applicable EPA-approved training courses for air monitors must meet all  
6 requirements of Section I(B) of the Model Plan which is incorporated herein and  
7 adopted by reference unless otherwise noted.  
8
- 9 (2) Initial training courses must be discipline specific for the certification being  
10 sought.  
11
- 12 (3) Initial training courses must be completed within a two week period.  
13
- 14 (4) Persons enrolled in training courses shall not be required to sit through more than  
15 eight hours of actual training in any single 24 hour period.  
16
- 17 (5) Attendance in training courses following regular work hours shall not exceed a  
18 maximum of four hours in any single session.  
19
- 20 (6) Except for worker training, initial training courses must be taught by at least two  
21 instructors.  
22
- 23 (7) An examination as defined in Section I(C) of the Model Plan, which is  
24 incorporated herein and adopted by reference unless otherwise noted, must be  
25 given at the conclusion of the initial training course. All examinations shall be a  
26 closed book examination and demonstration testing may also be included as part  
27 of the examination. A person seeking accreditation in a specific discipline shall  
28 pass the examination for that discipline to receive accreditation. For example, a  
29 person seeking accreditation as an inspector must pass the inspector accreditation  
30 examination under the Model Plan which is incorporated herein and adopted by  
31 reference unless otherwise noted.  
32

33 B. Refresher training courses

34

35 Annual refresher training is required for reaccreditation of all disciplines. Refresher  
36 courses shall be specific to each discipline and must meet all requirements of Section  
37 I(D) of the Model Plan which is incorporated herein and adopted by reference unless  
38 otherwise noted. For each discipline, the refresher course shall review and discuss  
39 changes in federal and State regulations, developments in state-of-the-art procedures and  
40 a review of key aspects of the initial training course. Air monitors must complete the  
41 supervisor refresher course in accordance with the requirements for supervisors.  
42

43 At the conclusion of the refresher training courses in all disciplines, the training provider  
44 shall administer a closed book 25 multiple-choice question exam. Applicants must pass  
45 the exam with a minimum score of 70%. The exam shall be developed by the training

1 provider. The training provider shall make the exam available for review by the  
2 Mississippi Department of Environmental Quality.  
3

4 C. Training course approval. Training course providers seeking approval of their training  
5 courses must meet the requirements of these regulations and Section I of the Model Plan  
6 which is incorporated herein and adopted by reference unless otherwise noted. Training  
7 providers shall submit the following for evaluation and approval by the Commission prior  
8 to conducting initial course.  
9

10 (1) A completed application on a form provided by the Department of Environmental  
11 Quality, along with the supporting documentation. The form and supporting  
12 documentation shall include the following:  
13

14 (a) Name, address, and telephone number of the training provider, and name  
15 and signature of the contact person;  
16

17 (b) course title, location and the language in which the course is to be taught;  
18

19 (c) a student manual and an instructor manual for each course;  
20

21 (d) course agenda;  
22

23 (e) a copy or description of all audio/visual materials used;  
24

25 (f) a description of each hands-on training activity;  
26

27 (g) a copy of a sample exam; and  
28

29 (h) a sample certificate with the following information:  
30

31 (1) Name and social security number of student;  
32

33 (2) training course title specifying initial or refresher;  
34

35 (3) inclusive dates of course and applicable examination;  
36

37 (4) statement that the student completed the course and passed any  
38 examination required;  
39

40 (5) unique certificate number as required;  
41

42 (6) for courses covered under 40 CFR Part 763, Subpart E,  
43 Appendix C, as amended, certificate expiration date that is one  
44 year after the date the course was completed and the applicable  
45 examination passed;  
46

- 1 (7) printed name and signature of the training course administrator and  
2 printed name of the principal instructor;
- 3
- 4 (8) name, address, and phone number of the training provider;
- 5
- 6 (9) training course location; and
- 7
- 8 (10) a statement that the person receiving the certificate has completed  
9 the requisite training for asbestos accreditation under Title II of the  
10 Toxic Substances Control Act.

- 11 (i) A list of any other states that currently approve the training course.
- 12
- 13
- 14 (2) A list of instructors and their qualifications including academic and/or field  
15 experience.
- 16
- 17 (3) Contingent approval shall be granted if the application and supporting  
18 documentation meet the criteria of this rule. Full approval shall be granted to a  
19 course with contingent approval after successful completion of an on-site audit of  
20 the course. The on-site audit shall include, but not be limited to, an evaluation of  
21 the following:  
22
  - 23 (a) Instructor effectiveness;
  - 24
  - 25 (b) technical accuracy;
  - 26
  - 27 (c) course administration; and
  - 28
  - 29 (d) course content.

30  
31 D. Withdrawal of training course approval.

32  
33 The Commission may suspend or revoke approval of any training course approved under  
34 this regulation that is determined to be in violation of these regulations and Section III(c)  
35 of the Model Plan.

36  
37 Periodic training course audits may be performed by the Department of Environmental  
38 Quality to assure compliance with all requirements of the regulations regarding training.

39  
40 E. Recordkeeping requirements.

- 41
- 42 (1) Approved training providers shall maintain all records required in Section I(F) of  
43 the Model Plan which is incorporated herein and adopted by reference unless  
44 otherwise noted for a minimum of 3 years.
- 45



- 1 (2) If a training provider ceases to conduct training, the training provider shall notify  
2 the approving government body (EPA or the State) so that the approving  
3 government body may take possession of the asbestos training records maintained  
4 by the training provider.  
5

6 F. Training course notification.  
7

- 8 (1) Not less than ten (10) days prior to the first day of an anticipated training course,  
9 training course providers must provide written notification to the Department of  
10 Environmental Quality, on forms developed by the Department, of the following:  
11

- 12 (a) The course discipline;  
13  
14 (b) date and time of the training course;  
15  
16 (c) exact location of the site of the training course (if the location is different  
17 from the principal location of the training provider, a vicinity map, sketch  
18 or detailed written directions showing the training site location shall be  
19 included in the notification, unless a vicinity map has previously been  
20 submitted (for the specific location);  
21  
22 (d) information about the language to be used in the training course;  
23  
24 (e) the name of the principal instructor; and  
25  
26 (f) a copy of the training course agenda. (If the agenda is identical to an  
27 agenda which has previously been submitted, an additional copy of the  
28 agenda is not required with the notification).  
29

- 30 (2) Failure to provide re-notification of changes in the time or location of the training  
31 course or any other information listed on the original notification within two (2)  
32 working days prior to the first day of the pending training course may lead to  
33 rejection of any certificate of training issued by the training provider in support of  
34 individual accreditation in Mississippi.  
35

- 36 (3) Within seven (7) calendar days after completion of a training course, the training  
37 course provider must provide the Department with a written roster containing the  
38 following:  
39

- 40 (a) The name of the course indicating the discipline and whether the course is  
41 an initial or refresher training course;  
42  
43 (b) the names of all course participants;  
44  
45 (c) for each participant, whether the participant passed or failed the  
46 examination;

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- (d) the date, time and location of the training course;
- (e) for each participant, the training certificate number;
- (f) the name of the principal instructor, and
- (g) the name, address and phone number of the training provider.

(4) Failure to submit a roster as required in Rule 10.15.F(3) may result in the rejection of any certificate of training submitted to the Department in support of an application for accreditation.

G. Non-english language courses. The following shall apply to all courses taught in non-English languages.

- (1) Training courses shall be taught in the language in which all participating students are fluent;
- (2) written materials, including examinations must be correctly translated into the language in which all participating students are fluent; and
- (3) interpreters may not be used to teach or instruct training courses.

H. Instructor qualifications. Any person seeking approval as an instructor for courses covered under Section I of the Model Plan which is incorporated herein and adopted by reference unless otherwise noted shall meet the applicable requirements listed in this section.

- (1) Application - Any person seeking approval as an instructor must submit a completed Training Course Instructor Application provided by the Department. The required information includes personal data, training course and topics, education history, training history, employment history, accreditation or licenses issued by other states, professional registrations, and submittals to EPA or other states.
- (2) Work practice topics for each shall include:
  - (a) For the worker course: state-of-the-art work practices;
  - (b) for the contractor/supervisor course: state-of-the-art work practices, and techniques for asbestos abatement activities;
  - (c) for the inspector course: pre-inspection planning and review of previous inspection records, inspecting for friable and nonfriable asbestos containing materials, assessing the condition of friable asbestos containing

- 1 materials, bulk sampling/documentation of asbestos in schools,  
2 recordkeeping and writing inspection reports;  
3
- 4 (d) for the management planner course: evaluation/interpretation of survey  
5 results, hazard assessment, developing an operations and maintenance  
6 plan, recordkeeping for the management planner, and assembling and  
7 submitting the management plan;  
8
- 9 (e) for the abatement project designer course: safety system design  
10 specifications, designing abatement solutions, budgeting/cost estimation,  
11 writing abatements specifications, preparing abatement drawings and  
12 occupied buildings; and  
13
- 14 (f) for the air monitor course: air monitoring strategies, conducting visual  
15 inspections, and recordkeeping and report writing.  
16
- 17 (3) Instructors for work practice topics, hands-on exercises, workshops, or field trips  
18 where required for courses covered under 40 CFR Part 763, Subpart E, Appendix  
19 C as amended, shall meet the following requirements as applicable:  
20
- 21 (a) Worker initial and worker refresher and supervisor initial and supervisor  
22 refresher courses;  
23
- 24 (1) the applicant shall have successfully completed the initial and  
25 subsequent refresher training course requirements for supervisor;  
26 and  
27
- 28 (2) the applicant shall meet at least one of the following educational  
29 and asbestos work experience combinations:  
30
- 31 (i) If the applicant does not possess either a high school  
32 diploma or equivalent, the applicant shall:  
33
- 34 (A) have at least 1440 hours experience in a worker or  
35 supervisor capacity in a contained work area; and  
36
- 37 (B) have at least 360 hours as an instructor in an  
38 Environmental Protection Agency-approved or  
39 Environmental Protection Agency state approved  
40 worker course.  
41
- 42 (ii) If the applicant possesses either a high school diploma or  
43 equivalent, the applicant shall:  
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- (A) have at least 960 hours experience in a worker, supervisory, or consulting capacity in a contained work area; or
  - (B) have at least 240 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved asbestos worker or supervisor course or other occupational safety and health or environmental courses required to meet federal and state regulations.
- (iii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
- (A) Have at least 480 hours experience in a worker, supervisory, or consulting capacity in a contained area; or
  - (B) have at least 120 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved asbestos worker or supervisor course or other occupational safety and health or environmental courses required to meet federal and state regulations.
- (b) Inspector initial and refresher courses:
- (1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for inspector; and
  - (2) the applicant shall meet at least one of the following education and asbestos work experience combinations:
    - (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
      - (A) have documented experience, including asbestos inspections in at least one million square feet of building space in the past three years; or
      - (B) have at least 60 hours as an instructor in an Environmental Protection Agency-approved or

1 Environmental Protection Agency state approved  
2 inspector course or other occupational safety and  
3 health or environmental courses required to meet  
4 federal and state regulations.  
5

6 (ii) If the applicant possesses at least an associate degree from  
7 a regionally accredited college or university, the applicant  
8 shall:  
9

10 (A) have documented experience, including asbestos  
11 inspections in at least 500,000 square feet of  
12 building space in the past three years; or  
13

14 (B) have at least 40 hours as an instructor in an  
15 Environmental Protection Agency-approved or  
16 Environmental Protection Agency state approved  
17 inspector course or other occupational safety and  
18 health and environmental courses required to meet  
19 federal and state regulations.  
20

21 (c) Management planner initial and refresher courses:  
22

23 (1) The applicant shall have successfully completed the initial and  
24 subsequent refresher training course requirements for management  
25 planner; and  
26

27 (2) the applicant shall meet at least one of the following education and  
28 asbestos work experience combinations:  
29

30 (i) If the applicant possesses either a high school diploma or  
31 equivalent, the applicant shall:  
32

33 (A) Have documented management planning experience  
34 showing at least 25 management plans or  
35 reinspection reports written in the past three years,  
36 or documented experience as the management  
37 consultant for at least 25 asbestos projects in the  
38 past three years, or a combination of management  
39 plans and projects managed; or  
40

41 (B) have at least 48 hours as an instructor in an  
42 Environmental Protection Agency-approved or  
43 Environmental Protection Agency state approved  
44 management planner course or other occupational  
45 safety and health or environmental courses required  
46 to meet federal and state regulations.

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(ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:

(A) Have documented management planning experience showing at least 12 management plans or reinspection reports written in the past three years, or documented experience as the management consultant for at least 12 asbestos projects in the past three years, or a combination of management plans and projects managed; or

(B) have at least 32 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved management planner course or other occupational safety and health or environmental courses required to meet federal and state regulations.

(d) For the project designer initial and refresher courses:

(1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for abatement project designer; and

(2) The applicant shall meet at least one of the following education and asbestos work experience combinations:

(i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:

(A) Have documented asbestos abatement project design experience including the design of at least 12 asbestos projects in the past three years; or

(B) Have at least 30 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved abatement project designer course or other occupational safety and health and environmental courses required to meet federal and state regulations.

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- (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
  - (A) Have documented asbestos abatement project design experience, including the design of at least six asbestos projects in the past three years; or
  - (B) Have at least 20 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved abatement project designer course or other occupational safety and health and environmental courses required to meet federal and state regulations.
- (e) Instructors for a Commission approved NIOSH 582 or Commission approved Air Monitoring Course shall meet the following requirements:
  - (1) Have a high school diploma or equivalent;
  - (2) Successfully complete the National Institute for Occupational Safety and Health's NIOSH 582 training course or Commission approved air monitoring course.
- (f) All instructors approved under these regulations shall take a refresher training course in at least one discipline from a training provider other than their employer every other year.
- (4) Instructors who will teach segments of training courses covered under 40 CFR Part 763, Subpart E, Appendix C, as amended, other than work practice topics, hands-on exercises, workshops, or field trips shall meet the following requirements:
  - (a) Be actively working in the field of expertise in which training is conducted; and
  - (b) have a minimum of a high school diploma or equivalent.

Source: *Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.*