

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
NOTICE OF PROPOSED RULEMAKING
NOTICE OF PUBLIC HEARING
PUBLIC NOTICE START DATE: December 1, 2021
DEADLINE FOR COMMENTS: January 4, 2022

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality (Commission) is considering proposed amendments to state air pollution control regulations. The proposed regulation amendments will be applicable statewide.

I. Substance of the Proposed Actions.

The proposed amendments to the State of Mississippi's "Air Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act," 11 Miss. Admin. Code Pt. 2, Ch. 6, incorporate changes necessary to implement a modified fee system for the Title V program. Under the Clean Air Act, states are required to develop a source funded fee system that adequately funds the Title V program. Mississippi law requires the fee system to collect sufficient funds through an equitable fee system. A review of the current system, established in 1993, indicates it is no longer equitable and, because it is solely based on varying source emissions, often results in inconsistent funding. Therefore, these amendments are necessary to modernize and add stability to the fee system to ensure continued and long-term compliance with state and federal law. While retaining the emissions-based portion of the fee calculation, the proposed changes incorporate a maintenance fee based on a source's number of applicable air regulations. The addition of the maintenance fee addresses the additional resources required for more complex sources, while adding resiliency to the program by no longer solely relying on emissions-based funding. Other changes include removal of the 4,000 ton per pollutant maximum, establishing an appropriate minimum fee each year after an annual evaluation, removal of outdated information, and other editorial changes for improved clarity.

II. Manner by which the Public May Comment.

Copies of the proposed amendments to the referenced regulations and additional information relative to the proposed fee system changes will be available for public review through Tuesday, January 4, 2022, at the offices of the Mississippi Department of Environmental Quality, 515 E. Amite St, Jackson, Mississippi by contacting Ms. Deidre Thompson, Public Records Officer at (601) 961-5171 or by writing to the Mississippi Department of Environmental Quality, P.O. Box 2261, Jackson, Mississippi 39225. Copies will also be available for public review at the Eudora Welty Public Library in Jackson, MS; Harrison County/Gulfport Library; and the Lee County/Tupelo Library. For persons with internet access, this notice and related information may also be found on the DEQ website at <https://www.mdeq.ms.gov/Air>.

Written statements regarding this proposed regulation amendment will be made a part of the record to be considered by the Commission if delivered by 5:00 p.m. on Tuesday, January 4, 2022, to the attention of Ms. Laura James at the Mississippi Department of Environmental Quality, Office of Pollution Control, Air Division, 515 E. Amite St., Jackson, Mississippi 39201, mailed to P.O. Box 2261, Jackson, Mississippi 39225, or emailed to ljames@mdeq.ms.gov. Members of the public may also present verbal comments at the virtual public hearing described below.

III. Notice of Public Hearing.

A virtual public hearing will be held on Tuesday, January 4, 2022, at 1:30 p.m. via Zoom video conference using the following link:

<https://browncourtreporting.zoom.us/j/89315925187?pwd=YXFGWXI0emovcnExbIA4QklpUi93QT09> or by phone by dialing 1-929-436-2866 and using meeting ID# 893 1592 5187 and passcode 666335. All participants must register prior to the public hearing either online at <https://www.mdeq.ms.gov/Air> or by calling Bryan Williams at the Mississippi Department of Environmental Quality at (601) 961-5799 – After the prompt clearly state: 1) You wish to register for the January 4th public hearing, 2) Your full name and spelling, 3) Address, 4) Phone number, 5) email address (spelled out), and 6) If you intend to make a comment. The only matter under consideration is the proposed regulation amendments addressing the Title V fee system and not the setting of the annual fee schedule itself. To assure clarity and conciseness of the hearing record, both written and oral comments should be restricted to this matter.

IV. Additional Information.

For additional information, please contact Ms. Melissa Fortenberry at 601-961-5556 or Ms. Laura James at (601) 961-5675.