Response to Comments

The Mississippi Commission on Environmental Quality ("Commission") provided a Notice of Proposed Rulemaking, Notice of Public Comment, and Notice of Public Hearing to consider adoption of amendments to 11 Mississippi Administrative Code, Part 2, Chapter 6 (hereafter 11-2-6 Miss. Admin. Code). The 30-day public notice period began on December 1, 2021 and ended with the public hearing held on January 4, 2022.

The following contains responses developed by Mississippi Department of Environmental Quality staff (MDEQ) to comments received during the public notice period and the public hearing. In general, the comments have been summarized by topic and MDEQ has prepared responses to those topics deemed relevant to the proposed action. Where necessary to provide clarity, specific comments may be identified for response. While MDEQ does not respond to comments not specifically related to the current action before the Commission, no such comments were received during this public comment period. Therefore, responses to all comments received are included in this document. The proposed amendments to 11-2-6 Miss. Admin. Code are intended to modify the fee system of the Title V program to ensure the program is adequately and equitably funded, as required by federal and state laws. A complete copy of the comments received and the public hearing transcript are attached in Appendix A and Appendix B, respectively.

Below is a list of written comments received during the public comment period:

- Waste Management; Michelle Hoffman Lersch, Environmental Protection Manager; January 4, 2022; comment via public hearing.
- Waste Management; Alisa Kyle, Area Sr. Environmental Protection Manager; January 4, 2022; comment letter via email.

Response to Public Comment

Comment No. 1: Commenters suggested a maintenance fee based on the number of applicable regulations does not reflect the complexity of individual air permits and would not be equitable
due to the varying complexity of regulations. Commenters also questioned if applicable regulations would include Mississippi regulations or only federal regulations.

MDEQ recognizes that not all air regulations are equal in complexity; however, as the number of air regulations required to be included in a permit increases, so does the time necessary for MDEQ to accurately draft an environmentally protective permit. The more applicable regulations, the more time needed to adequately assure compliance during facility inspections and document reviews due to greater monitoring and recordkeeping requirements. Because the current fee system is based solely on facility emissions and does not account for the time required to develop or ensure compliance with often numerous and complex permit requirements, this change in the fee system is necessary to ensure the Title V program is equitably funded by all Title V facilities.

At this time, MDEQ does not know if the list of applicable air regulations used in the fee calculation will include some state regulations. The specific list will be established annually by the Commission as part of the annual fee schedule after a public notice and comment period. The proposed amendments to 11-2-6 Miss. Admin. Code only stipulate that the list may only include those air regulations required to be addressed by a Title V permit.

Summary:

MDEQ disagrees with the commenters’ suggestion that the more regulations an air permit contains does not affect the overall complexity in creating permits or assuring compliance. The purpose of the maintenance fee is to ensure equitability of the Title V fee system by addressing the cost of implementing, permitting, and ensuring compliance with often complex regulatory requirements while adding stability to individual annual fees assessed by reducing the portion of the fee based on emissions. Based on the comments received and the responses provided above, MDEQ is not recommending any changes to the proposed amendments.