

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Commission on Environmental Quality Mississippi Department of Environmental Quality		CONTACT PERSON Ted Lampton	TELEPHONE NUMBER 601-961-5573	
ADDRESS P.O. Box 2261		CITY Jackson	STATE MS	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	SUBMIT DATE: 2-17-2016	Name or number of rule(s): 11 Miss. Admin. Code, Part 2, Chapter 5, "Regulations for the Prevention of Significant Deterioration of Air Quality"		

Short explanation of rule/amendment/pepeal and reason(s) for proposing rule/amendment/pepeal: The proposed amendments to 11 Miss. Admin. Code, Pt. 2, Ch. 5 involve the adoption, by reference, of amendments to relevant portions of federal regulations as promulgated in 40 CFR Parts 51.166 and 52.21 by the U.S. Environmental Protection Agency (EPA) in order to make the state Prevention of Significant Deterioration of Air Quality (PSD) permitting program consistent with federal requirements. Specifically, the proposed amendments will incorporate, by reference, federal provisions to incorporate a grandfathering provision for certain preconstruction permitting requirements associated with the October 26, 2015 revision of the National Ambient Air Quality Standard for ozone for eligible PSD permit applications. The proposed amendments will also remove the portions of the Greenhouse Gas Tailoring Rule vacated by the U.S. Court of Appeals for the D.C. Circuit on April 10, 2015 and subsequently removed from the federal regulations via ministerial action by EPA on August 19, 2015. Other minor typographical and editorial changes are also included.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§49-2-9(1)(b) and 49-17-17 (Rev.2012)
List all rules repealed, amended, or suspended by the proposed rule: 11 Miss. Admin. Code, Part 2, Chapter 5

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on: Date: March 18, 2016, Time: 1:30 p.m., Place: Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, Mississippi 39201
- Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/pepeal may be submitted to the filing agency.


ECONOMIC IMPACT STATEMENT:

- Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <u>X</u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <u>X</u> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Theodore D. Lampton, III, Senior Attorney

Signature of person authorized to file rules: *Theodore D. Lampton*

OFFICIAL FILING STAMP Accepted for filing by _____	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP  Accepted for filing by <u>21780 AF</u>	OFFICIAL FILING STAMP Accepted for filing by _____
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

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

**PUBLIC NOTICE START DATE: FEBRUARY 17, 2016
DEADLINE FOR COMMENTS: MARCH 18, 2016**

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality (“Commission”) is considering adoption of amendments to state air pollution control regulations and a Revision to the State Implementation Plan for the Control of Air Pollution (SIP Revision). The state regulations affected by the proposed amendments are Mississippi Administrative Code, Title 11, Part 2, Chapter 5, “Regulations for the Prevention of Significant Deterioration of Air Quality”. The proposed regulation amendments and SIP Revision will be applicable statewide.

I. Substance of the proposed actions:

The proposed amendments to 11 Miss. Admin. Code, Pt. 2, Ch. 5 and SIP Revision involve adoption, by reference, of recently promulgated amendments to federal Prevention of Significant Deterioration of Air Quality (PSD) regulations in 40 CFR Parts 51.166 and 52.21 by the U.S. Environmental Protection Agency (EPA). The regulation amendments and SIP Revision will make the state PSD permitting program consistent with federal requirements. Specifically, the proposed amendments will incorporate a grandfathering provision for certain preconstruction permitting requirements associated with the October 26, 2015 revision of the National Ambient Air Quality Standard for ozone for eligible PSD permit applications. The proposed amendments will also remove the portions of the Greenhouse Gas Tailoring Rule vacated by the U.S. Court of Appeals for the D.C. Circuit on April 10, 2015 and subsequently removed from the federal regulations via ministerial action by EPA on August 19, 2015. The Commission will propose a separate SIP Revision to address other portions of the D.C. Circuit’s ruling not able to be resolved through ministerial action after a future, separate EPA rulemaking.

II. Manner by Which the Public May Comment.

The proposed regulation amendments and SIP Revision may be reviewed in the offices of the Mississippi Department of Environmental Quality (MDEQ), 515 E. Amite St., Jackson, Mississippi 39201 by contacting Mr. Lorenzo Boddie, Public Records Administrator at (601)961-5758. For persons with internet access, the proposed regulation amendments and SIP Revision may be found on the MDEQ website at <http://www.deq.state.ms.us> under Programs/Air/New Information. The proposed amendments and SIP Revision will also be available for public review in the main branches of the public libraries in the cities of Gulfport and Tupelo in the State of Mississippi.

Members of the public may present verbal or written comments during the public hearing described below or by submitting written statements to MDEQ, P.O. Box 2261, Jackson, Mississippi 39225. Any written statements regarding the proposed regulation amendments or SIP Revision will be a part of the public hearing record if received by 5:00 p.m., Friday, March 18, 2016. Such delivery should be made to the attention of Mr. Dallas Baker to the mailing address shown above or to the physical address shown below.

III. Notice of Public Hearing.

The hearing will be held on Friday, March 18, 2016 at 1:30 p.m. in the Commission Hearing Room (Room 104A) at the Mississippi Department of Environmental Quality, 515 East Amite Street, Jackson, Mississippi 39201.

IV. Additional Information.

For additional information, please contact Mr. Dallas Baker at 601-961-5171.