

Title 11: Mississippi Department of Environmental Quality

Part 2: Air Regulations

Part 2, Chapter 5: Mississippi Commission on Environmental Quality, Regulations for the Prevention of Significant Deterioration of Air Quality (Adopted June 28, 1990. Amended April 25, 1991; December 9, 1993; August 22, 1996; July 28, 2005; August 23, 2007; October 28, 2010; April 28, 2011; December 14, 2011; and Last amended Date of amendments adoption.

Table of Contents

Rule 5.1 Purpose of this regulation Page 1

Rule 5.2 Adoption of Federal Rules by Reference Page 1

Rule 5.3 Definition of term “Administrator” Page 1

*Rule 5.4 Adoption of Federal Rules for Public Participation and Exclusions from
Increment Consumption* Page 2

Rule 5.5 Transmittal of Permit Applications to EPA Administrator Page 2

Rule 5.6 Applicability Page 3

Rule 5.1 The purpose of this regulation is to implement a program for the prevention of significant deterioration of air quality as required by 40 CFR 51.166. This regulation supercedes and replaces the previous adoption by reference of 40 CFR 52.21 and 40 CFR 51.166. 40 CFR 52.21 and 51.166 as used in this regulation refer to the federal regulations as amended and promulgated by February 17, 2016, except as provided in Rule 5.2 below. CFR refers to the “Code of Federal Regulations”.

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

Rule 5.2 Other than the subsections and phrases listed below and except for the changes set forth in Rule 5.3 of this regulation, the provisions of 40 CFR 52.21 as amended and promulgated by February 17, 2016, are incorporated herein and adopted by reference by the Mississippi Commission on Environmental Quality as official regulations of the State of Mississippi and shall hereafter be enforceable as such. The following subsection and phrases of 40 CFR 52.21 are excluded from this regulation:

- A. (a)(1) [Plan disapproval],

- B. (q) [Public Participation],
- C. (s) [Environmental Impact Statements],
- D. (u) [Delegation of authority], and
- E. (cc) [Routine maintenance, repair, and replacement]

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

Rule 5.3 The term “Administrator” as it appears in 40 CFR 52.21 shall mean the Mississippi Environmental Quality Permit Board, except that:

- A. In subparagraph (b)(3)(iii) [relating to “net emissions increase”], it shall mean either the Mississippi Environmental Quality Permit Board or the Administrator of the United States Environmental Protection Agency (USEPA).
- B. In the following subsections, it shall continue to mean the Administrator of the USEPA:
 - (1) (b)(17) [definition of “federally enforceable”];
 - (2) paragraph b(37)(i);
 - (3) paragraph b(43);
 - (4) paragraph b(48)(ii)(c);
 - (5) paragraph b(50)(i);
 - (6) paragraph b(51);
 - (7) (g)(1)-(g)(6) [Redesignation];
 - (8) (1)(2) [Air quality models];
 - (9) (p)(2) [concerning Federal Land Manager];
 - (10) (t) [Disputed permits or redesignations].

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

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

- A. The phrases “the plan provides that” and “it shall also provide that” are excluded from paragraph 40 CFR 51.166(f)(2),
- B. The term “Administrator” as it appears in subparagraphs (f)(1)(v),(f)(4), and (q)(2)(iv) shall continue to mean the Administrator of the USEPA,
- C. The phrase “specified time period” in subparagraph (q)(1) shall mean thirty (30) days,
- D. The phrase “reviewing authority” shall mean the Mississippi Department of Environmental Quality, and
- E. The words “one year” in subparagraph (q)(2) shall be replaced by the words “one hundred and fifty (150) days.”

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

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

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

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

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

Title 11: Mississippi Department of Environmental Quality

Part 2: Air Regulations

Part 2, Chapter 5: Mississippi Commission on Environmental Quality, Regulations for the Prevention of Significant Deterioration of Air Quality (Adopted June 28, 1990. Amended April 25, 1991; December 9, 1993; August 22, 1996; July 28, 2005; August 23, 2007; October 28, 2010; April 28, 2011; and December 14, 2011; and Last amended Date of amendments adoption.

PROPOSED AMENDMENTS
Public comment period begins February 17, 2016
Public comment period ends March 18, 2016
Public hearing date March 18, 2016

Table of Contents

Rule 5.1 Purpose of this regulation..... Page 1

Rule 5.2 Adoption of Federal Rules by Reference..... Page 1

Rule 5.3 Definition of term “Administrator”..... Page 1

**Rule 5.4 Adoption of Federal Rules for Public Participation and Exclusions from
Increment Consumption..... Page 2**

Rule 5.5 Transmittal of Permit Applications to EPA Administrator..... Page 2

Rule 5.6 Applicability..... Page 3

Rule 5.1 The purpose of this regulation is to implement a program for the prevention of significant deterioration of air quality as required by 40 CFR 51.166. This regulation supercedes and replaces the previous adoption by reference of 40 CFR 52.21 and 40 CFR 51.166. 40 CFR 52.21 and 51.166 as used in this regulation refer to the federal regulations as amended and promulgated by ~~November 4, 2011~~**February 17, 2016**, except as provided in Rule 5.2 below. CFR refers to the “Code of Federal Regulations”.

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

Rule 5.2 Other than the subsections and phrases listed below and except for the changes set forth in Rule 5.3 of this regulation, the provisions of 40 CFR 52.21 as amended and promulgated by ~~November 4, 2011~~**February 17, 2016**, are incorporated herein and adopted by reference by the Mississippi Commission on Environmental Quality as official regulations of the State of

Mississippi and shall hereafter be enforceable as such. The following subsection and phrases of 40 CFR 52.21 are excluded from this regulation:

- A. (a)(1) [Plan disapproval],
- B. (q) [Public Participation],
- C. (s) [Environmental Impact Statements],
- D. (u) [Delegation of authority], and
- E. (cc) [Routine maintenance, repair, and replacement]

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

Rule 5.3 The term “Administrator” as it appears in 40 CFR 52.21 shall mean the Mississippi Environmental Quality Permit Board, except that:

- A. In subparagraph (b)(3)(iii) [relating to “net emissions increase”], it shall mean either the Mississippi Environmental Quality Permit Board or the Administrator of the United States Environmental Protection Agency (USEPA).
- B. In the following subsections, it shall continue to mean the Administrator of the USEPA:
 - (1) (b)(17) [definition of “federally enforceable”];
 - (2) paragraph b(37)(i);
 - (3) paragraph b(43);
 - (4) paragraph b(48)(ii)(c);
 - (5) paragraph b(50)(i);
 - (6) paragraph b(51);
 - (7) (g)(1)-(g)(6) [Redesignation];
 - (8) (1)(2) [Air quality models];
 - (9) (p)(2) [concerning Federal Land Manager];
 - (10) (t) [Disputed permits or redesignations].

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

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

- A. The phrases “the plan provides that” and “it shall also provide that” are excluded from paragraph 40 CFR 51.166(f)(2),
- B. The term “Administrator” as it appears in subparagraphs (f)(1)(v),(f)(4), and (q)(2)(iv) shall continue to mean the Administrator of the USEPA,
- C. The phrase “specified time period” in subparagraph (q)(1) shall mean thirty (30) days,
- D. The phrase “reviewing authority” shall mean the Mississippi Department of Environmental Quality, and
- E. The words “one year” in subparagraph (q)(2) shall be replaced by the words “one hundred and fifty (150) days.”

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

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

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

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

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