

Mississippi Secretary of State
125 S. Congress Street Jackson, MS 39201

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: 4-28-2016	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/repeal and reason(s) for proposing rule/amendment/repeal: The 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 amendments 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 amendments 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List all rules repealed, amended, or suspended by the proposed rule: 11 Miss.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 was held 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


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
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: February 17, 2016 Action taken: April 28, 2016 <input checked="" type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> 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: *Ted Lampton*

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	OFFICIAL FILING STAMP <div style="border: 1px solid black; padding: 10px;">  </div> Accepted for filing by <u>#21930 <i>[Signature]</i></u>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.