

Mississippi Secretary of State

125 S. Congress 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 tlampton@mdeq.ms.gov	Submit Date 2-29-24	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 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 for defining a stationary source in the oil and natural gas sector, the most recent version of 40 CFR Part 51, Appendix W – "Guideline on Air Quality Models," the "Project Emissions Accounting" rule, and the "New Source Review (NSR) Errors Corrections" rule. The public participation provisions of 40 CFR 51.166 are incorporated in the Ch. 5 text, rather than incorporated by reference, and are updated to reflect the changes to the provisions of the Clean Air Act permitting programs. 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List all rules repealed, amended, or suspended by the proposed rule: 11 Miss.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: January 29, 2024 Time: 12:00 p.m. Place: Virtual via Zoom. Link was available for registering at <https://www.mdeq.ms.gov/about-mdeq/public-notice-and-hearings/air-division/>.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement was attached to filing of Proposed Rule form.

TEMPORARY RULES _____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	PROPOSED ACTION ON RULES Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	FINAL ACTION ON RULES Date Proposed Rule Filed: <u>12-20-23</u> 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): _____
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Printed name & Title of person authorized to file rules: Theodore D. Lampton, III, Senior Attorney, MDEQ

Signature of person authorized to file rules: 11s11 Ted Lampton

OFFICIAL FILING STAMP Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP Accepted for filing by	OFFICIAL FILING STAMP  FEB 29 2024 MISSISSIPPI SECRETARY OF STATE Accepted for filing by <u>27401 738</u>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.