

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

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality ("Commission") is considering Revision to the State Implementation Plan for Air Pollution Control (SIP Revision) and amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants," APC-S-1; "Acid Rain Program Permit Regulations for Purpose of Title IV Of The Federal Clean Air Act", APC-S-7; and "Air Toxics Regulations", APC-S-8. The proposed SIP Revision and regulation amendments will be applicable statewide.

I. Substance of the Proposed Regulations.

- The proposed SIP Revision and certain amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants," APC-S-1 involve adopting provisions for air emissions trading and related requirements pursuant to the Federal Clean Air Interstate Rule;
- Amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants," APC-S-1 to adopt emission guidelines for the control of mercury emissions pursuant to the Federal Clean Air Mercury Rule;
- Amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants," APC-S-1 to adopt, by reference New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants promulgated by the U.S. Environmental Protection Agency since June 17, 2005.
- Amendments to "Acid Rain Program Permit Regulations For Purposes Of Title IV Of The Federal Clean Air Act", APC-S-7 to adopt Acid Rain Program Permit Regulations promulgated by the U.S. Environmental Protection Agency in 40 CFR Parts 72 and 76 since November 20, 2003.
- Amendments to "Air Toxics Regulations", APC-S-8 to adopt Chemical Accident Prevention Provisions promulgated by the U.S. Environmental Protection Agency in 40 CFR Part 68 since June 27, 2002.

II. Manner By Which the Public May Comment.

Copies of the proposed amendments to the referenced regulations may be obtained by calling Danny Jackson at 601-961-5225 or Connie Simmons at 601-961-5165 or writing to 101 West Capitol Street, Jackson, Mississippi 39201. Also, copies of the proposed SIP Revision and amendments to the referenced regulations will be available for public review through Tuesday, October 17, 2006, in the main branch of public libraries in the cities of Clarksdale, Cleveland, Columbus, Gulfport, Greenville, Hattiesburg, Hernando, Jackson, Meridian, Natchez, Oxford, Pascagoula, and Tupelo. The proposed SIP Revision and amendments to the referenced regulations may also be reviewed in the offices of the Mississippi Department of Environmental Quality, Southport Center, 2380 Highway 80 West, Jackson, Mississippi. For an appointment to review the proposed regulation amendments at the offices of MDEQ, contact Ms. Debbie Pridgen at (601) 961-5611.

Members of the public may present verbal or written comments at the public hearing described below. Also, written statements regarding the proposed SIP Revision and regulation amendments will be made part of the public hearing record if delivered by 5:00 p.m., Tuesday, October 17, 2006, to the MDEQ address shown above.

III. Notice of Public Hearing.

The hearing will be held on Tuesday, October 17, 2006 at 10:00 a.m. in the Air Division Training/Meeting Room (Room 3-660) of the Mississippi Department of Environmental Quality Office Building at 101 Capitol Centre, 101 West Capitol Street, Jackson, Mississippi.

IV. Additional Information.

For additional information, please contact Danny Jackson at 601-961-5225 or Connie Simmons at 601-961-5165.



**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY**

**"AIR TOXICS REGULATIONS"**

**APC-S-8**

**Proposed Amendments**

**Public Hearing Date: October 17, 2006**

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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"AIR TOXICS REGULATIONS"

APC-S-8

Adopted May 28, 1998  
Amended June 27, 2002

Proposed Amendments

- I. Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Section 112(g)
  - A. Regulations for case-by-case maximum achievable control technology (MACT) applicable to facilities affected by the requirements of Section 112(g) of the Federal Clean Air Act are those regulations duly promulgated by the United States Environmental Protection Agency in (or to be printed in) Subpart B of Part 63 of Title 40 of the Code of Federal Regulations (C.F.R.). All such regulations promulgated by United States Environmental Protection Agency 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 except as follows:
    1. The "effective date of Section 112(g)(2)(b)" as defined in 40 C.F.R. 63.41 shall be the effective date of this regulation.
    2. The "permitting authority" as defined in 40 C.F.R. 63.41 shall be the "Mississippi Environmental Quality Permit Board" (Permit Board).
    3. The "Notice of MACT Approval" as defined in 40 C.F.R. 63.41 shall be the "Permit to Construct" pursuant to "Permit Regulations for the Construction and/or Operation of Air Emissions Equipment, APC-S-2" as adopted by the Mississippi Commission on Environmental Quality (Commission) and said Permit to Construct shall include the case-by-case MACT determination.
    4. In lieu of the administrative procedures for review of the Notice of MACT Approval as set forth in 40 C.F.R. 63.43(f)(1) through (5), the Permit Board will follow "Permit Regulations for the Construction and/or Operation of Air Emissions Equipment, APC-S-2" as adopted by the Commission.

5. In lieu of the opportunity for public comment on the Notice of MACT Approval as set forth in 40 C.F.R. 63.43(h), the Permit Board will provide opportunity for public comment on information submitted by the owner or operator. The public information will include the Mississippi Department of Environmental Quality's (MDEQ) analysis of the case-by-case MACT determination, including the MDEQ's recommendation for permit issuance or denial. The public information and opportunity for comment shall also include the following:
  - a. availability for public inspection in at least one location in the area affected of the information submitted by the owner or operator and of MDEQ's recommendation and the draft permit;
  - b. a 30-day period for submittal of public comment; and
  - c. a notice, by prominent advertisement in the area affected, of the location of the source information.

B. Applicability.

1. *Overall requirements.* The requirements of the regulations referenced in Section I.A. apply to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants after the effective date of this regulation unless the major source in question has been specifically regulated or exempted from regulation under a MACT standard issued pursuant to Section 112(d), a work practice standard or other requirement pursuant to Section 112(h), or an equivalent emission limitation by permit pursuant to Section 112(j) and incorporated in another Subpart of Part 63, or the owner or operator of such major source has received all necessary air quality permits for such construction or reconstruction project before the effective date of the regulations referenced in Section I.A.
2. *Exclusion for electric utility steam generating units.* The requirements of the regulations referenced in Section I.A. do not apply to electric utility steam generating units unless and until such time as these units are added to the source category list pursuant to Section 112(c)(5) of the Federal Clean Air Act as amended.
3. *Exclusion for stationary sources in deleted source categories.* The requirements of the regulations referenced in Section I.A. do not apply to stationary sources that are within a source category that has been deleted from the source category list pursuant to Section 112(c)(9) of the Federal Clean Air Act as amended.

4. *Exclusion for research and development activities.* The requirements of the regulations referenced in Section I.A. do not apply to research and development activities, as defined in the regulations referenced in Section I.A.

## II. Chemical Accident Prevention Provisions

- A. Chemical Accident Prevention Provisions are regulations duly promulgated by the United States Environmental Protection Agency in (or to be printed in) Part 68 of Title 40 of the Code of Federal Regulations. All such regulations promulgated by the United States Environmental Protection Agency as of September 15, 2006 are incorporated herein and adopted by reference by the Mississippi Commission on Environmental Quality as official regulations of the State of Mississippi and shall be enforceable as such except as follows:
  1. The word "Administrator" shall mean the Administrator of the United States Environmental Protection Agency.
  2. The words "air permitting authority" shall mean "Mississippi Environmental Quality Permit Board".
  3. The words "implementing agency" shall mean "Mississippi Department of Environmental Quality."