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

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME		CONTACT PERSON		
Mississippi Commission on Environmental Quality Mississippi Department of Environmental Quality		Ted Lampton	601-961-5573	
P.O. Box 2261		Jackson	MS	39225
ted_lampton@deq.state.ms.us	9-13-10	"Regulations for the Prevention of Significant Deterioration of Air Quality", APC-S-5		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The proposed amendments to APC-S-5 will incorporate by reference relevant portions of federal regulations as promulgated in 40 CFR 51.166, 52.21, and 52.22 in order to make the state regulations consistent with federal requirements. Specifically, the proposed amendments will incorporate USEPA's Tailoring Rule for Greenhouse Gases which specifies that beginning in 2011, projects with substantial increases of greenhouse gas emissions will require an air permit.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§49-2-9(1)(b) and 49-17-17 (Rev. 2003)
List all rules repealed, amended, or suspended by the proposed rule: APC-S-5

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on: Date: October 13, 2010 Time: 10:00 a.m Place: Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, MS 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/repeal 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) __X__ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference **Proposed final effective date:** __X__ 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: Ted Lampton

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
	FILED SEP 13 2010 MISSISSIPPI SECRETARY OF STATE	
Accepted for filing by	**Accepted for filing by**	**Accepted for filing by**

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: SEPTEMBER 13, 2010

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality ("Commission") is considering a Revision to the State Implementation Plan for Air Pollution Control (SIP Revision) and amendments to state air pollution control regulations. The proposed SIP Revision and regulation amendments will be applicable statewide. The Commission's authority to adopt the SIP Revision is found at Mississippi Code Annotated Section 49-2-9(1)(b) and Section 49-17-17(b). The Commission's authority to adopt amendments to the regulations is found at Mississippi Code Annotated Section 49-2-9(1)(b) and Section 49-17-17(i)

I. The proposed actions concern adoption of:

1. Amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants," APC-S-1 to adopt, by reference, amendments to Federal New Source Performance Standards, as promulgated in 40 CFR Part 60 and Federal National Emission Standards for Hazardous Air Pollutants as promulgated in 40 CFR Parts 61 and 63.

2. A SIP Revision and amendments to "Regulations for the Prevention of Significant Deterioration of Air Quality", APC-S-5 which will incorporate by reference updated relevant portions of federal regulations as promulgated in 40 CFR Parts 51.166, 52.21, and 52.22 in order to make the state Prevention of Significant Deterioration of Air Quality permitting program consistent with the federal requirements. Specifically, the proposed amendments will incorporate EPA's recently promulgated Tailoring Rule for Greenhouse Gases which specifies that beginning in 2011, projects that will substantially increase greenhouse gas emissions will require an air permit. The revision does not incorporate implementation of fine particulate matter that was promulgated on May 16, 2008. The Commission will propose a SIP revision for implementation of fine particulate matter in a separate action at a later date.

3. Amendments to "Air Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act", APC-S-6, in order to make the Title V permitting program consistent with the federal requirements. Specifically, the proposed amendments will incorporate EPA's recently promulgated Tailoring Rule.

II. Manner By Which the Public May Comment.

Copies of the proposed amendments to the referenced regulations may be obtained by calling Ms. Maya Rao at 601-961-5242 or Mr. Connie Simmons at 601-961-5165 or writing to Mississippi Department of Environmental Quality, Air Division, P.O. Box 2261, Jackson, Mississippi 39201. For persons with internet access, a copy of the proposed SIP revision and proposed amendments to the referenced regulations may be found on the Mississippi Department of Environmental Quality's website at http://www.deq.state.ms.us. Also, copies of the proposed SIP Revision and proposed amendments to the referenced regulations will be available for public review through Wednesday, October 13, 2010, in the main branch of

public libraries in the cities of Gulfport, Jackson, and Tupelo in the State of Mississippi. The proposed SIP Revision and amendments to the referenced regulations may also be reviewed in the offices of the Mississippi Department of Environmental Quality, 515 E. Amite Street, Jackson, Mississippi. Please contact Ms. Edna Banks at (601) 961-5171 to schedule an appointment.

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 proposed regulation amendments will be made part of the public hearing record if delivered by 5:00 p.m., Wednesday, October 13, 2010, to the attention of Ms. Maya Rao at the address shown above.

III. Notice of Public Hearing.

A public hearing regarding the proposed SIP Revision and regulation amendments will be conducted. The hearing will be held on Wednesday, October 13, 2010, at 10:00 a.m. in the Commission Hearing Room (Room 104A) of the Mississippi Department of Environmental Quality Office Building located at 515 E. Amite Street, Jackson, Mississippi 39201.

IV. Additional Information.

For additional information, please contact Ms. Maya Rao at 601-961-5242 or Mr. Connie Simmons at 601-961-5165.