

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

“REGULATIONS FOR THE PREVENTION OF SIGNIFICANT DETERIORATION OF AIR
QUALITY”

APC-S-5

Amended October 28, 2010

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
REGULATIONS FOR THE PREVENTION OF SIGNIFICANT DETERIORATION
OF AIR QUALITY

APC-S-5

Adopted June 28, 1990
Amended April 25, 1991
Amended December 9, 1993
Amended August 22, 1996
Amended July 28, 2005
Amended August 23, 2007
Amended October 28, 2010

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 September 13, 2010, except as provided in 2. below. CFR refers to the “Code of Federal Regulations”.

2. Other than the subsections and phrases listed below and except for the changes set forth in Section 3. of this regulation, the provisions of 40 CFR 52.21 as amended and promulgated by September 13, 2010, 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:
 - 2.1 (a)[Plan disapproval],
 - 2.2 (q)[Public Participation],
 - 2.3 (s)[Environmental Impact Statement],
 - 2.4 (u)[Delegation of authority],
 - 2.5 (cc)[Routine maintenance, repair, and replacement], and
 - 2.6 The phrase “in circumstances where there is a reasonable possibility, within the meaning of paragraph (r)(6)(vi) of 40 CFR 52.21, that a project that is not a part of a major modification may result in a significant emissions increase” in paragraph (r)(6) of (r)[Source obligation].

- 2.7 Certain amendments to 40 CFR 52.21 specified in 73 FR 28321-28350. The excluded provisions are as follows:
- a. Revised paragraphs (b)(23)(i) and (b)(50)(i). In lieu of these paragraphs (b)(23)(i) and (b)(50)(i) of 40 CFR 52.21, as amended and promulgated by June 15, 2007, are incorporated and adopted by reference.
 - b. Addition of paragraphs (b)(50)(vi) and (i)(1)(xi).
3. The term “Administrator” as it appears in 40 CFR 52.21 shall mean the Mississippi Environmental Quality Permit Board, except that:
- 3.1 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).
- 3.2 In the following subsections, it shall continue to mean the Administrator of the USEPA:
- a. (b)(17) [definition of “federally enforceable”];
 - b. paragraph b(37)(i);
 - c. paragraph b(43);
 - d. paragraph b(48)(ii)(c);
 - e. paragraph b(50)(i);
 - f. paragraph b(51);
 - g. (g)(1)-(g)(6) [Redesignation];
 - h. (l)(2) [Air quality models];
 - i. (p)(2) [concerning Federal Land Manager];
 - j. (t) [Disputed permits or redesignations].
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:
- 4.1 The phrases “the plan provides that” and “it shall also provide that” are excluded from paragraph 40 CFR 51.166(f)(2),

- 4.2 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,
 - 4.3 The phrase “specified time period” in subparagraph (q)(1) shall mean thirty (30) days,
 - 4.4 The phrase “reviewing authority” shall mean Mississippi Department of Environmental Quality, and
 - 4.5 The words “one year” in subparagraph (q)(2) shall be replaced by the words “one hundred and fifty (150) days.”
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.
 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.

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