

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

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

<b>AGENCY NAME</b> Mississippi Commission on Environmental Quality Mississippi Department of Environmental Quality		<b>CONTACT PERSON</b> Ted Lampton	<b>TELEPHONE NUMBER</b> 601-961-5573	
<b>ADDRESS</b> P.O. Box 2261		<b>CITY</b> Jackson	<b>STATE</b> MS	<b>ZIP</b> 39225
<b>EMAIL</b> Ted_Lampton@deq.state.ms.us	<b>SUBMIT DATE:</b> 3-22-11	<b>Name or number of rule(s):</b> "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: Amendments to APC-S-5 to 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 (PSD) permitting program consistent with federal requirements for fine particulate matter (PM2.5). Specifically, the proposed amendments will incorporate federal provisions relating to implementing the New Source Review (NSR) program for PM2.5 that was promulgated by EPA on May 16, 2008, and the PM2.5 Increments, Significant impact Levels (SILs) and Significant Monitoring Concentration (SMC) promulgated on October 20, 2010.

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List all rules repealed, amended, or suspended by the proposed rule: APC-S-5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: April 21, 2011, Time: 2:30 p.m., Place: Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, Mississippi 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): _____	<b>Action proposed:</b> _____ New rule(s) <u> X </u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference <b>Proposed final effective date:</b> <u> X </u> 30 days after filing _____ Other (specify): _____	<b>Date Proposed Rule Filed:</b> <b>Action taken:</b> _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed <b>Effective date:</b> _____ 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

<b>OFFICIAL FILING STAMP</b>  Accepted for filing by _____	DO NOT WRITE BELOW THIS LINE <b>OFFICIAL FILING STAMP</b>  Accepted for filing by <u>CB17621E</u>	<b>OFFICIAL FILING STAMP</b>  Accepted for filing by _____
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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: MARCH 22, 2011

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.

- I. The proposed SIP Revision and amendments to state air pollution control regulations involve amendments to “Regulations for the Prevention of Significant Deterioration of Air Quality”, APC-S-5 to adopt, by reference, updated relevant portions of federal regulations as promulgated in 40 CFR Parts 51.166, 52.21, and 52.22 to make the state Prevention of Significant Deterioration of Air Quality permitting program consistent with the federal requirements. Specifically, the proposed amendments will incorporate federal provisions relating to implementing the New Source Review (NSR) program for fine particulate matter (PM<sub>2.5</sub>) that was promulgated by EPA on May 16, 2008 and the PM<sub>2.5</sub> Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) promulgated on October 20, 2010.

EPA’s 2008 NSR PM<sub>2.5</sub> Implementation Rule (73 FR 28321) identifies nitrogen oxides (NO<sub>x</sub>) as a presumed precursor to PM<sub>2.5</sub> in all attainment and unclassifiable areas, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of NO<sub>x</sub> from sources in a specific area are not a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations. The draft SIP revision contains a technical demonstration which shows that NO<sub>x</sub> from sources in the state do not significantly contribute to PM<sub>2.5</sub> ambient air concentrations in Mississippi. Mississippi proposes to submit this technical demonstration to U.S. EPA for approval as part of the PM<sub>2.5</sub> NSR Implementation SIP package. Mississippi is proposing to adopt the PM<sub>2.5</sub> provisions into APC-S-5 by reference. Depending upon the final action from US EPA, we are proposing to address NO<sub>x</sub> as a PM<sub>2.5</sub> precursor as follows:

1. Until such a time where EPA takes action on the demonstration or upon plan disapproval, NO<sub>x</sub> will be considered as a precursor for PM<sub>2.5</sub> in Mississippi.
2. Upon EPA approval of this demonstration, NO<sub>x</sub> will not be considered as a precursor for PM<sub>2.5</sub> in Mississippi.

Mississippi is specifically soliciting comments on the appropriateness of including or excluding NO<sub>x</sub> as a PM<sub>2.5</sub> precursor for PSD purposes.

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 Thursday, April 21, 2011, 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., Thursday, April 21, 2011, to the attention of Ms. Maya Rao at the address shown above.

III. Notice of Public Hearing.

A public hearing to receive comments concerning the proposed SIP Revision and regulation amendments will be conducted. The hearing will be held on Thursday, April 21, 2011, at 2:30 p.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.