

**Mississippi Secretary of State**  
700 North 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 Ted_Lampton@deq.state.ms.us	SUBMIT DATE: 11-4-11	Name or number of rule(s): "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 involve the adoption, by reference, of amendments to relevant portions of federal regulations as promulgated in 40 CFR Parts 51.166 and 52.21 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 relating to the Deferral for CO<sub>2</sub> Emissions from Bioenergy and Other Biogenic Sources under the Prevention of Significant Deterioration (PSD) and Title V Programs Rule as promulgated by the Environmental Protection Agency (EPA) on July 20, 2011 (76 FR 43490).

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List all rules repealed, amended, or suspended by the proposed rule: APC-S-5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: December 6, 2011, Time: 3:30 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
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> 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

<p><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p><b>DO NOT WRITE BELOW THIS LINE</b> <b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; padding: 10px;"> <p align="center"><b>FILED</b></p> <p align="center">NOV 04 2011</p> <p align="center">MISSISSIPPI</p> <p align="center">SECRETARY OF STATE</p> </div> <p>Accepted for filing by <u>CB18215E</u></p>	<p><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>
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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: NOVEMBER 4, 2011

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality (“Commission”) is considering a proposed Revision to the State Implementation Plan for Air Pollution Control (SIP Revision) and proposed amendments to state air pollution control regulations. The proposed SIP Revision and proposed regulation amendments will be applicable statewide.

I. Substance of the proposed actions:

1. The proposed amendments to “Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants,” APC-S-1 involve the adoption, by reference, of 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. The proposed SIP Revision and proposed amendments to “Regulations for the Prevention of Significant Deterioration of Air Quality”, APC-S-5 involves adoption, by reference, of amendments to federal regulations as promulgated in 40 CFR Parts 51.166 and 52.21 in order to make the state Prevention of Significant Deterioration of Air Quality (PSD) permitting program consistent with federal requirements.
3. The proposed amendments to “Air Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act”, APC-S-6 involve amendments to make the Title V permitting program consistent with federal requirements.
4. The proposed amendments to “Acid Rain Program Permit Regulations for the Purposes of Title IV of the Federal Clean Air Act”, APC-S-7 involve adoption , by reference, amendments to Federal Acid Rain Permit Program regulations as promulgated in 40 CFR Parts 72 and 76.

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> under Programs/Air Quality/New Information. Also, copies of the proposed SIP Revision and proposed amendments to the referenced regulations will be available for public review through December 6, 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 proposed 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 Mr. Lorenzo Boddie 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., Tuesday, December 6, 2011, 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 Tuesday, December 6, 2011, at 3:30 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.

