

## Title 11: Mississippi Department of Environmental Quality

### Part 2: Air Regulations

#### Part 2, Chapter 5: **REGULATIONS FOR THE PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY**

Rule 5.1 The purpose of this regulation is to implement a program for the prevention of significant deterioration of air quality as required by 40 CFR 52.21 and 51.166. This regulation supersedes 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 February 16, 2017, except as provided in Rule 5.2 below. CFR refers to the "Code of Federal Regulations."

**EPA Note:** The approval does not include incorporation by reference of the CO2 Biomass Deferral which was withdrawn by the State on October 22, 2014. On 9-26-2012, EPA approved a revision to APC-S-5 which incorporated by reference the regulations found at 40 CFR 52.21 as of March 22, 2011. This approval did not include Mississippi's revision to IBR (at Rule APC-S-5) the term "particulate matter emissions" (as promulgated in the May 16, 2008 NSR PM2.5 Rule (at 40 CFR 51.166(b)(49)(vi)) and the PM2.5 SILs threshold and provisions (as promulgated in the October 20, 2010 PM2.5 PSD Increment-SILs-SMC Rule at 40 CFR 52.21(k)(2)). **Note:** On October 22, 2014, Mississippi withdrew the PM2.5 SILs provision from Mississippi's May 18, 2011 SIP Submission.

On December 29, 2010, EPA approved a revision to APC-S-5 which incorporated by reference the regulations found at 40 CFR 52.21 as of September 13, 2010. *See* 75 FR 81858. That action approved the incorporation by reference with the exception of the phrase "except ethanol production facilities producing ethanol by natural fermentation under the North American Industry Classification System (NAICS) codes 325193 or 312140," APC-S-5 incorporated by reference from 40 CFR 52.21(b)(1)(i)(a) and (b)(1)(iii)(t). Additionally, that final EPA action did not incorporate by reference, into the Mississippi SIP, the administrative regulations that were amended in the Fugitive Emissions Rule (73 FR 77882) and are stayed through October 3, 2011.

Rule 5.2 Other than the subsections and phrases listed below and except for the changes set forth in Rule 5.3 of this regulations, the provisions of 40 CFR 52.21 as amended and promulgated by February 17, 2016, 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:

- A. (a)(1) [Plan disapproval],
- B. (q)[Public Participation],
- C. (s)[Environmental Impact Statements],

D. (u)[Delegation of authority],

E. (cc)[Routine maintenance, repair, and replacement], and

Rule 5.3 The term "administrator" as it appears in 40 CFR 52.21 shall mean the Mississippi Environmental Quality Permit Board, except that:

- A. 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).
- B. In the following subsections, it shall continue to mean the Administrator of the USEPA:
  - (1) (b)(17) [definition of "federally enforceable"];
  - (2) paragraph b(37)(i);
  - (3) paragraph b(43);
  - (4) paragraph b(48)(ii)(c);
  - (5) paragraph b(50)(i);
  - (6) paragraph b(51);
  - (7) (g)(1)-(g)(6) [Redesignation];
  - (8) (1)(2) [Air quality models];
  - (9) (p)(2) [concerning Federal Land Manager];
  - (10) (t) [Disputed permits or redesignations].

Rule 5.4 Subsections 40 CFR 51.166(f) Exclusions from Increment Consumption (excluding the phrase "The plan may provide that...") and 40 CFR 51.166(q) (excluding the phrase "The plan shall provide that..") are incorporated herein and adopted by reference, except for the changes set forth below:

- A. The phrases “the plan provided that” and “it shall also provide that” are excluded from paragraph 40 CFR 51.166(f)(2),
  - B. 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,
  - C. The phrase "specified time period" in subparagraph (q)(1) shall mean thirty (30) days,
  - D. The phrase "reviewing authority" shall mean Mississippi Department of Environmental Quality, and
  - E. The words "one year" in subparagraph (q)(2) shall be replaced by the words "one hundred and fifty (150) days."
5. Rule 5.5 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. Rule 5.6 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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	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg:	JUL 16, 1990	OCT 15, 1990	55 FR 41691
1st Revision:	JUN 14, 1991	AUG 4, 1992	57 FR 34252
2nd Revision:	JAN 26, 1994	MAY 5, 1995	60 FR 22287
3rd Revision	SEP 30, 1996	JUL 15, 1997	62 FR 37724
4th Revision	AUG 10, 2005	JUL 10, 2006	71 FR 38773
5 <sup>th</sup> Revision	NOV 28, 2007	DEC 20, 2010	75 FR 79300
6 <sup>th</sup> Revision	DEC 9, 2010	DEC 29, 2010	75 FR 81858
7 <sup>th</sup> Revision	MAY 12, 2011	SEP 26, 2012	77 FR 59095
8 <sup>th</sup> Revision	FEB 10, 2012	MAR 5, 2015	80 FR 11890
9 <sup>th</sup> Revision	MAY 9, 2017	JULY 20,2017	Letter Notice