

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

"AIR TOXICS REGULATIONS"

APC-S-8

Amended November 16, 2006

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Adopted May 28, 1998
Amended June 27, 2002
Amended November 16, 2006

- I. Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Section 112(g)
 - A. Regulations for case-by-case maximum achievable control technology (MACT) applicable to facilities affected by the requirements of Section 112(g) of the Federal Clean Air Act are those regulations duly promulgated by the United States Environmental Protection Agency in (or to be printed in) Subpart B of Part 63 of Title 40 of the Code of Federal Regulations (C.F.R.). All such regulations promulgated by United States Environmental Protection Agency 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 except as follows:
 1. The "effective date of Section 112(g)(2)(b)" as defined in 40 C.F.R. 63.41 shall be the effective date of this regulation.
 2. The "permitting authority" as defined in 40 C.F.R. 63.41 shall be the "Mississippi Environmental Quality Permit Board" (Permit Board).
 3. The "Notice of MACT Approval" as defined in 40 C.F.R. 63.41 shall be the "Permit to Construct" pursuant to "Permit Regulations for the Construction and/or Operation of Air Emissions Equipment, APC-S-2" as adopted by the Mississippi Commission on Environmental Quality (Commission) and said Permit to Construct shall include the case-by-case MACT determination.
 4. In lieu of the administrative procedures for review of the Notice of MACT Approval as set forth in 40 C.F.R. 63.43(f)(1) through (5), the Permit Board will follow "Permit Regulations for the Construction and/or Operation of Air Emissions Equipment, APC-S-2" as adopted by the Commission.
 5. In lieu of the opportunity for public comment on the Notice of MACT Approval as set forth in 40 C.F.R. 63.43(h), the Permit Board will provide opportunity for public comment on information submitted by the owner or

operator. The public information will include the Mississippi Department of Environmental Quality's (MDEQ) analysis of the case-by-case MACT determination, including the MDEQ's recommendation for permit issuance or denial. The public information and opportunity for comment shall also include the following:

- a. availability for public inspection in at least one location in the area affected of the information submitted by the owner or operator and of MDEQ's recommendation and the draft permit;
- b. a 30-day period for submittal of public comment; and
- c. a notice, by prominent advertisement in the area affected, of the location of the source information.

B. Applicability.

1. *Overall requirements.* The requirements of the regulations referenced in Section I.A. apply to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants after the effective date of this regulation unless the major source in question has been specifically regulated or exempted from regulation under a MACT standard issued pursuant to Section 112(d), a work practice standard or other requirement pursuant to Section 112(h), or an equivalent emission limitation by permit pursuant to Section 112(j) and incorporated in another Subpart of Part 63, or the owner or operator of such major source has received all necessary air quality permits for such construction or reconstruction project before the effective date of the regulations referenced in Section I.A.
2. *Exclusion for electric utility steam generating units.* The requirements of the regulations referenced in Section I.A. do not apply to electric utility steam generating units unless and until such time as these units are added to the source category list pursuant to Section 112(c)(5) of the Federal Clean Air Act as amended.
3. *Exclusion for stationary sources in deleted source categories.* The requirements of the regulations referenced in Section I.A. do not apply to stationary sources that are within a source category that has been deleted from the source category list pursuant to Section 112(c)(9) of the Federal Clean Air Act as amended.

4. *Exclusion for research and development activities.* The requirements of the regulations referenced in Section I.A. do not apply to research and development activities, as defined in the regulations referenced in Section I.A.

II. Chemical Accident Prevention Provisions

- A. Chemical Accident Prevention Provisions are regulations duly promulgated by the United States Environmental Protection Agency in (or to be printed in) Part 68 of Title 40 of the Code of Federal Regulations. All such regulations promulgated by the United States Environmental Protection Agency as of September 15, 2006 are incorporated herein and adopted by reference by the Mississippi Commission on Environmental Quality as official regulations of the State of Mississippi and shall be enforceable as such except as follows:
 1. The word “Administrator” shall mean the Administrator of the United States Environmental Protection Agency.
 2. The words “air permitting authority” shall mean “Mississippi Environmental Quality Permit Board”.
 3. The words “implementing agency” shall mean “Mississippi Department of Environmental Quality.”