

Mississippi Certification
Clean Air Act Section 110(a)(1) and (2)
Ozone Requirements

This certification addresses Mississippi’s obligations under Section 110(a)(1) and (2) of the Clean Air Act for the Ozone National Ambient Air Quality Standards (NAAQS). The following state regulations are part of the State Implementation Plan (SIP) and are referred to in this document:

- 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 1
Mississippi Commission on Environmental Quality
“Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants”

- 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 2
Mississippi Commission on Environmental Quality
“Permit Regulation for the Construction and/or Operation of Air Emissions Equipment”

- 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 3
Mississippi Commission on Environmental Quality
“Mississippi Regulations for the Prevention of Air Pollution Emergency Episodes”

- 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 5
Mississippi Commission on Environmental Quality
“Mississippi Regulations for the Prevention of Significant Deterioration of Air Quality”

- Appendix A-9 Mississippi Code Title 49

- Appendix A-10 State Ethics Law as of July 1, 2011 and Mississippi Ethics Commission Advisory Opinion No. 95-042-E, May 5, 1995

- Appendix A-11 State Constitution Provisions as of July 1, 2011

Section 110(a)(1)

Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof) under section 109 of this title for any air pollutant, a plan which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) within such State. In addition, such State shall adopt and submit to the Administrator (either as a part of a plan submitted under the preceding sentence or separately) within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national ambient air quality secondary standard (or revision thereof), a plan which provides for implementation, maintenance, and enforcement of such secondary standard in each air quality control region (or portion thereof) within such State. Unless a separate public hearing is provided, each State shall consider its plan implementing such secondary standard at the hearing required by the first sentence of this paragraph.

The submittal of this State Implementation Plan for Mississippi will satisfy the requirements listed above for the primary and secondary ozone standards.

Section 110(a)(2)(A)

Include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter.

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17 (h), provides the Mississippi Department of Environmental Quality (MDEQ) the ability to adopt, modify, or repeal and promulgate ambient air quality standards and emission standards for the state under such conditions as the Mississippi Commission on Environmental Quality (Commission) may prescribe for the prevention, control, and abatement of pollution. SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17, additionally provides for adoption of emissions limitations and other enforceable measures under the current MDEQ regulations in 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 1; 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 3; and 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 5.

Section 110(a)(2)(B)

Provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—

- (i) monitor, compile, and analyze data on ambient air quality, and*
- (ii) upon request, make such data available to the Administrator.*

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17(g) provides MDEQ with the necessary statutory authority to collect and disseminate information relating to air quality and pollution and the prevention, control, supervision, and abatement thereof. The “2011 Annual Monitoring Network Plan for Mississippi” provides the details of the ambient air quality monitoring system in the state.

Section 110(a)(2)(C)

Include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter.

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 5 and 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 2, Rule 2.5. apply to the construction of any new major stationary source or modification of any existing major stationary sources. 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 2, Rule 2.5. also applies to the construction of minor sources. 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 2, Rule 2.6. provides for the enforcement of measures described in Section 110(a)(2)(A).

The EPA approved the revision to the SIP incorporating nitrogen oxides as an ozone precursor on December 20, 2010 (75 FR 79300). On September 26, 2012, (77 FR 59095) the EPA approved the revision to the SIP to incorporate by reference federal NSR PSD requirements for the fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS) as promulgated in EPA's 2008 NSR PM 2.5 Implementation Rule and the 2010 PM_{2.5} PSD Increment, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) Rule.

Section 110(a)(2)(D)

Contain adequate provisions—

(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility

1. Contribute significantly to nonattainment of NAAQS for areas in another state (Prong 1).
2. Interfere with maintenance of NAAQS by any other State (Prong 2).

Prongs 1 and 2 were submitted to EPA in a separate SIP action on September 4, 2019.

3. Interfere with measures required to meet the Implementation Plan for any other State related to Prevention of Significant Deterioration (Prong 3).

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 5 references federal PSD requirements that are applicable to new major sources and major modifications. The EPA approved the revision to the SIP incorporating nitrogen oxides as an ozone precursor on December 20, 2010 (75 FR 79300). On September 26, 2012, (77 FR 59095) the EPA approved the revision to the SIP to incorporate by reference federal NSR PSD requirements for the fine particulate matter (PM_{2.5}) NAAQS as promulgated in EPA's 2008 NSR PM 2.5 Implementation Rule and the 2010 PM_{2.5} PSD Increment, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) Rule.

4. Interfere with measures required to meet the implementation plan for any other State related to Regional Haze and Visibility (Prong 4).

In a proposed rulemaking listed in the Federal Register on August 4, 2020 (85 FR 47134), the EPA proposes to convert the limited approval/limited disapproval of Mississippi's regional haze state implementation plan (SIP) to a full approval. Mississippi's regional haze SIP adequately prevents sources from interfering with measures adopted by other states to protect visibility.

(ii) Each such Plan shall [...] contain adequate provisions insuring compliance with the applicable requirements of sections 115 and 126(b) that involve ozone precursor emissions (relating to interstate and international pollution abatement).” EPA has no reason to approve or disapprove any existing state rules with regard to these provisions.

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 5 shows where 40 CFR 51.166 was adopted by reference into the SIP. These regulations require notification of potential impacts from new or modified sources to state and local agencies of neighboring states. Therefore, the SIP meets the requirements of this criterion.

Section 110(a)(2)(E)

Provide

(i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof).

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17(d), grants MDEQ statutory authority to accept and administer loans and grants from the federal government and from other sources, public and private, for carrying out any of its functions, which loans and grants shall not be expended for other than the purposes for which provided.

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17(h), provides for authority under State law to carry out its SIP and related issues. The State does not rely on a local regional government, agency, or instrumentality for the implementation of any plan provision.

(ii) requirements that the State comply with the requirements respecting State boards under section 128 of this title.

EPA proposed to approve in part, and disapprove in part, a draft revision of this section for the 1997 annual and 2006 24-hour PM_{2.5} NAAQS infrastructure SIP submitted by MDEQ on July 13, 2012. EPA proposed to approve the MDEQ submission as it related to the public interest requirements of Clean Air Act (CAA) Section 128(a)(1) and the conflict of interest disclosure provisions of CAA Section 128(a)(2). EPA also proposed to disapprove the submission as it pertained to compliance with the significant portion of income requirements of CAA Section 128(a)(1). These EPA actions are detailed in Federal Register Vol. 77, No. 154, 47573. The MDEQ submission is stated below.

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17(a), states that the Mississippi Commission on Environmental Quality shall have powers and duties to issue and supervise enforcement orders. SIP Appendix A-9, Mississippi Code Title 49 § 49-17-28, states the Mississippi Department of Environmental Quality (MDEQ) Permit Board has the power to issue, modify, revoke, or deny permits. These are the only boards that have authorization to issue enforcement orders and permits.

MDEQ is proposing that provisions of the Mississippi State Constitution, the Mississippi Code, and the Mississippi Administrative Code are substantially equivalent to the requirements of the Federal Program by providing for unbiased decisions of the Commission and Permit Board on all matters, including final decisions on permits, and the disclosure of any potential conflicts of interest.

SIP Appendix A-11, Article 4, Section 109 of the Mississippi Constitution, provides “No public officer or member of the legislature shall be interested, directly or indirectly, in any contract with the state, or any district, county, city, or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member, during the term for which he shall have been chosen, or within one year after the expiration of such term.” Simply being a Commission member constitutes a violation of Constitutional Section 109 regardless of voting or not voting if the interest being voted on is a contract prohibited by the provision. Thus, there can be no Commission member with any interest in a governmental contract with the agency.

In addition to the Constitutional prohibition, Mississippi has an ethical charter set forth in SIP Appendix A-10, Mississippi Code Title 25 § 25-4-101, *et. seq.* These Code sections define the terms used and prohibit conflicts of interests by Commission and Permit Board members.

SIP Appendix A-10, Mississippi Code Title 25 § 25-4-103, provides the following definitions, in pertinent part:

- (b) “Benefit” means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.
- (c) “Business” means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, holding company, self-employed individual, joint-stock company, receivership, trust or other legal entity or undertaking organized for economic gain, a nonprofit corporation or other such entity, association or organization receiving public funds.
- (d) “Business with which he is associated” means any business of which a public servant or his relative is an officer, director, owner, partner, employee or is a holder of more than ten percent (10%) of the fair market value or from which he or his relative derives more than Two Thousand Five Hundred Dollars (\$2,500.00) in annual income or over which such public servant or his relative exercises control.
- (f) “Contract” means:
 - (i) Any agreement to which the government is a party;
or
 - (ii) Any agreement on behalf of the government which involves the payment of public funds.

- (g) “Government” means the state and all political entities thereof, both collectively and separately, including, but not limited to:
 - (v) Any department, agency, board, commission, institution, instrumentality, or legislative or administrative body of the state, counties or municipalities created by statute, ordinance or executive order including all units that expend public funds.
- (h) “Governmental entity” means the state, a county, a municipality or any other separate political subdivision authorized by law to exercise a part of the sovereign power of the state.
- (l) “Pecuniary benefit” means benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain. Expenses associated with social occasions afforded public servants shall not be deemed a pecuniary benefit.
- (p) “Public servant” means:
 - (i) Any elected or appointed official of the government;
 - (ii) Any officer, director, commissioner, supervisor, chief, head, agent or employee of the government or any agency thereof, or of any public entity created by or under the laws of the State of Mississippi or created by an agency or governmental entity thereof, any of which is funded by public funds or which expends, authorizes or recommends the use of public funds; or
 - (iii) Any individual who receives a salary, per diem or expenses paid in whole or in part out of funds authorized to be expended by the government.

SIP Appendix A-10, Mississippi Code Title 25 § 25-4-105(1), (3) and (5), states, in pertinent part:

- (1) No public servant shall use his official position to obtain, or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain, or attempt to

obtain, pecuniary benefit for any relative or any business with which he is associated.

- (3) No public servant shall:
 - (d) Perform any service for any compensation during his term of office or employment by which he attempts to influence a decision of the authority of the governmental entity of which he is a member.
- (5) No person may intentionally use or disclose information gained in the course of or by reason of his official position or employment as a public servant in any way that could result in pecuniary benefit for himself, any relative, or any other person, if the information has not been communicated to the public or is not public information.

The interests of each of the Commission and Permit Board members are made public by the required filing of a statement of economic interest pursuant to SIP Appendix A-10, Mississippi Code Title 25 § 25-4-25, which provides, in pertinent part:

Each of the following individuals shall file a statement of economic interest with the commission in accordance with the provisions of this chapter:

- (e) Members of any state board, commission or agency, including the Mississippi Ethics Commission, charged with the administration or expenditure of public funds, with the exception of advisory boards or commissions; provided, however, in order to fulfill the legislative purposes of this chapter, the commission may require, upon a majority vote, the filing of a statement of economic interest by members of an advisory board or commission;
- (f) Executive directors, heads, or members of any board, committee, commission or council of any of the following entities, by whatever name designated:

The application of the above referenced statutes has been addressed by the Mississippi Ethics Commission in SIP Appendix A-10, Advisory Opinion 95-042-E, as follows:

State commission members [should] not use their official positions to obtain a pecuniary benefit for themselves, their relatives or any business with which they are associated in violation of SIP Appendix A-10, Code Section 25-4-105(1).

Public servants must keep the performance of their official duties entirely separate and distinct from any private interests. In order for the private interests to remain separate and distinct, public servants must recuse themselves from discussing or acting on any subject matter in which they have a pecuniary interest.

A proper recusal occurs when the public servant totally removes himself or herself from the pertinent matter by not officially or unofficially taking part or action regarding the subject matter and leaves the room or area where such discussions, considerations or actions take place. The minutes of the state commission should state that the member left the meeting by showing him or her absent for that matter.

A commission member(s) should not vote on or take part in a matter concerning regulations or licensing restrictions that would affect the pecuniary interest and/or benefit of the commission member, a relative or a business in which he or she is associated.

Violations of SIP Appendix A-10, Mississippi Code Title 25 § 25-4-105, are punishable in accordance with SIP Appendix A-10, Mississippi Code Title 25 § 25-4-109, which provides, in pertinent part:

- (1) Upon a finding by clear and convincing evidence that any elected public servant or other person has violated any provision of this article, the commission may censure the elected public servant or impose a civil fine of not more than Ten Thousand Dollars (\$10,000.00), or both. The commission may further recommend to the Circuit Court for Hinds County that the elected public servant be removed from office.
- (2) Upon a finding by clear and convincing evidence that any nonelected public servant has violated any provision of this article, the commission may censure the nonelected public servant or impose a civil fine of not more than Ten Thousand Dollars (\$10,000.00), or both. The commission may further recommend to the Circuit Court for Hinds County that the nonelected public servant be removed from office, suspended, or subjected to a demotion or reduction in pay.
- (3) The commission may order restitution or other equitable or legal remedies to recover public funds or property unlawfully taken, as well as unjust enrichment, although not public funds. Any pecuniary benefit received by a public servant in violation of this article may be declared forfeited by the commission for the benefit of the governmental entity injured.

- (4) In the event a public servant does not appeal the decision or recommendation of the commission, the commission may petition the Circuit Court for Hinds County for the removal, suspension, demotion or reduction of pay of the public servant as provided by law.

Under the provisions of its Ethics laws, members of the Mississippi Commission on Environmental Quality and the MDEQ Permit Board are considered public servants, bound by all the provisions of the State's Ethics laws. It is clear that members of the Commission and Permit Board are prohibited from taking any action in their personal interests, on penalty of removal, sanction, fines and restitution orders.

MDEQ is proposing that SIP Appendix A-10, Mississippi Code Title 25 § 25-4-25, as stated above, § 25-4-27, and § 25-4-29 meet the requirements of Clean Air Act Section 128(a)(2). As fore stated, Mississippi Code Title 25 § 25-4-25 provides for the filing of a statement of economic interest. Mississippi Code Title 25 § 25-4-27(a) through (f) define the information required to be submitted by filers of the statement of economic interest. The MDEQ Executive Director, the Mississippi Commission on Environmental Quality, and the MDEQ Permit Board are required to file such statements. The failure to file such a statement is addressed in Mississippi Code Title 25 § 25-4-29(2), which sets a monetary penalty for failing to file.

Furthermore, SIP Appendix A-9, Mississippi Code Title 49 § 49-2-5(6), states:

- (6) At least a majority of the members of the commission shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits under the federal Clean Air Act or enforcement order under the federal Clean Air Act. In the event of any potential conflict of interest by a member of the commission, such member shall disclose the potential conflict to the other members of the commission and shall recuse himself or herself from participating in or voting on any matter related to such conflict of interest.

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 1, CHAPTER 5, RULE 5.1 states, in pertinent part:

“...In accordance with 11 Miss. Admin. Code Pt. 2, Ch. 1, R. 1.1.B., at least a majority of the Ex Officio Members of the Permit Board shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits under the federal Clean Air Act or enforcement orders under the federal Clean Air Act (CAA). Each Ex Officio Member of the Permit Board shall certify annually as to whether the member derives a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA. If a majority of Ex Officio Members derives a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA, then the Permit Board shall take such action as may be necessary to ensure the replacement of as many members of said majority as may be

necessary with designates who do not derive a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA. In order to facilitate the replacement of an Ex Officio Member as may be necessary, the Bureau Chief, Executive Director, Office Head, Board Supervisor, or Commissioner who designated the member shall designate a replacement who does not derive a significant portion of income from persons subject to permits under the CAA or enforcement orders under the CAA...”

Therefore, MDEQ is proposing that SIP Appendix A-9, Mississippi Code Title 49 § 49-2-5(6); 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 1, CHAPTER 5, RULE 5.1; and 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 1, RULE 1.1 meet the requirements of Clean Air Act Section 128(a)(1) by precluding any member of the Mississippi Commission on Environmental Quality or the MDEQ Permit Board from deriving a significant portion of income from parties subject to permits or enforcement orders under the Clean Air Act.

Mississippi proposes that the combination of SIP Appendix A-11, Mississippi Constitution, Article 4, Section 109; SIP Appendix A-10, Mississippi Code Sections of the State’s ethical charter; SIP Appendix A-9, Mississippi Code Title 49 § 49-2-5(6); 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 1, CHAPTER 5, RULE 5.1; and 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 1, RULE 1.1 is substantially equivalent to the requirements of the Federal program by providing for unbiased decisions of the Commission and Permit Board on all matters, including final decisions on permits, and the disclosure of any potential conflicts of interest.

Section 110(a)(2)(F)

Require, as may be prescribed by the Administrator—

- (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,*

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-21, states that the Commission may require the installation, maintenance, and use of such monitoring equipment and methods at such locations and intervals as the Commission deems necessary.

- (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and*

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 2, Rule 2.6 lists requirements for compliance testing and reporting that is required to be included in any MDEQ air pollution permit.

- (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection.*

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-21, states that MDEQ has the authority to require the maintenance of records related to the operation of air contaminant sources and any authorized representative of the Commission may examine and copy any such records or memoranda pertaining to the operation of such contaminant source. 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 2, Rule 2.9 requires that copies of records relating to the operation of air contamination sources shall be submitted to the Permit Board as required by the permit or upon request.

Section 110(a)(2)(G)

Provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority.

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-27, states that in the event an emergency is found to exist by the Commission, it may issue an emergency order as circumstances may require.

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 3 states then the MDEQ Director determines that an Air Pollution Emergency Episode condition exists at one or more monitoring sites solely because of emissions from a limited number of sources, he may order such source or sources to put into effect the emission control programs which are applicable for each episode stage. 11 MISSISSIPPI

ADMINISTRATIVE CODE, PART 2, CHAPTER 3 also lists regulations to prevent the excessive buildup of air pollutants during air pollution episodes.

Section 110(a)(2)(H)

Provide for revision of such plan—

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter.

- (i) SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17(h), provides MDEQ with the necessary statutory authority to revise the SIP to accommodate changes to the NAAQS.
- (ii) SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17(h), provides MDEQ with the necessary statutory authority to revise the SIP if the Administrator finds the plan to be substantially inadequate to attain the NAAQS.

Section 110(a)(2)(I)

In the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas).

Currently, Mississippi is in attainment with the ozone NAAQS. However, if the State is designated as nonattainment in the future, SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17, provides MDEQ with the necessary statutory authority to revise the SIP.

Section 110(a)(2)(J)

Meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection).

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 5, in addition to provisions in separate implementation plans (such as the Regional Haze Implementation Plan) provide for continued consultation with government officials. SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17(c), provides MDEQ with the necessary statutory authority to advise, consult, cooperate, or enter into contracts, grants, and cooperative agreements with any federal or state agency or subdivision thereof.

MDEQ has public notice mechanisms in place to notify the public regarding ozone. These mechanisms include the MDEQ web site where changes in regulations, air quality summary data, and daily AQI reports can be found. Certain regulatory actions may also be published in newspapers and/or addressed at public hearings. 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 3 requires that MDEQ notify the public of any air pollution alert, warning, or emergency.

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 5 addresses PSD applicable requirements of Part C of the Clean Air Act. The EPA approved the revision to the SIP incorporating nitrogen oxides as an ozone precursor on December 20, 2010 (75 FR 79300). On September 26, 2012, (77 FR 59095) the EPA approved the revision to the SIP to incorporate by reference federal NSR PSD requirements for the fine particulate matter (PM_{2.5}) NAAQS as promulgated in EPA's 2008 NSR PM 2.5 Implementation Rule and the 2010 PM_{2.5} PSD Increment, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) Rule.

Mississippi's Regional Haze Implementation Plan addresses the visibility protection applicable requirements of Part C of the Clean Air Act. Mississippi maintains continual consultation procedures with the Federal Land Managers, per 40 CFR 51.308(i)(4), regarding any regional haze plan or plan revisions.

Per EPA's September 13, 2013 memorandum, "Guidance on Infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and 110(a)(2)", there are no other applicable visibility protection obligations under Section 110(a)(2)(J) as a result of the 2015 8-hour ozone NAAQS.

Section 110(a)(2)(K)

Provide for—

- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and*
- (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.*

11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 2, Rule 2.5B. and 11 MISSISSIPPI ADMINISTRATIVE CODE, PART 2, CHAPTER 5 require that air modeling be conducted to determine permit applicability.

Section 110(a)(2)(L)

Require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover—

- (i) the reasonable costs of reviewing and acting upon any application for such a permit, and*
- (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter V of this chapter.*

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-30, provides for the assessment of Title V permit fees to cover these costs.

Section 110(a)(2)(M)

Provide for consultation and participation by local political subdivisions affected by the plan.

SIP Appendix A-9, Mississippi Code Title 49 § 49-17-17(c), gives the Commission the statutory authority to advise and consult with any political subdivisions in the State. SIP Appendix A-9, Mississippi Code Title 49 § 49-17-19(b), requires the Commission to conduct public hearings in accordance with EPA regulations prior to establishing, amending, or repealing standards of air quality. Mississippi's Regional Haze Implementation Plan for the first planning period is an example of providing for consultation and participation with local entities.

**Response to Comments for Mississippi 2015 Ozone Infrastructure SIP
for Clean Air Act Requirements Section 110(a)(1) and (2).**

EPA Region IV submitted a comment letter dated December 22, 2020. The comments concerned the regional haze plan and the appropriate changes have been made. No other comments were received during the public comment period. The EPA comment letter follows this page.

**Public participation for Mississippi 2015 Ozone Infrastructure SIP
for Clean Air Act Requirements Section 110(a)(1) and (2).**

Public participation for the above referenced infrastructure SIP was achieved by a public comment period that began on July 31, 2019 and ended on August 30, 2019. The public notice was published consistent with procedures approved by EPA.

The notice of public comment period was published on July 31, 2020 in daily newspapers in the cities of Gulfport, Jackson, and Tupelo in the State of Mississippi. The notice of public hearing and the draft SIP was made available for public review in the main branches of the public libraries in Gulfport and Tupelo, Mississippi and at the Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, Mississippi, 39201 and was also made available on the Department's website <http://www.deq.state.ms.us>.

The public notice and proofs of publication follow this page.