

**The U.S. Environmental Protection Agency (EPA) Region 4's
Title V Operating Permit Program Evaluation
for the
Mississippi Department of Environmental Quality
Office of Pollution Control
*Air Division***

2026 Evaluation Report



**The EPA Region 4
Air and Radiation Division
Atlanta, Georgia**

Acknowledgements

The U.S. Environmental Protection Agency (EPA) Region 4 would like to acknowledge the dedication and commitment of the staff and management of the Mississippi Department of Environmental Quality (MDEQ or the Department).

The EPA's permitting staff had considerable engagement with MDEQ this year including conducting this program evaluation, developing the annual oversight strategy, updating the Permit Processing Protocol, and participating in the EPA's biennial Air Permitting Workshop. In every instance, the EPA found the management and staff to be very knowledgeable, professional, and dedicated to their mission. The EPA appreciates MDEQ's cooperation and willingness to respond to informational requests.

Executive Summary

Positive Finding(s)

- MDEQ typically produces high-quality permits that are clear and easy to follow, and the associated statements of basis (SOBs) also prove to be very helpful documents.
- MDEQ has implemented an adaptive fee structure that essentially ensures the title V program will remain financially viable.
- MDEQ efforts help ensure all Mississippi residents have an opportunity to participate in the permitting process.

Recommendation(s)

- MDEQ should ensure adequate staffing of the title V permitting program.
- MDEQ should continue to track the title V permit application backlog and continue to provide the EPA with status updates on the progress of eliminating the permit application backlog.
- *See the recommendations specific to the findings detailed in Section VI, *Selected Permit Reviews*.*

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I. Background

In response to the recommendations of a 2002 Office of Inspector General (OIG) audit, the EPA developed an action plan for performing reviews of Clean Air Act (CAA) title V programs for each air pollution control agency beginning in fiscal year (FY) 2003.

Following the initial title V program reviews, the EPA committed to conduct ongoing periodic title V program reviews for state and local programs that have at least 20 title V major sources within their jurisdiction. These follow-up evaluations may target specific areas of the program, follow-up items from previous evaluations, or overall implementation. In addition, at the request of the OIG, the EPA formally added a title V fee audit component in 2018.

The EPA Region 4 oversees eight states and ten (10) local air permitting authorities with title V operating permit programs. Eleven (11) of these programs have at least 20 title V major sources [the remaining seven programs have 10 or fewer sources]. EPA Region 4 typically commences two title V program evaluations annually, with the goal of reviewing each of these eleven programs on a five to six-year cycle. The purpose of these evaluations is to ensure the ability of the permitting authority to carry out its duties and responsibilities, as required, to effectively run the title V program, to document good practices and to identify if there are any ways the EPA can assist the permitting authority in meeting their title V commitments.

The last evaluation of MDEQ's permitting program was conducted August 27-28, 2018. The 2018 program evaluation included a review of title V revenue and expenses, permit issuance, staffing, public participation, and selected permit files. The EPA commended MDEQ for taking actions to improve the processing time for title V permitting actions but indicated a concern that the program had a significant backlog of title V permit applications at that time. In addition, the EPA suggested semi-annual status updates listing all permitting actions with an extended date of two years or more. The EPA also requested a proposed schedule or timeline for eliminating the permit application backlog and requested the updates be submitted with the semi-annual federal Title V Operating Permit System (TOPS) report. MDEQ has been submitting a semi-annual backlog report with their TOPS report since the last program evaluation.

The current MDEQ program evaluation consisted of a review of staffing resources, title V revenue and expenses, public participation and outreach, permit issuance rates, and a detailed review of 10 recently issued permits. Information was gathered through MDEQ's response to the EPA's program evaluation questionnaire, review of selected permit files, an in-person visit with interviews and discussions on May 19, 2026, and an evaluation of permit issuance rates reported to TOPS through June 2026. Preliminary results of the EPA's review of selected permit reviews were discussed with MDEQ during the in-person visit mentioned above.

II. Program Overview and Staffing Resources

MDEQ's mission is "[t]o safeguard the health, safety, and welfare of present and future generations of Mississippians by conserving and improving our environment and fostering wise economic growth through focused research and responsible regulation." MDEQ's Air Division is responsible for ensuring that air quality within Mississippi is protective of public health and welfare. The authority for MDEQ to implement the title V program comes from the Mississippi Air and Water Pollution Control Law, specifically Miss. Code Ann. §§ 49-17-1 through 49-17-43. Mississippi's Air Regulations can be found in Part 2 of Title 11 of the Mississippi Administrative Code. 11 Miss. Admin. Code Pt. 2.

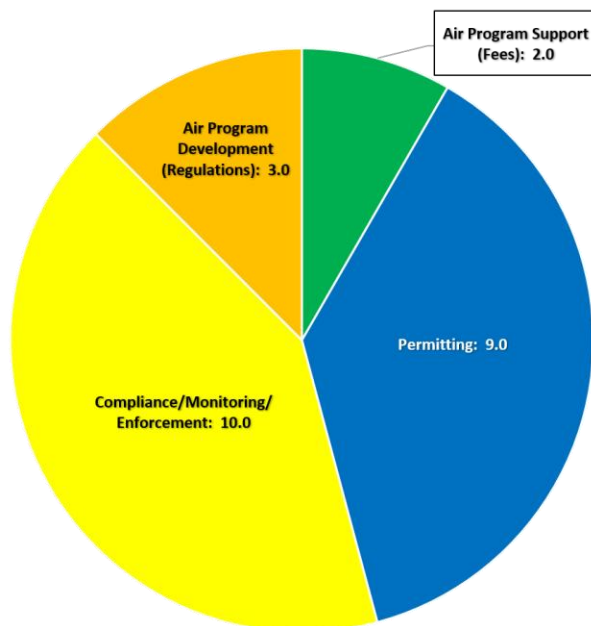
In November 2025, MDEQ formally transitioned the existing air permitting section (*i.e.*, "Air 1 Branch" and "Air 2 Branch") from the Environmental Permits Division (EPD) to the Air Division. Under this new reorganization, the "Air Permitting Branch" has a total of nine overall staff positions, including a new "Air Permitting Coordinator" that oversees both the Air 1 and Air 2 branches, two branch managers and six entry-level staff positions. The Air Permitting Branch currently has one vacancy for an entry-level staff position. In addition, the Air Program Development Branch and the Air Program Support Branch within the Air Division, and the Air 1 and Air 2 branches of the Environmental Compliance & Enforcement Division (ECED) provide support to MDEQ's title V program. A breakdown of the total number of staff positions that support Mississippi's current title V workload is shown in Figure 1.

As of June 2026, MDEQ is responsible for regulating 248 title V sources. In recent years, due to budget constraints, the program has lost a significant number of entry-level staff positions. In 2020, the program had 14 permit writer positions but that has been reduced to six (6) positions. MDEQ's air permitting program has also operated at a 20-30% position vacancy rate during this time. Mississippi's staffing shortfall becomes more apparent when compared to staffing levels for other Region 4 permitting authorities with a similar number of title V sources. With just six permit writers handling permit actions for 248 title V sources, Mississippi has approximately 78% fewer permit writers than the average of those similar permitting authorities in Region 4. MDEQ currently employs third-party contracting services to help with permit issuance to fill this staffing level gap.

In addition, MDEQ has had difficulties filling air permit writer vacancies and retaining experienced staff for those positions. In the last three years, MDEQ has experienced the loss of six air permitting employees with technical experience ranging from four to 27 years. At present, the longest tenured entry-level air permitting staff has two years of experience. MDEQ continues to experience agency-wide challenges for employee turnover. In response, the agency is presently striving to incorporate key initiatives that will promote employee retention, such as improving the workplace culture and work environment and increasing salaries.

MDEQ does not employ a work model in which staff are solely dedicated to title V permitting activities. All permitting staff are responsible for processing air construction permits [Prevention of Significant Deterioration (PSD), state permit to construct], and air operating permits (title V, synthetic minor, and significant minor). On average, approximately 50% of permitting staff's workload is dedicated to title V permitting activities.

Figure 1: MDEQ Title V Positions by Program Area



Finding(s): MDEQ's title V program is significantly understaffed when compared to similar title V programs in Region 4. MDEQ's high rate of employee attrition has impacted the timely implementation of the title V program and has caused a significant loss of permitting technical expertise.

Recommendation(s): MDEQ should continue to request additional staff positions to support the title V permitting program.

III. Title V Fees

Title V permitting authorities are required by section 502(b)(3) of the CAA, and the corresponding title V regulations at 40 CFR § 70.9, to collect permit fees from sources subject to title V sufficient to cover all costs necessary to develop and administer their title V permit programs. Permitting agencies must collect part 70 fees that are sufficient to cover both direct and indirect part 70 permit program costs. These fees must be used solely to cover the costs of the title V program and states must provide periodic demonstrations showing that they meet these fee requirements. 40

CFR § 70.9(d). Accordingly, air agencies (or state legislatures, as applicable) may need to revise fee schedules periodically to remain in compliance with the requirement that permit fees cover all part 70 permit program costs. Changes in costs over time may be due to many factors, including but not limited to: inflation; implementation cost increases; salary and healthcare cost increases; changes in the number of sources required to obtain part 70 permits; declining emission rates ; complexity of permitting actions being performed; and changes in emission standards.

The EPA established a presumptive minimum fee¹ of \$65.38 per ton of regulated pollutant for the 12-month period of September 1, 2025, through August 31, 2026. States may charge less than the presumptive minimum, and use alternative fee structures, if they provide a demonstration that they have adequate fees to fully cover the direct and indirect costs of adequately implementing and enforcing the title V program. 40 CFR § 70.9(b)(2) & (3). The title V regulations at 40 CFR § 70.9(b)(2)(i) indicate that the Administrator will presume that the fee schedule meets the fee schedule requirements of part 70 if the program would result in the collection and retention of an amount not less than the presumptive minimum. 40 CFR § 70.9(b)(1) & (2).

In February 2022, MDEQ revised its title V regulations² to formally revise the title V program fee system to include both a “dollar per ton of each applicable pollutant” rate (*i.e.*, the “emissions” component) and a tiered fee structure based on a source’s applicability to federal rules (*i.e.*, the “permit complexity” component). The revision was intended to stabilize the per-ton emissions fee rates and to ensure that the fee schedule would remain ‘equitable’ per the Mississippi State law requirement for the fee schedule to be “equitable.”

The dollar per ton rate for each regulated pollutant is \$27 for the 2026 and 2027 state fiscal year (SFY).³ The rate was \$32 in SFY2025 and \$37 in SFY2024. MDEQ reports that emissions have remained stable over the last five years as billable tons have ranged from 86,052 to 92,000 tons. While several sources have terminated their title V permits over the last five years, new title V sources have prevented a significant decrease in permitted title V emissions. The steady decrease in the emissions fee rate is due to the high rate of staff attrition resulting in lower title V program expenditures, as the rate is calculated annually based on the amount of billable emissions and expected title V program expenditures.

For SFY 2027, the minimum fee schedule is as follows:

¹ See https://www.epa.gov/system/files/documents/2025-09/fee70_2026.pdf.

² 11 Mississippi Administrative Code, Part 2, Chapter 6 (“Air Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act”).

³ See MDEQ’s ‘Title V Program Resource Needs and Fee Recommendation Report,’ available online at <https://www.mdeq.ms.gov/air/title-v-fees/>.

Table I: MDEQ Minimum Fee Schedule for SFY 2027

Emissions (tons)	Fee (\$)
0 to 10	270
>10 to 50	1,350
>50	2,700

For SFY2027, the complexity fee schedule is as follows:

Table II: MDEQ Complexity Fee Schedule for SFY 2027

Number of Applicable Federal Standards	Complexity Fee (\$)
0-2	1,500
3-5	4,000
>5	10,000

Source permit fees are due September 1 of each year. A late fee of 10 percent of the amount due accrues on fees not paid within 30 days after the due date. In the case of fees being unpaid within 60 days of the due date, the Permit Board may revoke the permit upon proper notice and hearing, as required by law.

MDEQ earns title V revenue through minimum fees, complexity fees, dollar-per-ton fees, interest accrual, and late fees.

MDEQ defines ‘applicable pollutants’ as actual emissions determined for the previous calendar year which includes Particulate Matter (PM), PM10, Sulfur Dioxide, Nitrogen Dioxide, Carbon Monoxide, Volatile Organic Compounds (VOCs), Total Reduced Sulfur Compounds, Lead, chlorofluorocarbons and hydrochlorofluorocarbons (CFC/HCFC), Other, Hazardous Air Pollutants (HAPs) (VOC), and HAPs (Non-VOC).⁴

Currently, MDEQ collects at a rate below the presumptive minimum allowed by 40 CFR § 70.9(b)(2). MDEQ is statutorily prohibited from collecting more in emissions fees than is budgeted. Any leftover funds that are not spent are rolled over into the next fiscal year and deducted from the projected costs prior to the per-ton fee being calculated.

As a State program collecting at a rate below the presumptive minimum, MDEQ is required to provide a ‘detailed fee demonstration’ accounting that its established fee schedule results in the

⁴ See the Emissions Component of the MDEQ Generic AERF Form, for the list of pollutants used in the calculation of fees. Available online at <https://www.mdeq.ms.gov/air/title-v-fees/>.

collection and retention of revenues sufficient to cover the permit program costs. The EPA finds that MDEQ has provided a sufficient ‘detailed fee demonstration’ which fulfils the requirements of 40 CFR 70.9.

As illustrated in Table III below, program revenue has consistently remained slightly above or just below program costs for the past four fiscal years. Although total expenses exceeded total revenue in SFY 2026, past positive rollover amounts provide sufficient funds for occasional net negative fiscal years. Due to the relatively consistent budget surplus and annual emissions fee recalculation, the EPA has determined that the current fee schedule utilized by the state of Mississippi is sufficient to fund its title V program.

Table III: MDEQ Title V Program Revenue, Expenses, and Rollover Amounts by SFY

	SFY 2023	SFY 2024	SFY 2025	SFY 2026
Total Program Revenue	\$4,269,473	\$4,512,078	\$3,903,700	\$3,378,513
Total Program Expenses	\$3,733,362	\$3,424,107	\$3,717,020	\$3,803,409
Rollover Amount	\$536,111	\$11,087,971	\$186,680	(\$424,896)

Finding(s): The EPA commends MDEQ for its consistent budget adequacy.

Recommendation(s): None.

IV. Public Participation & Community Engagement

Title V public participation procedures apply to initial permit issuance, significant permit modifications, and permit renewals. Adequate public participation procedures [see 40 CFR § 70.7(h)] must provide public notice, including an opportunity for public comment and public hearing on the draft permit. Draft permit actions may be noticed through email and on a website (e-notice) or through a newspaper of general circulation. The permitting authority must keep a record of the public comments and respond to the significant issues raised during the public participation process.

MDEQ utilizes several outlets to provide public access to information related to permitted facilities and air permits. MDEQ maintains a searchable online database (<https://opcgis.deq.state.ms.us/ensearchonline/>) for the most current permits. For permitting actions undergoing consideration, MDEQ maintains a web site (<https://opcgis.deq.state.ms.us/ensearchonline/epd-permits-at-public-notice.aspx>) of current public notices. In addition to the public notice itself, the draft permit and the SOB (“Information

Relative”) document are posted for the duration of the public comment period along with details related to the start and end dates of the public comment period. For all other permit-related information (*e.g.*, permit applications, monitoring reports, compliance certifications), the public must submit a public records request by submitting a “Public Records Request Online Form” (<https://www.mdeq.ms.gov/about-mdeq/public-records-request/public-records-request-form/>).

In addition, MDEQ formally announces the start of a public comment period for an air permitting action by transmitting a “mass e-mail” notification to a maintained list of subscribers. All interested parties that wish to receive notifications on the start of public comment periods may sign up at MDEQ’s “Public Notice Notifications” webpage (<https://www.mdeq.ms.gov/permits/public-notice-notifications/>).

MDEQ also has an Office of Community Engagement (OCE) which was created in 2010 to increase knowledge of agency programs and processes through educational outreach and other programs to enhance individual and community participation in environmental decision-making. MDEQ’s Air Division coordinates closely with OCE when determining if enhanced public outreach is deemed beneficial to effectively convey the necessary permit related information to the community and provide a meaningful opportunity to provide comments. OCE’s webpage (<https://www.mdeq.ms.gov/about-mdeq/office-of-community-engagement/>) provides information about community engagement initiatives and their Small Business Environmental Assistance Program. OCE also maintains a list (and corresponding contact information) of specific community groups and non-governmental organizations (NGOs) within Mississippi and keeps them informed of air permitting actions that may directly impact their area of interest. OCE also maintains an Electronic File Room (<https://www.mdeq.ms.gov/about-mdeq/office-of-community-engagement/oce-electronic-file-room/>) where they provide easy access to industry-specific files, on a case-by-case basis, as an additional tool for community engagement.

Finding(s): The EPA commends MDEQ for its efforts to ensure that Mississippi residents can participate and provide input with respect to permitting activities.

Recommendation(s): None.

V. Permit Issuance Rates

The title V regulations require air permitting agencies to “take final action on each permit application, including a request for permit modification or renewal, within 18 months, or such lesser time approved by the Administrator, after receiving a complete application.” 40 CFR § 70.7(a)(2). Ensuring that title V permits are renewed and subject to public review every five (5) years is an important aspect of every title V program. Delayed permit issuance reduces the ability

of the public to review and provide comments on a permit and can result in a delay in the incorporation of new applicable requirements.

As part of the program evaluation, the EPA reviewed MDEQ's title V program permit issuance rates as reported per the questionnaire (and corroborated with semi-annual TOPS reports) to ensure that permits are issued in a timely manner and renewed on a five-year cycle. As reported in the response to the questionnaire, MDEQ issued 21 title V permit renewals in the previous 12-month period (for the period of February 2025 thru January 2026) and as of May 2026, had a backlog of 57 title V permit renewal applications (*i.e.*, applications for which final action has not been taken within 18 months after receiving the complete application). In addition, the latest TOPS report submitted by MDEQ, for the period of January to June of 2026, shows that MDEQ has 98 outstanding renewal permits (*i.e.*, permits extended past the original five-year permit term). As shown in Figures 2 and 3 below, the number of outstanding renewal permits has steadily increased, and the number of renewal permits issued has steadily declined in recent years.

Figure 2: MDEQ's Outstanding Renewal Permits

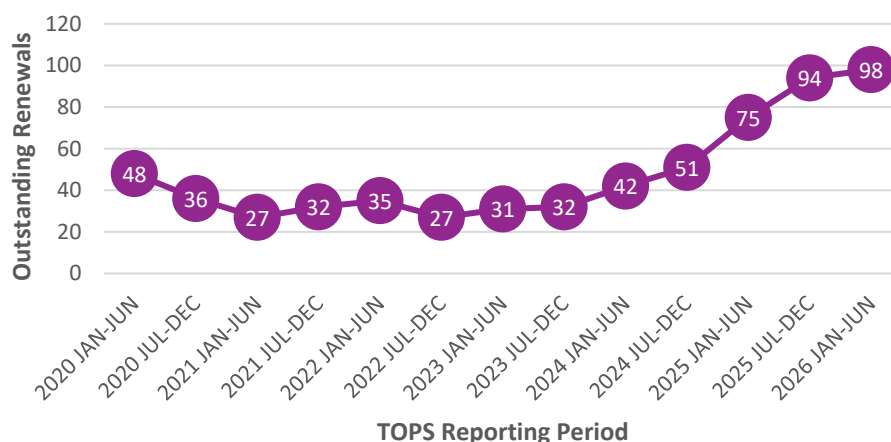
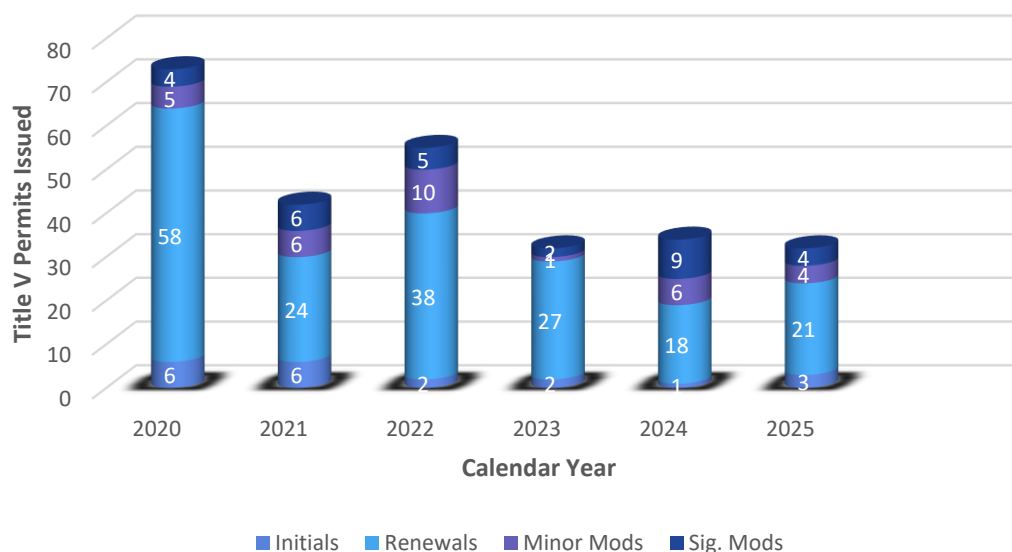


Figure 3: Title V Permits Issued by MDEQ



MDEQ identified staffing resources as a significant challenge to permit issuance. As mentioned in Section II, MDEQ has experienced a significant reduction in staffing levels and has operated at a 20-30% position vacancy rate in recent years. As mentioned before, MDEQ has used third-party contracting services to help with permit issuance and to fill the staffing levels gap. Since the permitting backlog continues to increase, MDEQ will have to increase the use of these contracting services in the future.

In addition, MDEQ indicated that air permitting experience continues to be the greatest challenge. As mentioned in Section II, MDEQ has had difficulties filling permit writer vacancies and retaining experienced staff. MDEQ has tried different reorganizations throughout the years to address having a structure that will be effective in retaining expertise and lessening the effect of staff turnover on MDEQ's ability to issue permits within the required time frames. MDEQ indicated that the recent reorganization, which transitioned air permitting out of the multimedia Environmental Permits Division to the Air Division, was primarily implemented to improve permit writing efficiency and strengthen technical air expertise of applicable staff. This transition was completed in November 2025. The benefits are expected to continue to grow as staff gain experience in their new roles. MDEQ expects that this reorganization will help with consolidating the technical knowledge within the Air Division to address the air permitting knowledge gap that exists at this time.

Currently, title V applications appear to outpace permit issuance. Typically, a backlog of greater than or equal to 20 percent of a permitting authority's entire title V universe is the point of

concern for the EPA as it relates to effective permit issuance. MDEQ's backlog amounts to approximately 25 percent.

Finding(s): Based on 226 active title V permits (per recent TOPS report) and a five-year permit term, the average number of renewals issued annually should be approximately 45 to remain relatively timely. Staffing difficulties have continued since the last program evaluation and have significantly impacted MDEQ's ability to issue timely title V permit actions, thereby causing an increased permit backlog. Although MDEQ does currently have a significant backlog, they plan to increase the use of third-party contracting services with a specific focus on addressing the title V permit application backlog.

Recommendation(s): MDEQ should continue to track the title V permit application backlog and should provide the EPA with status updates on the progress of eliminating the permit application backlog. The status updates should list all permit applications that have been "in-house" for 18 months or longer, along with a proposed schedule or timeline for eliminating the backlog. MDEQ should continue to submit these updates with the TOPS reports that MDEQ submits to the EPA semi-annually.

VI. Selected Permit Reviews

As an element of the Mississippi title V program evaluation, the EPA selected 10 title V permits issued by MDEQ to review for completeness and consistency with regulatory requirements. These reviews are in addition to the real-time reviews that the EPA conducts for targeted permit actions. The 10 permitting actions were selected as examples of different types of permitting actions (*e.g.*, initials, renewals, significant modifications), different source categories, varying applicable requirements (*e.g.*, NSPS, National Emissions Standards for Hazardous Air Pollutants, MACT, Compliance Assurance Monitoring (CAM), Best Available Control Technology, PSD avoidance), and any notable compliance history (*e.g.*, notices of violation, consent decrees). The EPA acknowledges that due to the small sample size, our comments may not be indicative of any systemic concerns. In general, the EPA found MDEQ's title V permits to be well written and consistent with title V regulatory requirements. The EPA's findings and general recommendations are:

1. General Condition 4.2

The EPA recommends adding language to this permit condition to be consistent with the current language in 40 CFR § 70.6(c)(5)(iii)(C) which requires that "The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of

this chapter occurred." It is also recommended that language be added to indicate that any reports/certifications that need to be submitted to the EPA may be submitted electronically via the EPA's Compliance and Emissions Data Reporting Interface (CEDRI)⁵ rather than in hard copy form to the regional office.

2. General Condition 1.18

The EPA recommends adding language to this permit condition to indicate that section 502(b)(10) change notifications that need to be submitted to the EPA may be submitted via CEDRI.

3. Practical Enforceability of Avoidance Limits

For an emission limit to be enforceable as a practical matter, the permit must clearly specify how emissions will be measured, or determined, and the permit should include sufficient monitoring, recordkeeping, and reporting to demonstrate compliance with the avoidance limit. It was observed in one of the reviewed permits that this was not the case with respect to VOC emissions. The EPA recommends revising the SOB during the next revision of this permit to include an explanation of how the recordkeeping requirements in the permit will be used to calculate the VOC emissions from each emissions unit, including any assumptions used in the calculations (*e.g.*, 100 percent volatilization).⁶

4. Missing Applicable Requirements

Several permits reviewed did not include the carbon monoxide emission limit pursuant to 40 CFR Part 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* (see 60.4205(c) and table 4 of Subpart IIII). The EPA recommends including the missing requirement or explaining in the permit record, during the next revisions of these permits, why it is not applicable.

⁵ See <https://www.epa.gov/electronic-reporting-air-emissions/cedri>.

⁶ See *Piedmont Green Power, LLC Order* dated December 13, 2016, responding to Petition at 7-8. ("In order for an emission limit to be enforceable as a practical matter, the permit must clearly specify how emissions will be measured or determined for purposes of demonstrating compliance with the limit. See, *e.g.*, *Hu Honua Order* at 10. Thus, limitations must be supported by monitoring, recordkeeping, and reporting requirements "sufficient to enable regulators and citizens to determine whether the limit has been exceeded and, if so, to take appropriate enforcement action."")

The EPA also observed the following positive aspects of the permits targeted for review:

1. Permit Format

Generally, the permit format is well laid out, thorough, and clear. The layout of the permit provides clarity with respect to limits applicable to each emission unit as well as the associated testing, monitoring, and recordkeeping requirements. Specifically, the table listing emission points and control devices includes additional information (*e.g.*, manufactured date, capacity/size) which proves helpful.

2. Detailed SOBs

Generally, the SOBs exhibit a good level of detail and completeness. Some specifics worth noting include:

- The Potential To Emit summary table and the title V and PSD applicability sections (as well as non-applicability details) are very helpful.
- When CAM is applicable, the table detailing which units may or may not be subject (as well as any applicable requirements) is very helpful.

These findings and recommendations were presented and discussed in-person with MDEQ during the interview portion of the program evaluation conducted May 19, 2026, to ensure that the EPA's concerns were clear, particularly with respect to the affected permit(s).

VII. Conclusions

Based on the completed questionnaire, permits reviewed, TOPS data, fee documents, interview and discussions, and follow-up information received, the EPA concludes the following:

- The EPA acknowledges the ongoing nationwide challenge of maintaining a fully funded title V program with significantly declining emissions and revenues. MDEQ's adaptive fee structure based on projected billable emissions without caps and projected program costs essentially ensures that MDEQ's title V program remains financially viable.
- MDEQ typically produces high-quality permits. The layout is such that the permit is clear and easy to follow. The associated SOB also proves to be a very helpful document by using a level of detail that allows for better understanding of the facility, its emission units, and applicable requirements.

- MDEQ's efforts to promote and increase public participation of Mississippians with respect to permitting activities is commendable.
- MDEQ's title V program is significantly understaffed when compared to similar title V programs in Region 4. Staffing difficulties have continued since the last program evaluation and have significantly impacted MDEQ's ability to issue timely title V permit actions, thereby causing an increased permitting backlog.