

# STATE OF MISSISSIPPI AIR POLLUTION CONTROL PERMIT

TO CONSTRUCT AIR EMISSIONS EQUIPMENT

## THIS CERTIFIES THAT

Scranton Manufacturing Company, Inc.  
(d.b.a. McLaughlin Family Companies, Inc. – NewWay)  
1 Wolverine Drive  
Booneville, Prentiss County, Mississippi

has been granted permission to construct air emissions equipment to comply with the emission limitations, monitoring requirements and other conditions set forth herein. This permit is issued in accordance with the provisions of the Mississippi Air and Water Pollution Control Law (Section 49-17-1 et. seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder.

**MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD**

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**AUTHORIZED SIGNATURE**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

Issued: \_\_\_\_\_

Permit No.: 2340-00054

## SECTION 1

### A. GENERAL CONDITIONS

1. This permit is for air pollution control purposes only.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.1.D.)
2. Any activities not identified in the application are not authorized by this permit.  
  
(Ref.: Miss. Code Ann. 49-17-29 1.b)
3. The knowing submittal of a permit application with false information may serve as the basis for the Permit Board to void the permit issued pursuant thereto or subject the applicant to penalties for operating without a valid permit pursuant to State Law.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B(5).)
4. It is the responsibility of the applicant/permittee to obtain all other approvals, permits, clearances, easements, agreements, etc., which may be required including, but not limited to, all required local government zoning approvals or permits.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.1.D(6).)
5. The issuance of a permit does not release the permittee from liability for constructing or operating air emissions equipment in violation of any applicable statute, rule, or regulation of state or federal environmental authorities.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B(7).)
6. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit, unless halting or reducing activity would create an imminent and substantial endangerment threatening the public health and safety of the lives and property of the people of this state.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B(15)(a).)
7. The permit and/or any part thereof may be modified, revoked, reopened, and reissued, or terminated for cause. Sufficient cause for a permit to be reopened shall exist when an air emissions stationary source becomes subject to Title V. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B(15)(b).)

8. The permit does not convey any property rights of any sort, or any exclusive privilege.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B(15)(c).)
  
9. The permittee shall furnish to the MDEQ within a reasonable time any information the MDEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.  
  
Upon request, the permittee shall also furnish to the MDEQ copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee shall furnish such records to the MDEQ along with a claim of confidentiality. The permittee may furnish such records directly to the Administrator along with a claim of confidentiality.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B(15)(d).)
  
10. *Design and Construction Requirements:* The stationary source shall be designed and constructed so as to operate without causing a violation of an Applicable Rules and Regulations, without interfering with the attainment and maintenance of State and National Ambient Air Quality Standards (NAAQS), and such that the emission of air toxics does not result in an ambient concentration sufficient to adversely affect human health and well-being or unreasonably and adversely affect plant or animal life beyond the stationary source boundaries.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.5.A.)
  
11. *Solids Removal:* The necessary facilities shall be constructed so that solids removed in the course of control of air emissions may be disposed of in a manner such as to prevent the solids from becoming windborne and to prevent the materials from entering State waters without the proper environmental permits.  
  
(Ref.: Miss. Code Ann. 49-17-29)
  
12. *Diversion and Bypass of Air Pollution Controls:* The air pollution control facilities shall be constructed such that diversion from or bypass of collection and control facilities is not needed except as provided for in Mississippi Administrative Code, Title 11, Part 2, Chapter 1, Rule 1.10 – “Provisions for Upsets, Start-Ups, and Shutdowns”.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 1.10.)
  
13. *Fugitive Dust Emissions from Construction Activities:* The construction of the stationary source shall be performed in such a manner so as to reduce fugitive dust emissions from construction activities to a minimum.  
  
(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.5.A(4).)

14. *Right of Entry:* The permittee shall allow the Mississippi Department of Environmental Quality Office of Pollution Control and the Mississippi Environmental Quality Permit Board and/or their representatives upon presentation of credentials:
- (a) To enter upon the permittee's premises where an air emission source is located or in which any records are required to be kept under the terms and conditions of this permit; and
  - (b) At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any air emissions.

(Ref.: Miss. Code Ann. 49-17-21)

15. *Permit Modification or Revocation:* After notice and opportunity for a hearing, the Permit Board may modify the permit or revoke it in whole or in part for good cause shown including, but not limited to:
- (a) Persistent violation of any of the terms or conditions of this permit;
  - (b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
  - (c) A change in federal, state, or local laws or regulations that require either a temporary or permanent reduction or elimination of previously authorized air emission.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.C.)

16. *Public Record and Confidential Information:* Except for data determined to be confidential under the Mississippi Air & Water Pollution Control Law, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Mississippi Department of Environmental Quality, Office of Pollution Control.

(Ref.: Miss. Code Ann. 49-17-39)

17. *Permit Transfer:* This permit shall not be transferred except upon approval of the Permit Board.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.16.B.)

18. *Severability:* The provisions of this permit are severable. If any provision of the permit, or the application of any provision of the permit to any circumstances, is challenged or held invalid, the validity of the remaining permit provisions and/or portions thereof or their application to other persons or sets of circumstances, shall not be affected thereby.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.1.D(7).)

19. *Permit Expiration:* The permit to construct will expire if construction does not begin within eighteen (18) months from the date of issuance or if construction is suspended for eighteen (18) months or more.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.5.C(1).)

20. *Certification of Construction:* A new stationary source issued a Permit to Construct cannot begin operation until certification of construction by the permittee.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.5.D(3).)

21. *Beginning Operation:* Except as prohibited in Section 1 – Condition 24 of this permit, after certification of construction by the permittee, the Permit to Construct shall be deemed to satisfy the requirement for a permit to operate until the date the application for issuance or modification of the Title V Permit or the application for issuance or modification of the State Permit to Operate, whichever is applicable, is due. This provision is not applicable to a source excluded from the requirement for a permit to operate as provided by Mississippi Administrative Code, Title 11, Part 2, Chapter 2, Rule 2.13.G.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.5.D(4).)

22. *Application for a Permit to Operate:* Except as otherwise specified in Section 1 – Condition 24 of this permit, the application for issuance or modification of the State Permit to Operate or the Title V Permit, whichever is applicable, is due twelve (12) months after beginning operation or such earlier date or time as specified in the Permit to Construct. The Permit Board may specify an earlier date or time for submittal of the application. Beginning operation will be assumed to occur upon certification of construction, unless the permittee specifies differently in writing.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.5.D(5).)

23. *Operating Under a Permit to Construct:* Except as otherwise specified in Section 1, Condition 24 of this permit, upon submittal of a timely and complete application for issuance or modification of a State Permit to Operate or a Title V Permit, whichever is applicable, the applicant may continue to operate under the terms and conditions of the Permit to Construct and in compliance with the submitted application until the Permit Board issues, modifies, or denies the Permit to Operate.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.5.D(6).)

24. *Application Requirements for a Permit to Operate for Moderate Modifications:* For moderate modifications that require contemporaneous enforceable emissions reductions from more than one emission point in order to “net” out of Prevention of Significant

Deterioration / New Source Review (PSD / NSR), the applicable Title V Permit to Operate or State Permit to Operate must be modified prior to beginning operation of the modified facilities.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.5.D(7).)

25. *General Duty:* All air emission equipment shall be operated as efficiently as possible to provide the maximum reduction of air contaminants.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B(10).)

26. *Deviation Reporting:* Except as otherwise specified herein, the permittee shall report all deviations from permit requirements, including those attributable to upsets, the probable cause of such deviations, and any corrective actions or preventive measures taken. Said report shall be made within five (5) working days of the time the deviation began.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B(10).)

27. *Compliance Testing:* Regarding compliance testing:

- (a) The results of any emissions sampling and analysis shall be expressed both in units consistent with the standards set forth in any Applicable Rules and Regulations or this permit and in units of mass per time.
- (b) Compliance testing will be performed at the expense of the permittee.
- (c) Each emission sampling and analysis report shall include but not be limited to the following:
  - (1) Detailed description of testing procedures;
  - (2) Sample calculation(s);
  - (3) Results; and
  - (4) Comparison of results to all Applicable Rules and Regulations and to emission limitations in the permit.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.6.B(3), (4), and (6).)

## SECTION 2 EMISSION POINT DESCRIPTION

The permittee is authorized to construct and operate, upon certification of construction, air emissions equipment, as described in the following table:

Emission Point	Description
AA-000	Facility-Wide [Scranton Manufacturing Company, Inc. (d.b.a. McLaughlin Family Companies, Inc. – NewWay)]
AB-001	Facility-Wide Metalworking Operations [consists of the following:] <ul style="list-style-type: none"> <li>– Welding Activities [included twenty-five (25) individual units]</li> <li>– Laser Cutting Activities [includes one (1) laser cutting machine equipped with a cartridge filter to control emissions]</li> <li>– Plasma Cutting Activities [includes one (1) plasma cutting machine equipped with a cartridge filter to control emissions]</li> <li>– Grinding, Shearing, Forming, and Drilling Activities</li> </ul>
AB-002	Facility-Wide Surface Coating Operations [consists of two (2) spray paint booths; the exhaust from each booth is routed through fabric filter panels]
AB-003	2.0 MMBTU / Hour Natural Gas-Fired Curing Oven

### SECTION 3 EMISSION LIMITATIONS AND STANDARDS

Emission Point(s)	Applicable Requirement(s)	Condition Number	Pollutant(s) / Parameter(s)	Limitation(s) / Standard(s)
AA-0100	11 Miss. Admin. Code Pt. 2, R. 1.3.A.	3.1	Opacity	40%
	11 Miss. Admin. Code Pt. 2, R. 1.3.B.	3.2		
AB-001 AB-002	11 Miss. Admin. Code Pt. 2, R. 2.2.B.(10).	3.3	HAPs	9.0 tpy (Individual) 24.0 tpy (Total) (12-Month Rolling Total)
	11 Miss. Admin. Code Pt. 2, R. 1.3.F.(1).	3.4	PM (filterable only)	$E = 4.1 (p^{0.67})$
AB-002	11 Miss. Admin. Code Pt. 2, R. 2.2.B.(10).	3.5	VOCs	99.0 tpy (12-Month Rolling Total)
AB-003	11 Miss. Admin. Code Pt. 2, R. 1.3.D.(1)(a).	3.6	PM	0.6 Pounds / MMBTU per Hour
	11 Miss. Admin. Code Pt. 2, R. 1.4.(1).	3.7	SO <sub>2</sub>	4.8 Pounds / MMBTU Heat Input (As Applicable)

3.1 For Emission Point AA-100 (Facility-Wide), except as otherwise specified herein, the permittee shall not cause or allow the emission of smoke from a point source into the open air that exceeds forty percent (40%) opacity from any process on-site.

Start-up operations may produce emissions that exceed 40% opacity for up to fifteen (15) minutes per start-up in any one hour and not to exceed three (3) start-ups per stack in any twenty-four (24) hour period.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 1.3.A.)

3.2 For Emission Point AA-100 (Facility-Wide), unless otherwise specified herein, the permittee shall not discharge into the ambient (from any point source) any air contaminant of such opacity as to obscure an observer's view to a degree in excess of forty percent (40%) opacity. This shall not apply to vision obscuration caused by uncombined water droplets.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 1.3.B.)

3.3 For Emission Points AB-001 and AB-002, the permittee shall respectively limit the emission of any individual hazardous air pollutant (HAP) to no more than 9.0 tpy based



on a 12-month rolling total basis and all HAPs in total to no more than 24.0 tpy based on a 12-month rolling total basis.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(10).)

- 3.4 For Emission Points AB-001 and AB-002, except as otherwise specified herein, limited herein or as applicable, the permittee shall not cause or allow the emission of particulate matter (PM) in total quantities in any one (1) hour from any manufacturing process (which includes any associated stacks, vents, outlets, or combination thereof) to exceed the amount determined by the following relationship:

$$E = 4.1 (p^{0.67})$$

Where “*E*” is the emission rate in pounds per hour and “*p*” is the process weight input rate in tons per hour.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 1.3.F.(1).)

- 3.5 For Emission Point AB-002, the permittee shall limit the total emission of volatile organic compounds (VOCs) to no more than 99.0 tons per year (tpy) based on a rolling 12-month total.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(10).)

- 3.6 For Emission Point AB-003, except as otherwise specified or limited herein, the maximum emission of ash and/or particulate matter (PM) from each individual process unit shall not exceed 0.6 pounds per MMBTU per hour heat input.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 1.3.D.(1)(a).)

- 3.7 For Emission Point AB-003, where applicable, the maximum discharge of sulfur oxides from fuel burning equipment in which heat is produced by in-direct heat transfer shall not exceed 4.8 pounds (measured as sulfur dioxide or SO<sub>2</sub>) per million BTU (MMBTU) heat input.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 1.4.A.(1).)

**SECTION 4**  
**WORK PRACTICE STANDARDS**

THIS SECTION WAS INTENTIONALLY LEFT BLANK BECAUSE NO WORK PRACTICE  
STANDARDS APPLY TO THIS PERMIT ACTION

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## SECTION 5 MONITORING AND RECORDKEEPING REQUIREMENTS

Emission Point(s)	Applicable Requirement(s)	Condition Number	Pollutant / Parameter	Monitoring / Recordkeeping Requirement(s)
AA-000	11 Miss. Admin. Code Pt. 2, R. 2.9.	5.1	Recordkeeping	Maintain Records for a Minimum of Five (5) Years
AB-001 AB-002	11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).	5.2	HAPs	Calculate and Record Emissions (Monthly and 12-Month Rolling Total)
AB-001	11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).	5.3	HAPs (Metal)	Record and Maintain Operational Data for Welding Activities (Monthly)
		5.4		Record and Maintain Operational Data for Laser Cutting and Plasma Cutting Activities (Monthly)
		5.5		Perform and Record Regular Inspections of a Cartridge Filter in Accordance with Manufacturer's Instructions (Laser Cutting and Plasma Cutting Activities)
AB-002	11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).	5.6	VOCs	Calculate and Record Emissions (Monthly; Rolling 12-Month Total)
		5.7	VOCs HAPs	Record and Maintain Surface Coating Usage and Specifications (Monthly)

5.1 For Emission Point AA-000 (Facility-Wide), except as otherwise specified or limited herein, the permittee shall retain all required records, monitoring data, supporting information, and reports for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records, all original strip-chart recordings or other data from continuous monitoring instrumentation, and copies of all reports required by this permit. Copies of such records shall be submitted to the MDEQ as required by "Applicable Rules and Regulations" of this permit upon request.

(Ref.: 11 Miss. Admin. Code, Pt. 2, R. 2.9.)

5.2 For Emission Points AB-001 and AB-002, the permittee shall calculate and record the respective total emission of each individual hazardous air pollutant (HAP), and all HAPs combined in tons from all sources that can reasonably emit the pollutant(s) both monthly and on a rolling 12-month total.

Unless otherwise specified herein, the permittee shall include all reference data utilized to calculate emissions (*e.g.* operational data required by Conditions 5.3 through 5.5 and 5.7; applicable emission factors; engineering judgement determinations; etc.).

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

- 5.3 For Emission Point AB-001 (Welding Activities), the permittee shall monitor and record both the quantity (in pounds) and type of welding wire and/or welding electrode consumed on a monthly basis.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

- 5.4 For Emission Point AB-001 (Laser Cutting and Plasma Cutting Activities), the permittee shall monitor, record, and maintain the following information on a monthly basis:

- (a) The total duration (in hours) spent cutting sheet metal; and
- (b) Documentation that details the weight percent (wt.%) of any metal hazardous air pollutant (HAP) present in any metal cut.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

- 5.5 For Emission Point AB-001 (Laser Cutting and Plasma Cutting Activities), the permittee shall perform and record a regular inspection and replacement of the cartridge filter for a cutting activity in accordance with the manufacturer's instructions.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

- 5.6 For Emission Points AB-002, the permittee shall calculate and record the total emission of volatile organic compounds (VOCs) both monthly and on a 12-month rolling total.

Unless otherwise specified herein, the permittee shall include all reference data utilized to calculate emissions (*e.g.* operational data required by Condition 5.7; applicable emission factors; engineering judgement determinations; etc.).

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

- 5.7 For Emission Point AB-002, the permittee shall monitor and record the total volume (in gallons) of any surface coating material (*e.g.* thinner, solvent, primer, paint, etc.) used that contains a volatile organic compound (VOC) and/or hazardous air pollutant (HAP). Additionally, the permittee shall maintain documentation for any coating material that includes (at a minimum) the following information:

- (a) The product name and identification;
- (b) The density (in pounds per gallon);

(c) The weight percentage (wt.%) of the volatile organic compound (VOC) content;  
and

(d) The wt.% of any individual hazardous air pollutant (HAP).

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

5.8 For Emission Point AB-002, the permittee shall perform and record the regular inspection and replacement of fabric filter panels in each paint booth in accordance with the manufacturer's instructions. Additionally, the permittee shall maintain documentation that identifies the capture efficiency of the filter panels used in a paint booth.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

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## SECTION 6 REPORTING REQUIREMENTS

Emission Point(s)	Applicable Requirement(s)	Condition Number	Reporting Requirement(s)
AA-000	11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).	6.1	Report Deviation from Requirements Within Five (5) Working Days
		6.2	Submit an Annual Monitoring Report (AMR)
		6.3	Submit Documents Certified by a Responsible Official
		6.4	Submit VOC and HAP Emissions
AB-001	11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).	6.5	Submit Facility-Wide Metalworking Operational Data
AB-002	11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).	6.6	Submit Facility-Wide Surface Coating Usage Data / Specifications

6.1 For Emission Point AA-000 (Facility-Wide), except as otherwise specified herein, the permittee shall report all deviations from permit requirements, including those attributable to upsets, the probable cause of such deviations, and any corrective action(s) and/or preventive measures taken. The report shall be submitted to the MDEQ within five (5) working days of the time the deviation began.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

6.2 For Emission Point AA-000 (Facility-Wide), except as otherwise specified herein, the permittee shall submit an annual monitoring report (AMR) postmarked no later than January 31<sup>st</sup> of each year for the preceding calendar year. This report shall contain any required monitoring specified in Section 6 of this permit. Additionally, all instances of deviations from permit requirements shall be clearly identified within the report. Where no monitoring data is required to be reported and/or there are no deviations to report, the report shall contain the appropriate negative declaration.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

6.3 Any document required by this permit to be submitted to the MDEQ shall contain a certification signed by a Responsible Official (RO) that affirms, based on the information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

- 6.4 For Emission Point AA-000 (Facility-Wide), the permittee shall submit an annual monitoring report (AMR) in accordance with Condition 6.2 that details the total respective emission of volatile organic compounds (VOCs), any individual hazardous air pollutant (HAP), and all HAPs in total in tons on both a monthly and 12-month rolling total basis.

The report shall include all reference data utilized to calculate emissions (*e.g.* applicable emission factors, engineering judgement determinations, etc.).

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

- 6.5 For Emission Point AB-001, the permittee shall submit an annual monitoring report (AMR) in accordance with Condition 6.2 that outlines the following information based on a 12-month rolling total basis:

- (a) The total duration (in hours) spent cutting sheet metal;
- (b) The quantity (in pounds) and type of welding wire and/or welding electrode consumed; and
- (c) The weight percentage (wt.%) of any metal hazardous air pollutant (HAP) present in welding wire / electrode consumed and/or metal cut.

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)

- 6.6 For Emission Point AB-002, the permittee shall submit an annual monitoring report (AMR) in accordance with Condition 6.2 that details the following information for each surface coating material used that contains a volatile organic compound (VOC) and/or hazardous air pollutant (HAP) based on a 12-month rolling total basis:

- (a) The product name and identification;
- (b) The density (in pounds per gallon);
- (c) The volume (in gallons) consumed;
- (d) The weight percentage (wt.%) of the volatile organic compound (VOC) content; and
- (e) The wt.% of any individual hazardous air pollutant (HAP).

(Ref.: 11 Miss. Admin. Code Pt. 2, R. 2.2.B.(11).)