

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-3-10-.02
Rule Title: Designated Standards of Performance

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?
YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?
YES

Is there another, less restrictive method of regulation available that could adequately protect the public?
NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?
YES

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?
NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?
YES

Does the proposed rule have an economic impact?
YES

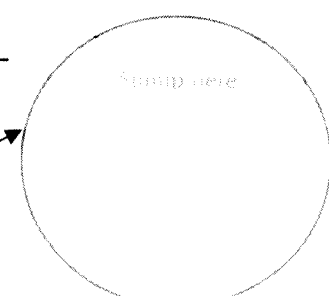
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Nancy Elliott*

Date 12-19-2011



Date Filed

APA-2
11/96

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-10-.01 General (Amend)
335-3-10-.02 Designated Standards of Performance
(Amend)

INTENDED ACTION: Revise Division 3 of the ADEM Administrative Code with the amendment of Rules 335-3-10-.01 (General), and 335-3-10-.02 (Designated Standards of Performance).

SUBSTANCE OF PROPOSED ACTION:

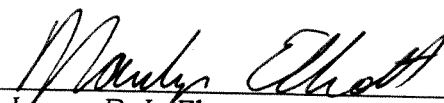
Revisions to the Division 3 Code are being proposed to amend Rules 335-3-10-.01, and 335-3-10-.02 in Chapter 335-3-10 in order to incorporate by reference EPA changes to the New Source Performance Standards (NSPS). This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Chapter 335-3-10 is not considered as a part of the federally enforceable State Implementation Plan (SIP). As such, any revisions to this Chapter/Rule are not proposed to be incorporated into Alabama's SIP.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., February 8, 2012, in the ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: February 10, 2012

CONTACT PERSON AT AGENCY: Chris Howard (334) 271-7878



Lance R. LeFleur
Director

335-3-10-.02 Designated Standards of Performance.

- (1) Subpart A - General Provisions.
- (2) Subpart D - Fossil Fuel-Fired Steam Generators for which construction is commenced after August 17, 1971.
 - (a) Subpart Da - Electric Utility Steam Generating Units for which construction is commenced after September 18, 1978.
 - (b) Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.
 - (c) Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.
- (3) Subpart E - Incinerators.
 - (a) Subpart Ea - Municipal Waste Combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994.
 - (b) Subpart Eb - Municipal Waste Combustors for which construction is commenced after September 20, 1994.
 - (c) Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which construction is commenced after June 20, 1996.
- (4) Subpart F - Portland Cement Plants.
- (5) Subpart G - Nitric Acid Plants.
- (6) Subpart H - Sulfuric Acid Plants.
- (7) Subpart I - Hot Mix Asphalt Facilities.
- (8) Subpart J - Petroleum Refineries.
 - (a) Subpart Ja - Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
- (9) Subpart K - Storage Vessels for Petroleum Liquids constructed after June 11, 1973 and prior to May 19, 1978.
 - (a) Subpart Ka - Storage Vessels for Petroleum Liquids constructed after May 18, 1978.
 - (b) Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 12, 1984.

- (10) Reserved.
- (11) Reserved.
- (12) Subpart L - Secondary Lead Smelters.
- (13) Subpart M - Secondary Brass and Bronze Ingot Production Plants.
- (14) Subpart N - Primary Emissions from Basic Oxygen Process Furnaces for which construction is commenced after June 11, 1973.
 - (a) Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which construction is commenced after January 20, 1983.
- (15) Subpart O - Sewage Treatment Plants.
- (16) Subpart P - Primary Copper Smelters.
- (17) Subpart Q - Primary Zinc Smelters.
- (18) Subpart R - Primary Lead Smelters.
- (19) Subpart S - Primary Aluminum Reduction Plants.
- (20) Subpart T - Wet Process Phosphoric Acid Plants.
- (21) Subpart U - Superphosphoric Acid Plants.
- (22) Subpart V - Diammonium Phosphate Plants.
- (23) Subpart W - Triple Superphosphate Plants.
- (24) Subpart X - Granular Triple Superphosphate Storage Facilities.
- (25) Subpart Y - Coal Preparation Plants.
- (26) Subpart Z - Ferroalloy Production Facilities.
- (27) Subpart AA - Steel Plants (Electric arc furnaces and dust-handling equipment).
 - (a) Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon Oxygen-Decarburization Vessels.
- (28) Subpart BB - Kraft Pulp Mills.
- (29) Subpart CC - Standards of Performance for Glass Manufacturing Plants.
- (30) Subpart DD - Grain Elevators.

- (31) Subpart EE - Surface Coating of Metal Furniture.
- (32) Subpart FF - Reserved.
- (33) Subpart GG - Stationary Gas Turbines.
- (34) Subpart HH - Lime Manufacturing Plants.
- (35) Subpart II - Reserved.
- (36) Subpart JJ - Reserved.
- (37) Subpart KK - Lead-Acid Battery Manufacture.
- (38) Subpart LL - Metallic Mineral Processing Plants.
- (39) Subpart MM - Automobile and Light-Duty Truck Surface Coating Operations.
- (40) Subpart NN - Phosphate Rock Plants.
- (41) Subpart OO - Reserved.
- (42) Subpart PP - Ammonium Sulfate Manufacturing.
- (43) Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.
- (44) Subpart RR - Pressure Sensitive Tape and Label Surface Coating Industry.
- (45) Subpart SS - Industrial Surface Coating - Large Appliances.
- (46) Subpart TT - Metal Coil Surface Coating Operations.
- (47) Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture.
- (48) Subpart VV - Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006.
 - (a) Subpart VVa - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
- (49) Subpart WW - Beverage Can Surface Coating Industry.
- (50) Subpart XX - Bulk Gasoline Terminals.
- (51) Subpart YY - Reserved.

- (52) Subpart ZZ - Reserved.
- (53) Subpart AAA - Reserved.
- (54) Subpart BBB - Rubber Tire Manufacturing Industry.
- (55) Subpart CCC - Reserved.
- (56) Subpart DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- (57) Subpart EEE - Reserved.
- (58) Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.
- (59) Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006.
 - (a) Subpart GGGa - Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
- (60) Subpart HHH - Synthetic Fiber Production Facilities.
- (61) Subpart III - VOC Emissions from SOCOMI Air Oxidation Unit Processes.
- (62) Subpart JJJ - Petroleum Dry Cleaners.
- (63) Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- (64) Subpart LLL - Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions.
- (65) Subpart MMM - Reserved.
- (66) Subpart NNN - VOC Emissions from SOCOMI Distillation Operations.
- (67) Subpart OOO - Nonmetallic Mineral Processing Plants.
- (68) Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.
- (69) Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.
- (70) Subpart RRR - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry Reactor Processes.
- (71) Subpart SSS - Magnetic Tape Manufacturing Industry.

(72) Subpart TTT - Industrial Surface Coating; Plastic Parts for Business Machines.

(73) Subpart UUU - Calciners and Dryers in Mineral Industries.

(74) Subpart VVV - Polymeric Coating of Supporting Substrates.

(75) Subpart WWW - Municipal Waste Landfills.

(76) Subpart XXX - Reserved.

(77) Subpart YYY - Reserved.

(78) Subpart ZZZ - Reserved.

(79) Subpart AAAA - Small Municipal Waste Combustion Units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced After June 6, 2001.

(80) Subpart BBBB - Reserved.

(81) Subpart CCCC - Commercial and Industrial Solid Waste Incineration Units for which construction is commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001.

(82) Subpart DDDD - Reserved.

(83) Subpart EEEE - Reserved.

(84) Subpart FFFF - Reserved.

(85) Subpart GGGG - Reserved.

(86) Subpart HHHH - Reserved.

(87) Subpart IIII - Stationary Compression Ignition Internal Combustion Engines.

(88) Subpart JJJJ - Stationary Spark Ignition Internal Combustion Engines.

(89) Subpart KKKK - Stationary Combustion Turbines.

Author:

Statutory Authority: Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-9.

History: Effective Date: May 25, 1976.

Amended: June 23, 1981; February 13, 1985; April 15, 1987; June 16, 1988; September 21, 1989; November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991; October 24, 1991; December 28, 1993; April 27, 1995;

November 21, 1996; September 25, 1997; March 27, 1998; July 15, 1999;
January 13, 2000; September 7, 2000; March 14, 2002; October 3, 2002;
April 3, 2003; October 2, 2003; March 22, 2005; December 12, 2005;
July 11, 2006; November 14, 2006; April 3, 2007; January 22, 2008;
August 5, 2008; January 19, 2009; March 30, 2010; May 23, 2011; XXXXXX,
2012.

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23 (f))**

Control No. 335 Department or Agency Environmental Management

Rule No: 335-3-10-.01; 335-3-10-.02

Rule Title: General; Designated Standards of Performance

 New X Amend Repeal Adopt by Reference

 This rule has no economic impact.

 X These rules have an economic impact, as explained below:

Impact of Revisions to Chapter 335-3-10

Chapter 335-3-10 of the ADEM Administrative Code incorporates the federal regulations by reference, as they are promulgated by the EPA. Through this adoption, the Alabama Department of Environmental Management is given primacy to enforce these regulations at the state level. In the event that these regulations are not adopted by reference and implemented by the State, the EPA will implement the requirements on the federal level. Standards of Performance for New Stationary Sources are incorporated into Chapter 335-3-10.

The Federal Registers which are subject to the incorporation by reference are submitted as an attachment to this package.

1. **NEED/EXPECTED BENEFIT OF RULE:**

The adoption of these revisions to Chapter 335-3-10 by the State of Alabama will allow the regulations to be implemented and enforced by the Alabama Department of Environment Management. As discussed above, adoption of these regulations will allow the Department to retain State primacy of the federal program.

2. **COST/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

There will be no additional cost incurred by the residents of, or companies operating in, the State of Alabama if the revisions to the federal regulations are incorporated and adopted by the State. The costs are equivalent to the cost of compliance with the same regulations implemented by the federal government. Sources of air pollution will be

subject to the same requirements for the installation of controls to prevent the emission of air pollution regardless of which agency (state or federal) implements these regulations.

3. EFFECT OF THIS RULE ON COMPETITION:

Adoption of these federally required regulations is not expected to have any effect on competition. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level, and Alabama companies will be required to comply with the federal regulations and answer directly to the federal Environmental Protection Agency (EPA).

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the cost-of-living and doing business in the geographical area of implementation (State of Alabama). As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Therefore, Alabama companies still would be required to comply with the federal regulations and answer directly to the federal EPA.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the employment in the geographical area in which the regulation would be implemented (State of Alabama).

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Revenue from the Federal Grant and fines and fees collected by the Department will fund the adoption of this regulation. For sources subject to Title V of the Clean Air Act, as amended, fees are collected based on the amount of air pollution emitted annually.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The adoption of the proposed regulation is not expected to have any short-term or long-term economic impact. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the federal EPA.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

No additional burdens are expected as a result of the adoption of these regulations. If the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the federal EPA.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

The effect of the regulation on the environment and public health is addressed in the

accompanying Federal Registers.

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

The benefits of the proposed regulations have been discussed in the above paragraphs, as well as, the Federal Registers. Alabama is required to adopt these regulations by the EPA in order to continue to have primacy in implementing an air pollution control program. In the event that the regulations are not adopted at the State level, the requirements will still exist at the federal level. However, it is generally acknowledged that regulations are implemented and enforced in a more effective and efficient manner at the State level than at the federal level.