TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control	Department or Agency Enviro	enmental Management
Rule No.	335-3-114	
Rule Title:	Emissions Reporting Requirements Relating to Budgets for NOx Emissions	
and the second s	New Amend X Repeal	_ Adopt by Reference
	absence of the proposed rule y harm or endanger the public health, safety?	NO
state's polic	easonable relationship between the see power and the protection of the th, safety, or welfare?	YES
	other, less restrictive method of available that could adequately protect	NO
indirectly in	roposed rule have the effect of directly or acreasing the costs of any goods or volved and, if so, to what degree?	NO
public than	ase in cost, if any, more harmful to the the harm that might result from the the proposed rule?	NO
solely for th	ts of the rulemaking process designed ne purpose of, and so they have, as their ect, the protection of the public?	YES
****	******************	*****
Does the pr	roposed rule have an economic impact?	NO
accompanie	osed rule has an economic impact, the proposed rule is ed by a fiscal note prepared in accordance with subsection of Alabama 1975.	-
*****	*******************	*****
Certification	n of Authorized Official	
requiremen all applicab Legislative	t the attached proposed rule has been proposed in fucts of Chapter 22, Title 41, Code of Alabama 1975, and the filing requirements of the Administrative Procedure Reference Service.	d that it conforms to
Signature o	of certifying officer law Elliott	
Date Sep	otember 20, 2011	

Date Filed

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AIR DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME:

Department of Environmental Management

RULE NO. & TITLE:

335-3-1-.14 E

Emissions Reporting Requirements Relating

To Budgets for NOx Emissions (Repeal)

335-3-1-.16

Emissions Reporting Requirements Relating

To Budgets for SO₂ and NOx Emissions

(Repeal)

INTENDED ACTION:

Revise Division 3 of the ADEM Administrative Code by deleting Rules 335-3-1-.14 (Emissions Reporting Requirements Relating to Budgets for NOx Emissions), and 335-3-1-.16 (Emissions Reporting Requirements Relating to Budgets for SO₂ and NOx Emissions.

SUBSTANCE OF PROPOSED ACTION:

Revisions to the Division 3 Code are being proposed to delete Rules 335-3-1-.14, and 335-3-1-.16, to be consistent with Federal Rules.

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., November 9, 2011, in the ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 10, 2011.

CONTACT PERSON AT AGENCY:

Chris Howard (334) 271-7878

Lance R. LeFleur

ly Elhott

Director

335-3-1-.14 Emissions Reporting Requirements Relating to Budgets for NO_x Emissions Reserved.

- (1) General. The requirements of this rule serve to establish ozone season NO_x emissions reporting requirements from NO_x point sources in order to meet the statewide NO_x transport budget reporting requirements under 40 CFR, §51.122. This rule will not apply to any ozone season after the 2008 ozone season.
- (2) <u>Definitions</u>. For the purpose of this rule, the following definitions apply:
 - (a) "NOx Point Source" means:
- 1. A plant or facility which has one or more non-mobile or stationary NO_x sources; and,
 - 2. Has the potential to emit a total of 100 tons of NOx or more per year.
- (b) "<u>Ozone Season</u>" means the period May 1 through September 30 of a year.
- (c) "Potential to Emit" shall have the same meaning ascribed in chapters 335-3-14 and 335-3-16 of this division.
- (3) Applicability. This rule applies to all owners or operators of NO_x point sources in the State that have NO_x emission sources that are not subject to rules 335-3-8.01, 335-3-8.04, or rules 335-3-8.05 through 335-3-8.13.
 - (4) Reporting requirements.
- (a) The owner or operator of a point source shall submit NO_x ozone season emissions data as follows:
- 1. <u>Annual reporting</u>. For each owner or operator, beginning with emission year 2004 and every year thereafter, by March 31st of the calendar year following the emission year being reported, the data specified in 40 CFR, §§ 51.122(c)(1) and (2) must be submitted to the Department.
- 2. <u>Triennial reporting</u>. For each owner or operator, beginning with emission year 2005 and every third year thereafter, by March 31st of the calendar year following the emission year being reported, the data specified in 40 CFR, §51.122(c)(3) must be submitted to the Department.
- 3. Year 2003 reporting. For each owner or operator, by March 31, 2004, the data specified in 40 CFR, § 51.122(c)(3) must be submitted to the Department.

4. Year 2007 reporting. For each owner or operator, by March 31, 2008, the data specified in 40 CFR, § 51.122(c)(3) must be submitted to the Department.

(b) The data required under subparagraph (a) of this paragraph shall be submitted electronically to the Department in a format prescribed and provided by the Department.

Author: Ronald W. Gore.

Statutory Authority: <u>Code of Alabama</u> 1975, §§22 28 10, 22 28 14, 22 28 18, 22 28 20, 22 22A 5, 22 22A 6, and 22 22A 8.

History: Effective Date: April 6, 2001.

Amended: April 3, 2007.