TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control	335	5 De	Department or AgencyE			Environmental Management		
Rule No. Rule Title:								
	New	Amend	X	Repeal		Adopt by R	eference	
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?						NO		
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?						YES	8	
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?						NO		
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		
solely for th	ie purpose d	emaking pro of, and so the ection of the	ey have, as			YES	5	
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Does the proposed rule have an economic impact?						NO		
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.								
*****	******	*****	*****	*****	*****	*****	4	
Certification								
requiremen	ts of Chapte le filing requ	er 22, Title 4 uirements of	1, Code of	Alabama 19	975, and	compliance that it confo Division of th	rms to	
Signature o	f certifying (officer //	land,	Elliot	4		And the second s	
Date Septe	ember 20, 2	011	IJ					

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

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

Mary Elliott Lance R. LeFleur

Director

335-3-1-.16 Emissions Reporting Requirements Relating to Budgets for SO₂ and NO_x Emissions. Reserved.

- (1) <u>General</u>. The requirements of this rule serve to establish SO₂ and NO_x emissions reporting requirements from point sources in order to meet the statewide transport budget requirements for SO₂ and NO_x under 40 CFR § 51.125.
- (2) <u>Definitions</u>. For the purpose of this rule, the following definitions apply:

(a) "Point Source" means:

- 1. A plant or facility which has one or more non-mobile or stationary SO₂ or NO_x sources; and,
- 2. Has the potential to emit a total of 100 tons of NO_x or more per year; or
 - 3. Has the potential to emit a total of 100 tons of SO2 or more per year.
- (b) " \underline{Ozone} \underline{Season} " means the five month period from May 1 to September 30 of a calendar year.
- (c) "<u>Potential to Emit"</u> 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 SO₂ or NO_x point sources in the State that have SO₂ or NO_x emission sources that are not subject to rules 335 3 8 .01, 335 3 8 .04, or rules 335 3 8 .16 through 335 3 8 .33.

(4) Reporting Requirements.

- (a) The owner or operator of a point source shall submit to the Department SO_2 and NO_X annual emissions and NO_X ozone season and ozone daily emissions data, beginning with emission year 2008 and every third year thereafter, by June 30^{th} of the calendar year following the emission year being reported.
- (b) The data required under subparagraph (a) of this paragraph shall be submitted electronically to the Department in a format prescribed 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 3, 2007.

Amended: