TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control	335	Depai	rtment	or Agency	Enviror	nmental Management			
Rule No.	335-3-50	6							
Rule Title:	State Clean Air Interstate Rule (CAIR) SO2 Trading Program General								
	Provisions								
	New	_ Amend	X	Repeal	***************************************	Adopt by Reference			
Would the a	bsence of the	proposed rul	e						
significantly harm or endanger the public health,									
welfare, or s	safety?				****	NO			
Is there a re	ogonoblo mala	tionalain la t							
Is there a reasonable relationship between the state's police power and the protection of the									
public healt	YES								
					****	1130			
Is there another, less restrictive method of									
regulation available that could adequately protect									
the public?						NO			
Does the pro	onosed rule h	ave the effect	of direc	other or					
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?									
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?									
absorned of t	ire proposed r	aici				NO			
Are all facet	s of the rulem	aking proces	s desigr	ned					
solely for the purpose of, and so they have, as their									
primary effect, the protection of the public? YES									

	oposed rule h					NO			
							-		
If the propos	sed rule has a	in economic ii	mpact,	the propose	d 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 offi	cer // iu	ly_	Elliot	1				
Date Sept	ember 20, 20	11	14						
						V			

Date Filed

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AIR DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME:	Department	of Environmental Management				
RULE NO. & TITLE:	335-3-506	State Clean Air Interstate Rule (CAIR) SO2 Tradin				
	335-3-507	Program General Provisions (Repeal) CAIR Designated Representative for CAIR SO2 Sources (Repeal)				
	335-3-508 <u>Pe</u> 335-3-511 <u>C</u> 335-3-512 <u>C</u> 335-3-513 <u>M</u>	Permits (Repeal) CAIR SO2 Allowance Tracking System (Repeal) CAIR SO2 Allowance Transfers (Repeal) Monitoring and Reporting (Repeal) CAIR SO2 Opt-In Units (Repeal)				

INTENDED ACTION:

Revise Division 3 of the ADEM Administrative Code by deleting Rules 335-3-5-.06 (State Clean Air Interstate Rule (CAIR) SO2 Trading Program General Provisions), 335-3-5-.07 (CAIR Designated Representative for CAIR SO2 Sources), 335-3-5-.08 (Permits), 335-3-5-.11 (CAIR SO2 Allowance Tracking System), 335-3-5-.12 (CAIR SO2 Allowance Transfers), 335-3-5-.13 (Monitoring and Reporting), and 335-3-5-.14 (CAIR SO2 Opt-In Units).

SUBSTANCE OF PROPOSED ACTION:

Revisions to the Division 3 Code are being proposed to delete Rules 335-3-5-.06, 335-3-5-.07, 335-3-5-.08, 335-3-5-.11, 335-3-5-.12, 335-3-5-.13, and 335-3-5-.14 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

Marly Elliott Lance R. LeFleur

Director

335-3-5-.06 State Clean Air Interstate Rule (CAIR) SO₂ Trading Program General Provisions, Reserved.

- (1) General. The Environmental Protection Agency Regulations, and the Appendices applicable thereto, governing the State Clean Air Interstate Rule (CAIR) SO₂ Trading Program, under § 110 of the Clean Air Act and 40 CFR § 51.124, are incorporated by reference as they exist in 40 CFR 96, Subpart AAA.
- (a) The materials incorporated by reference are available for purchase at a cost of \$6.00 and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110. The materials are also available on the web at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=92a9be8685fa295df08f42c103b6a1fc&tpl=/ecfrbrowse/Title40/40cfr96-main-02.tpl.
- (2) In the event of any conflict between the regulations contained in rule 335-3-5.06 through 335-3-5.14 and regulations contained in other chapters of this Administrative Code, the more stringent regulations will take precedence.
- (3) <u>Definitions</u>. For the purpose of rules 335-3-5-06 through 335-3-5-14, the definitions listed in 40 CFR § 96.202, Subpart AAA, will apply.

Author: Ronald W. Gore.

Statutory Authority: <u>Code of Alabama</u> 1975, §§22 28 10, 22 28 11, 22 28 14, 22 28 18, 22 28 20, 22 28 22, 22 22A 5, 22 22A 6, 22 22A 8, and 41 22 9.

History: Effective Date: July 11, 2006.

Amended: April 3, 2007; March 31, 2009.