

APA-2  
11/96

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AIR DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Environmental Management

RULE NO. & TITLE: Division 335-3, Air Pollution Control Program

335-3-8-.07	-	TR NOX Annual Trading Program-Purpose and Definitions (New)
335-3-8-.08	-	TR NOX Annual Trading Program- Applicability (New)
335-3-8-.09	-	TR NOX Annual Trading Program – Retired Unit Exemption (New)
335-3-8-.10	-	TR NOX Annual Trading Program – Standard Requirements (New)
335-3-8-.11	-	TR NOX Annual Trading Program – Computation of Time (New)
335-3-8-.12	-	Administrative Appeal Procedures (New)
335-3-8-.13	-	NOX Annual Trading Budgets and Variability Limits (New)
335-3-8-.14	-	TR NOX Annual Allowance Allocations (New)
335-3-8-.16	-	Authorization of Designated Representative and Alternate Designated Representative (New)
335-3-8-.17	-	Responsibilities of Designated Representative and Alternate Designated Representative (New)
335-3-8-.18	-	Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source (New)
335-3-8-.19	-	Certificate of Representation(New)
335-3-8-.20	-	Objections Concerning Designated Representative and Alternate Designated Representative (New)
335-3-8-.21	-	Delegation by Designated Representative and Alternate Designated Representative (New)
335-3-8-.23	-	Establishment of Compliance Accounts, Assurance Accounts, and General Accounts (New)
335-3-8-.24	-	Recordation of TR NOX Annual Allowance Allocations and Auction Results (New)
335-3-8-.25	-	Submission of TR NOX Annual Allowance Transfers (New)
335-3-8-.26	-	Recordation of TR NOX Annual Allowance Transfers (New)
335-3-8-.27	-	Compliance with TR NOX Annual Emissions Limitation (New)
335-3-8-.28	-	Compliance with TR NOX Annual Assurance Provisions (New)
335-3-8-.29	-	Banking (New)

- 335-3-8-.30 - Account Error (New)
- 335-3-8-.31 - Administrator's Action on Submissions (New)
- 335-3-8-.33 - General Monitoring, Recordkeeping, and Reporting Requirements (New)
- 335-3-8-.34 - Initial Monitoring System Certification and Recertification Procedures (New)
- 335-3-8-.35 - Monitoring System Out-of-Control Periods (New)
- 335-3-8-.36 - Notifications Concerning Monitoring (New)
- 335-3-8-.37 - Recordkeeping and Reporting (New)
- 335-3-8-.38 - Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements (New)
- 335-3-8-.39 - TR NOX Ozone Season Trading Program – Purpose and Definitions( New)
- 335-3-8-.40 - TR NOX Ozone Season Trading Program – Applicability (New)
- 335-3-8-.41 - TR NOX Ozone Season Trading Program – Retired Unit Exemption (New)
- 335-3-8-.42 - TR NOX Ozone Season Trading Program – Standard Requirements (New)
- 335-3-8-.43 - TR NOX Ozone Season Trading Program – Computation of Time (New)
- 335-3-8-.44 - Administrative Appeal Procedures (New)
- 335-3-8-.45 - NOX Ozone Season Trading Budgets and Variability Limits (New)
- 335-3-8-.46 - TR NOX Ozone Season Allowance Allocations (New)
- 335-3-8-.47 - Reserved (New)
- 335-3-8-.48 - Authorization of Designated Representative and Alternate Designated Representative (New)
- 335-3-8-.49 - Responsibilities of Designated Representative and Alternate Designated Representative (New)
- 335-3-8-.50 - Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source (New)
- 335-3-8-.51 - Certificate of Representation (New)
- 335-3-8-.52 - Objections Concerning Designated Representative and Alternate Designated Representative (New)
- 335-3-8-.53 - Delegation by Designated Representative and Alternate Designated Representative (New)
- 335-3-8-.54 - Reserved (New)
- 335-3-8-.55 - Establishment of Compliance Accounts, Assurance Accounts, and General Accounts (New)
- 335-3-8-.56 - Recordation of TR NOX Ozone Season Allowance Allocations and Auction Results (New)
- 335-3-8-.57 - Submission of TR NOX Ozone Season Allowance Transfers (New)
- 335-3-8-.58 - Recordation of TR NOX Ozone Season Allowance Transfers (New)
- 335-3-8-.59 - Compliance with TR NOX Ozone Season Emissions Limitation (New)

- 335-3-8-.60 - Compliance with TR NOX Ozone Season Assurance Provisions (New)
- 335-3-8-.61 - Banking (New)
- 335-3-8-.62 - TR NOX Ozone Season Trading Program – Account Error (New)
- 335-3-8-.63 - TR NOX Ozone Season Trading Program – Administrator’s Action on Submissions (New)
- 335-3-8-.64 - Reserved (New)
- 335-3-8-.65 - General Monitoring, Recordkeeping, and Reporting Requirements (New)
- 335-3-8-.66 - Initial Monitoring System Certification and Recertification Procedures (New)
- 335-3-8-.67 - Monitoring System Out-of-Control Periods (New)
- 335-3-8-.68 - Notifications Concerning Monitoring (New)
- 335-3-8-.69 - Recordkeeping and Reporting (New)
- 335-3-8-.70 - Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements (New)

**INTENDED ACTION:** Revise Division 3 of the ADEM Administrative Code with the adoption of Rules 335-3-8-.07 (TR NOX Annual Trading Program-Purpose and Definitions), 335-3-8-.08 (TR NOX Annual Trading Program- Applicability), 335-3-8-.09 (TR NOX Annual Trading Program – Retired Unit Exemption), 335-3-8-.10 (TR NOX Annual Trading Program – Standard Requirements), 335-3-8-.11 (TR NOX Annual Trading Program – Computation of Time), 335-3-8-.12 (Administrative Appeal Procedures), 335-3-8-.13 (NOX Annual Trading Budgets and Variability Limits), 335-3-8-.14 (TR NOX Annual Allowance Allocations), 335-3-8-.16 (Authorization of Designated Representative and Alternate Designated Representative), 335-3-8-.17 (Responsibilities of Designated Representative and Alternate Designated Representative), 335-3-8-.18 (Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source), 335-3-8-.19 (Certificate of Representation), 335-3-8-.20 (Objections Concerning Designated Representative and Alternate Designated Representative), 335-3-8-.21 (Delegation by Designated Representative and Alternate Designated Representative), 335-3-8-.23 (Establishment of Compliance Accounts, Assurance Accounts, and General Accounts), 335-3-8-.24 (Recordation of TR NOX Annual Allowance Allocations and Auction Results), 335-3-8-.25 (Submission of TR NOX Annual Allowance Transfers), 335-3-8-.26 (Recordation of TR NOX Annual Allowance Transfers), 335-3-8-.27 (Compliance with TR NOX Annual Emissions Limitation), 335-3-8-.28 (Compliance with TR NOX Annual Assurance Provisions), 335-3-8-.29 (Banking), 335-3-8-.30 (Account Error), 335-3-8-.31 (Administrator’s Action on Submissions), 335-3-8-.33 (General Monitoring, Recordkeeping, and Reporting Requirements), 335-3-8-.34 (Initial Monitoring System Certification and Recertification Procedures), 335-3-8-.35 (Monitoring System Out-of-Control Periods), 335-3-8-.36 (Notifications Concerning Monitoring), 335-3-8-.37 (Recordkeeping and Reporting), 335-3-8-.38 (Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements), 335-3-8-.39 (TR NOX Ozone Season Trading Program – Purpose and Definitions), 335-3-8-.40 (TR NOX Ozone Season Trading Program – Applicability), 335-3-8-.41 (TR NOX Ozone Season Trading Program – Retired Unit Exemption), 335-3-8-.42 (TR NOX Ozone Season Trading Program – Standard Requirements), 335-3-8-

.43 (TR NOX Ozone Season Trading Program – Computation of Time), 335-3-8-.44 (Administrative Appeal Procedures), 335-3-8-.45 (NOX Ozone Season Trading Budgets and Variability Limits), 335-3-8-.46 (TR NOX Ozone Season Allowance Allocations), 335-3-8-.47 (Reserved), 335-3-8-.48 (Authorization of Designated Representative and Alternate Designated Representative), 335-3-8-.49 (Responsibilities of Designated Representative and Alternate Designated Representative), 335-3-8-.50 (Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source), 335-3-8-.51 (Certificate of Representation), 335-3-8-.52 (Objections Concerning Designated Representative and Alternate Designated Representative), 335-3-8-.53 (Delegation by Designated Representative and Alternate Designated Representative), 335-3-8-.54 (Reserved), 335-3-8-.55 (Establishment of Compliance Accounts, Assurance Accounts, and General Accounts), 335-3-8-.56 (Recordation of TR NOX Ozone Season Allowance Allocations and Auction Results), 335-3-8-.57 (Submission of TR NOX Ozone Season Allowance Transfers), 335-3-8-.58 (Recordation of TR NOX Ozone Season Allowance Transfers), 335-3-8-.59 (Compliance with TR NOX Ozone Season Emissions Limitation), 335-3-8-.60 (Compliance with TR NOX Ozone Season Assurance Provisions), 335-3-8-.61 (Banking), 335-3-8-.62 (TR NOX Ozone Season Trading Program – Account Error), 335-3-8-.63 (TR NOX Ozone Season Trading Program – Administrator’s Action on Submissions), 335-3-8-.64 (Reserved), 335-3-8-.65 (General Monitoring, Recordkeeping, and Reporting Requirements), 335-3-8-.66 (Initial Monitoring System Certification and Recertification Procedures), 335-3-8-.67 (Monitoring System Out-of-Control Periods), 335-3-8-.68 (Notifications Concerning Monitoring), 335-3-8-.69 (Recordkeeping and Reporting), 335-3-8-.70 (Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements).

**SUBSTANCE OF PROPOSED ACTION:**

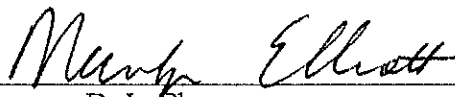
Revisions to the Division 3 Code are being proposed to add Rules 335-3-8-.07, 335-3-8-.08, 335-3-8-.09, 335-3-8-.10, 335-3-8-.11, 335-3-8-.13, 335-3-8-.14, 335-3-8-.16, 335-3-8-.17, 335-3-8-.18, 335-3-8-.19, 335-3-8-.20, 335-3-8-.21, 335-3-8-.23, 335-3-8-.24, 335-3-8-.25, 335-3-8-.26, 335-3-8-.27, 335-3-8-.28, 335-3-8-.29, 335-3-8-.30, 335-3-8-.31, 335-3-8-.33, 335-3-8-.34, 335-3-8-.35, 335-3-8-.36, 335-3-8-.37, 335-3-8-.38, 335-3-8-.39, 335-3-8-.40, 335-3-8-.41, 335-3-8-.42, 335-3-8-.43, 335-3-8-.44, 335-3-8-.45, 335-3-8-.46, 335-3-8-.47, 335-3-8-.48, 335-3-8-.49, 335-3-8-.50, 335-3-8-.51, 335-3-8-.52, 335-3-8-.53, 335-3-8-.54, 335-3-8-.55, 335-3-8-.56, 335-3-8-.57, 335-3-8-.58, 335-3-8-.59, 335-3-8-.60, 335-3-8-.61, 335-3-8-.62, 335-3-8-.63, 335-3-8-.64, 335-3-8-.65, 335-3-8-.66, 335-3-8-.67, 335-3-8-.68, 335-3-8-.69, and 335-3-8-.70 in order to incorporate provisions for the control of nitrogen oxides emissions from specified categories as required by the Environmental Protection Agency’s Cross-State Air Pollution Rule (CSAPR) as promulgated August 8, 2011 (76 FR 48208) and revised on December 3, 2014 (79 FR 71663). This adoption allows the Department to retain State primacy in the implementation of the regulations. Revisions to this Chapter are 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., September 9, 2015, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** September 11, 2015

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

A handwritten signature in cursive script, appearing to read "Lance R. Lefleur", is written above a horizontal line.

Lance R. Lefleur  
Director