

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-3-5-.20  
Rule Title: Reserved

X New          Amend          Repeal          Adopt by Reference

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

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

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

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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.

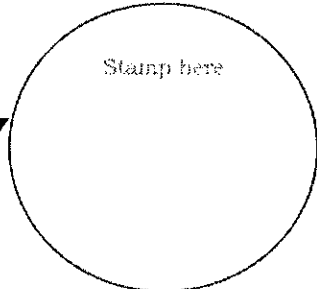
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Certification of Authorized Official

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 *Maury Elliott*

Date 07-20-2015

Date Filed



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
- Rule 335-3-5-.06 - TR SO<sub>2</sub> Trading Program – Purpose and Definitions (New)
  - Rule 335-3-5-.07 - TR SO<sub>2</sub> Trading Program – Applicability (New)
  - Rule 335-3-5-.08 TR SO<sub>2</sub> Trading Program – Retired Unit Exemption (New)
  - Rule 335-3-5-.09 - TR SO<sub>2</sub> Trading Program – Standard Requirements (New)
  - Rule 335-3-5-.10 - TR SO<sub>2</sub> Trading Program – Computation of Time (New)
  - Rule 335-3-5-.11 – Administrative Appeal Procedures (New)
  - Rule 335-3-5-.12 - SO<sub>2</sub> Trading Budgets and Variability Limits (New)
  - Rule 335-3-5-.13 - TR SO<sub>2</sub> Allowance Allocations (New)
  - Rule 335-3-5-.14 - Authorization of Designated Representative and Alternate Designated Representative (New)
  - Rule 335-3-5-.15 - Responsibilities of Designated Representative and Alternate Designated Representative (New)
  - Rule 335-3-5-.16 - Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source (New)
  - Rule 335-3-5-.17 - Certificate of Representation (New)
  - Rule 335-3-5-.18 - Objections Concerning Designated Representative and Alternate Designated Representative (New)
  - Rule 335-3-5-.19 - Delegation by Designated Representative and Alternate Designated Representative (New)
  - Rule 335-3-5-.20 – Reserved (New)
  - Rule 335-3-5-.21 - Establishment of Compliance Accounts, Assurance Accounts, and General Accounts (New)
  - Rule 335-3-5-.22 - Recordation of TR SO<sub>2</sub> Allowance Allocations and Auction Results (New)
  - Rule 335-3-5-.23 - Submission of TR SO<sub>2</sub> Allowance Transfers (New)
  - Rule 335-3-5-.24 - Recordation of TR SO<sub>2</sub> Allowance Transfers (New)
  - Rule 335-3-5-.25 - Compliance with TR SO<sub>2</sub> Emissions Limitation (New)
  - Rule 335-3-5-.26 - Compliance with TR SO<sub>2</sub> Assurance Provisions (New)
  - Rule 335-3-5-.27 – Banking (New)
  - Rule 335-3-5-.28 - Account Error (New)
  - Rule 335-3-5-.29 - Administrator's Action on Submissions (New)
  - Rule 335-3-5-.30 – Reserved (New)
  - Rule 335-3-5-.31 - General Monitoring, Recordkeeping, and Reporting Requirements (New)
  - Rule 335-3-5-.32 - Initial Monitoring System Certification and Recertification Procedures (New)
  - Rule 335-3-5-.33 - Monitoring System Out-of-Control Periods (New)

Rule 335-3-5-.34 - Notifications Concerning Monitoring (New)  
Rule 335-3-5-.35 - Recordkeeping and Reporting (New)  
Rule 335-3-5-.36 - 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 335-3-5-.06 (TR SO<sub>2</sub> Trading Program – Purpose and Definitions), 335-3-5-.07 (TR SO<sub>2</sub> Trading Program – Applicability), 335-3-5-.08 (TR SO<sub>2</sub> Trading Program – Retired Unit Exemption), 335-3-5-.09 (TR SO<sub>2</sub> Trading Program – Standard Requirements), 335-3-5-.10 (TR SO<sub>2</sub> Trading Program – Computation of Time), 335-3-5-.11 (Administrative Appeal Procedures), 335-3-5-.12 (SO<sub>2</sub> Trading Budgets and Variability Limits), 335-3-5-.13 (TR SO<sub>2</sub> Allowance Allocations), 335-3-5-.14 (Authorization of Designated Representative and Alternate Designated Representative), 335-3-5-.15 (Responsibilities of Designated Representative and Alternate Designated Representative), 335-3-5-.16 (Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source), 335-3-5-.17 (Certificate of Representation), 335-3-5-.18 (Objections Concerning Designated Representative and Alternate Designated Representative), 335-3-5-.19 (Delegation by Designated Representative and Alternate Designated Representative), 335-3-5-.20 (Reserved), 335-3-5-.21 (Establishment of Compliance Accounts, Assurance Accounts, and General Accounts), 335-3-5-.22 (Recordation of TR SO<sub>2</sub> Allowance Allocations and Auction Results), 335-3-5-.23 (Submission of TR SO<sub>2</sub> Allowance Transfers), 335-3-5-.24 (Recordation of TR SO<sub>2</sub> Allowance Transfers), 335-3-5-.25 (Compliance with TR SO<sub>2</sub> Emissions Limitation), 335-3-5-.26 (Compliance with TR SO<sub>2</sub> Assurance Provisions), 335-3-5-.27 (Banking), 335-3-5-.28 (Account Error), 335-3-5-.29 (Administrator’s Action on Submissions), 335-3-5-.30 (Reserved), 335-3-5-.31 (General Monitoring, Recordkeeping, and Reporting Requirements), 335-3-5-.32 (Initial Monitoring System Certification and Recertification Procedures), 335-3-5-.33 (Monitoring System Out-of-Control Periods), 335-3-5-.34 (Notifications Concerning Monitoring), 335-3-5-.35 (Recordkeeping and Reporting), 335-3-5-.36 (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 335-3-5-.06, 335-3-5-.07, 335-3-5-.08, 335-3-5-.09, 335-3-5-.10, 335-3-5-.11, 335-3-5-.12, 335-3-5-.13, 335-3-5-.14, 335-3-5-.15, 335-3-5-.16, 335-3-5-.17, 335-3-5-.18, 335-3-5-.19, 335-3-5-.20, 335-3-5-.21, 335-3-5-.22, 335-3-5-.23, 335-3-5-.24, 335-3-5-.25, 335-3-5-.26, 335-3-5-.27, 335-3-5-.28, 335-3-5-.29, 335-3-5-.30, 335-3-5-.31, 335-3-5-.32, 335-3-5-.33, 335-3-5-.34, 335-3-5-.35, 335-3-5-.36 in order to incorporate provisions for the control of sulfur dioxide 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

  
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Lance R. LeFleur  
Director

335-3-5-.20 Reserved.