

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-3-8-.64
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

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.

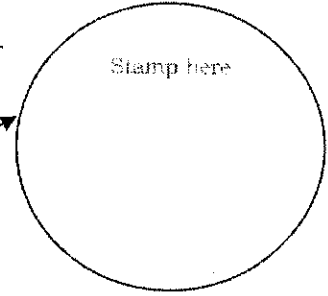
Certification of Authorized Official

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 Mary 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

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:

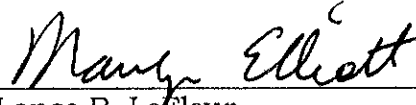
Revisions to the Division 3 Code are being proposed to add Rules 335-3-8-.07, 335-3-8-.08, 335-3-8-.09, 335-3-8-.10, 335-3-8-.11, 335-3-8-.13, 335-3-8-.14, 335-3-8-.16, 335-3-8-.17, 335-3-8-.18, 335-3-8-.19, 335-3-8-.20, 335-3-8-.21, 335-3-8-.23, 335-3-8-.24, 335-3-8-.25, 335-3-8-.26, 335-3-8-.27, 335-3-8-.28, 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 black ink, appearing to read "Lance R. Lefleur", written over a horizontal line.

Lance R. Lefleur
Director

335-3-8.64 Reserved.