

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-8-.15
Rule Title: Integration with Maximum Achievable Control Technology (MACT) Standards

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

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 

Date September 20, 2011

APA-2
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<u>RULE NO. & TITLE:</u>	335-14-8-.01	<u>General Information</u> (Amend)
	335-14-8-.02	<u>Permit Application-Treatment, Storage and Disposal Facilities</u> (Amend)
	335-14-8-.03	<u>Permit Conditions-Treatment, Storage and Disposal Facilities</u> (Amend)
	335-14-8-.04	<u>Changes to Permits-Treatment, Storage and Disposal Facilities</u> (Amend)
	335-14-8-.06	<u>Special Forms of Permits-Treatment, Storage and Disposal Facilities</u> (Amend)
	335-14-8-.08	<u>Procedures for Decisionmaking-Treatment, Storage and Disposal Facility Permits</u> (Amend)
	335-14-8-.09	<u>Permit Application-Transporters</u> (Amend)
	335-14-8-.10	<u>Permit Conditions-Transporters</u> (Amend)
	335-14-8-.15	<u>Integration with Maximum Achievable Control Technology (MACT) Standards</u> (Amend)

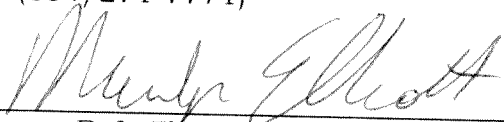
INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held Monday, December 5, 2011 at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Monday, December 5, 2011 at 5:00 p.m.

CONTACT PERSON AT AGENCY: James L. Bryant, Chief of the Environmental Services Branch, ADEM Land Division (334/271-7771)


Lance R. LeFleur
Director

335-14-8-.15 Integration with Maximum Achievable Control Technology (MACT) Standards.

(1) Options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup, shutdown, and malfunction events.

(a) Facilities with existing permits.

I. Revisions to permit conditions after documenting compliance with MACT. The owner or operator of a RCRA-permitted incinerator, cement kiln, or lightweight aggregate kiln may request that the Department address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options when requesting removal of permit conditions that are no longer applicable according to 335-14-5-.15(1)(b) and 335-14-7-.08:

(i) Retain relevant permit conditions. Under this option, the Department will:

(I) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2); and

(II) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.

(ii) Revise relevant permit conditions.

(I) Under this option, the Department will:

I. Identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history.

II. Retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan.

(II) Changes that may significantly increase emissions.

I. The facility must notify the Department in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The facility must notify the Department of such changes within five days of making such changes. The facility~~You~~ must identify in the notification recommended revisions to permit conditions necessary as a result

of the changes to ensure that emissions of toxic compounds are minimized during these events.

II. The Department may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents either:

A. Upon permit renewal, or, if warranted;

B. By modifying the permit under 335-14-8-.04(2)(a).

(iii) Remove permit conditions. Under this option:

(I) The owner or operator must document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the Department under 40 CFR 63.1206(c)(2)(ii)(B); and

(II) The Department will remove permit conditions that are no longer applicable according to 335-14-5-.15(1)(b) and 335-14-7-.08.

2. Addressing permit conditions upon permit reissuance. The owner or operator of an incinerator, cement kiln, or lightweight aggregate kiln that has conducted a comprehensive performance test and submitted to the Department a Notification of Compliance documenting compliance with the standards of 40 CFR 63, subpart EEE, may request in the application to reissue the permit for the combustion unit that the Department control emissions from startup, shutdown, and malfunction events under any of the following options:

(i) RCRA option A.

(I) Under this option, the Department will:

I. Include, in the permit, conditions that ensure compliance with 335-14-5-.15(6)(a) and (6)(c) or 335-14-7-.08 to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and

II. Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; or

(II) Reserved.

(ii) RCRA option B.

(I) Under this option, the Department will:

I. Include, in the permit conditions, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information

including the source's startup, shutdown, and malfunction plan, design, and operating history; and

II. Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan.

(II) Changes that may significantly increase emissions.

I. The facility must notify the Department in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The facility must notify the Department of such changes within five days of making such changes. The facility must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.

II. The Department may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents either:

A. Upon permit renewal, or, if warranted;

B. By modifying the permit under 335-14-8-.04(2)(a); or

(iii) CAA option. Under this option:

(I) The owner or operator must document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the Department under 40 CFR 63.1206(c)(2)(ii)(B); and

(II) The Department will omit from the permit conditions that are not applicable under 335-14-5-.15(1)(b) and 335-14-7-.08.

(b) Interim status facilities.

1. Interim status operations. In compliance with 335-14-6-.15(1) and 335-14-7-.08, the owner or operator of an incinerator, cement kiln, or lightweight aggregate kiln that is operating under the interim status standards of 335-14-6 or 335-14-7 may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the Department a Notification of Compliance documenting compliance with the standards of 335-3-11-.06(56):

(i) RCRA option. Under this option, the owner or operator continues to comply with the interim status emission standards and operating requirements of 335-14-6 or 335-14-7 relevant to control of emissions from

startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or

(ii) CAA option. Under this option, the owner or operator is exempt from the interim status standards of 335-14-6 or 335-14-7~~part 265 or 266 of this chapter~~ relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submission of written notification and documentation to the Department that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the Department under 40 CFR 63.1206(c)(2)(ii)(B).

2. Operations under a subsequent RCRA permit. When an owner or operator of an incinerator, cement kiln, or lightweight aggregate kiln that is operating under the interim status standards of 335-14-6 or 335-14-7~~parts 265 or 266 of this chapter~~ submits a RCRA permit application, the owner or operator may request that the Department control emissions from startup, shutdown, and malfunction events under any of the options provided by 335-14-8-.15(1)(a)2.(i), (ii), or (iii).

(2) Reserved.

Author: C. Edwin Johnston; Heather M. Jones.

Statutory Authority: Code of Alabama 1975, §§ 22-30-11, 22-30-12, 22-30-16 and 22-30-19.

History: April 17, 2003.

Amended:XXXXXXXX.