

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-3-5-.12
Rule Title: CAIR SO2 Allowance Transfers

 New Amend X 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.

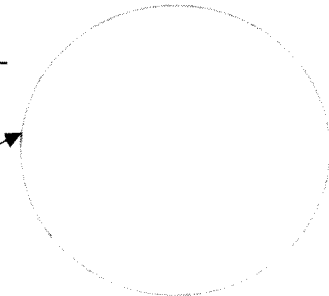
Certification of Authorized Official

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 *Marilyn Elliott*

Date September 20, 2011

Date Filed



APA-2
11/96

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Environmental Management

RULE NO. & TITLE:

335-3-5-.06	<u>State Clean Air Interstate Rule (CAIR) SO2 Trading Program General Provisions</u> (Repeal)
335-3-5-.07	<u>CAIR Designated Representative for CAIR SO2 Sources</u> (Repeal)
335-3-5-.08	<u>Permits</u> (Repeal)
335-3-5-.11	<u>CAIR SO2 Allowance Tracking System</u> (Repeal)
335-3-5-.12	<u>CAIR SO2 Allowance Transfers</u> (Repeal)
335-3-5-.13	<u>Monitoring and Reporting</u> (Repeal)
335-3-5-.14	<u>CAIR SO2 Opt-In Units</u> (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:

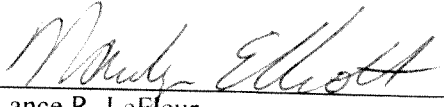
Revisions to the Division 3 Code are being proposed to delete Rules 335-3-5-.06, 335-3-5-.07, 335-3-5-.08, 335-3-5-.11, 335-3-5-.12, 335-3-5-.13, and 335-3-5-.14 to be consistent with Federal Rules.

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



Lance R. LeFleur
Director

~~335-3-5-.12 CAIR SO₂ Allowance Transfers. Reserved.~~

~~(1) **General.** The Environmental Protection Agency Regulations and the Appendices applicable thereto, governing CAIR SO₂ Allowance Transfers, are incorporated by reference as they exist in 40 CFR 96 Subpart GGG. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)~~

~~**Author:** Ronald W. Gore.~~

~~**Statutory Authority:** Code of Alabama 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.~~