

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Environmental Management

RULE NO. & TITLE:

335-3-8-.05	<u>NO_x Budget Trading Program</u> (Repeal/New)
335-3-8-.06	<u>Authorized Account Representative for NO_x Budget Sources</u> (Repeal/New)
335-3-8-.07	<u>Permits</u> (Repeal)
335-3-8-.08	<u>Compliance Certification</u> (Repeal)
335-3-8-.09	<u>NO_x Allowance Allocations</u> (Repeal)
335-3-8-.10	<u>NO_x Allowance Tracking System</u> (Repeal)
335-3-8-.11	<u>NO_x Allowance Transfers</u> (Repeal)
335-3-8-.12	<u>Monitoring and Reporting</u> (Repeal)
335-3-8-.13	<u>Individual Unit Opt Ins</u> (Repeal)
335-3-8-.14	<u>New Combustion Sources</u> (Repeal/New)
335-3-8-.15	<u>Standards for New Combined Cycle Electric Generating Units</u> (Repeal/New)
335-3-8-.16	<u>CAIR NO_x Annual Trading Program</u> (Repeal)
335-3-8-.17	<u>CAIR Designated Representative for CAIR NO_x Sources</u> (Repeal)
335-3-8-.18	<u>CAIR Permits</u> (Repeal)
335-3-8-.20	<u>CAIR NO_x Allowance Allocations</u> (Repeal)
335-3-8-.21	<u>CAIR NO_x Allowance Tracking System</u> (Repeal)
335-3-8-.22	<u>CAIR NO_x Allowance Transfers</u> (Repeal)
335-3-8-.23	<u>CAIR Monitoring and Reporting</u> (Repeal)
335-3-8-.24	<u>CAIR NO_x Opt-in Units</u> (Repeal)
335-3-8-.25	<u>CAIR NO_x Ozone Season Trading Program</u> (Repeal)
335-3-8-.26	<u>CAIR Designated Representative for CAIR NO_x Ozone Season Sources</u> (Repeal)
335-3-8-.27	<u>CAIR NO_x Ozone Season Permits</u> (Repeal)
335-3-8-.29	<u>CAIR NO_x Ozone Season Allowance Allocations</u> (Repeal)
335-3-8-.30	<u>CAIR NO_x Ozone Season Allowance Tracking System</u> (Repeal)
335-3-8-.31	<u>CAIR NO_x Ozone Season Allowance Transfers</u> (Repeal)
335-3-8-.32	<u>CAIR NO_x Ozone Season Monitoring and Reporting</u> (Repeal)
335-3-8-.33	<u>CAIR NO_x Ozone Season Opt-in Units</u> (Repeal)

INTENDED ACTION: Revise Division 3 of the ADEM Administrative Code with the deletion of Rules 335-3-8-.05 (NO_x Budget Trading Program); 335-3-8-.06 (Authorized Account Representative for NO_x Budget Sources); 335-3-8-.07 (Permits); 335-3-8-.08 (Compliance Certification); 335-3-8-.09 (NO_x Allowance Allocations); 335-3-8-.10 (NO_x Allowance Tracking

System); 335-3-8-.11 (NO_x Allowance Transfers); 335-3-8-.12 (Monitoring and Reporting); 335-3-8-.13 (Individual Unit Opt Ins); 335-3-8-.16 (CAIR NO_x Annual Trading Program); 335-3-8-.17 (CAIR Designated Representative for CAIR NO_x Sources); 335-3-8-.18 (CAIR Permits); Rule 335-3-8-.20 (CAIR NO_x Allowance Allocations); 335-3-8-.21 (CAIR NO_x Allowance Tracking System); Rule 335-3-8-.22 (CAIR NO_x Allowance Transfers); 335-3-8-.23 (CAIR Monitoring and Reporting); Rule 335-3-8-.24 (CAIR NO_x Opt-in Units); 335-3-8-.25 (CAIR NO_x Ozone Season Trading Program); Rule 335-3-8-.26 (CAIR Designated Representative for CAIR NO_x Ozone Season Sources); Rule 335-3-8-.27 (CAIR NO_x Ozone Season Permits); Rule 335-3-8-.29 (CAIR NO_x Ozone Season Allowance Allocations); 335-3-8-.30 (CAIR NO_x Ozone Season Allowance Tracking System); Rule 335-3-8-.31 (CAIR NO_x Ozone Season Allowance Transfers); 335-3-8-.32 (CAIR NO_x Ozone Season Monitoring and Reporting); and 335-3-8-.33 (CAIR NO_x Ozone Season Opt-in Units). Rules 334-3-8-.14 (New Combustion Sources) and 334-3-8-.15 (Standards for New Combined Cycle Electric Generating Units) are being relocated to 335-3-8-.05 and 335-3-8-.06; respectively.

SUBSTANCE OF PROPOSED ACTION:

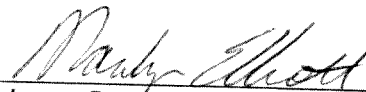
Revisions to the Division 3 Code are being proposed to delete Rules 335-3-8-.05; 335-3-8-.06; 335-3-8-.07; 335-3-8-.08; 335-3-8-.09; 335-3-8-.10; 335-3-8-.11; 335-3-8-.12; 335-3-8-.13; 335-3-8-.14; 335-3-8-.15; 335-3-8-.16; 335-3-8-.17; 335-3-8-.18; 335-3-8-.20; 335-3-8-.21; 335-3-8-.22; 335-3-8-.23; 335-3-8-.24; 335-3-8-.25; 335-3-8-.26; 335-3-8-.27; 335-3-8-.29; 335-3-8-.30; 335-3-8-.31; 335-3-8-.32; and 335-3-8-.33 in order to be consistent with Federal Rules. Rules 334-3-8-.14 (New Combustion Sources); and 334-3-8-.15 (Standards for New Combined Cycle Electric Generating Units) are being relocated to 335-3-8-.05 and 335-3-8-.06; respectively.

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

335-3-8-.27 REPEAL CAIR NO_x Ozone Season Permits. Reserved.

~~(1) General CAIR NO_x Ozone Season Trading Program permit requirements.~~

~~(a) For each CAIR NO_x Ozone Season source required to have a Title V operating permit, or required, under rule 335-3-8-33, to have a Title V operating permit or other federally enforceable permit, such permit shall include a CAIR permit administered by the Department. Any requirements of the CAIR permit shall be considered federally enforceable.~~

~~1. For CAIR NO_x Ozone Season sources required to have a Title V operating permit, the CAIR portion of the Title V operating permit shall be administered in accordance with the procedures under chapter 335-3-16, except as provided otherwise by this rule, rule 335-3-8-25, or rule 335-3-8-33. The applicable provisions of such requirements shall include, but are not limited to, those provisions addressing operating permit applications, operating permit application shield, operating permit duration, operating permit shield, operating permit issuance, operating permit revision and reopening, public participation, State review, and review by the Administrator.~~

~~(b) Each CAIR permit shall contain, with regard to the CAIR NO_x Ozone Season source and the CAIR NO_x Ozone Season units at the source covered by the CAIR permit, all applicable CAIR NO_x Ozone Season Trading Program, CAIR NO_x Annual Trading Program, and CAIR SO₂ Trading Program requirements and shall be a complete and separable portion of the Title V operating permit or other federally enforceable permit under subparagraph (1)(a) of this paragraph.~~

~~(2) Submission of CAIR permit applications.~~

~~(a) Duty to apply. The CAIR designated representative of any CAIR NO_x Ozone Season source required to have a Title V operating permit or other federally enforceable permit shall submit to the Department a complete CAIR permit application under paragraph (3) of this rule for the source covering each CAIR NO_x Ozone Season unit at the source at least 18 months [or such lesser time provided under the Department's permit regulations in rule 335-3-16 for final action on a permit application] before the later of January 1, 2009 or the date on which the CAIR NO_x Ozone Season unit commences commercial operation, except as provided in rule 335-3-8-33(4)(a).~~

~~(b) Duty to Reapply. For a CAIR NO_x Ozone Season source required to have a Title V operating permit, the CAIR designated representative shall submit a complete CAIR permit application under paragraph (3) of this rule for the source covering each CAIR NO_x Ozone Season unit at the source to renew the CAIR permit in accordance with the Department's Title V operating permits regulations in chapter 335-3-16 addressing operating permit renewal, except as provided in rule 335-3-8-33(4)(b).~~

~~(3) Information requirements for CAIR permit applications. A complete CAIR permit application shall include the following elements concerning the~~

~~CAIR NO_x Ozone Season source for which the application is submitted, in a format prescribed by the Department:~~

~~(a) Identification of the CAIR NO_x Ozone Season source;~~

~~(b) Identification of each CAIR NO_x Ozone Season unit at the CAIR NO_x Ozone Season source; and~~

~~(c) The standard requirements under rule 335-3-8-.25(6).~~

~~(4) CAIR permit contents and term.~~

~~(a) Each CAIR permit will contain, in a format prescribed by the Department, all elements required for a complete CAIR permit application under paragraph (3) of this rule.~~

~~(b) Each CAIR permit is deemed to incorporate automatically the definitions of terms under rule 335-3-8-.25(2) and, upon recordation by the Administrator under rule 335-3-8-.30, 335-3-8-.31, or 335-3-8-.33, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from the compliance account of the CAIR NO_x Ozone Season source covered by the permit.~~

~~(c) The term of the CAIR permit will be set by the Department, as necessary to facilitate coordination of the renewal of the CAIR permit with issuance, revision, or renewal of the CAIR NO_x Ozone Season source's Title V operating permit as applicable.~~

~~(5) CAIR permit revisions. Except as provided in subparagraph (4)(b) of this rule, the Department will revise the CAIR permit, as necessary, in accordance with the Department's Title V operating permits regulations in chapter 335-3-16 addressing permit revisions, as applicable.~~

~~(a) For a CAIR NO_x Ozone Season source with a non Title V permit, except as provided in subparagraph (4)(b) of this rule, the Department will revise the CAIR permit, as necessary, in accordance with the Department's permit regulations in chapter 335-3-16, as applicable.~~

Author: Ronald W. Gore.

Statutory Authority: Code of Alabama 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-16, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, and 22-22A-8.

History: Effective Date: July 11, 2006.

Amended: April 3, 2007.