



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AIR DIVISION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:**

Department of Environmental Management

**RULE NO. & TITLE:**

335-3-8-.05 NO<sub>x</sub> Budget Trading Program (Repeal/New)  
335-3-8-.06 Authorized Account Representative for NO<sub>x</sub> Budget  
Sources (Repeal/New)  
335-3-8-.07 Permits (Repeal)  
335-3-8-.08 Compliance Certification (Repeal)  
335-3-8-.09 NO<sub>x</sub> Allowance Allocations (Repeal)  
335-3-8-.10 NO<sub>x</sub> Allowance Tracking System (Repeal)  
335-3-8-.11 NO<sub>x</sub> Allowance Transfers (Repeal)  
335-3-8-.12 Monitoring and Reporting (Repeal)  
335-3-8-.13 Individual Unit Opt Ins (Repeal)  
335-3-8-.14 New Combustion Sources (Repeal/New)  
335-3-8-.15 Standards for New Combined Cycle Electric  
Generating Units (Repeal/New)  
335-3-8-.16 CAIR NO<sub>x</sub> Annual Trading Program (Repeal)  
335-3-8-.17 CAIR Designated Representative for CAIR NO<sub>x</sub>  
Sources (Repeal)  
335-3-8-.18 CAIR Permits (Repeal)  
335-3-8-.20 CAIR NO<sub>x</sub> Allowance Allocations (Repeal)  
335-3-8-.21 CAIR NO<sub>x</sub> Allowance Tracking System (Repeal)  
335-3-8-.22 CAIR NO<sub>x</sub> Allowance Transfers (Repeal)  
335-3-8-.23 CAIR Monitoring and Reporting (Repeal)  
335-3-8-.24 CAIR NO<sub>x</sub> Opt-in Units (Repeal)  
335-3-8-.25 CAIR NO<sub>x</sub> Ozone Season Trading Program (Repeal)  
335-3-8-.26 CAIR Designated Representative for CAIR NO<sub>x</sub>  
Ozone Season Sources (Repeal)  
335-3-8-.27 CAIR NO<sub>x</sub> Ozone Season Permits (Repeal)  
335-3-8-.29 CAIR NO<sub>x</sub> Ozone Season Allowance Allocations  
(Repeal)  
335-3-8-.30 CAIR NO<sub>x</sub> Ozone Season Allowance Tracking  
System (Repeal)  
335-3-8-.31 CAIR NO<sub>x</sub> Ozone Season Allowance Transfers  
(Repeal)  
335-3-8-.32 CAIR NO<sub>x</sub> Ozone Season Monitoring and Reporting  
(Repeal)  
335-3-8-.33 CAIR NO<sub>x</sub> Ozone Season Opt-in Units (Repeal)

**INTENDED ACTION:** Revise Division 3 of the ADEM Administrative Code with the deletion of Rules 335-3-8-.05 (NO<sub>x</sub> Budget Trading Program); 335-3-8-.06 (Authorized Account Representative for NO<sub>x</sub> Budget Sources); 335-3-8-.07 (Permits); 335-3-8-.08 (Compliance Certification); 335-3-8-.09 (NO<sub>x</sub> Allowance Allocations); 335-3-8-.10 (NO<sub>x</sub> Allowance Tracking

System); 335-3-8-.11 (NOx Allowance Transfers); 335-3-8-.12 (Monitoring and Reporting); 335-3-8-.13 (Individual Unit Opt Ins); 335-3-8-.16 (CAIR NOx Annual Trading Program); 335-3-8-.17 (CAIR Designated Representative for CAIR NOx Sources); 335-3-8-.18 (CAIR Permits); Rule 335-3-8-.20 (CAIR NOx Allowance Allocations); 335-3-8-.21 (CAIR NOx Allowance Tracking System); Rule 335-3-8-.22 (CAIR NOx Allowance Transfers); 335-3-8-.23 (CAIR Monitoring and Reporting); Rule 335-3-8-.24 (CAIR NOx Opt-in Units); 335-3-8-.25 (CAIR NOx Ozone Season Trading Program); Rule 335-3-8-.26 (CAIR Designated Representative for CAIR NOx Ozone Season Sources); Rule 335-3-8-.27 (CAIR NOx Ozone Season Permits); Rule 335-3-8-.29 (CAIR NOx Ozone Season Allowance Allocations); 335-3-8-.30 (CAIR NOx Ozone Season Allowance Tracking System); Rule 335-3-8-.31 (CAIR NOx Ozone Season Allowance Transfers); 335-3-8-.32 (CAIR NOx Ozone Season Monitoring and Reporting); and 335-3-8-.33 (CAIR NOx 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-.31 REPEAL CAIR NO<sub>x</sub> Ozone Season Allowance Transfers. Reserved.**

~~(1) Submission of CAIR NO<sub>x</sub> Ozone Season allowance transfers. A CAIR authorized account representative seeking recordation of a CAIR NO<sub>x</sub> Ozone Season allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the CAIR NO<sub>x</sub> Ozone Season allowance transfer shall include the following elements, in a format specified by the Administrator:~~

~~(a) The account numbers for both the transferor and transferee accounts;~~

~~(b) The serial number of each CAIR NO<sub>x</sub> Ozone Season allowance that is in the transferor account and is to be transferred; and~~

~~(c) The name and signature of the CAIR authorized account representative of the transferor account and the date signed.~~

~~(2) EPA recordation.~~

~~(a) Within 5 business days (except as provided in subparagraph (b) of this paragraph) of receiving a CAIR NO<sub>x</sub> Ozone Season allowance transfer, the Administrator will record a CAIR NO<sub>x</sub> Ozone Season allowance transfer by moving each CAIR NO<sub>x</sub> Ozone Season allowance from the transferor account to the transferee account as specified by the request, provided that:~~

~~1. The transfer is correctly submitted under paragraph (1) of this rule; and~~

~~2. The transferor account includes each CAIR NO<sub>x</sub> Ozone Season allowance identified by serial number in the transfer.~~

~~(b) A CAIR NO<sub>x</sub> Ozone Season allowance transfer that is submitted for recordation after the allowance transfer deadline for a control period and that includes any CAIR NO<sub>x</sub> Ozone Season allowances allocated for any control period before such allowance transfer deadline will not be recorded until after the Administrator completes the deductions under rule 335-3-8-.30(5) for the control period immediately before such allowance transfer deadline.~~

~~(c) Where a CAIR NO<sub>x</sub> Ozone Season allowance transfer submitted for recordation fails to meet the requirements of subparagraph (a) of this paragraph, the Administrator will not record such transfer.~~

~~(3) Notification.~~

~~(a) Notification of recordation. Within 5 business days of recordation of a CAIR NO<sub>x</sub> Ozone Season allowance transfer under paragraph (2) of this rule, the Administrator will notify the CAIR authorized account representatives of both the transferor and transferee accounts.~~

~~(b) Notification of non recordation. Within 10 business days of receipt of a CAIR NO<sub>x</sub> Ozone Season allowance transfer that fails to meet the requirements of subparagraph (2)(a) of this rule, the Administrator will notify the CAIR authorized account representatives of both accounts subject to the transfer of:~~

- ~~1. A decision not to record the transfer, and~~
- ~~2. The reasons for such non recordation.~~

~~(c) Nothing in this section shall preclude the submission of a CAIR NO<sub>x</sub> Ozone Season allowance transfer for recordation following notification of non recordation.~~

**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, and 22-22A-8.~~

**History:** ~~Effective Date: July 11, 2006.~~

**Amended:**