

**Summary of Reasons Supporting the Adoption of the Proposed
Amendments to the Alabama Department of Environmental
Management's Administrative Code for Division 3 (Air Division)
And
State Implementation Plan (SIP)**

Revisions to the Division 3 Code are being proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Other changes include revisions to regulations that are a part of the State Plans to control emissions from Existing Municipal Solid Waste Landfills. Regulations pertaining EPA's Cross-State Air Pollution Rule (CSAPR) is being proposed for revision. Also, revisions are being proposed for the Preventions of Significant Deterioration (PSD) permitting regulations.

A detailed index of changes is attached with this summary.

Revisions to Chapter 335-3-8

Revisions to CSAPR rule 335-3-8-.40 (TR NO_x Ozone Season Trading Program – Applicability) are being made to include the term *Group 2* to be consistent with EPA regulations. *Group 2* is being added to language in order to clarify that Alabama is included in the CSAPR Group 2 Ozone Season Trading Program, and will only be required to comply with CSAPR NO_x ozone season Group 2 requirements.

Revisions to Chapter 335-3-10

ADEM proposes technical amendments to rules in Chapter 335-3-10.

EPA has set emission standards, notification and testing procedures, and monitoring requirements for a number of individual industrial sources or source categories. Standards of performance are not intended to achieve any specific air quality level. Instead, they are designed to reflect best-demonstrated technology (taking into account costs) for the source in question. New source performance standards apply only to stationary sources that are constructed, modified, or reconstructed after a relevant standard is established. In 1978, EPA published a list assigning priorities to 72 categories of sources for which new standards eventually would be developed. As soon as new standards are promulgated,

facilities planning construction, reconstruction, or modification must comply.

ADEM incorporates by reference, the federal New Source Performance Standards (NSPS) into the Department's regulations concerning Air Pollution found in ADEM Admin. Code div. 335-3. This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM.

August 7, 2017, 82 FR 36688

40 CFR 60, Appendix B

Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources

SUMMARY: The Environmental Protection Agency (EPA) took action to correct an omission in revisions requested to Performance Specification 2 in the "revisions" rule published August 30, 2016.

August 14, 2017, 82 FR 37822

40 CFR 60, Appendix F

Revisions to Procedure 2—Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources

SUMMARY: The Environmental Protection Agency (EPA) finalized revisions to Procedure 2 that were proposed in the **Federal Register** on November 21, 2016. Procedure 2 includes quality assurance/ quality control (QA/QC) procedures for particulate matter (PM) continuous emission monitoring systems (CEMS) used for compliance determination at stationary sources. The QA procedures specify the minimum requirements necessary for the control and assessment of the quality of PM CEMS data submitted to the EPA and other regulatory authorities. This action establishes consistent requirements for ensuring and assessing the quality of PM data measured by CEMS that meet initial acceptance requirements in Performance Specification (PS) 11 of appendix B to part 60.

September 21, 2017, 82 FR 44106

40 CFR 60, Appendix F

Technical Amendments to Procedure 6

SUMMARY: The Environmental Protection Agency (EPA) finalized minor technical amendments to Procedure 6 that were proposed in the **Federal**

Register on May 19, 2016. Procedure 6 includes quality assurance (QA) procedures for hydrogen chloride (HCl) continuous emission monitoring systems (CEMS) used for compliance determination at stationary sources. The QA procedures specify the minimum requirements necessary for the control and assessment of the quality of EMS data submitted to the EPA. This action establishes consistent requirements for ensuring and assessing the quality of HCl data measured by CEMS that meet initial acceptance requirements in Performance Specification (PS) 18 of appendix B to part 60.

Revisions to Chapter 335-3-11

ADEM proposes technical amendments to rules in chapter 335-3-11. These rules will incorporate revisions regulations in 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Source Categories) and 40 CFR Part 61 (NESHAPS) by reference, into the State regulations.

The Environmental Protection Agency (EPA), in accordance with Section 112 of the Clean Air Act (CAA) as amended in 1990, is required to issue emission standards for all major sources of the 188 listed hazardous air pollutants. On July 16, 1992 [57 FR 31576], the EPA published an initial list of source categories for which air toxics emission standards are to be promulgated. By the year 2000, the EPA was required to develop rules for all of these categories that require maximum achievable reduction in emissions, considering cost and other factors. These rules are generally known as “maximum achievable control technology” (MACT) standards. On December 15, 1995 [60 FR 57346] under Section 112(l)(5) and 40 CFR 63.91, the EPA granted full approval to the State of Alabama for the State’s program for receiving delegation of Section 112 standards that are unchanged from Federal rules as promulgated.

This Chapter is periodically updated to incorporate standards for additional source categories as they are promulgated by the EPA.

November 22, 2016, 81 FR 83701 40 CFR 63, Appendix A Clarification of Requirements for Method 303 Certification Training

SUMMARY: The Environmental Protection Agency (EPA) finalized revisions to better define the requirements associated with conducting Method 303 training courses. Method 303 is an air pollution test method

used to determine the presence of visible emissions (VE) from coke ovens. This action adds language that clarifies the criteria used by the EPA to determine the competency of Method 303 training providers, but does not change the requirements for conducting the test method. These revisions will help entities interested in conducting the required training courses by clearly defining the requirements necessary to do so.

**January 18, 2017, 82 FR 5401
40 CFR 63, Subparts A, and XXX
National Emission Standards for Hazardous Air Pollutants:
Ferroalloys Production**

SUMMARY: This action sets forth the Environmental Protection Agency's (EPA's) final decision on the issues for which it announced reconsideration on July 12, 2016, that pertain to certain aspects of the June 30, 2015, final amendments for the Ferroalloys Production source category regulated under national emission standards for hazardous air pollutants (NESHAP). The EPA amended the rule to allow existing facilities with positive pressure baghouses to perform visible emissions monitoring twice daily as an alternative to installing and operating bag leak detection systems (BLDS) to ensure the baghouses are operating properly. EPA is maintaining the requirement that facilities must use a digital camera opacity technique (DCOT) method to demonstrate compliance with opacity limits. However, EPA revised the rule such that it references the recently updated version of the DCOT method. EPA also explains that no changes are being made regarding the rule provision that requires quarterly polycyclic aromatic hydrocarbons (PAH) emission testing for furnaces producing ferromanganese (FeMn) with an opportunity for facilities to request decreased compliance test frequency from their permitting authority after the first year. Furthermore, the EPA denied the request for reconsideration of the PAH emission limits for both FeMn and silicomanganese (SiMn) production furnaces.

**September 28, 2017, 82 FR 45193
40 CFR 63, Subpart AA and BB**

Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review Reconsideration

SUMMARY: EPA amended the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Phosphoric Acid Manufacturing and Phosphate Fertilizer Production source categories. These amendments are in response to two petitions for reconsideration filed by industry stakeholders on the rule revisions to the NESHAP for the Phosphoric Acid Manufacturing and Phosphate Fertilizer Production source categories that were promulgated on August 19, 2015. EPA revised the compliance date by which affected sources must include emissions from oxidation reactors when determining compliance with the total fluoride emission limits for superphosphoric acid (SPA) process lines. In addition, EPA revised the compliance date for the monitoring requirements for low-energy absorbers. EPA is also clarifying one option and adding a new option, to the monitoring requirements for low-energy absorbers.

October 11, 2017, 82 FR 47328

40 CFR 63, Subparts A, and MM

National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semicheical pulp mills regulated under the national emission standards for hazardous air pollutants (NESHAP). EPA finalized its proposed determination that risks from the source category are acceptable and that the standards provide an ample margin of safety to protect public health. EPA also finalized amendments to the NESHAP based on developments in practices, processes, and control technologies identified as part of the technology review. These amendments include revisions to the opacity monitoring provisions and the addition of requirements to maintain proper operation of the electrostatic precipitator (ESP) automatic voltage control (AVC). Additional amendments were finalized including the requirement to conduct 5-year periodic emissions testing, and submit electronic reports; revisions to provisions addressing periods of startup, shutdown, and malfunction (SSM); and technical and editorial changes. These amendments are made under the authority of the Clean Air Act (CAA) and will improve the effectiveness of the rule.

October 16, 2017, 82 FR 48156

40 CFR 63, Subpart CCCC

**National Emission Standards for Hazardous Air Pollutants:
Nutritional Yeast Manufacturing Residual Risk and Technical Review**

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Manufacturing of Nutritional Yeast source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA finalized other amendments, including revisions to the form of the volatile organic compounds (VOC) standards for fermenters, removal of the option to monitor brew ethanol, inclusion of ongoing relative accuracy test audit (RATA), and revisions to other monitoring, reporting, and recordkeeping requirements.

October 26, 2017, 82 FR 49513

40 CFR 63, Subpart VVV

**National Emission Standards for Hazardous Air Pollutants: Publicly
Owned Treatment Works Residual Risk and Technology Review**

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Publicly Owned Treatment Works (POTW) source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action addressing revised names and definitions of the subcategories, revisions to the applicability criteria, revised regulatory provisions pertaining to emissions during periods of startup, shutdown, and malfunction (SSM), initial notification requirements for existing Group 1 and Group 2 POTW, revisions to the requirements for new Group 1 POTW, requirements for electronic reporting, and other miscellaneous edits and technical corrections. While EPA does not anticipate any emission reductions as a result of these revisions, the changes should provide clarity for sources determining applicability and ensuring compliance.

December 26, 2017, 82 FR 60873

40 CFR 63, Subpart NNN

**National Emission Standards for Hazardous Air Pollutants for Wool
Fiberglass Manufacturing; Rotary Spin Lines Technology Review and
Revision of Flame Attenuation Lines Standards**

SUMMARY: This action completes the final residual risk and technology reviews (RTR) that the Environmental Protection Agency (EPA) conducted for the Wool Fiberglass Manufacturing source category regulated under the national emission standards for hazardous air pollutants (NESHAP). In this action, the EPA readopted the existing emission limits for formaldehyde, establishing emission limits for methanol, and a work

practice standard for phenol emissions from bonded rotary spin (RS) lines at wool fiberglass manufacturing facilities. In addition, the EPA revised the emission standards promulgated on July 29, 2015, for flame attenuation (FA) lines at wool fiberglass manufacturing facilities by creating three subcategories of FA lines and establishing emission limits for formaldehyde and methanol emissions, and either emission limits or work practice standards for phenol emissions for each subcategory of FA lines.

January 29, 2018, 83 FR 3986

40 CFR 63, Subpart DD

National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations

SUMMARY: EPA amended the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-Site Waste and Recovery Operations (OSWRO). The amendments address continuous monitoring on pressure relief devices (PRDs) on containers. This issue was raised in a petition for reconsideration of the 2015 amendments to the OSWRO NESHAP, which were based on the residual risk and technology review (RTR). Among other things, the 2015 amendments established additional monitoring requirements for all PRDs, including PRDs on containers. For PRDs on containers, these monitoring requirements were in addition to the inspection and monitoring requirements for containers and their closure devices already required by the OSWRO NESHAP. This action removes the additional monitoring requirements for PRDs on containers that resulted from the 2015 amendments because EPA has determined that they are not necessary. This action does not substantially change the level of environmental protection provided under the OSWRO NESHAP, but reduces burden to this industry compared to the current rule by \$28 million in capital costs related to compliance, and \$4.2 million per year in total annualized costs under a 7 percent interest rate. Over 15 years at a 7-percent discount rate, this constitutes an estimated reduction of \$39 million in the present value, or \$4.3 million per year in equivalent annualized cost savings.

Revisions to Chapter 335-3-14

Chapter 335-3-14 is being revised in rule 335-3-14-.04(2)(bbb)5. to clarify the definition and requirements for replacement units at major sources located in areas designated as attainment or unclassifiable under the Clean Air Act.

Revisions to Chapter 335-3-19

ADEM proposes changes to regulations that are a part of its State Plan for the Control of Landfill Gas Emissions at Existing Municipal Solid Waste Landfills.

On August 29, 2016, EPA promulgated a guideline for State rules relating to air pollutant emissions from existing landfills under the requirements of 40 CFR Part 60, Subpart Cf. On April 21, 2017, the Alabama Environmental Management Commission (AEMC) adopted changes to ADEM Admin Code 335-3-19 in response to the federal mandate.

Few, if any, States besides Alabama adopted rules for their States before EPA instituted a 90-day stay of the implementation of subpart Cf in May of 2017. The stay was issued based on EPA's agreement that its rule contained clear legal errors which had been raised in a legal action challenging the rule.

The stay has not been extended. However, EPA has made it clear that it does not expect States to promulgate rules and submit them to EPA until it revises 40 CFR Part 60, Subpart Cf. EPA has indicated that it will not revise its guidance until 2020 at the earliest. ADEM recommends that the changes to chapter 335-3-19 from April of 2017 be rescinded. Should chapter 335-3-19 rules be rescinded as proposed, ADEM will prepare rules for AEMC consideration in 2020 or later, after EPA revises 40 CFR Part 60, Subpart Cf.

Rescission of the rules as recommended would mean that all Alabama's landfills would continue to be regulated under the standards which have been in effect for several years consistent with the rest of the country.