ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
GENERAL ADMINISTRATION
ADMINISTRATIVE CODE

CHAPTER 335-1-7
AIR DIVISION OPERATING PERMIT FEES

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335-1-7-.01 Applicability.

The provisions of this Chapter shall apply to any person who operates a stationary source, except as provided in Rule 335-1-7-.03.
Author: Richard E. Grusnick
Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, and 22-22A-8.
History: Effective Date: December 19, 1991. **Amended:**

335-1-7-.02 Definitions.

The words or phrases used in this Chapter shall have the meanings provided in the rules and regulations applicable to the particular application involved unless the word or phrase is defined in this Rule for the purposes of this Chapter, the following words or phrases shall have the following meanings:

(a) "actual emissions" means the actual rate of emissions in tons per year of any regulated air pollutant emitted by a stationary source. Actual emissions shall be calculated using the stationary source's actual operating hours, production rates, and in-place control equipment, types of materials processed, stored, or combusted during the calendar year which precedes the year the fees are due by one year.

(b) "affected pollutant" means any of the following pollutants: nitrogen oxides, sulfur oxides measured as sulfur dioxide, volatile organic compounds, or particulate matter.

(c) "consumer price index or CPI" means the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each year.

(d) "fugitive emissions" are the emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

(e) "major source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control belonging to a single major industrial grouping) that is characterized by one of the following categories:

1. emits or has the potential to emit 10 tons per year or more of any hazardous air pollutant which has been listed in section 112(b) in the Clean Air Act (except radionuclides) or 25 tons per year or more of any combination of such hazardous air pollutants. Emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources for hazardous air pollutants.

2. emits or has the potential to emit 100 tons per year or more of any regulated pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers)

(ii) Kraft pulp mills

(iii) Portland cement plants

(iv) Primary zinc smelters

(v) Iron and steel mills

(vi) Primary aluminum ore reduction plants

(vii) Primary copper smelters

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day.

(ix) Hydrofluoric, sulfuric, or nitric acid plants

(x) Petroleum refineries

(xi) Lime plants

(xii) Phosphate rock processing plants

(xiii) Coke oven batteries

(xiv) Sulfur recovery plants

(xv) Carbon black plants

(xvi) Primary lead smelters

(xvii) Fuel conversion plants

(xviii) Sintering plants

(xix) Secondary metal production plants

(xx) Chemical process plants

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

(xxiii) Taconite ore processing plants.

(xxiv) Glass fiber processing plants.

(xxv) Charcoal production plants

(xxvi) Fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour of heat input

(xxvii) All other stationary source categories regulated under sections 111 or 112 in the Clean Air Act.

(f) "potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally-enforceable.

(g) "regulated pollutant", means the following:

1. nitgrogen oxides or any volatile organic compound

2. any pollutant for which a national ambient air quality standard has been promulgated.

3. any pollutant that is subject to any standard promulgated under sections 111 of the Clean Air Act.

4. any pollutant subject to a standard promulgated under 112 or the requirements established under section 112 of the Act including sections 112(g), and (j) of the Act, including the following:

(i) any pollutant subject to requirements under section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the Act; and

(ii) any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to section 112(g)(2) requirement.

(h) "stationary source" means any activity or piece of equipment at a building, structure, facility, or installation that emits or may emit any air pollutant.

Author: Richard E. Grusnick
Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, and 22-22A-8.
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335-1-7-.03 Exemptions.

(1) Stationary sources which are not major sources as defined in 335-1-7-.02 are exempt from annual fee payments.

(2) Stationary sources within the boundaries of Jefferson County and the City of Huntsville shall be exempt from the payment of fees if each said source pays an equivalent amount to either the Jefferson County Department of Health or the City of Huntsville Department of Natural Resources and Environmental.

Author: Richard E. Grusnick; Ronald W. Gore
Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, 22-22A-8.

History: Effective Date: December 19, 1991. **Amended:** Published February 29, 2024; effective April 14, 2024.

335-1-7-.04 Fee Schedule.

(1) Fees will be due on October 31 for every major source at the rate established by the Department to fund Title V activities of the Department, for each regulated pollutant, except carbon monoxide, as defined in 335-1-7-.02(g), for the actual emissions during the previous calendar year.

(2) Emissions from a major source of any pollutant subject to fees in this chapter which are emitted at a rate greater than 4000 tons per year shall be defined as 4000 tons per year for the purposes of assessing fees for each said pollutant.

(3) Emissions of a regulated pollutant shall not be counted more than once in determining fees.
Author: Richard E. Grusnick, Ronald W. Gore
Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, 22-22A-8.
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335-1-7-.05 Payment Of Fees.

(1) Payment of operating permit fees required under 335-1-7-.04 shall be made on or before October 31 of each year.

(2) Failure to submit payment as required in this Chapter shall be cause for revocation of air permit(s).

(3) Failure to make payment of fees within 30 days of the date the fees are due as provided in 335-1-7-.05(1) shall be cause for the Department to assess a late fee of 3% (of the original fee) per month or fraction thereof.

(4) All fees paid pursuant to the requirements of this Chapter shall be non-refundable.

(5) All fees and remittances shall be made payable to the Alabama Department of Environmental Management.

(6) On or before June 30th of each year, the source shall submit its estimate of emissions for the previous calendar year. The Department shall advise the source that it agrees with the actual emission estimate used to calculate the fees, disagrees with the

actual emission estimate used to assess the fees or needs additional information. When the Department sends a notification agreeing with actual emission estimates, it may not reassess the fees for the year in question unless it determines that the source intentionally provided erroneous information.

(7) All fees generated by this program will be used to directly and indirectly support the Air Program.
Author: Richard E. Grusnick, Ronald W. Gore
Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, 22-22A-8.
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335-1-7-SA Schedule A (Repealed 4/14/2024).

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Author:
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335-1-7-SB Schedule B (Repealed 4/14/2024).

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