ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM
ADMINISTRATIVE CODE

CHAPTER 335-3-1
GENERAL PROVISIONS

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335-3-1-.01 Purpose.

The purpose of these rules and regulations is to protect and enhance the public health and welfare through the development and implementation of coordinated statewide programs for the prevention, abatement and control of air pollution.
Author: Tommy E. Bryan
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: June 22, 1989. **Amended:**

335-3-1-.02 Definitions.

(1) Meaning of Terms. As used in these rules and regulations, terms shall have the meanings ascribed in this Rule.

(a) "Act" shall mean the Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971.

(b) "Adjudication" shall mean decisions, orders, decrees, determinations, or rulings by the Commission or its authorized Hearing officers and is specifically limited to decisions in regard to citations, Sections 17(e) and (f) of the Act, and variances, Section 12 of the Act.

(c) "Adjudication Hearing" shall mean a hearing held before the Commission or its authorized Hearing Officer, pursuant to the issuance of a citation(s), Section 17(e) and (f) of the Act, and variances, Section 12 of the Act, for the purpose of establishing a record and a set of recommendations to provide the basis for an adjudication by the Commission of a contested case.

(d) "Air Contaminant" shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source.

(e) "Air Pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the State and in such territories of the State as shall be affected thereby.

(f) "Air Pollution Emergency" shall mean a situation in which meteorological conditions and/or contaminant levels in the ambient air reach or exceed the levels which may cause imminent and substantial endangerment to health.

(g) "Air Quality Control Region" shall mean jurisdictional areas designated in 40 CFR 81.

(h) "Capture System" shall mean the equipment (including hoods, ducts, fans, etc.) used to contain, capture, or transport a pollutant to a control device.

(i) "Chairman" shall mean the Chairman or, in his absence, the Vice Chairman of the Commission.

(j) "Citation" shall mean a notice sent by the Commission or its authorized agent (to suspected violators of the Act) pursuant to Section 17(e).

(k) "Coating" shall mean a protective, decorative, or functional film applied in a thin layer to a surface substrate.

(l) "Coating Applicator" shall mean an apparatus used to apply a surface coating.

(m) "Coating Line" shall mean one or more apparatus or operations which may include any number or combination of coating applicators, flash-off areas, and ovens wherein a surface coating is applied, dried, and/or cured.

(n) "Commenced" shall mean that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(o) "Commission" shall mean the "Environmental Management Commission".

(p) "Construction" shall mean fabrication, erection, or installation of an affected facility.

(q) "Continuous Vapor Control System" shall mean a vapor control system that treats vapors displaced from tanks during filling on a demand basis without intermediate accumulation.

(r) "Control Device" shall mean any device which has the function of controlling the emissions from a process, fuel-burning, or refuse-burning device and thus reduces the creation of or the emission of air contaminants into the atmosphere, or both.

(s) "Control Regulation" shall mean a legally enforceable emission control strategy.

(t) "Control Strategy" shall mean a collection of various emission standards selected for the different categories of sources.

(u) "County Classification" shall mean the designation Class 1 County or Class 2 County. All facilities, plants, or other installations shall be subject to the restrictions on air pollution emissions specific to the county classification of the county in which they are located.

1. A "Class 2 County" shall mean a county in which:

(i) More than 50 percent of the county population resides in a non-urban place, as defined by the U.S. Department of Commerce Census Bureau for 1970.

(ii) No secondary National Ambient Air Quality Standards are being exceeded, based on 1971 air quality measurements.

2. A "Class 1 County" shall mean a county in which the conditions of either subparagraph 1.(i) or 1.(ii) above or both are not met.

(v) "Day" shall mean a twenty-four (24) hour period beginning at midnight.

(w) "Department" shall mean the Alabama Department of Environmental Management.

(x) "Director" shall mean the Director of the Department of Environmental Management.

(y) "Effluent Water Separator" shall mean any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(z) "Emission" shall mean a release into the outdoor atmosphere of air contaminants.

(aa) "Employee" shall mean any employee of the Commission or Division.

(bb) "Existing Source" shall mean any source in operation or on which construction has commenced on the date of initial adoption of an applicable rule or regulation; except that any existing source which has undergone modification after the date of initial adoption of an applicable rule or regulation, shall be reclassified and considered a new source.

(cc) "Federal Act" shall mean the Clean Air Act (42 U.S.C. 1857 et seq.) as last amended, and as may hereafter be amended.

(dd) "Flash-Off Area" shall mean the space between the application area and the oven.

(ee) "Fuel-Burning Equipment" shall mean any equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks, and chimney, used primarily, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contracted by and adds no substance to the products of combustion.

(ff) "Fugitive Dust" shall mean solid air-borne particulate matter emitted from any source other than a flue or stack.

(gg) "Gasoline" shall mean a petroleum distillate having a Reid vapor pressure of 27.6 KPA (4 psia) or greater and used as a fuel for internal combustion engines.

(hh) "Heat Available" shall mean the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks.

(ii) "Hydrocarbons" shall mean any organic compound of carbon and hydrogen only.

(jj) "Incinerator" shall mean any equipment, device, or contrivance and all appurtenances thereof used for the destruction (by burning) of solid, semi-solid, liquid, or gaseous combustible wastes.

(kk) "Intermediate Vapor Control System" shall mean a vapor control system that employs an intermediate vapor holder to accumulate vapors displaced from tanks during filling. The control device treats the accumulated vapors only during automatically controlled cycles.

(ll) "Loading Rack" shall mean an aggregation or combination of gasoline loading equipment arranged so that all loading outlets in the combination can be connected to a tank truck or trailer parked in a specified loading space.

(mm) "Maximum Process Weight Per Hour" shall mean the equipment manufacturer's or designer's guaranteed maximum (whichever is greater) process weight per hour.

(nn) "Model Year" shall mean the annual production period of new motor vehicles designated by the calendar year in which such period ends, provided that if the manufacturer does not so designate vehicles manufactured by him, the model year with respect to such vehicle shall mean the twelve-month period beginning January 1 of the year specified herein.

(oo) "Modification" shall mean any physical change in, or change in the method of operation of, an affected source which increases the amount of any air contaminant (to which a rule or regulation applies) emitted by such source or which results in the emission of any air contaminant (to which a rule or regulation applies) not previously emitted, except that:

1. Routine maintenance, repair, and replacement shall not be considered physical changes, and

2. The following shall not be considered a change in the method of operation:

(i) An increase in the production rate;

(ii) An increase in hours of operation;

(iii) Use of an alternative fuel or raw material.

(pp) "Motor Vehicle" shall mean every self-propelled device in or upon or by which any person or property is, or may be, transported or drawn upon a public highway.

(qq) "New Source" shall mean any source built or installed on or after the date of initial adoption of an applicable rule or regulation, and any source existing at said stated time which later undergoes modification. Any source moved to another premise involving a change of location after the date of initial adoption of an applicable rule or regulation shall be considered a new source. This definition of new source is not applicable to ADEM Admin. Code Rules 335-3-10-.01(3) and 335-3-11-.01(3).

(rr) "Objector" shall mean any person who objects to the granting of a variance pursuant to Section 12(d) of the Act.

(ss) "Odor" shall mean smells or aromas which are unpleasant to persons or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms or nausea, or which by their inherent chemical or physical nature or method or processing are, or may be, detrimental or dangerous to health. Odor and smell are used interchangeably herein.

(tt) "Opacity" shall mean the degree to which emissions reduce the transmission of light and obscure the view of the background.

(uu) "Open Burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

(vv) "Operating Time" shall mean the number of hours per year that a source conducts operations.

(ww) "Organic Material" shall mean a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(xx) "Oven" shall mean a chamber within which heat is used to bake, cure, polymerize, and/or dry a surface coating.

(yy) "Owner or Operator" shall mean any person who owns, leases, operates, controls, or supervises an affected facility, article, machine, equipment, other contrivance, or source.

(zz) "Particulate Matter" shall mean finely divided material, except uncombined water, which is a liquid or solid at the conditions of the applicable test method.

(aaa) "Party" shall mean the petitioner(s) for variance under Section 12 of the Act, the person(s) objecting to the grant of a variance petition under Section 12 of the Act, the alleged violator in the case of a citation issued pursuant to Section 17(e) of the Act, and the State.

(bbb) "Petitioner" shall mean any person who petitions the Commission pursuant to Section 12 of the Act and in accordance with Rule 335-3-1-.09 of the Rules and Regulations.

(ccc) "PM_{10} " means particulate matter with an 10 aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR 50, Appendix J, and designated in accordance with 40 CFR 53, or by an equivalent method designated in accordance with 40 CFR 53.

(ddd) "PM_{10} Emission" means finely divided solid or 10 liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR.

(eee) "Prime Coat" shall mean the first film of coating applied in a multiple coat operation.

(fff) "Priority Classification" shall mean Air Quality Control Region Pollutant Priority Classifications set forth in 40 CFR 52.

(ggg) "Process" shall mean any action, operation, or treatment of materials, including handling and storage thereof, which may cause discharge of an air contaminant or contaminants into the atmosphere, but excluding fuel burning and refuse burning.

(hhh) "Process Weight" shall mean the total weight in pounds of all materials introduced into any specific process which may cause any discharge into the atmosphere.

(iii) "Process Weight Per Hour" shall mean the total weight of all materials introduced into any specific process that may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous

operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by that time period.

(jjj) "Refuse" shall mean matter consisting of garbage, rubbish, ashes, street debris, dead animals, abandoned vehicles, industrial wastes, demolition wastes, construction wastes, special wastes, or sewage treatment residue.

(kkk) "Reid Vapor Organic Pressure" shall mean a vapor pressure specification for volatile crude oil and volatile nonviscous petroleum liquids except liquid petroleum gases as determined by American Society for Testing and Materials. The pressure approximates the absolute vapor pressure of the liquid.

(lll) "Shutdown" shall mean the cessation of operation of affected source or emission control equipment.

(mmm) "Six-Minute Average" shall be determined by calculating the arithmetic mean of twenty-four (24) consecutive opacity observations, taken at intervals of fifteen (15) seconds.

(nnn) "Smoke" shall mean gas-borne particles resulting from incomplete combustion consisting predominantly, but not exclusively, of carbon, ashes, or other combustible materials.

(ooo) "Soiling Index" shall mean a measure of the soiling properties of total suspended particulates in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet.

(ppp) "Solvent" shall mean organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(qqq) "Source" shall mean any building, structure, facility, installation, article, machine, equipment, device, or other contrivance which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemicals for cleaning or any other purpose (such as cleaning the exterior of buildings) which emits air contaminants shall be considered a source.

(rrr) "Stack or Ducts" shall mean any flue, duct, or other contrivance arranged to conduct emissions to the open air.

(sss) "Standard Conditions" shall mean a temperature of 20° C (68° F) and pressure of 760 millimeters of mercury (29.92 inches of mercury).

(ttt) "Startup" shall mean the setting in operation of an affected source for any purpose.

(uuu) "State" shall mean the State of Alabama, the Environmental Management Commission, and the Commission's representatives.

(vvv) "Storage Tank Capacity" shall mean the tank manufacturer's design capacity. Storage tank and storage vessel shall be equivalent in meaning.

(www) "Submerged Fill Pipe" shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, of which the top of the discharge opening is not over 18 inches from the bottom of the tank.

(xxx) "Topcoat" shall mean the final film of coating applied in a multiple coat operation.

(yyy) "Total Reduced Sulfur (TRS)" shall mean hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

(zzz) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR 50, Appendix B.

(aaaa) "Transfer Efficiency (TE)" shall mean the efficiency of a surface coating application system to deposit coating solids on a substrate. The transfer efficiency of an application system is determined by dividing the volume of coating solids deposited on a substrate by the total volume of coating solids used.

(bbbb) "True Vapor Pressure" shall mean the equilibrium partial pressure exerted by a stored petroleum liquid at the temperature equal to the highest calendar-month average of the liquid storage temperature as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from External Floating Roof Tanks," 1962, Second Edition, February 1980.

(cccc) "Uncombined Water" shall mean any water droplets or water vapor condensate that does not contain any other solid or liquid particulate matter attached to the water droplets.

(dddd) "Vapor Collection System" shall mean a vapor transport system which uses direct displacement by the liquid loaded to force vapors from the tank into a vapor control system.

(eeee) "Vapor Recovery System" shall mean a system that prevents release to the atmosphere of at least 90 percent by weight of organic compounds in the vapor displaced from a tank during the transfer of gasoline.

(ffff) "Violator" shall mean any person who is issued a citation by the Commission or its authorized agent pursuant to Section 17(e) and (f) of the Act.

(gggg) "Volatile Organic Compounds (VOC)" shall mean any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound **other than the following**:

1. Methane;
2. Ethane;
3. Methyl Chloroform (1,1,1 Trichloroethane);
4. Methylene Chloride (Dichloromethane);
5. CFC-11 (Trichlorofluoromethane);
6. CFC-12 (Dichlorodifluoromethane);
7. HCFC-22 (Chlorodifluoromethane);
8. HFC-23 (Trifluoromethane);
9. CFC-114 (1,2-dichloro 1,1,2,2-Tetrafluoroethane);
10. CFC-115 (Chloropentafluoroethane);
11. HCFC-123 (1,1,1-Trifluoro-2,2-dichloroethane);
12. HCFC-124 (2-Chloro-1,1,1,2-tetrafluoroethane);
13. HFC-125 (Pentafluoroethane);
14. HFC-134 (1,1,2,2-Tetrafluoroethane);
15. HFC-134a (1,1,1,2-Tetrafluoroethane);
16. HCFC-141b (1,1-Dichloro-1-fluoroethane);
17. HCFC-142b (1-Chloro-1,1-difluoroethane);
18. HFC-143a (1,1,1-Trifluoroethane);
19. HFC-152a (1,1-Difluoroethane);
20. CFC-113 (1,1,2-Trichloro-1,2,2-Trifluoroethane);
21. Parachlorobenzotrifluoride (PCBTF);

22. Cyclic, branched, or linear completely methylated siloxanes;

23. Acetone;

24. Perchloroethylene (tetrachloroethylene);

25. HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane);

26. HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane);

27. HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane);

28. HFC-32 (Difluoromethane);

29. HFC-161 (Ethylfluoride);

30. HFC-236fa (1,1,1,3,3,3-Hexafluoropropane);

31. HFC-245ca (1,1,2,2,3-Pentafluoropropane);

32. HFC-245ea (1,1,2,3,3-Pentafluoropropane);

33. HFC-245eb (1,1,1,2,3-Pentafluoropropane);

34. HFC-245fa (1,1,1,3,3-Pentafluropropane);

35. HFC-236ea (1,1,1,2,3,3-Hexafluoropropane);

36. HFC-365mfc (1,1,1,3,3-Pentafluororbutane);

37. HCFC-31 (Chlorofluoromethane);

38. HCFC-123a (1,2-Dichloro-1,1,2-trifluoroethane);

39. HCFC-151a (1-Chloro-1-fluoroethane);

40. $C_4F_9OCH_3$ (1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane);

41. $(CF_3)_2CFCF_2OCH_3$ (2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane);

42. $C_4F_9OC_2H_5$ (1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane);

43. $(CF_3)_2CFCF_2OC_2H_5$ (2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane);

44. Methyl Acetate; and

45. HFE-7000 n-$C_3F_7OCH_3$, (1,1,1,2,2,3,3,-heptafluoro-3 methoxy-propane)

46. HFE-7500 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane)

47. HFC-227ea (1,1,1,2,3,3,3-heptafluoropropane)

48. methyl formate ($HCOOCH_3$)

49. HPE-7300 1,1,1,2,2,3,4,5,5,5,-decafluoro- 3-methoxy-4-tri-fluoromethylpentane;

50. propylene carbonate;

51. dimethyl carbonate;

52. trans-1,3,3,3-tetrafluoropropene;

53. HFE-134 (HCF_2OCF_2H);

54. HFE-236cal2 ($HCF_2OCF_2OCF_2H$);

55. HFE-338pcc13 ($HCF_2OCF_2CF_2OCF_2H$);

56. H-Galden 104x or H-Galden ZT130 (or 150 or 180) ($HCF_2OCF_2OCF_2CF_2OCF_2H$);

57. trans 1-chloro-3,3,3-trifluoroprop-1-ene (SolsticeTM 1233zd(E);

58. HFO-1234yf (2,3,3,3-tetrafluoropropene;

59. 2-amino-2-methyl-1-propanol;

60. t-butyl acetate;

61. 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane;

62. *cis*- 1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z;

63. trans- 1,1,1,4,4,4-hexafluorobut-2-ene*(HFO-1336mzz(E)*); and

64. Perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations, and

(iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(2) The heretofore mentioned excluded organic compounds have been determined to have negligible photochemical reactivity by the EPA Administrator. For purposes of determining compliance with emission limits under Chapter 335-3-6, VOC shall be measured by the approved test methods contained in Chapter 335-3-6. Where such a method also inadvertently measures the heretofore mentioned negligibly photochemical reactive organic compounds with the reactive organic compounds, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emission limit using EPA-approved test methods and procedures.
Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:** Effective Date: September 24, 1974, November 27, 1978, April 3, 1979, June 5, 1979, July 26, 1979, June 16, 1988, September 21, 1989, November 1, 1990, October 24, 1991. **Amended:** Filed October 19, 1995; effective November 23, 1995. **Amended:** Filed December 1, 1995; effective January 5, 1996. **Amended:** Filed October 17, 1996; effective November 21, 1996. **Amended:** Filed August 21, 1997; effective September 25, 1997. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed October 15, 1998; effective November 19, 1998. **Amended:** Filed August 3, 2000; effective September 7, 2000. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed December 18, 2008; effective January 22, 2008. **Amended:** Filed February 23, 2010; effective March 30, 2010. **Amended:** Filed April 23, 2013; effective May 28, 2013. **Amended:** Filed August 20, 2013; effective September 24, 2013. **Amended:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Filed April 25, 2017; effective June 9, 2017. **Amended:** Published February 28, 2020; effective April 13, 2020. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-1-.03 Ambient Air Quality Standards.

(1) Primary and Secondary Standards. The National Primary Ambient Air Quality Standards and National Secondary Ambient Air Quality Standards and accompanying appendices of reference methods, set forth in 40 CFR 50, as the same may be amended or revised, are hereby incorporated and made a part of these regulations and shall apply throughout the State.

(2) Policy. It is the objective of the Commission to obtain and maintain the ambient air quality standards of this Rule in achieving the policy and purpose of the Act and as required by the Federal Act. The adoption hereby of the National Primary and Secondary Ambient Air Quality Standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of the State.

(3) Attainment of Primary Standard. These rules and regulations and the administration of the Division by the Director shall provide for the attainment of the National Primary Ambient Air Quality Standards throughout the State as expeditiously as practicable, but in no case later than three years after the date of initial adoption of these rules and regulations or within the time limits specified by Section 110(a) of the Clean Air Act, as amended (91 Stat. 685), whichever is later.

(4) Attainment of Secondary Standard. To the extent practicable and feasible, these rules and regulations and the administration of the Division by the Director shall strive for the attainment of the National Secondary Ambient Air Quality Standards throughout the State concurrently with the attainment of the National Primary Ambient Air Quality Standard as provided in Rule 335-3-1-.03(3).

(5) Effect on Interstate Air Quality Control Regions. The administration of the Division by the Director shall insure that air contaminants emitted within an Alabama portion of an Interstate Air Quality Control Region designated at 40 CFR 81 will not interfere with attainment and maintenance of any National Primary or Secondary Ambient Air Quality Standards in the remaining portion of such region. To this end, the Director is authorized to advise and consult with air pollution control agencies in other states and to enter into cooperative agreements with such agencies to achieve the purposes of this Rule.
Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:** Filed October 15, 1998; effective November 19, 1998.

335-3-1-.04 Monitoring, Records, And Reporting.

(1) The Director may require the owner or operator of any air contaminant source to establish and maintain such records; make such reports; install, use, and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods at such locations, intervals, and procedures as the Director may prescribe; and provide such periodic emission reports as required in paragraph (2) of this Rule below.

(2) Reports. Records and reports as the Director may prescribe on air contaminants or fuel shall be recorded, compiled, and submitted on forms furnished by the Director or when forms are not so furnished, then in formats approved by the Director. These may include but not be limited to any of the following:

(a) Emissions of particulate matter, sulfur dioxide, and oxides of nitrogen shall be expressed as follows: in pounds per hour and pounds per million BTU of heat input for fuel-burning equipment; in pounds per hour and pounds per 100 pounds of refuse burned for incinerators; and in pounds per hour and in pounds per hourly process weight or production rate or in terms of some other easily measured and meaningful process unit specified by the Director.

(b) Sulfur dioxide and oxides of nitrogen emission data shall be averaged over a 24-hour period and shall be summarized monthly. Daily averaged and monthly summaries shall be submitted to the Director biannually. Data should be calculated daily and available for inspection at any time.

(c) Particulate matter emissions shall be sampled and submitted biannually.

(d) Visible emissions shall be measured continuously, and records kept indicating total minutes per day in which stack discharge effluent exceeds 20 percent opacity. Data should be summarized monthly and submitted monthly and biannually. Current daily results shall be available for inspection at any time.

(e) The sulfur content of fuels, as burned, except natural gas, shall be determined in accordance with current recognized ASTM procedures. Averages for periods prescribed by the Director shall be submitted biannually. Records shall be kept current and be available for inspection.

Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.

History: Effective Date: January 18, 1972. **Amended:** Filed October 17, 1996; effective November 21, 1996.

335-3-1-.05 Sampling And Testing Methods.

(1) Methods. All required sampling and testing shall be made and the results calculated in accordance with sampling testing procedures and methods approved by the Director. All required samples and tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control.

(2) Standard Methods. The Director, to the extent practicable, should recognize and approve the test methods and procedures established by 40 CFR 60, as the same may be amended or revised.

(3) The Division may conduct tests and take samples of air contaminants, fuel, process material, or other material which affects or may affect emission of air contaminants from any source. Upon request of the Division, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants. If an authorized employee of the Division during the course of an inspection obtains a sample of air contaminant, fuel, process material, or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

(4) Report to Owner or Operator. At the conclusion of any inspection under Section 9 of the Act or conduction of any testing or sampling under this Part, if requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status with the Act and these rules and regulations.
Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:**

335-3-1-.06 Compliance Schedule.

(1) Scope. Except as otherwise specified, compliance with the provisions of these rules and regulations shall be according to the time schedule of this Rule.

(2) New Sources. All new sources shall comply with the applicable rules and regulations of Chapter 335-3-3 et seq. within 60 days

after achieving the maximum production rate at which the affected source will be operated, but not later than 120 days after initial startup of such source, unless the Director specifies another period of time as a condition to the issuance of any Permit under Chapter 335-3-14.

(3) Existing Sources. All existing sources not in compliance as of the date of initial adoption of an applicable rule or regulation contained in Chapter 335-3-3 et seq. shall be in compliance within six (6) months of such initial date unless the owner or operator responsible for the operation of such source shall have submitted to the Director in a form and manner satisfactory to him, a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which full compliance will be attained and such other information as the Director may require. Any such plan and schedule expected to extend over a period of eighteen (18) or more months from such initial date shall include provisions for periodic increments of progress toward full compliance. If approved by the Director, such dates shall be the dates on which said owner or operator shall achieve incremental progress and full compliance. The Director may require persons to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule exceed three (3) years from the date of initial adoption of an applicable rule or regulation. The provisions of this paragraph shall not apply to sources for which permits are required under Chapter 335-3-14.

(4) Nothing in this Rule shall relieve any person or any new or existing source from complying with the provisions of Chapters 335-3-1 and 335-3-2 of these rules and regulations.
Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:** Filed October 17, 1996; effective November 21, 1996.

335-3-1-.07 Maintenance And Malfunctioning Of Equipment; Reporting.

(1) Maintenance; Reporting. In the case of shutdown of air pollution control equipment (which operates pursuant to any permit issued by the Director) for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Director at least twenty-four (24) hours prior to the planned shutdown, unless such shutdown is accompanied by the shutdown of the source which such equipment is intended to control. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service as well as its location and permit number;

(b) The expected length of time that the air pollution control equipment will be out of service;

(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period;

(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period;

(e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

(2) Malfunction; Reporting. In the event that any emission source, air pollution control equipment, or related facility fails or breaks down in such a manner as to cause the emission of air contaminants in violation of these rules and regulations, the person responsible for such source, equipment, or facility shall notify the Director within twenty-four (24) hours of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Director shall be notified when the condition causing the failure or breakdown has been corrected and such source, equipment, or facility is again in operation.

Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:**

335-3-1-.08 Prohibition Of Air Pollution.

No person shall permit or cause air pollution, as defined in Rule 335-3-1-.02(1)(e) of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Rule 335-3-1-.03(1).

Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:** Filed October 17, 1996; effective November 21, 1996. **Amended:** Filed August 3, 2000; effective September 7, 2000.

335-3-1-.09 Variances.

(1) Petition Procedures.

(a) Any person subject to any rule or regulation, requirement or order, may petition the Commission for a variance from the

application thereof as prescribed by the Act. A petition for a variance must state the following:

1. The name, address, and telephone number of the petitioner, or other person authorized to receive service of notices.

2. Whether the petitioner is an individual, partnership, corporation or other entity, and names and addresses of the partners, if a partnership, and names and addresses of the officers, if a corporation, and names and addresses of the persons in control, if other entity.

3. The type of business or activity involved in the application and the street address at which it is conducted.

4. A brief description of the article, machine, equipment, or other contrivance, if any, involved in the petition.

5. The signature of the petitioner or that of some person on his behalf, and, where the person signing is not the petitioner, the authority to sign.

6. The rule or regulations, requirement or order from which a variance is requested.

7. The facts showing why compliance with such rule or regulation, requirement or order would impose serious hardship on the petitioner or on any other person or persons without equal or greater benefits to the public.

8. The facts showing why the emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety, human comfort, and aesthetic values.

9. For what period of time the variance is sought and why.

10. Provisions of the rule or regulation, requirement or order which the petitioner can meet and the date when petitioner can comply with such provisions.

11. Whether or not any case involving the same identical equipment or process identified in subparagraph (a)4. of this paragraph above is pending in any court, civil or criminal.

(b) All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only.

(2) Failure to Comply with Procedures.

(a) The Director shall not accept for filing any petition which does not comply with these rules and regulations relating to the form, filing, and service of petitions unless the Chairman or any two members of the Commission direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Commission.

(b) The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(3) Objection Procedures.

(a) A person may file a written objection to the grant of a variance within twenty-one (21) days from initial advertised notice and thus insure that a public hearing will be held, according to Section 12(d) of Act. An objection to the grant of a variance must state:

1. The objector's name, address, and telephone number.

2. Whether the objector is an individual, partnership, corporation, or other entity, and names and addresses of the partners, if a partnership, names and addresses of the officer, if a corporation, and the names and addresses of the persons in control, if other entity.

3. A specification of which petition for a variance is being objected to.

4. A statement indicating why the objector believes that the variance should not be granted.

(b) All objections should be typewritten or carefully printed in ink on legal or letter size paper.

Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:** Effective Date: September 24, 1974. **Amended:** Filed October 17, 1996; effective November 21, 1996.

335-3-1-.10 Circumvention.

No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant which would otherwise violate these rules and regulations.

Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:** Effective Date: September 24, 1974.

335-3-1-.11 Severability.

The provisions of these rules and regulations and the various applications thereof are declared to be severable and if any chapter, rule, paragraph, subparagraph, clause, or phrase of these rules and regulations shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, impair, or invalidate the remainder of these rules and regulations, but shall be confined in its operation to the chapter, rule, paragraph, subparagraph, clause, or phrase of these rules and regulations that shall be directly involved in the controversy in which such judgment shall have been rendered.
Author: James W. Cooper, John E. Daniel
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: January 18, 1972. **Amended:** Effective Date: September 24, 1974. **Amended:** Filed October 17, 1996; effective November 21, 1996.

335-3-1-.12 Bubble Provision.

(1) Notwithstanding the specific emission limitations contained in Chapters 335-3-3, 335-3-4, 335-3-5, 335-3-7, and 335-3-8, the Director may allow a facility to reduce the level of control required at one source in exchange for an equal increase in the level of control required at another source. Approval of any such exchange shall not be granted unless it is consistent with the requirements of Federal and State law.

(2) Any such approval granted will not be effective until it becomes a part of the approved State Implementation Plan.
Author: Richard E. Grusnick
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective Date: April 3, 1979. **Amended:**

335-3-1-.13 Credible Evidence.

(1) Compliance Certification. Notwithstanding any other provision in ADEM Admin. Code Division 3, an owner or operator may use any

credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, for the purpose of submitting compliance certifications.

(2) Enforcement. Notwithstanding any other provision in ADEM Admin. Code Division 3, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or a not an owner or operator has violated or is in violation of any rule or standard in this Division.
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.
History: **New Rule:** Filed April 15, 1999; effective May 20, 1999.

335-3-1-.14 Emissions Reporting Requirements Relating To Budgets For NOx Emissions s (Repealed 2/24/15).

(REPEALED)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 1975, §§22-28-10, 22-28-14, 22-28-18, 22-28-20, 22-22A-5, 22-22A-6, 22-22A-8.
History: **New Rule:** Filed March 2, 2001; effective April 6, 2001. **Amended:** Filed February 27, 2007; effective April 3, 2007. Filed March 14, 2012: [Certified rule refilled after agency adoption of suggested amendment by the Joint Committee on Administrative Regulation Review that the repeal of the rule will take effect when the department certifies to the Legislative Reference Service the federal CAIR rules have been repealed; effective March 14, 2012.] **Repealed:** Filed February 24, 2015; effective February 24, 2015: [The above rule was repealed by their own terms upon certification of the Alabama Department of Environmental Management that the federal Clean Air Interstate Rules (CAIR) are no longer in effect. The repeal became effective February 24, 2015, upon the department's certification.]

335-3-1-.15 Emissions Inventory Reporting Requirements.

(1) General. The requirements of this Rule serve to establish reporting requirements from point sources in order to meet the statewide emissions inventory reporting requirements under 40 CFR 51, Appendix A, as required by §§110(p) and 110(a)(2)(F)(ii) of the Clean Air Act, as amended.

(2) Definitions. For the purpose of this Rule, the definitions in 40 CFR 51, Appendix A shall apply unless defined under this paragraph.

(a) "Point Source" means:

1. A plant or facility which has one or more non-mobile or stationary sources;

2. "Type A source" means large point sources with actual annual emissions greater than or equal to any of the emissions thresholds listed in subparagraphs (a)2.(i) through (a)2.(vii) below.

(i) = 2,500 TPY Sulfur oxides.

(ii) = 250 TPY VOC.

(iii) = 2,500 TPY NOx.

(iv) = 2,500 TPY CO.

(v) = 250 TPY PM_{10}.

(vi) = 250 TPY $PM_{2.5}$.

(vii) = 250 TPY NH_3.

3. "Type B source" means any point source with potential annual emissions greater than or equal to any of the emissions thresholds listed in subparagraphs (a)3.(i) through (a)3.(viii) below.

(i) = 100 TPY Sulfur oxides.

(ii) = 100 TPY VOC.

(iii) = 100 TPY NOx.

(iv) = 1,000 TPY CO. If the source is located in an ozone nonattainment area, then the threshold is = 100 TPY.

(v) = 5 TPY Lead.

(vi) = 100 TPY PM_{10}.

(vii) = 100 TPY $PM_{2.5}$.

(viii) = 100 TPY NH_3.

(b) "Potential to Emit" shall have the same meaning ascribed in Chapters 335-3-14 and 335-3-16 of this Division.

(3) Applicability. This Rule applies to all owners or operators of point sources in the State.

(4) Reporting requirements.

(a) The owner or operator of a point source shall submit emissions inventory data as follows:

1. Annual reporting. Beginning with emission year 2002 and every year thereafter, for each owner or operator of a Type A source, the data specified in 40 CFR 51, Appendix A, Table 2A must be submitted to the Department by June 30 of the calendar year following the emission year being reported.

2. Triennial reporting. For each owner or operator of a Type B source, beginning with emission year 2002 and every third year thereafter, the data specified in 40 CFR 51, Appendix A, Table 2A must be submitted to the Department by June 30 of the calendar year following the emission year being reported.

(b) The data required under subparagraph (a) of this paragraph shall be submitted electronically to the Department in a format prescribed and provided by the Department.

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 1975, §§22-28-10, 22-28-14, 22-28-18, 22-28-20, 22-22A-5, 22-22A-6, 22-22A-8.
History: **New Rule:** Filed February 27, 2003; effective April 3, 2003.

335-3-1-.16 Emissions Reporting Requirements Relating To Budgets For SO_2 And NOX Emissions s (Repealed 2/24/15).

(REPEALED)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 1975, §§22-28-10, 22-28-14, 22-28-18, 22-28-20, 22-22A-5, 22-22A-6, 22-22A-8.
History: **New Rule:** Filed February 27, 2007; effective April 3, 2007. Filed March 14, 2012: [Certified rule refilled after agency adoption of suggested amendment by the Joint Committee on Administrative Regulation Review that the repeal of the rule will take effect when the department certifies to the Legislative Reference Service the federal CAIR rules have been repealed; effective March 14, 2012.] **Repealed:** Filed February 24, 2015; effective February 24, 2015: [The above rule was repealed by their own terms upon certification of the Alabama Department of Environmental Management that the federal Clean Air Interstate Rules (CAIR) are no longer in effect. The repeal became effective February 24, 2015, upon the department's certification.]