ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION
ADMINISTRATIVE CODE

CHAPTER 335-3-5
CONTROL OF SULFUR COMPOUND EMISSIONS

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335-3-5-.01 Fuel Combustion.

(1) (a) Sulfur Dioxide Category I Counties. No person shall cause or permit the operation of a fuel burning installation in a Sulfur Dioxide Category I County or in Jefferson County in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 1.8 pounds per million BTU heat input.

(b) Sulfur Dioxide Category II Counties. No person shall cause or permit the operation of a fuel burning installation in a Sulfur Dioxide Category II County in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 4.0 pounds per million BTU heat input.

(c) Sulfur Dioxide - Jackson County. No person shall cause or permit the operation of an electric utility steam generating installation having a total rated capacity greater than 5,000 million BTU per hour in Jackson County in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 1.2 pounds per million BTU heat input.

(d) Sulfur Dioxide - Colbert County. No person shall cause or permit the operation of electric utility steam generating units with rated capacities greater than 1,000 million BTU per hour which commenced operation prior to 1960 in Colbert County in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 2.2 pounds per million BTU heat input.

1. Compliance with this paragraph shall be achieved no later than the dates in the following schedule:

(i) Specifications for emission control equipment shall be completed by October 1, 1987.

(ii) Initiation of on-site construction shall begin by April 1, 1988.

(iii) Contracts for emission control equipment shall be awarded by May 1, 1988.

(iv) Contracts for compliance coal shall be awarded by February 1, 1990.

(v) The first electric utility steam generating unit shall be in compliance with this paragraph by May 1, 1990.

(vi) The second electric utility steam generating unit shall be in compliance with this paragraph by August 1, 1990.

(vii) The third electric utility steam generating unit shall be in compliance with this paragraph by November 1, 1990.

(viii) The fourth electric utility steam generating unit shall be in compliance with this paragraph by January 1, 1991.

(e) Sulfur Dioxide - Shelby County. No person shall cause or permit the operation of an electric utility steam generating installation having a total rated capacity greater than 5,000 million BTU per hour in Shelby County in such a manner that sulfur oxides, measured as sulfur dioxide, are emitted in excess of 3.8 pounds per million BTU heat input.

(2) Air Quality Demonstration. In addition to the requirements of paragraph (1) of this Rule, every owner or operator of a fuel burning installation having a total rated capacity greater than 1500 million BTU per hour shall:

(a) Demonstrate, to the satisfaction of the Director, that the sulfur oxides emitted, either alone or in contribution to other sources, will not interfere with attainment and maintenance of any primary or secondary ambient air quality standard prescribed at Rule 335-3-1-.03.

(b) Demonstrate, to the satisfaction of the Director, that in meeting the emission limitations of paragraph (1) of this Rule, the installation will not increase emissions to the extent that resulting air quality concentrations will be greater than:

1. those concentrations (either measured or calculated) which existed in 1970; or

2. those concentrations (either measured or calculated) which existed during the first year of operation of any installation which began operating after January 1, 1970.

(c) Upon the direction of the Director, install and maintain air quality sensors to monitor attainment and maintenance of ambient air quality standards in the areas influenced by the emissions from such installation. Results of such monitoring shall be provided to the Director in a manner and form as he shall direct.

(3) For purposes of this Rule, the total heat input from all similar fuel combustion units at a plant, premises, or installation shall be used for determining the maximum allowable emission of sulfur dioxide that passes through a stack or stacks. Units constructed and operated to conform with the New Source Performance Standards shall not be considered similar to other units at a plant, premises, or installation.

(4) All calculations performed pursuant to demonstrations required by paragraph (2) of this Rule shall assume that the fuel burning installation is operating at or above the maximum capacity which such installation is capable of being operated.

(5) No person shall cause or permit the emission or combustion of any refinery process gas stream that contains H2S in concentrations greater than 150 ppm without removal of the hydrogen sulfide in excess of this concentration.

(6) To ensure that ambient air quality standards are met, an annual review of Sulfur Dioxide Category I and II Counties will be made by the Air Division staff. Initial Sulfur Dioxide Category classifications and any subsequent changes to Sulfur Dioxide Category classifications will be the subject of a public hearing.
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:** May 29, 1973; March 25, 1975; August 28, 1979; August 10, 1987. **Amended:** Filed October 17, 1996; effective November 21, 1996.

335-3-5-.02 Sulfuric Acid Plants.

(1) Applicability.

(a) For existing sulfuric acid plants operating as of January 18, 1972, the following applies:

1. No person shall cause or permit sulfur dioxide tail gas emissions from sulfuric acid manufacturing plants to exceed 27 pounds per ton of 100 percent sulfuric acid

produced; provided, however, that no sulfuric acid manufacturing plant emitting less than 27 pounds per ton of 100 percent sulfuric acid produced shall be allowed to increase its emission rate.

2. No person shall cause or permit tail gas acid mist emissions to exceed 0.5 pounds per ton of sulfuric acid produced, and the sulfur trioxide emissions are not to exceed 0.2 pounds per ton of sulfuric acid produced.

(b) For all sulfuric acid plants not included in subparagraph (a) above, the following applies:

1. No person shall cause or permit the discharge into the atmosphere of sulfur dioxide in excess of 4 pounds per ton of sulfuric acid produced, maximum two-hour average.

2. No person shall cause or permit the discharge into the atmosphere of acid mist which is in excess of 0.15 pounds per ton of acid produced, maximum two-hour average, expressed as H2SO4.

(2) There shall be installed, calibrated, maintained, and operated in any sulfuric acid production unit subject to the provisions of this Rule, an instrument for continuously monitoring and recording emissions of sulfur dioxide.

(3) Any instrument and sampling system installed and used pursuant to this Rule shall be subject to the approval of the Director.
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**: May 29, 1973; April 22, 1975. **Amended**: Filed October 17, 1996; effective November 21, 1996.

335-3-5-.03 Petroleum Production.

(1) Applicability. This regulation applies to facilities that handle natural gas or refinery gas that contains more than 0.10 grain of hydrogen sulfide per standard cubic foot (SCF).

(2) No person shall cause or permit the emission of a process gas stream containing more than 0.10 grain of hydrogen sulfide per SCF into the atmosphere unless it is properly burned to maintain the ground level concentrations of hydrogen sulfide to less than twenty (20) parts per billion beyond plant property limits, averaged over a thirty (30) minute period.

(3) No person shall cause or permit the sulfur oxide emission from any facility designed to dispose of or process natural gas or

refinery gas containing more than 0.10 grain of hydrogen sulfide per standard cubic foot to exceed the following:

Category I Counties

Available Sulfer (Long Tons/Day)	**Permitted Emissions of Sulfur Dioxide**
Up to 5	No Limit
5 to 35	373 lbs/hour
35 to 75	0.10 lbs. SO2/lb. S processed
Over 75	0.08 lbs. SO2/lb. S processed

Category II Counties

Available Sulfer (Long Tons/Day)	**Permitted Emissions of Sulfur Dioxide**
Up to 10	No Limit
10 to 50	560 lbs/hour
50 to 100	0.10 lbs. SO2/lb. S processed
Over 100	0.08 lbs. SO2/lb. S processed

(a) The allowable emissions of sulfur dioxide are increased as follows to allow for dry acid gas streams containing less than 60 percent hydrogen sulfide:

Mole Percent of Hydrogen Sulfide In Dry Acid Gas	**Additional SO2 Emissions Allowed**
50% but less than 60%	0.02 lbs. SO2/lb. S processed
40% but less than 50%	0.04 lbs. SO2/lb. S processed
30% but less than 40%	0.06 lbs. SO2/lb. S processed
20% but less than 30%	0.10 lbs. SO2/lb. S processed
Less than 20%	Must utilize the best available control technology, with consideration to the technical practicability and economic reasonableness of reducing or eliminating the emissions from the facility.

(4) Applicability. In addition to the requirements of paragraph (3) of this Rule, the provisions of this paragraph apply to all natural gas processing facilities in Escambia County with capacities greater than 50 million standard cubic feet of sour gas per day.

(a) No person shall cause or permit the emissions of total sulfur compounds, measured as sulfur dioxide, from any affected facility to exceed the following:

Available Sulfer (Long Tons/Day)	**Permitted Emissions of Sulfur Dioxide**
Up to 575	

	0.140 pounds of total sulphur compounds per pound of available sulfur
575 to 1031	Pounds of total sulfur compounds per pound of available sulfur = 0.186 - 8.57 x 10^-7S Where **S** = lb/hr of available sulfur
Over 1031	10,008 lb/hr

(b) Compliance with subparagraph (a) of this paragraph shall be determined continuously by monitors which measure the total sulfur compounds, measured as sulfur dioxide, emitted by the facility and total available sulfur to the facility or by other equivalent methods approved by the Director.

(5) For purposes of this Rule, the following counties are classified as Category I Counties: **Jackson**, **Jefferson**, and **Mobile**. The remaining counties in the state are classified as Category II Counties.

(6) Compliance with this Rule shall be determined by both material balances and stack sampling. New plants are required either to install monitors to continuously determine the sulfur oxide emissions in terms of mass per unit of time or to determine the sulfur oxide emissions by other means approved by the Director.

(7) In calculating the ground level concentration that results from short-term waste gas or emergency flaring, it shall be assumed that only seventy-five percent (75%) of the heat of combustion is used to heat the products of combustion.

(8) Air Quality Demonstration. In addition to the requirements of paragraph (3) of this Rule, every owner or operator of a facility covered by Rule 335-3-5-.03 shall demonstrate, to the satisfaction of the Director, that the sulfur oxides emitted, either along or in conjunction with other sources, will not interfere with attainment and maintenance of any primary or secondary ambient air quality standard.

(9) To ensure that ambient air quality standards are met, an annual review of Sulfur Dioxide Category I and II Counties will be made by the staff. Initial Sulfur Dioxide Category Classifications and any subsequent changes to Sulfur Dioxide Category Classifications will be the subject of a public hearing.
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**: May 29, 1973; May 25, 1976; August 10, 1987. **Amended**: Filed October 17, 1996; effective November 21, 1996. **Amended**: Filed August 3, 2000; effective September 7, 2000.

335-3-5-.04 Kraft Pulp Mills.

(1) For the purposes of this Rule, the following definitions apply:

(a) "Old Design Recovery Furnaces" shall mean recovery furnaces designed to burn black liquor after direct contact evaporation, as well as units built prior to 1970, converted to an indirect contact unit prior to 1990 and whose exhaust gases pass through a wet bottom electrostatic precipitator.

(b) "New Design Recovery Furnaces" shall mean recovery furnaces designed to burn black liquor after indirect contact evaporation.

(2) Applicability. This Rule applies to manufacturing facilities for the pulping of wood and the preparation and recovery of associated chemicals by the kraft process, including combined recovery systems serving other processes such as neutral sulfite pulping.

(3) Except as provided in paragraphs (11) and (13), no owner/operator shall cause or permit an old design recovery furnace to emit more than 20 parts per million total reduced sulfur corrected to eight percent oxygen on a daily basis 12 hour average for the two consecutive periods of each operating day measured by the continuous emission monitor.

(4) Except as provided in paragraphs (11) and (13), no owner/operator shall cause or permit a new design recovery furnace to emit more than 5 parts per million total reduced sulfur corrected to eight percent oxygen on a daily basis 12 hour average for the two consecutive periods of each operating day measured by the continuous emission monitor.

(5) Except as provided in paragraphs (11) and (13), no owner/operator shall cause or permit a digester system or an evaporator system to emit more than 5 parts per million total reduced sulfur corrected to ten percent oxygen on a daily basis 12 hour average for the two consecutive periods of each operating day measured by the continuous emission monitor, unless the gases are incinerated in a unit at a minimum temperature of 1200° F for at least 0.5 seconds.

(6) Except as provided in paragraphs (11) and (13), no owner/operator shall cause or permit any lime kiln to emit more than 20 parts per million total reduced sulfur corrected to ten percent oxygen on a daily basis 12 hour average for the two consecutive periods of each operating day measured by the continuous emission monitor.

(7) Except as provided in paragraphs (11) and (13), no owner/ operator shall cause or permit a smelt tank to emit more than 0.033 pounds of total reduced sulfur per ton of black liquor solids fired in the recovery furnace measured in accordance with the 40 CFR (7-1-90 Edition) Part 60, Appendix A, Method 16, 16A, or 16B as approved by the Director.

(8) Except as provided in paragraph (11), within eighteen months of this regulation's promulgation, for each affected recovery furnace, lime kiln, digester system and evaporator system the owner/operator shall have a continuous total reduced sulfur emission monitoring system installed, calibrated, maintained and operated in accordance with 40 CFR §60.284, except that monitor spans will be approved by the Director. Notwithstanding the foregoing provisions of this paragraph, when emissions from two or more sources are combined before release to the atmosphere, the owner/operator may install a single continuous emission monitoring system to measure the combined emissions. Digester and evaporator system emissions that are incinerated in units other than recovery furnaces or lime kilns at a minimum temperature of 1200° F for at least 0.5 seconds shall not require a continuous emission monitoring system for the measurement of total reduced sulfur.

(9) For each monitored unit, a quarterly report shall be submitted to the Department of all valid twelve hour averages determined as the arithmetic mean of the appropriate and valid 12 contiguous 1 hour average total reduced sulfur concentrations greater than the respective limits.

(10) For the purpose of quarterly reports required in paragraph (9), the following are applicable:

(a) All data averages must be calculated using valid data.

(b) Valid data is defined as each hourly and twelve hour average where the monitor provides calibrated emission data for a minimum of seventy-five percent of the unit operating time (i.e., the time a recovery furnace is firing liquor or a lime kiln is feeding lime mud).

(c) A continuous emission monitoring system installed per paragraph (8) is not calibrated (Monitor inoperable) when:

1. The continuous emission monitoring system breaks down, undergoes repairs, undergoes zero and span adjustments, or undergoes more than the required zero and span calibration drift check.

2. The fifth consecutive daily calibration drift check occurs that indicates either the zero or span calibration drift exceeded ten percent of span for total reduced sulfur or one percent for oxygen.

3. Or at the end of the daily calibration drift check preceding any daily calibration drift check that indicates the zero or span calibration drift exceeded twenty percent of span for total reduced sulfur or two percent for oxygen.

(d) Any continuous emission monitoring system found to be uncelebrated (Monitor inoperable) per subparagraph (c) of this paragraph is again calibrated when the calibration drift check after corrective action indicates both the zero and span calibration drift did not exceed ten percent of span for total reduced sulfur and one percent for oxygen.

(e) Twelve-hour periods which cannot be calculated using a minimum of seventy-five (75) percent valid data (e.g. data collected during either monitor inoperability or unit operating less than 75% of the twelve-hour period) shall be reported with an explanation of the cause of the valid data being unavailable.

(f) Data generated by required continuous emission monitoring systems which are shown to the satisfaction of the Director to be inaccurate due to unavoidable monitoring system problems shall not be considered valid.

(11) Within six months of this regulation's promulgation, the owner/operator of each affected unit shall notify the Department in writing of the compliance status of each affected unit. This notification shall state which of the following categories each unit falls into:

(a) The unit is in compliance, or;

(b) The unit is not capable of achieving compliance within six months of this regulation's promulgation. The owner/operator shall submit by that date a description of the techniques to be used to achieve compliance and a schedule (including increments of progress) that provide a final compliance date. The Director shall approve plans that he determines to be expeditious. In no case shall a plan to meet these limits specify a time period to exceed five years from this regulation's promulgation. The total reduced sulfur continuous emission monitoring system as described in paragraph (8) shall be installed and operational on the date measures designed to effect compliance are complete, or;

(c) The unit is scheduled to be permanently shut down. The owner/operator shall submit by that date a plan to shut the unit down. The Director shall approve plans that he determines to be expeditious. In no case shall a shutdown schedule exceed five years from this regulation's promulgation. A total reduced sulfur continuous emission monitoring system is not required; or

(d) The unit's compliance status is uncertain, and a determination of that status cannot be made until the monitoring system required in paragraph (8) is in operation. Within twenty-seven months of this regulation's promulgation, the owner/operator shall either confirm that the unit is in compliance or submit a description of the techniques to be used to achieve compliance and a schedule (including increments of progress) that provide a final compliance date. The Director shall approve plans that he determines to be expeditious. In no case shall a plan to meet these limits specify a time period to exceed five years from this regulation's promulgation.

(12) Each applicable emission unit shall remain subject to the following regulations until compliance with Paragraphs 1 through 11 is achieved:

(a) No person shall cause or permit the emissions of total reduced sulfur (TRS) from recovery furnaces, lime kilns, digesters, and multiple effect evaporators to exceed 1.2 pounds (expressed as hydrogen sulfide on a dry gas basis) per ton of air-dried pulp from kraft pulp mills.

(b) The pulp production rates for draft pulp mills referred to in this Rule shall be calculated as provided in Rule 335-3-4-.07(3).

(c) Notwithstanding the specific limits set forth in this Rule, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control for TRS currently available shall be provided for new kraft pulp mills.

(13) If an owner or operator demonstrates to the satisfaction of the Director that emissions in excess of the levels otherwise authorized in this regulation occur as a result of properly performed startups, shutdowns or unavoidable malfunctions these emissions will not constitute a violation.
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, July 26, 1972, May 29, 1973, October 30, 1992. **Amended:** Filed September 25, 1992, Effective November 10, 1992. **Amended:** Filed October 17, 1996; effective November 21, 1996.

335-3-5-.05 Process Industries - General.

(1) Applicability. This Rule applies to facilities not regulated by Rules 335-3-5-.01 through 335-3-5-.04.

(2) No person shall construct and operate a new or modified sulfur compound emission source that does not meet any and all applicable New Source Performance Standards and utilizes the best available control technology, with consideration to the technical practicability and economic reasonableness of reducing or eliminating the emissions from the facility.

(3) No person shall construct and operate a new or modified emission source that will cause or contribute to a condition such that either the primary or the secondary sulfur dioxide ambient air quality standards are exceeded in the area.
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 May 25, 1976. **Amended:** August 10, 1976.

335-3-5-.06 TR SO2 Trading Program – Purpose And Definitions.

(1) Purpose. Rules 335-3-5-.06 through 335-3-5-.36 set forth the general, designated representative, allowance, and monitoring provisions for the Transport Rule (TR) SO Group 2 2Trading Program, under section 110 of the Clean Air Act, as a means of mitigating interstate transport of fine particulates and sulfur dioxide.

(2) Definitions. For the purpose of rules 335-3-5-.06 through 335-3-5-.36, the definitions listed in 40 CFR §97.702, Subpart DDDDD as of July 1, 2015, will apply.

(a) "Department" means the Alabama Department of Environmental Management.

(b) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.06 substitute:

1. ADEM Administrative Code r. 335-3-5-.07 for 40 CFR §97.704.

2. ADEM Administrative Code r. 335-3-5-.07(1)(b)2.(ii) and (iii) for §§97.704(b)(2)(i)(B) and (ii).

3. ADEM Administrative Code r. 335-3-5-.08 for 40 CFR §97.705.

4. ADEM Administrative Code r. 335-3-5-.12(1) for 40 CFR §97.710(a).

5. ADEM Administrative Code r. 335-3-5-.12(2) for 40 CFR §97.710(b).

6. ADEM Administrative Code r. 335-3-5-.13 for 40 CFR §97.711.

7. ADEM Administrative Code r. 335-3-5-.13 for 40 CFR §97.712.

(3) Measurements, Abbreviations, and Acronyms. Measurements, abbreviations, and acronyms used in this rule and in rules 335-3-5-.06 through 335-3-5-.36 are defined as follows:

(a) Btu - British thermal unit

(b) CO2 – carbon dioxide

(c) H2O – water

(d) hr – hour

(e) kW – kilowatt electrical

(f) kWh – kilowatt hour

(g) lb – pound

(h) mmBtu – million Btu

(i) MWe – megawatt electrical

(j) MWh – megawatt hour

(k) NOx – nitrogen oxides

(l) O2 – oxygen

(m) ppm – parts per million

(n) scfh – standard cubic feet per hour

(o) SO2 – sulfur dioxide

(p) yr – year

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed February 24, 2008; effective March 31, 2009. 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.] **New Rule:** Filed October 20, 2015; effective November 24, 2015.

335-3-5-.07 TR SO2 Trading Program - Applicability.

(1) Applicability.

(a) Except as provided in subparagraph (b) of this paragraph:

1. The following units in the State of Alabama shall be TR SO2 Group 2 units, and any source that includes one or more 2such units shall be a TR SO2 Group 2 source, subject to the requirements of rules 335-3-5-.06 through 335-3-5-.36: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

2. If a stationary boiler or stationary combustion turbine that, under subparagraph (a)1. of this paragraph, is not a TR SO2 Group 2 unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a TR SO2 Group 2 unit as provided in subparagraph (a)1. of this paragraph on the first date on which it both combusts fossil fuel and serves such generator.

(b) Any unit in the State that otherwise is a TR SO2 Group 2 unit under subparagraph (a) of this paragraph and that meets the requirements set forth in subparagraphs (b)1.(i) and (ii) or 2.(i) and (ii) of this paragraph shall not be a TR SO2 Group 2 unit:

1. Any unit:

(i) Qualifying as a cogeneration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(ii) Not supplying in 2005 or any calendar year thereafter more than one-third of the unit's

potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.

(iii) If, after qualifying under subparagraphs (b)1.(i) and (ii) of this paragraph as not being a TR SO2 Group 2 unit, a 2 unit subsequently no longer meets all the requirements of subparagraphs (b)1.(i) and (ii) of this paragraph, the unit shall become a TR SO2 Group 2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of subparagraph (b)1.(ii) of this paragraph. The unit shall thereafter continue to be a TR SO2 Group 2 unit.

2. Any unit:

(i) Qualifying as a solid waste incineration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a solid waste incineration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(ii) With an average annual fuel consumption of fossil fuel for the first 3 consecutive calendar years of operation starting no earlier than 2005 of less than 20 percent (on a Btu basis) and an average annual fuel consumption of fossil fuel for any 3 consecutive calendar years thereafter of less than 20 percent (on a Btu basis).

(iii) If, after qualifying under subparagraphs (b)2.(i) and (ii) of this paragraph as not being a TR SO2 Group 2 unit, a unit subsequently no longer meets all the requirements of subparagraphs (b)2.(i) and (ii) of this paragraph, the unit shall become a TR SO2 Group 2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first 3 consecutive calendar years after 2005 for which the unit has an average annual fuel consumption of fossil fuel of 20 percent or more. The unit shall thereafter continue to be a TR SO2 Group 2 unit.

(c) A certifying official of an owner or operator of any unit or other equipment may submit a petition (including any supporting documents) to the Administrator at any time for a

determination concerning the applicability, under subparagraphs (a) and (b) of this paragraph of the TR SO2 Group 2 Trading Program to the unit or other equipment. The certifying official of an owner or operator of any unit or other equipment shall submit a copy of the petition (including any supporting documents) to the Department.

1. Petition content. The petition shall be in writing and include the identification of the unit or other equipment and the relevant facts about the unit or other equipment. The petition and any other documents provided to the Administrator in connection with the petition shall include the following certification statement, signed by the certifying official: "I am authorized to make this submission on behalf of the owners and operators of the unit or other equipment for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

2. Response. The Administrator will issue a written response to the petition and may request supplemental information determined by the Administrator to be relevant to such petition. The Administrator's determination concerning the applicability, under paragraphs (a) and (b) of this paragraph, of the TR SO2 Group 2 Trading Program to the unit or other equipment shall be binding on Alabama, the Department, and any other State or permitting authority, unless the Administrator determines that the petition contained significant, relevant errors or omissions.

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed February 24, 2009; effective March 31, 2009. 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.] **New Rule:** Filed October 20, 2015; effective November 24, 2015.

335-3-5-.08 TR SO2 Trading Program – Retired Unit Exemption.

(1) Any TR SO2 Group 2 unit that is permanently retired shall be exempt from 40 CFR §§97.706(b) and (c)(1), rule 335-3-5-.25, and rules 335-3-5-.31 through 335-3-5-.36.

(a) The exemption under paragraph (1) of this rule shall become effective the day on which the TR SO2 Group 2 unit is permanently retired. Within 30 days of the unit's permanent retirement, the designated representative shall submit a statement to the Administrator. The statement shall state, in a format prescribed by the Administrator, that the unit was permanently retired on a specified date and will comply with the requirements of paragraph (2) of this rule. The designated representative shall submit a copy of the statement to the Department.

(2) Special provisions.

(a) A unit exempt under paragraph (1) of this rule shall not emit any SO2, starting on the date that the exemption takes effect.

(b) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under paragraph (1) of this rule shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(c) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under paragraph (1) of this rule shall comply with the requirements of the TR SO2 Group 2 Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(d) A unit exempt under paragraph (1) of this rule shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of

applying allocation, monitoring, reporting, and recordkeeping requirements under TR SO2 Group 2 Trading Program, as a unit that commences commercial operation on the first date on which the unit resumes operation.

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed June 6, 2006; effective July 11, 2006. **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. 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.] **New Rule:** Filed October 20, 2015; effective November 24, 2015.

335-3-5-.09 TR SO2 Trading Program – Standard Requirements.

(1) General. The Environmental Protection Agency's Standard Requirements for TR SO2 Sources, are incorporated by reference as they exist in 40 CFR §97.706, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.09 substitute:

(a) ADEM Administrative Code r. 335-3-16-.13(3) for 40 CFR §70.7(e)(2).

(b) ADEM Administrative Code r. 335-3-16-.13(3)(a)2. for 40 CFR §70.7(e)(2)(i)(B).

(c) ADEM Administrative Code r. 335-3-5-.13 for 40 CFR §§97.711(a)(2) and (b).

(d) ADEM Administrative Code r. 335-3-5-.13 for 40 CFR §97.712.

(e) ADEM Administrative Code r. 335-3-5-.08 for 40 CFR §97.705.

(f) ADEM Administrative Code r. 335-3-5-.12(1) for 40 CFR §97.710(a).

(g) ADEM Administrative Code r. 335-3-5-.12(2) for 40 CFR §97.710(b).

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015.

335-3-5-.10 TR SO2 Trading Program – Computation Of Time.

The Environmental Protection Agency Regulations governing the Computation of Time under the TR SO2 Sources, are incorporated by reference as they exist in 40 CFR §97.707, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.11 Administrative Appeal Procedures.

The appeal procedures for decisions of the Administrator under rules 335-3-5-.06 through 335-3-5-.36 are set forth in 40 CFR 78.
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed February 24, 2009; effective March 31, 2009. 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.] **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.12 SO2 Trading Budgets And Variability Limits.

(1) The State SO2 trading budgets for allocations of TR SO2 Group 2 allowances for the control periods in 2017 and thereafter is 213,258 tons.

(2) The State SO2 variability limit for the State SO2 Group 2 trading budgets for the control periods in 2017 and thereafter is 38,386 tons.
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed June 6, 2006; effective July 11, 2006. **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.] **New Rule:** Filed October 20, 2015; effective November 24, 2015.

335-3-5-.13 TR SO2 Allowance Allocations.

(1) State SO2 Group 2 Trading Program Budget. The State trading budget for annual allocations of Transport Rule (TR) SO2 Group 2 allowances for the control periods 2017 and thereafter is 213,258 tons.

(2) Timing Requirements for SO2 Group 2 Season Allowance Allocations.

(a) By June 1, 2016, the Department will submit to the Administrator, in a format prescribed by the Administrator, the SO2 Group 2 allowance allocations, in accordance with

paragraph (3) of this rule, for the control periods in 2017 and 2018.

(b) By June 1, 2017, the Department will submit to the Administrator, in a format prescribed by the Administrator, the SO2 Group 2 allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2019 and 2020.

(c) By June 1, 2018, the Department will submit to the Administrator, in a format prescribed by the Administrator, the SO2 Group 2 allowance allocations, in accordance with paragraph (3) of this rule, for the control periods in 2021 and 2022.

(d) By June 1, 2019, and every other year thereafter, the Department shall submit to the Administrator, in a format prescribed by the Administrator, the SO2 Group 2 allocations, in accordance with paragraph (3) of this rule, for the control periods in the two years that are four and five years after the year of the applicable deadline for submission under this paragraph.

(3) SO2 Group 2 Allowance Allocations.

(a) Definitions. For the purpose of this rule, the following definitions apply:

1. Baseline TR SO2 Group 2 Unit. A TR SO2 Group 2 unit that either:

(i) Commenced operation on or before January 1, 2014; or

(ii) Submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014.

2. New TR SO2 Group 2 Unit. A TR SO2 Group 2 unit that does not meet the definition of a Baseline SO2 Group 2 unit as defined in subparagraph (3)(a)1. of this paragraph.

(b) Determination of Heat Input.

1. The heat input (in mmBtu) used for calculating TR SO2 Group 2 allowance allocations under subparagraph (2)(a) of this rule that are to be submitted to the Administrator by June 1, 2016 will be:

(i) For a Baseline SO Group 2 unit, the average of 2the three (or less, if applicable) highest amounts of the unit’s heat input for the control periods, in

which the unit operated, in 2010, 2011, 2012, 2013, and 2014; or

(ii) For a Baseline TR SO2 Group 2 unit that did not commence operation on or before January 1, 2014 but had submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014, the expected actual annual heat input based on actual utilization data of similar sources.

(iii) For a New SO2 Group 2 unit, the expected actual SO2 heat input based on actual utilization data of similar sources.

2. The heat input (in mmBtu) used for calculating TR SO2 Group 2 allowance allocations under subparagraph (2)(b) of this rule that are to be submitted to the Administrator by June 1, 2017 will be:

(i) For a Baseline TR SO2 Group 2 unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated, in 2011, 2012, 2013, 2014, and 2015; or

(ii) For a Baseline TR SO2 Group 2 unit that did not commence operation on or before January 1, 2015 but had submitted a permit application to the Department that was affirmatively deemed complete by the Department in writing on or before January 1, 2014, the expected actual annual heat input based on actual utilization data of similar sources.

(iii) For a New TR SO2 Group 2 unit that commenced operation on or before January 1, 2015, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control periods, in which the unit operated in 2014 and 2015.

(iv) For a New TR SO2 Group 2 unit that did not commence operation on or before January 1, 2015, the expected actual SO2 heat input based on actual utilization data of similar sources.

3. The heat input (in mmBtu) used for calculating TR SO2 Group 2 allowance allocations under subparagraph (2)(c) of this rule that are to be submitted to the Administrator by June 1, 2018 will be:

(i) For a Baseline TR SO2 Group 2 unit, the average of the three (or less, if applicable) highest amounts

of the unit's heat input, in which the unit operated in 2012, 2013, 2014, 2015, and 2016.

(ii) For a New TR SO2 Group 2 unit that commenced operation on or before January 1, 2016, the average of the three (or less, if applicable) highest amounts of the unit's heat input for the control period in which the unit operated in 2014, 2015, and 2016.

(iii) For a New TR SO2 Group 2 unit that did not commence operation on or before January 1, 2016, the expected actual annual heat input based on actual utilization data of similar sources.

4. The heat input (in mmBtu) used for calculating TR SO2 Group 2 allowance allocations under subparagraph (2)(d) of this rule that are to be submitted to the Administrator by June 1, 2019, and all subsequent allocation years will be:

(i) For a Baseline TR SO2 Group 2 unit, the average of the three (or less, if applicable) highest amounts of the unit's heat input, for the control periods in which the unit operated for the five most recent control periods available prior to the deadline submission year.

(ii) For a New TR SO2 Group 2 unit that commenced operation prior to January 1 of the most recent control period available prior to the submission year, the average of the three (or less, if applicable) highest amounts of the unit's heat input, for the control periods in which the unit operated, for the five most recent control periods available prior to the submission year; or

(iii) For a New SO2 Group 2 unit that did not commence operation prior to January 1 of the most recent control period available prior to the submission year, the expected actual annual heat input based on actual utilization data of similar sources.

5. The unit's total heat input for the control period in each year specified under subparagraph (b) of this paragraph will be determined in accordance with 40 CFR 75 if the TR SO2 Group 2 unit was otherwise subject to the requirements of 40 CFR 75 for the year, or will be based on the best available data reported to the Administrator and the Department for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75 for the year.

(c) Establishment of Baseline and Retired Unit Allowance Pools. At the time Transport Rule (TR) SO2 Group 2 allowances are initially allocated to baseline TR SO2 Group 2 units under subparagraph (2)(a) of this rule, each unit's allocation will be permanently recorded as that unit's "Baseline Allowance". This value will be used to calculate the following:

1. Baseline Allowance Pool. The Baseline Allowance Pool shall be calculated each time TR SO2 Group 2 allowances are allocated under paragraph (2) of this rule and shall equal the State SO2 Group 2 Trading Program Budget minus the total of the Baseline Allowances for all baseline TR SO2 Group 2 units that have retired in accordance with 335-3-5-.08.

2. Retired Unit Allowance Pool. The Retired Unit Allowance Pool shall be calculated each time TR SO2 Group 2 allowances are allocated under paragraph (2) of this rule and shall equal the sum of the Baseline Allowances for all TR SO2 Group 2 units that have retired in accordance with 335-3-5-.08.

(d) Maximum Historic Emission Cap. The maximum historic emission cap is identified by using an 8 year historic emission period for each TR SO2 Group 2 unit. The last year of the 8 year period will be the same year as the last year used for determination of heat input under paragraph (3)(b) of this rule. The maximum historic emission cap is the maximum SO2 emissions (in tons) that occurred during any control period during the 8 year historic emission period. Data used for this purpose shall be obtained from the EPA Clean Air Markets Division (CAMD). An additional emission cap may be applied if a TR SO2 Group 2 unit has an enforcement action or permit limit in place. The 8 year historic emission values will update every two years to coincide with the allocation control period.

(e) Calculation of TR SO2 Group 2 Allowances for Baseline TR SO2 Group 2 Units.

1. For each control period under subparagraph (2) of this rule, the Department will allocate TR SO2 Group 2 allowances from the Baseline Allowance Pool to all baseline TR SO2 Group 2 units in accordance with the following procedures:

(i) The Department will allocate TR SO2 Group 2 allowances to each TR SO2 Group 2 unit under 335-3-5-.07(1)(a) in an amount equaling the unit’s share of the State’s total 3 year average of heat input determined in accordance with subparagraph (b) of this paragraph, multiplied by the baseline allowance pool. If a TR SO2 Group 2 unit has an

initial historic heat input based allocation that exceeds its maximum historic emission cap as defined in subparagraph (3)(e) of this rule, then its allocation will equal the maximum historic emission cap for that TR SO2 Group 2 unit.

(ii) Allocations remaining after the application of the maximum historic emission cap are reapportioned on the same basis to baseline TR SO2 Group 2 units whose historic heat input based allocation does not exceed its maximum historic emission cap, if applicable. These steps are repeated until the entire Baseline Allocation Pool is allocated. The resulting TR SO2 Group 2 allocation value is rounded to the nearest whole ton.

(f) Calculation of SO2 Allowances for New TR SO2 Group 2 Units. For each control period under paragraph (2) of this rule, after calculating SO2 allowances for all baseline TR SO2 Group 2 units that have not retired in accordance with 335-3-5-.08, the Department will allocate SO allowances in the Retired Unit Allowance Pool to all new SO2 Group 2 season units, in accordance with the following procedures:

1. For each new TR SO2 Group 2 unit under 335-3-5-.07(1)(a), that commenced operation or submitted a permit application affirmatively deemed complete by the Department in writing on or before March 1 of the year allocations are to be submitted to the Administrator under paragraph (2) of this rule, the number of TR SO2 Group 2 allowances allocated for each applicable control period will be equal to the unit's share of the State's total 3 year average of heat input for all new TR SO2 Group 2 units, determined in accordance with subparagraph (b) of this paragraph multiplied by the Retired Unit Allowance Pool. If a new TR SO2 Group 2 unit has an initial historic heat input based allocation that exceeds its maximum historic emission cap as defined in subparagraph (3)(e) of this rule, then its allocation equals the maximum historic emission cap for that TR SO2 Group 2 unit .

2. Allocations remaining after application of the maximum historic emission cap are reapportioned on the same basis to new TR SO2 Group 2 units whose historic heat input based allocation does not exceed its maximum historic emission cap, if applicable. These steps are repeated until the entire Retired Unit Allowance Pool is allocated or until all new units receive allocations equal to its maximum historic emission cap. The resulting TR SO2 Group 2 allocation value is rounded to the nearest whole ton.

(g) Adjustment of Baseline SO2 Allowance Allocations. If TR SO2 Group 2 allowances remain in the Retired Unit Allowance Pool after allocations are made to all new TR SO2 Group 2 units in accordance with subparagraph (f) of this paragraph, these SO2 allowances will be allocated on a pro rata basis to the baseline TR SO2 Group 2 units where historic heat input based allocation does not exceed its maximum historic emission cap, for the applicable control periods.

(h) SO2 allowances allocated to baseline TR SO2 Group 2 units based on heat inputs determined in accordance with subparagraph (b)1.(ii) or (b)2.(ii) of this paragraph will be held in the State's general account until the unit commences operation, prior to or during the control period for which SO2 allowances were allocated. If the unit does not commence operations, the SO2 allowances will be transferred by the Department pro rata to Baseline TR SO2 Group 2 units that were allocated SO2 allowances in accordance with subparagraphs (b)1.(i) or (b)2.(i) of this paragraph, and whose historic heat input based allocation does not exceed its maximum historic emission cap if applicable. By January 30 of the following year, the Department shall notify the Administrator of the appropriate SO2 allowance transfers.

1. SO2 allowances allocated to new TR SO2 Group 2 units based on heat inputs determined in accordance with subparagraphs (b)1.(iii), (b)2.(iv), (b)3.(iii), or (b)4.(iii) of this paragraph will be held in the State's general account until the unit commences operation, prior to or during the control period for which SO2 allowances were allocated. If the unit does not commence operations, the SO2 allowances will be transferred by the Department pro rata to Baseline TR SO2 Group 2 units that were allocated SO2 allowances in accordance with subparagraphs (b)1.(i) and (ii), (b)2.(i) and (ii), (b)3.(i), or (b)4.(i) of this paragraph, and whose historic heat input based allocation does not exceed its maximum historic emission cap if applicable. By January 30 of the following year, the Department shall notify the Administrator of the appropriate SO2 allowance transfers.

2. SO2 allowances will not be allocated to TR SO 2 2Group 2 units that retire under 335-3-5-.08 prior to the date SO2 allowance allocations are submitted to the Administrator under subparagraphs (2)(a), (b), (c), or (d) of this Rule.

3. The total SO2 Group 2 allowances allocated for any control period in accordance with subparagraphs (3)(f), and (g) of this paragraph shall not exceed the State SO2 Group 2 Trading Program Budget as determined by the applicable, approved State Implementation Plan.

(i) Distribution of remaining TR SO2 Group 2 Allowances. If any TR SO2 Group 2 allowances remain after allocations are completed in subparagraphs (e) through (h) of this paragraph, the remaining allowances shall be distributed proportional to the allocations made in subparagraphs (e) through (h) of this paragraph beyond the unit's historical emissions cap. However, no unit may receive additional allocations that exceed any enforcement cap or permit limitation.

(j) Units Incorrectly Allocated TR SO2 Group 2 Allowances. The procedures for addressing units that were incorrectly allocated TR SO2 Group 2 allowances are incorporated by reference as they exist in 40 CFR §97.711(c), Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed February 24, 2009, effective March 31, 2009. 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.] **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Filed October 23, 2018; effective December 7, 2018.

335-3-5-.14 Authorization Of Designated Representative And Alternate Designated Representative.

The Environmental Protection Agency Regulations governing the Authorization of Designated Representative and Alternate Designated Representative for TR SO2 Sources, are incorporated by reference as they exist in 40 CFR §97.713, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.

History: **New Rule:** Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed February 24, 2009, effective March 31, 2009. 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.] **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.15 Responsibilities Of Designated Representative And Alternate Designated Representative.

The Environmental Protection Agency Regulations governing the Responsibilities of Designated Representative and Alternate Designated Representative for TR SO2 Sources, are incorporated by reference as they exist in 40 CFR §97.714, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.16 Changing Designated Representative And Alternate Designated Representative; Changes In Owners And Operators; Changes In Units At The Source.

The Environmental Protection Agency Regulations governing Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source for TR SO2 Sources, are incorporated by reference as they exist in 40 CFR §97.715, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore

Statutory Authority: Code of Ala. 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, 22-22A-8.
History: New Rule: Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.17 Certificate Of Representation.

The Environmental Protection Agency Regulations governing Certificate of Representation, are incorporated by reference as they exist in 40 CFR §97.716, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: New Rule: Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.18 Objections Concerning Designated Representative And Alternate Designated Representative.

(1) General. The Environmental Protection Agency Regulations governing Objections Concerning Designated Representative and Alternate Designated Representative, are incorporated by reference as they exist in 40 CFR §97.717, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.18 substitute:

(a) Only in 40 CFR §97.717(c) substitute "Neither the Administrator nor the Department shall" for "The Administrator will not."

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: New Rule: Filed October 20, 2015; effective November 24, 2015.

335-3-5-.19 Delegation By Designated Representative And Alternate Designated Representative.

The Environmental Protection Agency Regulations governing Delegation by Designated Representative and Alternate Designated Representative, are incorporated by reference as they exist in 40 CFR §97.718, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
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: November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.20 Reserved.
Author:
Statutory Authority:
History:

335-3-5-.21 Establishment Of Compliance Accounts, Assurance Accounts, And General Accounts.

(1) General. The Environmental Protection Agency Regulations governing Establishment of Compliance Accounts, Assurance Accounts, and General Accounts, are incorporated by reference as they exist in 40 CFR §97.720, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.21 substitute:

(a) Only in 40 CFR §97.720(c)(4)(iii) substitute "Neither the Administrator nor the Department shall" for "The Administrator will not."
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: November 24, 2015.

335-3-5-.22 Recordation Of TR SO Allowance Allocations And 2Auction Results.

The Environmental Protection Agency Regulations governing Recordation of TR SO2 Allowance Allocations and Auction Results, are incorporated by reference as they exist in 40 CFR §97.721, Subpart DDDDD as of July 1, 2015, except for the provisions found in 40 CFR §§97.721(a), (b), (h), and (i). (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: New Rule: Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.23 Submission Of TR SO2 Allowance Transfers.

The Environmental Protection Agency Regulations governing Submission of TR NOx Annual Allowance Transfers, are incorporated by reference as they exist in 40 CFR §97.722, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: New Rule: Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.24 Recordation Of TR SO2 Allowance Transfers.

The Environmental Protection Agency Regulations governing, Recordation of TR SO2 Allowance Transfers are incorporated by reference as they exist in 40 CFR §97.723, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.

History: New Rule: Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.25 Compliance With TR SO2 Emissions Limitation.

The Environmental Protection Agency Regulations governing Compliance with TR SO2 Emissions Limitation, are incorporated by reference as they exist in 40 CFR §97.724, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: New Rule: Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.26 Compliance With TR SO2 Assurance Provisions.

The Environmental Protection Agency Regulations governing Compliance with TR SO2 Assurance Provisions, are incorporated by reference as they exist in 40 CFR §97.725, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: New Rule: Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.27 Banking.

(1) General. The Environmental Protection Agency Regulations governing Banking for TR SO2 Allowance, are incorporated by reference as they exist in 40 CFR §97.726, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.27 substitute:

(a) ADEM Administrative Code r. 335-3-5-.13(3)(j) for 40 CFR §97.711(c).
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015.

335-3-5-.28 Account Error.

The Environmental Protection Agency Regulations governing Account Error, are incorporated by reference as they exist in 40 CFR §97.727, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.29 Administrator's Action On Submissions.

The Environmental Protection Agency Regulations governing Administrator's Action on Submissions, are incorporated by reference as they exist in 40 CFR §97.728, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.30 Reserved.
Author:
Statutory Authority:
History:

335-3-5-.31 General Monitoring, Recordkeeping, And Reporting Requirements.

(1) General. The Environmental Protection Agency Regulations governing General Monitoring, Recordkeeping, and Reporting Requirements, are incorporated by reference as they exist in 40 CFR §97.730, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.31 substitute:

(a) ADEM Administrative Code r. 335-3-5-.08 for 40 CFR §97.705.

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015.

335-3-5-.32 Initial Monitoring System Certification And Recertification Procedures.

(1) General. The Environmental Protection Agency Regulations governing Initial Monitoring System Certification and Recertification Procedures, are incorporated by reference as they exist in 40 CFR §97.731, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

(2) Word, Phrase, and Rule Substitutions. For the purpose of rule 335-3-5-.32 substitute:

(a) In §97.731(d)(3)(i) insert ", the Department" after "Office."

Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015.

335-3-5-.33 Monitoring System Out-Of-Control Periods.

The Environmental Protection Agency Regulations governing Monitoring System Out-of-Control Periods, are incorporated by reference as they exist in 40 CFR §97.732, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.34 Notifications Concerning Monitoring.

The Environmental Protection Agency Regulations governing Notifications Concerning Monitoring, are incorporated by reference as they exist in 40 CFR §97.733, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
Author: Ronald W. Gore
Statutory Authority: Code of Ala. 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, 22-22A-8.
History: **New Rule:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.35 Recordkeeping And Reporting.

The Environmental Protection Agency Regulations governing Recordkeeping and Reporting, are incorporated by reference as they exist in 40 CFR §97.734, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)
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: November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.

335-3-5-.36 Petitions For Alternatives To Monitoring, Recordkeeping, Or Reporting Requirements.

The Environmental Protection Agency Regulations governing Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements, are incorporated by reference as they exist in 40 CFR §97.735, Subpart DDDDD as of July 1, 2015. (The materials incorporated by reference are available for purchase and inspection at the Department's offices.)

Author: Ronald W. Gore

Statutory Authority: Code of Ala. 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, 22-22A-8.

History: New Rule: Filed October 20, 2015; effective November 24, 2015. **Amended:** Published December 29, 2023; effective February 12, 2024.