

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-3-8-16  
Rule Title: Authorization of Designated Representative and Alternate Designated Representative  
     New      X Amend      Repeal      Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23. Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer:   
Date: August 21, 2023

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LEGISLATIVE SVC AGENCY

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AIR DIVISION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Environmental Management

**RULE NO. & TITLE:**

- Rule 335-3-8-.11 – TR NOx Annual Trading Program – Computation of Time (Amend)
- Rule 335-3-8-.12 – Administrative Appeal Procedures (Amend)
- Rule 335-3-8-.16 – Authorization of Designated Representative and Alternate Designated Representative (Amend)
- Rule 335-3-8-.17 – Responsibilities of Designated Representative and Alternate Designated Representative (Amend)
- Rule 335-3-8-.18 – Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source (Amend)
- Rule 335-3-8-.19 – Certificate of Representation (Amend)
- Rule 335-3-8-.21 – Delegation by Designated Representative and Alternate Designated Representative (Amend)
- Rule 335-3-8-.24 – Recordation of TR NOx Annual Allowance Allocations and Auction Results (Amend)
- Rule 335-3-8-.25 – Submission of TR NOx Annual Allowance Transfers (Amend)
- Rule 335-3-8-.26 – Recordation of TR NOx Annual Allowance Transfers (Amend)
- Rule 335-3-8-.27 – Compliance with TR NOx Annual Emissions Limitation (Amend)
- Rule 335-3-8-.28 – Compliance with TR NOx Annual Assurance Provisions (Amend)
- Rule 335-3-8-.30 – Account Error (Amend)
- Rule 335-3-8-.31 – Administrator's Action on Submissions (Amend)
- Rule 335-3-8-.35 – Monitoring System Out-of-Control Periods (Amend)
- Rule 335-3-8-.36 – Notifications Concerning Monitoring (Amend)
- Rule 335-3-8-.37 – Recordkeeping and Reporting (Amend)
- Rule 335-3-8-.38 – Petitions for Alternatives to Monitoring Recordkeeping, or Reporting Requirements (Amend)
- Rule 335-3-8-.43 – TR NOx Ozone Season Group 2 Trading Program – Computation of Time (Amend)
- Rule 335-3-8-.44 – Administrative Appeal Procedures (Amend)
- Rule 335-3-8-.48 – Authorization of Designated Representative and Alternate Designated Representative (Amend)

- Rule 335-3-8-.49 – Responsibilities of Designated Representative and Alternate Designated Representative (Amend)
- Rule 335-3-8-.50 – Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source (Amend)
- Rule 335-3-8-.51 – Certificate of Representation (Amend)
- Rule 335-3-8-.53 – Delegation by Designated Representative and Alternate Designated Representative (Amend)
- Rule 335-3-8-.56 – Recordation of TR NOx Ozone Season Group 2 Allowance Allocations and Auction Results (Amend)
- Rule 335-3-8-.57 – Submission of TR NOx Ozone Season Group 2 Allowance Transfers (Amend)
- Rule 335-3-8-.58 – Recordation of TR NOx Ozone Season Group 2 Allowance Transfers (Amend)
- Rule 335-3-8-.59 – Compliance with TR NOx Ozone Season Group 2 Emissions Limitation (Amend)
- Rule 335-3-8-.60 – Compliance with TR NOx Ozone Season Group 2 Assurance Provisions (Amend)
- Rule 335-3-8-.62 – TR NOx Ozone Season Group 2 Trading Program – Account Error (Amend)
- Rule 335-3-8-.63 – TR NOx Ozone Season Group 2 Trading Program – Administrator’s Action on Submissions (Amend)
- Rule 335-3-8-.67 – Monitoring System Out-of-Control Periods (Amend)
- Rule 335-3-8-.68 – Notifications Concerning Monitoring (Amend)
- Rule 335-3-8-.69 – Recordkeeping and Reporting (Amend)
- Rule 335-3-8-.70 – Petitions for Alternatives to Monitoring Recordkeeping, or Reporting Requirements (Amend)
- Rule 335-3-8-.71 – NOx Budget Program (Amend)

**INTENDED ACTION:** Revise Division 3 of the ADEM Administrative Code with the amendment of Rules 335-3-8-.11 (TR NOx Annual Trading Program – Computation of Time), 335-3-8-.12 (Administrative Appeal Procedures), 335-3-8-.16 (Authorization of Designated Representative and Alternate Designated Representative), 335-3-8-.17 (Responsibilities of Designated Representative and Alternate Designated Representative), 335-3-8-.18 (Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source), 335-3-8-.19 (Certificate of Representation), 335-3-8-.21 (Delegation by Designated Representative and Alternate Designated Representative), 335-3-8-.24 (Recordation of TR NOx Annual Allowance Allocations and Auction Results), 335-3-8-.25 (Submission of TR NOx Annual Allowance Transfers), 335-3-8-.26 (Recordation of TR NOx Annual Allowance Transfers), 335-3-8-.27 (Compliance with TR NOx Annual Emissions Limitation), 335-3-8-.28 (Compliance with TR NOx Annual Assurance Provisions), 335-3-8-.30 (Account Error), 335-3-8-.31 (Administrator’s Action on Submissions), 335-3-8-.35 (Monitoring System Out-of-Control Periods), 335-3-8-.36 (Notifications Concerning Monitoring), 335-3-8-.37 (Recordkeeping and Reporting), 335-3-8-.38 (Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements), 335-3-8-.43 (TR NOx Ozone Season Group 2 Trading Program – Computation of Time), 335-3-8-.44 (Administrative Appeal Procedures), 335-3-8-.48 (Authorization of Designated Representative and Alternate Designated Representative), 335-3-8-.49 (Responsibilities of Designated Representative and Alternate Designated Representative), 335-3-8-.50 (Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source), 335-3-8-.51 (Certificate of Representation), 335-3-8-.53 (Delegation by Designated Representative and Alternate Designated Representative), 335-3-8-.56 (Recordation of TR NOx Ozone Season Group 2 Allowance Allocations and Auction Results), 335-3-8-.57 (Submission of TR NOx Ozone Season Group 2 Allowance Transfers), 335-3-8-.58 (Recordation of TR NOx Ozone Season Group 2 Allowance Transfers), 335-3-8-.59 (Compliance with TR NOx Ozone Season Group 2 Emissions Limitation), 335-3-8-.60 (Compliance with TR NOx Ozone Season Group 2 Assurance Provisions), 335-3-8-.62 (TR NOx Ozone Season Group 2 Trading Program – Account Error), 335-3-8-.63 (TR NOx Ozone Season Group 2 Trading Program – Administrator’s Action on Submissions), 335-3-8-.67 (Monitoring System Out-of-Control Periods), 335-3-8-.68 (Notifications Concerning Monitoring), 335-3-8-.69 (Recordkeeping and Reporting), 335-3-8-.70 (Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements) and 335-3-8-.71 (NOx Budget Program).

**SUBSTANCE OF PROPOSED ACTION:**

Revisions to the Division 3 Code are being proposed to amend rules 335-3-8-.11, 335-3-8-.12, 335-3-8-.16, 335-3-8-.17, 335-3-8-.18, 335-3-8-.19, 335-3-8-.21, 335-3-8-.24, 335-3-8-.25, 335-3-8-.26, 335-3-8-.27, 335-3-8-.28, 335-3-8-.30, 335-3-8-.31, 335-3-8-.35, 335-3-8-.36, 335-3-8-.37, 335-3-8-.38, 335-3-8-.43, 335-3-8-.44, 335-3-8-.48, 335-3-8-.49, 335-3-8-.50, 335-3-8-.51, 335-3-8-.53, 335-3-8-.56, 335-3-8-.57, 335-3-8-.58, 335-3-8-.59, 335-3-8-.60, 335-3-8-.62, 335-3-8-.63, 335-3-8-.67, 335-3-8-.68, 335-3-8-.69, 335-3-8-.70 and 335-3-8-.71 in order to correct numbering not consistent with the Legislative Agency Services requirements.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., October 11, 2023, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** October 13, 2023

**CONTACT PERSON AT AGENCY:**

Larry Brown (334) 271-7878

  
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Lance R. LeFleur  
Director

**335-3-8-.16 Authorization of Designated Representative and Alternate Designated Representative.**

(1) ~~General.~~ The Environmental Protection Agency Regulations governing the authorization of Designated Representative and Alternate Designated Representative for TR NOX Sources, are incorporated by reference as they exist in 40 CFR §97.413, Subpart AAAAA 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; Proposed: August 21, 2023.-