

ATTACHMENT - SIP SUBMITTAL COMPLETENESS CRITERIA CHECKLIST

SIP Submitted by:
Date Submitted:

Subject: Confirmation of 110(a)(2)(A)-(M) Lead NAAQS Requirements in the Current Alabama SIP

110(a)(2)(A)-(M) Requirements Checklist – Alabama

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(A)	<i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.</i>	These requirements are met through ADEM Admin. Code rs. 335-3-1-.03 “Ambient Air Quality Standards”, 335-3-1-.05 “Sampling and Testing Methods”, 335-3-1-.06 “Compliance Schedule”, and 335-3-14-.03(1)(g) “Standards for Granting Permits”. Further, the following rules regulate stack height: 335-3-14-.03(2)(d) & (e), 335-3-15-.02(9)(d) & (e), 335-3-16-.02(10)(d) & (e). ADEM Admin. Code rs. 335-3-4-.15 applies to Secondary Lead Smelters
§110(a)(2)(B)	<i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to-</i> <i>(i) monitor, compile, and analyze data on ambient air quality, and</i> <i>(ii) upon request, make such data available to the Administrator;</i>	These requirements are met through ADEM Admin. Code rs. 335-3-1-.03 “Ambient Air Quality Standards”, and 335-3-1-.04 “Monitoring, Records, and Reporting”. Further, our 2010 network plan was approved by EPA on October 10, 2010.
§110(a)(2)(C)	<i>include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;</i>	ADEM is able to regulate sources of Lead through ADEM Admin. Code rs. 335-3-14-.01 “General Provisions”, 335-3-14-.02 “Permit Procedure”, 334-3-14-.03 “Standards for Granting Permits”, 335-3-14-.04 “Prevention of Significant Deterioration in Permitting” and 335-3-14-.05 “Air Permits Authorizing Construction in or Near Nonattainment Areas”.

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§110(a)(2)(D)	<p><i>contain adequate provisions—</i></p> <p><i>(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will--</i></p> <p><i>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i></p> <p><i>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,</i></p>	<p>Lead sources tend to have their maximum impacts in the immediate vicinity of the source. Alabama has no regulated sources of lead within close proximity to the State border, therefore, it is unlikely that sources of lead would contribute to nonattainment, or interfere with air quality in another state.</p> <p>ADEM is able to regulate sources of Lead through ADEM Admin. Code rs. 335-3-14-.01 “General Provisions”, 335-3-14-.02 “Permit Procedure”, 334-3-14-.03 “Standards for Granting Permits”, 335-3-14-.04 “Prevention of Significant Deterioration in Permitting” and 335-3-14-.05 “Air Permits Authorizing Construction in or Near Nonattainment Areas”.</p>
§110(a)(2)(E)(i)	<p><i>provide</i></p> <p><i>(i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);</i></p>	<p>Legal authority is derived from Ala. Code §22-28-11 (2006 Rplc. Vol.), which authorizes the Department to adopt emission requirements through regulation that are necessary to prevent, abate, or control air pollution, and from Ala. Code §22-28-9 which authorizes the Department to employ necessary staff to carry out responsibilities. The funding requirements are met through §105 grants and through the Title V fee process (ADEM Admin. Code r. 335-1-7-.04).</p>
§110(a)(2)(E)(ii)	<p><i>(ii) requirements that the state comply with the requirements respecting state boards under section 128, and</i></p>	<p>This requirement is met through Ala.Code§22-22A-6(j) which ensures that the state comply with section 128 of the CAA</p>

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§110(a)(2)(E)(iii)	<i>(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision;</i>	Requirements dictating the roles of local or regional governments (local programs) are derived from <u>Ala. Code §22-28-23</u> (2006 Rplc. Vol.), which do not allow the local programs to be less strict than the Alabama SIP/regulations and allows for oversight from the Alabama Environmental Management Commission
§110(a)(2)(F)	<p><i>require, as may be prescribed by the Administrator—</i></p> <p><i>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i></p> <p><i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i></p> <p><i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i></p>	These requirements are met through ADEM Admin. Code 335-3-1-.04 “Monitoring, Records, and Reporting”, and 335-3-12 “Continuous Monitoring Requirements for Existing Sources”.
§110(a)(2)(G)	<i>provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;</i>	These requirements are met through Ala. Code §22-28-21 “Air Pollution Emergencies”.

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§110(a)(2)(H)	<p><i>provide for revision of such plan—</i> <i>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</i> <i>(iii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act;</i></p>	<p>These requirements are met through ADEM Admin. Code rs. 335-1-1-.03(1)(b) and 335-3-1-.03 “Ambient Air Quality Standards”</p>
§110(a)(2)(I)	<p><i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);</i></p>	<p>Alabama will submit an Attainment Demonstration SIP due by June 30, 2012, for the Pike county nonattainment area which is a 0.8 mile radius surrounding the Sanders Lead facility. EPA’s letter to Alabama dated June 14, 2011, notified the Sate of their preliminary decision to designate all other portions of Alabama as unclassifiable/attainment.</p>
§110(a)(2)(J) (§ 121 consultation)	<p><i>meet the applicable requirements of section 121 (relating to consultation), ...</i></p>	<p>This requirement is met through provisions in separate implementation plans, such as the Regional Haze Implementation Plan, which provide for continued consultation with government officials.</p>
§110(a)(2)(J) (Section 127 public notification)	<p><i>meet the applicable requirements of section 7427 of this title,</i></p>	<p>These requirements are met through Ala. Code §22-28-21 “Air Pollution Emergencies”, 335-3-14-.01(7) “Public Participation”, and 335-3-14-.05(13) “Public Participation”.</p>
§110(a)(2)(J) (PSD)	<p><i>meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i></p>	<p>This requirement is met through ADEM Admin. Code chap. 335-3-14 “Air Permits” and ADEM Admin. Code rs. 335-3-14-.04(15) which requires notice to Federal Land Managers for PSD permit applications which may affect a class I area.</p>
§110(a)(2)(K)	<p><i>provide for:</i> <i>(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any</i></p>	<p>This requirement is met through ADEM Admin. Code rs. 335-3-1-.04 “Monitoring, Records, and Reporting” and 335-3-14-.04 “Prevention of Significant Deterioration Permitting”, specifically paragraph (11) “Air Quality Models”.</p>

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	<p><i>emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</i></p> <p><i>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p>	
<p>§110(a)(2)(L)</p>	<p><i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—</i></p> <p><i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i></p> <p><i>(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</i></p>	<p>This requirement is met through ADEM Admin. Code chap. 335-5-6 "Application Fees", which are State regulations not approved in the Federal SIP.</p>
<p>§110(a)(2)(M)</p>	<p><i>provide for consultation and participation by local political subdivisions affected by the plan.</i></p>	<p>This requirement is met through ADEM Admin. Code rs. 335-3-14-.01(7) "Public Participation", 335-3-14-.04(16) "Public Participation", and 335-3-14-.05(13) "Public Participation".</p>