

**Summary of Reasons Supporting the Adoption of the Proposed
Amendments to the Alabama Department of Environmental Management's
Administrative Code for Division 3 (Air Division)**

Revisions to the Division 3 Code are being proposed to delete rules related to the Federal Clean Air Interstate Rule (CAIR) and NOx Budget Trading program.

On May 12, 2005, EPA promulgated the Clean Air Interstate Rule (CAIR). CAIR required 29 states to adopt and submit revisions to their State Implementation Plans (SIPs) to eliminate SO₂ and NO_x emissions that contribute significantly to downwind nonattainment of the fine particle (PM_{2.5}) and ozone National Ambient Air Quality Standards (NAAQS) promulgated in July 1997. In July 2008, CAIR was remanded by the U.S. Court of Appeals for the District of Columbia Circuit Court. The decision allowed CAIR to remain effective until EPA replaced CAIR with another rule. EPA has since promulgated a replacement Rule that is effective January 1, 2012. Therefore, ADEM is deleting the state CAIR rules to be consistent with the federal rules.

ADEM is also deleting regulations pertaining to the NOx budget trading program, which are no longer applicable.

A detailed index of changes is attached with this summary.

Revisions to Chapter 335-3-1

Revisions to Chapter 335-3-1 are being proposed for revision to delete rules pertaining to NO_x and SO₂ emissions reporting in relation to the NO_x SIP Call and CAIR. Rules 335-3-1-.14 and 335-3-1-.16 are being deleted.

Revisions to Chapter 335-3-5

Revisions to Chapter 335-3-5 are being proposed for revision to delete incorporated CAIR rules in relation to SO₂ emissions.

Revisions to Chapter 335-3-8

Revisions to Chapter 335-3-8 are being proposed for revision to delete CAIR and NO_x Budget Trading rules with respect to NO_x emissions.

No revisions are being made to 335-3-8-.01 (Standards for Portland Cement Kilns) and 335-3-8-.04 (Standards for Stationary Reciprocating Internal Combustion Engines).