

**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)  
And  
State Implementation Plan (SIP)**

Revisions to the Division 3 Code and the Alabama State Implementation Plan (SIP) are being proposed to incorporate by reference changes to EPA's New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs), remove provisions relating to violations of emission limits during start-up, shut-down and malfunctions of equipment in Chapters 14 (Air Permits) and 15 (Synthetic Minor Operating Permits), remove provisions relating to emergencies in Chapter 16 (Major Source Operating Permits), and revise the State Plan for Control of Air Emissions at Municipal Waste Combustors.

A detailed index of changes is attached with this summary.

**Revisions to Chapter 335-3-10**

ADEM proposes technical amendments to rules in Chapter 335-3-10.

EPA has set emission standards, notification and testing procedures, and monitoring requirements for a number of individual industrial sources or source categories. Standards of performance are not intended to achieve any specific air quality level. Instead, they are designed to reflect best-demonstrated technology (taking into account costs) for the source in question. New source performance standards apply only to stationary sources that are constructed, modified, or reconstructed after a relevant standard is established. In 1978, EPA published a list assigning priorities to 72 categories of sources for which new standards eventually would be developed. As soon as new standards are promulgated, facilities planning construction, reconstruction, or modification must comply.

ADEM incorporates by reference, the federal New Source Performance Standards (NSPS) into the Department's regulations concerning Air Pollution found in ADEM Admin. Code div. 335-3. This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM.

**December 16, 2005, 70 FR 74870**  
**40 CFR 60, Subparts A and EEEE**  
**Standard of Performance for New Stationary Sources and Emission**  
**Guidelines for Existing Sources: Other Solid Waste Incineration**  
**Units**

**SUMMARY:** EPA promulgated new source performance standards (NSPS) and emission guidelines for new and existing “other” solid waste incineration units (OSWI). The final rules for OSWI units fulfill the requirements of sections 111 and 129 of the Clean Air Act (CAA), which require EPA to promulgate NSPS and emission guidelines for solid waste incineration units. The final rules, which address only the incineration of nonhazardous solid wastes, will protect public health by reducing exposure to air pollution.

However, ADEM is only adopting standards of performance for other solid waste incineration units for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006.

**November 24, 2006 71 FR 67802**  
**40 CFR 60 Subpart EEEE**  
**Standards of Performance for New Stationary Sources and Emission**  
**Guidelines for Existing Sources: Other Solid Waste Incineration**  
**Units**

**SUMMARY:** EPA took direct final action to make a technical correction to the emission guidelines and new source performance standards (NSPS) for other solid waste incineration (OSWI) units. EPA corrected the averaging time for measuring opacity.

However, ADEM is only adopting new source performance standards for other solid waste incinerating units.

**November 20, 2023, 88 FR 80594**  
**40 CFR 60, Subparts A, L and La**  
**New Source Performance Standards Review for Secondary Lead**  
**Smelters**

**SUMMARY:** The Environmental Protection Agency (EPA) finalized amendments to the new source performance standards (NSPS) for secondary lead smelters pursuant to the periodic review required by the Clean Air Act (CAA). Specifically, the EPA finalized revisions to the NSPS that apply to affected secondary lead smelters constructed,

reconstructed, or modified after December 1, 2022 (NSPS subpart La). The EPA also finalized amendments to the NSPS for secondary lead smelters constructed, reconstructed, or modified after June 11, 1973, and on or before December 1, 2022, (NSPS subpart L). In addition, EPA finalized the use of EPA Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) as an alternative for demonstrating compliance with the opacity limit.

**April 5, 2024, 89 FR 24090**

**40 CFR 60, Appendices B and F**

**National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review**

**SUMMARY:** The EPA finalized the residual risk and technology review (RTR) conducted for the Commercial Sterilization Facilities source category regulated under national emission standards for hazardous air pollutants (NESHAP) under the Clean Air Act. The EPA finalized decisions concerning the RTR, including definitions for affected sources, emission standards for previously unregulated sources, amendments pursuant to the risk review to address ethylene oxide (EtO) emissions from certain sterilization chamber vents (SCVs), aeration room vents (ARVs), chamber exhaust vents (CEVs), and room air emissions, and amendments pursuant to the technology review for certain SCVs and ARVs. In addition, the EPA took final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM), including removing exemptions for periods of SSM. The EPA also took final action to require owners and operators to demonstrate compliance through the use of EtO continuous emissions monitoring systems (CEMS), with exceptions for very small users of EtO; add provisions for electronic reporting of performance test results and other reports; and include other technical revisions to improve consistency and clarity. EPA estimates that these final amendments will reduce EtO emissions from this source category by approximately 21 tons per year (tpy).

**April 17, 2024 89 FR 27392**

**40 CFR 60, Subpart EEEE**

**Other Solid Waste Incinerators; Air Curtain Incinerators Title V Permitting Provisions**

**SUMMARY:** On August 31, 2020, in accordance with requirements under the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) performed a 5-year review of the Standards of Performance for New

Stationary Sources and Emissions Guidelines for Existing Sources: Other Solid Waste Incineration (OSWI) Units, which includes certain very small municipal waste combustion (VSMWC) and institutional waste incineration (IWI) units. In the same action, the EPA proposed to remove the title V permitting requirements for air curtain incinerators (ACI) that burn only wood waste, clean lumber, yard waste, or a mixture of these three types of waste. In response to supportive comments received on the August 2020 proposal, EPA finalized, as proposed, to remove the title V permitting requirements for ACIs that only burn wood waste, clean lumber, yard waste, or a mixture of those, and are not located at title V major sources or subject to title V for other reasons. This was done to simplify the compliance obligations for owners and operators of these types of units.

**May 8, 2024, 89 FR 39304**

**40 CFR 60, Subparts XX and XXa**

**National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution Technology Reviews and New Source Performance Standards Review for Bulk Gasoline Terminals**

**SUMMARY:** The Environmental Protection Agency (EPA) finalized the technology reviews (TR) conducted for the national emission standards for hazardous air pollutants (NESHAP) for gasoline distribution facilities and the review of the new source performance standards (NSPS) for bulk gasoline terminals pursuant to the requirements of the Clean Air Act (CAA). The final NESHAP amendments include revised requirements for storage vessels, loading operations, and equipment to reflect cost-effective developments in practices, processes, or controls. The final NSPS reflect the best system of emission reduction for loading operations and equipment leaks. In addition, the EPA finalized: revisions related to emissions during periods of startup, shutdown, and malfunction (SSM); adding requirements for electronic reporting; revising monitoring and operating requirements for control devices; and making other minor technical improvements. The EPA estimates that this final action will reduce hazardous air pollutant emissions from gasoline distribution facilities by over 2,200 tons per year (tpy) and volatile organic compound (VOC) emissions by 45,400 tpy.

**May 16, 2024, 89 FR 42932**

**40 CFR 60, Subparts A, VVa, VVb, III, IIIa, NNN, NNNa, RRR and RRRa**

**New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry**

**SUMMARY:** The EPA finalized amendments to the New Source Performance Standards (NSPS) that apply to the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) that apply to the SOCMI (more commonly referred to as the Hazardous Organic NESHAP or HON) and Group I and II Polymers and Resins (P&R I and P&R II, respectively) Industries. The EPA finalized decisions resulting from the Agency's technology review of the HON and the P&R I and P&R II NESHAP, and its review of the NSPS that apply to the SOCMI. The EPA also finalized amendments to the NSPS for equipment leaks of volatile organic compounds (VOC) in SOCMI based on its reconsideration of certain issues raised in an administrative petition for reconsideration. Furthermore, the EPA finalized emission standards for ethylene oxide (EtO) emissions and chloroprene emissions after considering the results of a risk assessment for the HON and for Neoprene Production processes subject to the P&R I NESHAP, and finalized a fence-line monitoring work practice standard for certain hazardous air pollutants (HAP). Lastly, the EPA finalized the removal of exemptions from standards for periods of startup, shutdown, and malfunction (SSM), adding work practice standards for such periods where appropriate, finalizing standards for previously unregulated HAP, and adding provisions for electronic reporting of performance test reports and periodic reports.

**August 30, 2024, 89 FR 70505**

**40 CFR 60, Subparts IIII and JJJJ**

**National Emission Standards for Hazardous Air Pollutants: Reciprocating Internal Combustion Engines; New Source Performance Standards: Internal Combustion Engines; Electronic Reporting**

**SUMMARY:** The Environmental Protection Agency (EPA) finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE), the New Source Performance Standards (NSPS) for Stationary Compression Ignition (CI) Internal Combustion Engines, and the NSPS for Stationary Spark Ignition (SI) Internal Combustion Engines, to add electronic reporting provisions. The addition of electronic reporting provisions will provide for simplified reporting by sources and enhance availability of data on sources to the EPA and the public. In addition, a

small number of clarifications and corrections to these rules were finalized to provide clarification and correct inadvertent and other minor errors in the Code of Federal Regulations (CFR), particularly related to tables.

**September 12, 2024, 89 FR 74135**

**40 CFR 60, Subparts III, NNN and RRR**

**New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry; Correction**

SUMMARY: The Environmental Protection Agency (EPA) made two corrections to the final action that appeared in the Federal Register on May 16, 2024. This correction moves the placement of 3 explanatory notes in the regulatory text; this correction does not change the content of the explanatory notes.

**October 15, 2024, 89 FR 83296**

**40 CFR 60, Subparts A, Kb and Kc**

**New Source Performance Standards Review for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels)**

**SUMMARY:** The Environmental Protection Agency (EPA) finalized amendments to the new source performance standards (NSPS) for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) pursuant to the review required by the Clean Air Act (CAA). The EPA finalized revisions to the NSPS that are applicable to volatile organic liquid (VOL) storage vessels that commence construction, reconstruction, or modification after October 4, 2023, under a new NSPS subpart, as well as amendments to an existing subpart. In the new NSPS subpart Kc, the EPA is finalizing requirements to reduce the vapor pressure applicability thresholds and revise the volatile organic compound (VOC) standards to reflect the best system of emission reduction (BSER) for affected storage vessels. In addition, the EPA finalized degassing emission controls; clarification of startup, shutdown, and malfunction (SSM) requirements; additional monitoring requirements; and other technical improvements.

**November 14, 2024, 89 FR 89928**

**40 CFR 60, Subpart EEEE**

## **Other Solid Waste Incinerators: Air Curtain Incinerators Title V Permitting Provisions: Technical Correction**

**SUMMARY:** The Environmental Protection Agency (EPA) corrected a final rule that appeared in the Federal Register (FR) on April 17, 2024. The EPA finalized the Other Solid Waste Incinerators (OSWI); Title V Permitting Provisions rule which removed title V permitting requirements for air curtain incinerators that burn only wood waste, clean lumber, yard waste, or a mixture of these three types of waste. Following publication of this final rule, the EPA discovered inadvertent errors in the regulatory text and is correcting them in this action.

### **Revisions to Chapter 335-3-11**

ADEM proposes technical amendments to rules in chapter 335-3-11. These rules will incorporate revisions in 40 CFR Part 61 (NESHAPs), and 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories) by reference into the State regulations.

The Environmental Protection Agency (EPA), in accordance with Section 112 of the Clean Air Act (CAA) as amended in 1990, is required to issue emission standards for all major sources of the 188 listed hazardous air pollutants. On July 16, 1992 [57 FR 31576], the EPA published an initial list of source categories for which air toxics emission standards are to be promulgated. By the year 2000, the EPA was required to develop rules for all of these categories that require maximum achievable reduction in emissions, considering cost and other factors. These rules are generally known as “maximum achievable control technology” (MACT) standards. On December 15, 1995 [November 15, 1995, 60 FR 57346] under Section 112(l)(5) and 40 CFR 63.91, the EPA granted full approval to the State of Alabama for the State’s program for receiving delegation of Section 112 standards that are unchanged from Federal rules as promulgated.

This Chapter is periodically updated to incorporate standards for additional source categories as they are promulgated by the EPA.

**January 10, 2008, 73 FR 1916**

**40 CFR 63, Subpart BBBBBB**

**National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities**

**SUMMARY:** EPA promulgated national emission standards for hazardous air pollutants for the facilities in the gasoline distribution (Stage I) area source category. EPA promulgated these emission standards for hazardous air pollutants pursuant to Clean Air Act section 112(c)(3) and 112(d)(5). EPA added two regulations that address the facilities contained in this area source category. The first includes requirements for bulk distribution facilities, i.e., gasoline distribution bulk terminals, bulk plants, and pipeline facilities. The second includes requirements for loading of storage tanks at gasoline dispensing facilities. EPA also incorporated by reference four test methods. This action also finalizes EPA's decision not to regulate the above noted facilities under Clean Air Act section 112(c)(6).

**March 7, 2008, 73 FR 12275**

**40 CFR 63, Subpart BBBBBB**

**National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk plants, and Pipeline Facilities; and Gasoline Dispensing Facilities; Correction**

**SUMMARY:** This action corrects certain text of the final rules entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities." The final rules were published in the Federal Register on January 10, 2008.

Section 63.11092 was amended as follows: In paragraph (a)(3) by removing the words "rule promulgation" and adding in their place the words "compliance date specified in § 63.11083".

**January 24, 2011, 76 FR 4156**

**40 CFR 63, Subpart BBBBBB**

**National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities**

**SUMMARY:** This action promulgates amendments to the National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities, which EPA promulgated on January 10, 2008, and amended on March 7, 2008. In this action, EPA finalized amendments and clarifications to certain definitions and applicability provisions of the final rules in response to some of the issues raised in the petitions for reconsideration.



**November 19, 2020, 85 FR 73854**

**40 CFR 63, Subpart BBBBBB**

**Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act**

**SUMMARY:** This rule finalizes amendments to the General Provisions that apply to National Emission Standards for Hazardous Air Pollutants (NESHAP). These amendments implement the plain language reading of the “major source” and “area source” definitions of section 112 of the Clean Air Act (CAA) and provide that a major source can be reclassified to area source status at any time upon reducing its potential to emit (PTE) hazardous air pollutants (HAP) to below the major source thresholds (MST) of 10 tons per year (tpy) of any single HAP and 25 tpy of any combination of HAP. This rule also finalizes amendments to clarify the compliance dates, notification, and recordkeeping requirements that apply to sources choosing to reclassify to area source status and to sources that revert back to major source status, including a requirement for electronic notification.

**April 3, 2024, 89 FR 23294**

**40 CFR 63, Subparts A and FFFFF**

**National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review**

**SUMMARY:** The U.S. Environmental Protection Agency finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Manufacturing Facilities to regulate hazardous air pollutant (HAP) emissions. The amendments include: HAP from unmeasured fugitive and intermittent particulate (UFIP) sources previously not regulated by the NESHAP; previously unregulated HAP for sinter plants; previously unregulated pollutants for blast furnace (BF) stoves and basic oxygen process furnaces (BOPFs) primary control devices; and previously unregulated pollutants for BF primary control devices. The EPA also finalized an update to the technology review for this source category.

**April 4, 2024, 89 FR 23840**

**40 CFR 63, Subparts CC, YY, EEEE and FFFF**

**National Emission Standards for Hazardous Air Pollutants: Ethylene Production, Miscellaneous Organic Chemical Manufacturing, Organic**

## **Liquids Distribution (Non-Gasoline), and Petroleum Refineries Reconsideration**

**SUMMARY:** On July 6, 2020, the U.S. Environmental Protection Agency finalized the residual risk and technology review (RTR) conducted for the Ethylene Production source category, which is part of the Generic Maximum Achievable Control Technology Standards National Emission Standards for Hazardous Air Pollutants (NESHAP); on July 7, 2020, the EPA finalized the RTR conducted for the Organic Liquids Distribution (Non-Gasoline) NESHAP; and on August 12, 2020, the EPA finalized the RTR conducted for the Miscellaneous Organic Chemical Manufacturing NESHAP. Amendments to the Petroleum Refinery Sector NESHAP were most recently finalized on February 4, 2020. Subsequently, the EPA received and granted various petitions for reconsideration on these NESHAP for, among other things, the provisions related to the work practice standards for pressure relief devices (PRDs), emergency flaring, and degassing of floating roof storage vessels. The EPA finalized proposed amendments to remove the *force majeure* exemption for PRDs and emergency flaring, incorporate clarifications for the degassing requirements for floating roof storage vessels, and address other corrections and clarifications.

**April 5, 2024, 89 FR 24090**

**40 CFR 63, Subparts A and O**

### **National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review**

**SUMMARY:** The EPA finalized the residual risk and technology review (RTR) conducted for the Commercial Sterilization Facilities source category regulated under national emission standards for hazardous air pollutants (NESHAP) under the Clean Air Act. The EPA finalized decisions concerning the RTR, including definitions for affected sources, emission standards for previously unregulated sources, amendments pursuant to the risk review to address ethylene oxide (EtO) emissions from certain sterilization chamber vents (SCVs), aeration room vents (ARVs), chamber exhaust vents (CEVs), and room air emissions, and amendments pursuant to the technology review for certain SCVs and ARVs. In addition, the EPA took final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM), including removing exemptions for periods of SSM. The EPA also took final action to require owners and operators to demonstrate compliance through the use of EtO continuous emissions monitoring systems (CEMS), with exceptions for very small users of EtO; add provisions for electronic reporting of performance test

results and other reports; and include other technical revisions to improve consistency and clarity. EPA estimates that these final amendments will reduce EtO emissions from this source category by approximately 21 tons per year (tpy).

**May 7, 2024, 89 FR 38508**

**40 CFR 63, Subparts A and UUUUU**

**National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review**

**SUMMARY:** The EPA finalized amendments to the national emission standards for hazardous air pollutants (NESHAP) for the Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs) source category. These final amendments are the result of the EPA's review of the 2020 Residual Risk and Technology Review (RTR). The changes, which were proposed under the technology review in April 2023, include amending the filterable particulate matter (fPM) surrogate emission standard for non-mercury metal hazardous air pollutants (HAP) for existing coal-fired EGUs, the fPM emission standard compliance demonstration requirements, and the mercury (Hg) emission standard for lignite-fired EGUs. Additionally, the EPA finalized a change to the definition of "startup." The EPA did not propose, and did not finalize, any changes to the 2020 Residual Risk Review.

**May 8, 2024, 89 FR 39304**

**40 CFR 63, Subparts R and BBBBBB**

**National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution Technology Reviews and New Source Performance Standards Review for Bulk Gasoline Terminals**

**SUMMARY:** The Environmental Protection Agency (EPA) finalized the technology reviews (TR) conducted for the national emission standards for hazardous air pollutants (NESHAP) for gasoline distribution facilities and the review of the new source performance standards (NSPS) for bulk gasoline terminals pursuant to the requirements of the Clean Air Act (CAA). The final NESHAP amendments include revised requirements for storage vessels, loading operations, and equipment to reflect cost-effective developments in practices, processes, or controls. The final NSPS reflect the best system of emission reduction for loading operations and equipment leaks. In addition, the EPA finalized: revisions related to emissions during periods of startup, shutdown, and malfunction (SSM); adding requirements for electronic reporting; revising monitoring and operating requirements for control devices; and making other minor

technical improvements. The EPA estimates that this final action will reduce hazardous air pollutant emissions from gasoline distribution facilities by over 2,200 tons per year (tpy) and volatile organic compound (VOC) emissions by 45,400 tpy.

**May 13, 2024, 89 FR 41648**

**40 CFR 63, Subparts A and EEEEEEE**

**National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review**

**SUMMARY:** The EPA finalized the residual risk and technology review (RTR) conducted for the Primary Copper Smelting major source category regulated under national emission standards for hazardous air pollutants (NESHAP). This action also finalized the technology review for the Primary Copper Smelting area source NESHAP. The final amendments for the major source NESHAP include particulate matter (PM) emission standards as a surrogate for metal hazardous air pollutants (HAP) other than mercury (primarily lead and arsenic) for anode refining point sources, process fugitive emissions from roofline vents, Hoboken converter process fugitive capture systems where they combine with anode refining point sources, and new converters. EPA also finalized emission standards for previously unregulated HAP including mercury, benzene, toluene, hydrogen chloride (HCl), chlorine, polycyclic aromatic hydrocarbons (PAH), and dioxins and furans (D/F). In addition, EPA took final action in the major source NESHAP to establish work practice standards for bypass stacks, and add a new emissions limit for lead and emissions control design standards to minimize process fugitive emissions at facilities with flash furnaces and Peirce- Smith converters. Final amendments for both the major source NESHAP and the area source NESHAP include removing exemptions and associated provisions for periods of startup, shutdown, and malfunction (SSM), specifying that the emission standards apply at all times, and requiring electronic reporting of performance test results and notification of compliance reports.

**May 16, 2024, 89 FR 42932**

**40 CFR 63, Subparts A, F, G, H, I, U and W**

**New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry**

**SUMMARY:** The EPA finalized amendments to the New Source Performance Standards (NSPS) that apply to the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) that apply to the SOCMI (more commonly referred to as the Hazardous Organic NESHAP or HON) and Group I and II Polymers and Resins (P&R I and P&R II, respectively) Industries. The EPA finalized decisions resulting from the Agency's technology review of the HON and the P&R I and P&R II NESHAP, and its review of the NSPS that apply to the SOCMI. The EPA also finalized amendments to the NSPS for equipment leaks of volatile organic compounds (VOC) in SOCMI based on its reconsideration of certain issues raised in an administrative petition for reconsideration. Furthermore, the EPA finalized emission standards for ethylene oxide (EtO) emissions and chloroprene emissions after considering the results of a risk assessment for the HON and for Neoprene Production processes subject to the P&R I NESHAP, and finalized a fence-line monitoring work practice standard for certain hazardous air pollutants (HAP). Lastly, the EPA finalized the removal of exemptions from standards for periods of startup, shutdown, and malfunction (SSM), adding work practice standards for such periods where appropriate, finalizing standards for previously unregulated HAP, and adding provisions for electronic reporting of performance test reports and periodic reports.

**July 5, 2024, 89 FR 55684**

**40 CFR 63, Subparts A, L, CCCCC**

**National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review**

**SUMMARY:** The EPA finalized the residual risk and technology review conducted for the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for the Coke Ovens: Pushing, Quenching, and Battery Stacks (PQBS) source category and the periodic technology review for the Coke Oven Batteries (COB) source category NESHAP. The EPA finalized a determination that risks due to emissions of hazardous air pollutants (HAP) from the PQBS source category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health.

**July 16, 2024, 89 FR 57738**

**40 CFR 63, Subparts A and AAAAA**

**National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Technology Review**

**SUMMARY:** EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants (Lime Manufacturing NESHAP). Specifically, EPA finalized maximum achievable control technology (MACT) standards for hydrogen chloride (HCl), mercury, organic HAP, and dioxin/furans (D/F).

**August 30, 2024, 89 FR 70505**

**40 CFR 63, Subpart ZZZZ**

**National Emission Standards for Hazardous Air Pollutants: Reciprocating Internal Combustion Engines and New Source Performance Standards: Internal Combustion Engines; Electronic Reporting**

**SUMMARY:** The Environmental Protection Agency (EPA) finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE), the New Source Performance Standards (NSPS) for Stationary Compression Ignition (CI) Internal Combustion Engines, and the NSPS for Stationary Spark Ignition (SI) Internal Combustion Engines, to add electronic reporting provisions. The addition of electronic reporting provisions will provide for simplified reporting by sources and enhance availability of data on sources to the EPA and the public. In addition, a small number of clarifications and corrections to these rules were finalized to provide clarification and correct inadvertent and other minor errors in the Code of Federal Regulations (CFR), particularly related to tables.

**September 10, 2024, 89 FR73293**

**40 CFR 63 Subpart A**

**Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act**

**SUMMARY:** The EPA finalized requirements for sources that reclassify from major source status to area source status under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. The requirements of this final rule apply to all sources that choose to reclassify after September 10, 2024. The final amendments include a requirement that sources subject to certain major source NESHAP used to meet EPA's obligations under the Clean Air Act (CAA) for seven specific persistent and bioaccumulative pollutants must remain subject to those NESHAP even if the sources reclassify to area source status. This requirement is based on the EPA's analysis of the statute and of comments received on the EPA's 2023 proposal to amend requirements

for NESHAP-regulated sources that choose to reclassify from major to area source status. These final amendments will assure that sources accounting for not less than 90 per centum of the aggregate emissions of each persistent and bioaccumulative hazardous air pollutant (HAP) listed in CAA remain subject to standards promulgated under the CAA, as the Act requires, and will thereby ensure continued health protections from NESHAP that regulate those HAP. Additionally, EPA finalized clarifications to notification requirements and updating language regarding submittal of confidential business information.

**October 22, 2024, 89 FR 84291**

**40 CFR 63, Subparts HH and HHH**

**Removal of Affirmative Defense Provisions from the National Emission Standards for Hazardous Air Pollutants for the Oil and Natural Gas Production Facility and National Gas Transportation and Storage Facility Source Categories**

**SUMMARY:** The EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants for the oil and gas industry issued under the Clean Air Act (CAA). Specifically, the EPA finalized removal of the affirmative defense provisions in the National Emission Standards for Hazardous Air Pollutants for both the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category.

**November 29, 2024, 89 FR 94886**

**40 CFR 63, Subpart A and XXXX**

**National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing**

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) promulgated amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Rubber Tire Manufacturing, as required by the Clean Air Act (CAA). To ensure that all emissions of hazardous air pollutants (HAP) from sources in the source category are regulated, the EPA promulgated emissions standards for the rubber processing subcategory of the rubber tire manufacturing industry, which is the only unregulated subcategory within the Rubber Tire Manufacturing source category.

**December 4, 2024, 89 FR 96106**

**40 CFR 63, Subpart AAAAA**

**National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Technology Review; Correction**

**SUMMARY:** The Environmental Protection Agency (EPA) made corrections to the National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants (Lime Manufacturing NESHAP) technology review final rule that appeared in the **Federal Register** on July 16, 2024. Following publication of that final rule, the EPA discovered inadvertent errors in the regulatory text and is correcting them in this action.

**January 7, 2025, 90 FR 1040**

**40 CFR 63, Subpart A**

**Review of Final rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act; Correction**

**SUMMARY:** The Environmental Protection Agency (EPA) made corrections to the Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (CAA) final rule that appeared in the **Federal Register** on September 10, 2024. Following publication of this final rule, the EPA discovered an inadvertent typographical error in the regulatory text and is correcting the error in this action.

#### **Revisions to Chapter 335-3-14**

Rule 335-3-14-.03 is being proposed for revision to reinstate provisions relating to violations of emission limits during start-up, shut-down, and malfunctions of equipment.

#### **Revisions to Chapter 335-3-15**

Rule 335-3-15-.04 is being proposed for revision to reinstate provisions relating to violations of emission limits during start-up, shut-down, and malfunctions of equipment.

#### **Revisions to Chapter 335-3-16**

On July 21, 2023, the United States Environmental Protection Agency (EPA) issued the final rule, “Removal of Title V Emergency Affirmative Defense Provisions from State Operating Permit Programs and Federal Operating Permit Program” (88 FR 47029). Accordingly, ADEM is proposing to amend regulations in Chapter 335-3-16 (Major Source Operating Permits) to comply with EPA’s final rule. Rule 335-3-16-.11 is being proposed for revision to remove provisions relating to emergencies.



### **Revisions to the State Plan for the Control of Emissions at Existing Municipal Waste Combustor Plants**

On December 19, 1995, the USEPA promulgated New Source Performance Standards (NSPS) for Municipal Waste Combustors (MWCs) and Emission Guidelines for Existing MWCs. The standards and guidelines established emission levels for MWC organics (dioxins/furans), MWC metals (cadmium, lead, mercury, particulate matter, and opacity), MWC acid gases (hydrogen chloride and sulfur dioxide), nitrogen oxides, and fugitive ash emissions. The Emission Guidelines (EG) implement §§111(d) and 129 of the Clean Air Act (the Act). The EG for existing MWCs were promulgated under Subpart Cb of 40 CFR 60. The EG require a State to submit a plan that will establish emission standards for existing sources when NSPS have been promulgated for a designated pollutant(s). The EG require the State to develop a plan to limit air emissions from each MWC unit located at a MWC plant that has an aggregate plant capacity to combust more than 250 Tons/day of municipal solid waste, for which construction commenced on or before September 20, 1994. To fulfill the requirements, the State submitted a plan to EPA in September 1998, and it was approved on November 18, 1998 (63 FR 63988).

The plan addresses the only MWC facility presently located in Alabama, operated by the Huntsville Solid Waste Disposal Authority. The Huntsville Solid Waste Disposal Authority's MWC is located near Huntsville, Alabama, in Madison County. The facility is under the jurisdiction of the Department. The facility consists of two (2) 129.4 MMBTU/hr (345 Tons/Day) refuse boilers and four (4) gas-fired package boilers, each rated at 116.3 MMBTU/hr. The facility was granted Air Permits on October 6, 1987, for requirements applicable at that time. On October 10, 2003, the facility was granted its initial Major Source Operating Permit (MSOP) for the requirements applicable at that time. Only the refuse boilers are subject to this plan. The Department's plan incorporated the EG requirements into the Air Permit for the Huntsville facility.

On May 10, 2006 (71 FR 27324), the USEPA promulgated amendments to the air emissions standards for existing MWC units. The emission limits for dioxin, cadmium, lead, mercury, and particulate matter were revised. Also, compliance testing provisions were revised. A new permit was issued and the Department's plan was revised in April 2009 to include the permit.

The Huntsville Solid Waste Authority's MWCs permits were subject to renewal under Title V of the Clean Air Act. Changes to the Title V permit included incorporation of air permits associated with the addition of a liquid direct injection (LDI) system, removal of obsolete requirements associated with 40 CFR 60 Subpart Cb, incorporation of requirements for an emergency generator, incorporation of requirements relating to 40 CFR 63 Subpart DDDDD, and other revisions for clarification purposes. Revisions to the MWC State Plan are being proposed to incorporate the new permit into the State Plan.