

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**350**

**NOTICE OF PUBLIC HEARING  
REGARDING THE  
ALABAMA STATE IMPLEMENTATION PLAN (SIP)**

Notice is hereby given that the Alabama Department of Environmental Management of the State of Alabama is providing the opportunity for interested persons to comment on documents that propose to certify that Alabama's existing State Implementation Plan (SIP) meets all Section 110(a)(1) and 110(a)(2) provisions of the Clean Air Act (CAA) that address the requirements for the 2012 Annual PM 2.5 National Ambient Air Quality Standards (NAAQS), and documents that amend changes to element C and D of a previously submitted Infrastructure State Implementation plan for the 2010 NO2 NAAQS. Interested parties may request that a public hearing be held.

If a hearing is held, it will be held on November 30, 2015, at 10:00 a.m. in Room 1201 at the ADEM – Central Office location at 1400 Coliseum Blvd.

Those requesting a hearing should call (334) 271-7909. The deadline to submit a request for a hearing is 5:00 p.m. on November 24, 2015. If no hearing is to be held, a Notice of Cancellation of the hearing will be posted on November 25, 2015, on the Department's website located at [www.adem.state.al.us/PubHearings/PubHearings.htm](http://www.adem.state.al.us/PubHearings/PubHearings.htm). Interested persons may also call (334) 271-7909 to determine if a public hearing will be held.

Copies of the proposed SIP are available at a cost of 30 cents per page at each of the ADEM office locations listed below or on the Internet at [www.adem.state.al.us/PubHearings/PubHearings.htm](http://www.adem.state.al.us/PubHearings/PubHearings.htm) at no cost.

ADEM, Office of General Counsel  
Attn: Freida Thomas  
1400 Coliseum Boulevard  
(P. O. Box 301463, Zip code 36130-1463)  
Montgomery, AL 36110-2059  
(334) 260-4510

ADEM, Birmingham Field Office  
Attn: Mary Taylor  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168

ADEM, Decatur Field Office  
Attn: Jan Childers  
2715 Sandlin Road, SW  
Decatur, AL 35603-1333  
(256) 353-1713

ADEM, Mobile Field Office  
Attn: Jenika Monroe  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400

Southeast Alabama Regional Planning &  
Development Commission  
462 North Oates, 4th Floor  
Dothan, AL 36303

Alabama - Tombigbee Rivers Planning &  
Development Commission  
Courthouse Annex  
107 Broad Street  
Camden, AL 36726

East Alabama Regional Planning &  
Development Commission  
1130 Quintard Avenue  
Anniston, AL 36201

If the Department holds a hearing, it will be held to receive data, views, and arguments from interested persons regarding the document. Attendance at the hearing is not necessary to present such data, views, arguments, or comments as the same may be submitted in writing, but must be received by Ronald W. Gore prior to 5:00 p.m. on November 30, 2015.

Written submissions and other inquires should be directed to: Mr. Ronald W. Gore, Chief, Air Division, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2059) or by e-mail at [rwg@adem.state.al.us](mailto:rwg@adem.state.al.us).

Any person wishing to participate in this hearing who needs special accommodations should contact the Department's Permits and Services Division at (334) 271-7714 at least five working days prior to the hearing.

This notice is hereby given this October 25, 2015, by authority of ADEM.

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Lance R. LeFleur  
Director

**ATTACHMENT - SIP SUBMITTAL COMPLETENESS CRITERIA CHECKLIST**

SIP Submitted by:

Date Submitted:

Subject: Confirmation of 110(a)(2)(A)-(M) 2012 PM 2.5 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>	<p>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) &amp; (e), 335-3-15-.02(9)(d) &amp; (e), 335-3-16-.02(10)(d) &amp; (e).</p> <p>ADEM’s Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>
§110(a)(2)(B)	<p><i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to-</i></p> <p>(i) <i>monitor, compile, and analyze data on ambient air quality, and</i></p> <p>(ii) <i>upon request, make such data available to the Administrator;</i></p>	<p>These requirements are met through ADEM Admin. Code rs. 335-3-1-.05 “Sampling and Testing Methods”, and 335-3-1-.04 “Monitoring, Records, and Reporting” as directed by 40 CFR 53 and 58. Further, our 2014 network plan was approved by EPA March 2015.</p> <p>ADEM’s Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>
§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>	<p>ADEM is able to regulate sources contributing to PM 2.5 through ADEM Admin. Code rs. 335-3-14-.01 “General Provisions” (this regulation covers Enforcement, and permitting of New, Modified, Minor and Major Sources), 335-3-14-.02 “Permit Procedure” (this regulation covers permitting of New, Modified, Minor and Major Sources), 334-3-14-.03 “Standards for Granting Permits” (this regulation covers Enforcement and permitting of New, Modified, Minor and Major Sources), 335-3-14-.04 “Prevention of Significant Deterioration in Permitting” (this regulation covers Enforcement and PSD for New and Modified Sources) and 335-3-14-.05 “Air Permits Authorizing Construction in or Near Nonattainment Areas” (this regulation covers Enforcement and Nonattainment NSR).</p> <p>ADEM’s Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(D)	<p>contain adequate provisions—</p> <p>(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—</p> <p>(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</p> <p>(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,</p> <p>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</p>	<p>There are no PM2.5 nonattainment areas in the state of Alabama. In regards to the surrounding states, the entire state of Mississippi, most of Georgia, and some areas of Tennessee have been designated Unclassifiable/attainment. Also, EPA deferred designations for the remaining areas of Georgia, Tennessee, and the entire state of Florida (80 FR2206). EPA stated in a Memo from Beth W. Palma that at this time, the EPA is still evaluating the data for Florida Statewide and thus does not have enough information to make a designation decision for any area in the State.</p> <p>Based on available valid monitoring data for the surrounding states for the years 2012 through 2014, the highest design value was 11.3 µg/m3 at a monitor in Alabama. This design value is lower than the standard, which is 12 µg/m3. Additionally, Alabama showed a 10 percent NOx reduction and 46 percent SO2 reduction in point sources for the years 2009-2013 which are both PM precursors.</p> <p>Alabama has also implemented several major federal programs which have led to significant PM2.5 precursor emission reductions. These programs include Tier III Motor Vehicle Emissions Standards, Onroad and Nonroad Diesel Standards, New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and the NOx SIP Call.</p> <p>Although we are not relying on CSAPR to meet the 2012 PM2.5 standard, the Cross State Air Pollution Rule provides a residual benefit in the reduction of NOx and SO2. These are both PM2.5 precursors.</p> <p>Based on the information provided above, it is our belief that Alabama does not contribute significantly to nonattainment, or interfere with maintenance of the PM 2.5 standard.</p> <p>In addition, ADEM Admin. Code chap 335-3-8 contains controls and emission limits for NOx, and Admin. Code chap 335-3-5 contains controls and emission limits for SO2. As stated previously concerning the 3rd element, ADEM is able to regulate sources contributing to PM 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> <p>The fourth element is met through Alabama’s Regional Haze Implementation Plan, which was submitted July 15, 2008.</p> <p>§110(a)(2)(D)(ii) is met through ADEM Admin. Code 335-3-14-.04 “Prevention of Significant Deterioration in Permitting”.</p> <p>ADEM’s Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(E)(i)	<p>provide</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 <u>Ala. Code §22-28-11</u>, which authorizes the Department to adopt emission requirements through regulation that are necessary to prevent, abate, or control air pollution, and from <u>Ala. Code §22-28-9</u> 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). This requirement is also met through ADEM Admin. Code chap 335-1-6 “Application Fees”, which are State regulations not approved in the Federal SIP.</p> <p>ADEM’s Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p> <p>Alabama Code may be accessed at: <a href="http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm</a></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 <u>Ala. Code §22-22A-6(j)</u> which ensures that the state comply with §128 of the CAA</p> <p>Alabama Code may be accessed at: <a href="http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm</a></p>
§110(a)(2)(E)(iii)	<p><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></p>	<p>Requirements dictating the roles of local or regional governments (local programs) are derived from <u>Ala. Code §22-28-23</u>, 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.</p> <p>Alabama Code may be accessed at: <a href="http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm</a></p>
§110(a)(2)(F)	<p>require, as may be prescribed by the Administrator—</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,</i></p>	<p>These requirements are met through ADEM Admin. Code rs. 335-3-1-.04 “Monitoring, Records, and Reporting”, 335-3-12 “Continuous Monitoring Requirements for Existing Sources” and 335-3-1-.13 “Credible Evidence”.</p> <p>ADEM’s Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>

Section 110(a) element	Summary of element	How Addressed in Submittal
	<i>which reports shall be available at reasonable times for public inspection;</i>	
§110(a)(2)(G)	<i>provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;</i>	<p>These requirements are met through <u>Ala. Code §22-28-21</u> "Air Pollution Emergencies".</p> <p>Alabama emergency Episode provisions pertaining to PM levels are more stringent than the current required levels specified in 40 CFR 51.151 for priority 1 Regions. Alabama's provisions are located in ADEM Admin. Code r. 335-3-2-.02(f)(2). These provisions were approved by EPA on August 11, 1980 (45 FR 53136).</p> <p>In a September 18, 2008, letter to EPA, ADEM certified that this requirement is met for PM 2.5.</p> <p>ADEM's Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p> <p>Alabama Code may be accessed at: <a href="http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm</a></p>
§110(a)(2)(H)	<p><i>provide for revision of such plan—</i></p> <p><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></p> <p><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> <p>ADEM's Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>
§110(a)(2)(I)	<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>	There are no Designated Non-Attainment areas for the 2012 PM 2.5 NAAQS.
§110(a)(2)(J) (§ 121 consultation)	<i>meet the applicable requirements of section 121 (relating to consultation), ...</i>	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. This requirement is also met through the interagency consultation process as directed by Alabama's approved conformity SIP and 40 CFR 93.112. Additionally, ADEM Admin. Code r. 335-3-14-.04(15) requires notice to Federal Land Managers for PSD permit applications which may affect a class I area.

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(J) (Section 127 public notification)	<i>meet the applicable requirements of section 127 (relating to public notification)</i>	<p>These requirements are met through Ala. Code §22-28-21 "Air Pollution Emergencies", ADEM Admin. Code rs. 335-3-14-.01(7) "Public Participation", and 335-3-14-.05(16) "Public Participation". Further, ADEM has several public notice mechanisms in place to notify the public of PM 2.5 and other pollutant forecasting. These mechanisms include issuing daily air quality forecasts for both Ozone and PM2.5. PM 2.5 forecasts are issued for three areas of the state: Birmingham (Jefferson and Shelby Counties), Huntsville (Madison and Morgan Counties) and Mobile (Mobile and Baldwin Counties).</p> <p>Air Quality forecasts are designed to help areas achieve and maintain compliance with the National Ambient Air Quality Standards (NAAQS) and to also allow citizens to make informed decisions about their daily outdoor activities. The forecasts are provided to the public in several ways. First, the forecast is posted to the EPA Airnow website, and through Enviroflash individuals can sign up to receive customized forecasts through email. Additionally, the forecast is posted on ADEM's website for the public to view. When air quality is expected to be poor, an Air Quality Alert is issued for a city and the local National Weather Service office is alerted and the forecast is posted on their website. Additionally, for some cities like Birmingham, the county planning organizations are alerted and the forecast is distributed to the media, and other interested groups.</p> <p>ADEM's Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p> <p>Alabama Code may be accessed at: <a href="http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm</a></p>
§110(a)(2)(J) (PSD)	<i>meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i>	<p>This requirement is met through ADEM Admin. Code chap. 335-3-14 "Air Permits" and ADEM Admin. Code r. 335-3-14-.04(15) which requires notice to Federal Land Managers for PSD permit applications which may affect a class I area.</p> <p>ADEM's Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>
§110(a)(2)(K)	<p><i>provide for:</i></p> <p><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 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>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> <p>ADEM's Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>
§110(a)(2)(L)	<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>This requirement is met through ADEM Admin. Code chap. 335-1-6 "Application Fees", which are State regulations authorized by legislation. These fees are not and should not be in the SIP. Air fees are in Schedule A. ADEM's permitting fee structure is sufficient for the review and implementation of PSD and NNSR permits.</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
	<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>Also, ADEM has an approved Title V program with a fee structure established in Admin. Code chap. 335-1-7. Our Title V fees cover the reasonable cost of implementation and enforcement of PSD and NNSR permits after they have been issued. The statutory authority for fees is found in the <u>Ala. Code §22-22A-5</u>.</p> <p>ADEM's Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p> <p>Alabama Code may be accessed at:  <a href="http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm">http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm</a></p>
§110(a)(2)(M)	<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 r. 335-3-17-.01 "Transportation Conformity". This requirement is also met through the interagency consultation process as directed by Alabama's approved Conformity SIP and 40 CFR 93.112.</p> <p>ADEM's Rules and Regulations may be accessed at: <a href="http://www.adem.state.al.us">www.adem.state.al.us</a></p>

**ATTACHMENT - SIP SUBMITTAL COMPLETENESS CRITERIA CHECKLIST**

SIP Submitted by:

Date Submitted:

Subject: Confirmation of 110(a)(2)(A)-(M) NO<sub>2</sub> 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).
§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> (ii) <i>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", 335-3-1-.05 "Sampling and Testing Methods", and 335-3-1-.04 "Monitoring, Records, and Reporting". As of the date of this infrastructure submittal the development of NO <sub>2</sub> monitoring network is ongoing; therefore Alabama's NO <sub>2</sub> monitoring strategy will be established per the requirements set forth in the 2012 and any subsequent Annual Monitoring Network plan relevant to the development of the State's NO <sub>2</sub> monitoring network.
§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 contributing to NO <sub>2</sub> through ADEM Admin. Code rs. 335-3-14-.01 "General Provisions" (this regulation covers Enforcement, and permitting of New, Modified, Minor and Major Sources), 335-3-14-.02 "Permit Procedure" (this regulation covers permitting of New, Modified, Minor and Major Sources), 334-3-14-.03 "Standards for Granting Permits" (this regulation covers Enforcement and permitting of New, Modified, Minor and Major Sources), 335-3-14-.04 "Prevention of Significant Deterioration in Permitting" (this regulation covers Enforcement and PSD for New and Modified Sources) and 335-3-14-.05 "Air Permits Authorizing Construction in or Near Nonattainment Areas" (this regulation covers Enforcement and Nonattainment NSR).

Section 110(a) element	Summary of element	How Addressed in Submittal
§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>(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><i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i></p>	<p>There are no nonattainment areas in the state of Alabama. In regards to the surrounding states, the entire state of Florida, Georgia, Mississippi, and Tennessee have been designated Unclassifiable/attainment (77 FR 9532).</p> <p>ADEM Admin. Code chap 335-3-8 contains controls and emission limits for NOx.</p> <p>Based on available valid monitoring data for the surrounding states for the years 2012 through 2014, the highest design value was 49 ppb at a monitor in Georgia and in Tennessee. This design value is lower than the standard, which is 100 ppb. Additionally, we anticipate further NO2 reductions in the future, with the shut-down and retirement of several units (please see attachment A).</p> <p>Alabama has also implemented several major federal programs which have led to significant NO2 emission reductions. These programs include, New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and the NOx SIP Call. On January 1, 2015, CAIR was replaced by the Cross-State Air Pollution Rule (CSAPR), which requires reductions of NOx and SO2 emissions in order to reduce interstate transport. ADEM works with EPA in implementing this program.</p> <p>Based on the information provided above, it is our belief that Alabama does not contribute significantly to nonattainment, or interfere with maintenance of the NO2 standard.</p> <p>As stated previously concerning prong 3, ADEM is able to regulate sources contributing to NO2 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> <p>Prong 4 is met through Alabama's Regional Haze Implementation Plan, which was submitted July 15, 2008.</p> <p>§110(a)(2)(D)(ii) is met through ADEM Admin. Code 335-3-14-.04 "Prevention of Significant Deterioration in Permitting".</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
§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 regulations 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). This requirement is also met through ADEM Admin. Code chap 335-1-6 "Application Fees".</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>
§110(a)(2)(E)(iii)	<p><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></p>	<p>Requirements dictating the roles of local or regional governments (local programs) are derived from Ala. Code §22-28-23 (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.</p>
§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</i></p>	<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".</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
	<i>established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i>	
§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 ADEM Admin. Code rs 335-3-2 "Air Pollution Emergencies".
§110(a)(2)(H)	<i>provide for revision of such plan— (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 (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>	These requirements are met through ADEM Admin. Code rs. 335-1-1-.03(1)(b) and 335-3-1-.03 "Ambient Air Quality Standards"
§110(a)(2)(J) (§ 121 consultation)	<i>meet the applicable requirements of section 121 (relating to consultation), ...</i>	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. EPA has partially approved Alabama's Regional Haze Plan (77 FR 38515). This requirement is also met through the interagency consultation process as directed by Alabama's approved conformity SIP and 40 CFR 93.112.
§110(a)(2)(J) (Section 127 public notification)	<i>meet the applicable requirements of section 7427 of this title,</i>	<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". Further, ADEM has several public notice mechanisms in place to notify the public of Ozone and other pollutant forecasting. These mechanisms include issuing daily air quality forecasts for both Ozone and PM2.5.</p> <p>Air Quality forecasts are designed to help areas achieve and maintain compliance with the National Ambient Air Quality Standards (NAAQS) and to also allow citizens to make informed decisions about their daily outdoor activities. The forecasts are provided to the public in several ways. First, the forecast is posted to the EPA AirNow website, and through Enviroflash, individuals can sign up to receive customized forecasts through email. Additionally, the forecast is posted on ADEM's website for the public to view. When air</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
		<p>quality is expected to be poor, an Air Quality Alert is issued for a city and the local National Weather Service office is alerted and the forecast is posted on their website. Additionally, for some cities like Birmingham, the county planning organizations are alerted and the forecast is distributed to the media, and other interested groups. Although forecasts are not provided for NOx, they are provided for Ozone. NOx is a primary component of Ozone.</p>
<p><b>§110(a)(2)(J) (PSD)</b></p>	<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 the Alabama regional Haze Implementation plan, which was submitted July 15, 2008. EPA has partially approved Alabama's Regional Haze Plan (77 FR 38515).</p> <p>Also, ADEM is able to regulate sources contributing to NO<sub>2</sub> 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>
<p><b>§110(a)(2)(K)</b></p>	<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 emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</i>  <i>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</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>
<p><b>§110(a)(2)(L)</b></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>  <i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i>  <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</i></p>	<p>This requirement is met through ADEM Admin. Code chap. 335-1-6 "Application Fees.</p> <p>Also, ADEM has an approved fee program under Title V (Admin. Code chap. 335-1-7)</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
	<i>fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</i>	
§110(a)(2)(M)	<i>provide for consultation and participation by local political subdivisions affected by the plan.</i>	This requirement is met through ADEM Admin. Code rs. 335-3-17-.01 "Transportation Conformity". This requirement is also met through the interagency consultation process as directed by Alabama's approved Conformity SIP and 40 CFR 93.112.

## Appendix A

Plant	Generator ID	Year of Retirement	2014*
Barry	3	8/24/15	1,529
Gorgas	6	8/24/15	125
Gorgas	7	8/24/15	129
Colbert	1	2016	2,445
Colbert	2	2016	2,041
Colbert	3	2016	2,331
Colbert	4	2016	2,154
Colbert**	5	2016	
Widows Creek	7	2015	913
Widows Creek	8	2015	782

\*tons of NOx  
\*\* 2012 was last year of operation