

## **Summary of Reasons Supporting the Adoption of the Proposed Amendments to the Jefferson County Board of Health Air Pollution Control Rules and Regulations**

Revisions to the Jefferson County Board of Health Air Pollution Control Rules and Regulations (herein referred to as the “Regulations”) are being proposed for substantive reasons discussed in detail below as well as correction of typographical errors and the addition of Chapter adoption dates that are not specifically identified in this Summary of Reasons. The proposed changes are available as a “track changes” document showing additions in blue underlined, removals in red strikethrough, and citations in green.

### **Revisions to Chapter 1**

The Department proposes changes to the definitions in Chapter 1 – General Provisions and to add Section 1.6.8 to summarize the EPA’s requirements for claims of confidential business information (CBI), located in 40 CFR Part 2, and to emphasize that claims of CBI must be asserted at the time the materials are submitted to the Department. The Department retains the ability to reject a claim of CBI.

The definition of Volatile Organic Compounds (VOC) in Part 1.3 is being proposed for revision to reflect 5 revisions to 40 CFR 51.100(s) made by EPA since the most recent regulation revision.

### **February 25, 2016, 81 FR 9339**

#### **40 CFR 51, Subparts F §51.100(s)(1) Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Requirements for t-Butyl Acetate**

**SUMMARY:** Part 1.3 is being proposed for change to incorporate EPA’s revision to the definition of Volatile Organic Compounds (VOCs) for the purpose of preparing State Implementation Plans (SIPs) to attain the National Ambient Air Quality Standards (NAAQs) for Ozone under Title I of the Clean Air Act. The regulatory definition of VOC through April 24, 2016 excluded t-butyl acetate (also known as tertiary butyl acetate or TBAC; CAS Number: 540–88–5) for purposes of VOC emissions limitations or VOC content requirements on the basis that it makes a negligible contribution to tropospheric ozone formation. However, the definition included TBAC as a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC. Effective April 25, 2016, EPA’s final action removed the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of TBAC as a VOC.

**August 1, 2016, 81 FR 50335**

**40 CFR 51, Subparts F §51.100(s)(1) Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Exclusion of 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) Ethane (HFE-347pcf2)**

**SUMMARY:** Part 1.3 is being proposed for change to incorporate EPA’s revision to the definition of Volatile Organic Compounds (VOCs) for the purpose of preparing State Implementation Plans (SIPs) to attain the National Ambient Air Quality Standards (NAAQs) for Ozone under Title I of the Clean Air Act. Effective September 20, 2016, EPA added 1,1,2,2- Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2; CAS number 406–78–0) to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O<sub>3</sub>) formation.

**November 28, 2016, 83 FR 61134**

**40 CFR 51, Subparts F §51.100(s)(1) Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Exclusion of cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO– 1336mzz–Z)**

**SUMMARY:** Part 1.3 is being proposed for change to incorporate EPA’s revision to the definition of Volatile Organic Compounds (VOCs) for the purpose of preparing State Implementation Plans (SIPs) to attain the National Ambient Air Quality Standards (NAAQs) for Ozone under Title I of the Clean Air Act. Effective January 28, 2019, EPA added cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO–1336mzz–Z; CAS number 692–49–9) to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O<sub>3</sub>) formation.

**February 8, 2023, 88 FR 8226**

**40 CFR 51, Subparts F §51.100(s)(1) Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Exclusion of (2E)-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz(E))**

**SUMMARY:** Part 1.3 is being proposed for change to incorporate EPA’s revision to the definition of Volatile Organic Compounds (VOCs) for the purpose of preparing State Implementation Plans (SIPs) to attain the National Ambient Air Quality Standards (NAAQs) for Ozone under Title I of the Clean Air Act. Effective April 10, 2023, EPA added *trans*-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO–1336mzz(E); CAS number 66711–86–2) to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O<sub>3</sub>) formation.

Additionally, the alternate identifications for *trans*- 1,3,3,3-tetrafluoropropene (also known as HFO-1234ze), *trans* 1-chloro-3,3,3-trifluoroprop-1-ene (also known as Solstice™ 1233zd(E)), and 2-amino-2-methyl-1-propanol (also known as AMP) will be added to the list.

**September 1, 1976, 41 FR 36902**

**40 CFR 2, Subpart B—Confidentiality of Business Information, § 2.203  
Notice to be included in EPA requests, demands, and forms; method of  
asserting business confidentiality claim; effect of failure to assert claim at  
time of submission.**

**SUMMARY:** Part 1.6.8 is being added to incorporate EPA's requirements for the submission of information for which a facility wants to assert a business confidentiality claim. Now that facility files are routinely posted on the internet, it is necessary to include a provision in the regulations to clarify that a business confidentiality claim must be asserted at the time of submission, and that the Department has the authority to deny the business confidentiality claim.

**Revisions to Chapter 2**

Chapter 2 – Air Permits Paragraph 2.1.1(k) is proposed for revision to clarify that permitting requirements under Chapter 17 – Synthetic Minor Operating Permit Regulations and Chapter 18 – Major Source Operating Permits (“Title V”) take precedence over the requirements of Chapter 2 that cover the same subject matter. The language being replaced broadly exempts “an existing facility” permitted under Chapter 17 or 18 from all requirements of Chapter 2, except where New Source Review under Parts 2.4 and/or 2.5 is required. The proposed revision is straightforward and will prevent unintended consequences where a provision of Chapter 2 is inadvertently not duplicated in Chapters 17 and/or 18.

Paragraph 2.1.1(l) is proposed for addition to state that all Air Permits authorize both construction and operation. The proposed language will also clarify that the Department has a “merged permitting program.” This means that New Source Review for new major sources and for modifications at existing major sources under Parts 2.4, 2.5 and/or 2.6 occurs simultaneously with the Title V Permitting process.

Paragraph 2.1.7(d) is proposed for revision to set the public comment period to 30 days so that the duration is consistent for all types of permits.

Paragraph 2.2.1(a) is proposed for revision to detail the requirements for submitting applications, including a “wet-ink” signature and proper identification of any materials that the applicant is requesting to be treated as Confidential Business Information (CBI). EPA requirements for electronic submissions under 40 CFR 3 – Cross-Media Electronic Reporting (CROMERR) include (1) the document is not alterable without detection, (2) alterations to the document are recorded by the CROMERR-compliant electronic reporting system, (3) the document can only be submitted intentionally, and (4) submitters and signatories are provided with an opportunity to review and repudiate the COR (submittal record). Email submissions cannot meet the above requirements and do not comply with CROMERR. JCDH does not have an electronic reporting system and must require signed paper submittals.

Paragraph 2.3.1(h), the “emergency provision,” is being removed, consistent with EPA’s SIP Calls (June 15, 2015, 80 FR 33840 and January 12, 2022, 87 FR 1680) and ADEM’s removal of 335-3-14-.03(1)(h), effective February 12, 2024.

Paragraphs 2.4.2(f)(1) and 2.5.2(f)(1) are proposed for the addition of 40 CFR 51.166(b)(6)(ii) and 40 CFR 51.165(a)(1)(ii)(B), respectively, pertaining to the definition of “building, structure, facility or installation” for onshore activities under SIC Major Group 13: Oil and Gas Extraction.

Chapter 2 was compared to the current version of 40 CFR 52, Subpart I, Review of New Sources and Modifications as well as ADEM’s recent updates to Chapter 335-3-14. Updates and corrections not listed above are the result of reviewing Chapter 2 for consistency with ADEM and EPA. Generally the corresponding state or federal provision has been cited in green for the draft document.

### **Revisions to Chapter 3**

The Department proposes to add adoption and revision dates to Chapter 3 – Variances. Additionally, some language has been added to Paragraph 3.2.1(b) for consistency with ADEM Admin. Code r. 335-3-1-.09(1)(a)2.

### **Revisions to Chapter 4**

The Department proposes to add adoption and revision dates but no substantive changes to Chapter 4 – Air Pollution Emergency are proposed at this time.

### **Revisions to Chapter 5**

Chapter 5 – Control of Open Burning and Incineration is proposed for revision to adopt ADEM’s revisions to 335-3-3-.05, for Commercial and Industrial Solid Waste Incineration Units (CISWI), effective April 13, 2020 and February 12, 2024. These revisions reflect technical amendments to EPA’s Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, 40 CFR 60 Subpart DDDD, promulgated on April 16, 2019 at 84 FR 15884. ADEM’s plan differs from the Model Rule presented in Subpart DDDD for monitoring of particulate matter in that ADEM limits the compliance method to installing and operating PM CPMS (continuous parameter monitoring system) at affected waste-burning kilns and at energy recovery units greater than 250 MMBtu/hr.

Subparagraph 5.5.1(c), the definition of “affirmative defense,” is proposed to be removed, consistent with EPA’s SIP Calls (June 15, 2015, 80 FR 33840 and January 12, 2022, 87 FR 1680).

The Department proposes to revise the period when open burning is prohibited to include April, based on particulate matter monitoring data. This appears in

Section 5.1.2 and in the Guidelines and Standard Operating Procedures for Issuance of Open Burning Authorizations at the end of Chapter 5.

### **Revisions to Chapter 6**

The Department proposes to add the adoption date of Chapter 6 – Control of Particulate Emissions.

Subparagraph 6.1.1(c), which allows the Health Officer to approve exemptions for startup, shutdown, load change and similar reasons is proposed to be removed, consistent with EPA’s SIP Calls (June 15, 2015, 80 FR 33840 and January 12, 2022, 87 FR 1680).

### **Revisions to Chapter 7**

The Department proposes to add the adoption date of Chapter 7 – Control of Sulfur Compounds Emissions.

The Department also proposes to adopt the entirety of ADEM’s provisions for the TR SO<sub>2</sub> Trading Program using incorporation by reference instead of reprinting them as Parts 7.6 through 7.36. Amendments made by ADEM will be automatically adopted upon their effective date. This change will simplify the presentation of the rules in the table of contents and within the body of the regulations.

### **Revisions to Chapter 8**

The Department proposes to add the initial adoption date of Chapter 8 – Control of Volatile Organic Compound (VOC) Emissions.

### **Revisions to Chapter 9**

The Department proposes to add the adoption date of Chapter 9 – Control of Carbon Monoxide Emissions.

### **Revisions to Chapter 10**

The Department proposes to add the adoption date of Chapter 10 – Control of Nitrogen Oxide Emissions.

The Department also proposes to adopt the entirety of ADEM’s provisions for the TR NO<sub>x</sub> Trading Program and the TR NO<sub>x</sub> Ozone Season Group 2 Trading Program using incorporation by reference under one part each by reference instead of reprinting them as Parts 10.7 through 10.38 and 10.39 through 10.70, respectively. Amendments made by ADEM will be automatically adopted upon

their effective date. This change will simplify the presentation of the rules in the table of contents and within the body of the regulations.

Additional changes are being proposed to adopt by reference ADEM's addition of 335-3-8-.71 (NOx Budget Program) and 335-3-8-.72 (NOx Budget Program Monitoring and Reporting). These rules, effective April 13, 2020 and December 13, 2021, respectively, regulate NOx emissions from non-EGU (electric generating unit) sources subject to the NOx SIP call emissions budget and establish monitoring requirements other than 40 CFR Part 75 monitoring requirements as promulgated by EPA on March 8, 2019 (84 FR 8422). Amendments made by ADEM will be automatically adopted upon their effective date.

### **Revisions to Chapter 11**

The Department proposes to add the adoption date of Chapter 11 – Control of Emissions from Motor Vehicles.

### **Revisions to Chapter 12**

No revision is proposed for Chapter 12 – Rules of Administrative Procedure.

### **Revisions to Chapter 13**

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.

JCDH incorporates by reference, the federal New Source Performance Standards (NSPS) into the Jefferson County Board of Health Air Pollution Control Rules and Regulations. This incorporation allows the EPA to delegate administrative enforcement of these regulations to JCDH.

In this revision, JCDH proposes to adopt the NSPS listed in Chapter 13 as they exist in the Code of Federal Regulations, Annual Edition, Revised as of July 1, 2024. The revision also adds the date on which JCDH first accepted delegation of each listed rule.

Below is a list of final rules that EPA has promulgated since the last time Chapter 13 was revised for which delegation will be accepted. ADEM has accepted

delegation of the new rules promulgated before July 1, 2023. JCDH proposes to adopt 8 new NSPS and 1 new test method (at 40 CFR 60, Appendix K). An EPA revision of stack testing methods is listed as well.

**February 23, 2023, 88 FR 11556**

**40 CFR 60, Subparts A, KK and KKa**

**New Source Performance Standards Review for Lead Acid Battery Manufacturing Plants and National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources Technology Review**

**SUMMARY:** The EPA has finalized revised lead emission limits for grid casting, paste mixing, and lead reclamation operations for both the area source NESHAP and under a new NSPS subpart (for lead acid battery manufacturing facilities that begin construction, reconstruction, or modification after February 23, 2022).

**May 9, 2023, 88 FR 29978**

**40 CFR 60, Subparts A, MM and MMa**

**Review of Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations**

**SUMMARY:** The EPA has finalized revised volatile organic compound (VOC) emission limits for prime coat, guide coat, and topcoat operations for affected facilities that commence construction, modification, or reconstruction after May 18, 2022. The new NSPS subpart harmonizes with the Automobile and Light Duty Truck Surface Coating National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements. The EPA has also finalized the proposed electronic reporting requirements in the NSPS subpart MM, applicable to sources that commence construction, reconstruction, or modification after October 5, 1979 and on or before May 18, 2022.

**March 27, 2023, 88 FR 18056**

**40 CFR 60, Subparts A, TTT and TTTa**

**New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines**

**SUMMARY:** For affected facilities that commence construction, modification, or reconstruction after June 21, 2022, the EPA finalized, in a new subpart, volatile organic compound (VOC) emission limitations for prime, color, texture, and touch-up coating operations. EPA also finalized a requirement for electronic submission of periodic compliance reports.

**August 29, 2016, 81 FR 59332 and amended March 26, 2020, 85 FR 17244 and February 14, 2022, 87 FR 8197**

**40 CFR 60, Subpart XXX**

**Standards of Performance for Municipal Solid Waste Landfills**

**SUMMARY:** Under section 111 of the Clean Air Act, the EPA must review, and, if appropriate, revise standards of performance at least every 8 years. The EPA's review of the standards for municipal solid waste landfills considered landfills that commence construction, reconstruction, or modification after July 17, 2014. The 2020 amendment allows affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements by following the corresponding requirements in the MSW Landfills NESHAP. The 2022 amendment aligns the timing of compliance for requirements involving installation of a gas collection and control system (GCCS) under related MSW landfill rules.

**October 7, 2020, 85 FR 63394**

**40 CFR 60, Subparts A, AAA, XXX, CCCC, DDDD, JJJJ, KKKK, QQQQ, and Appendices A, B and F**

**Test Methods and Performance Specifications for Air Emission Sources**

**SUMMARY:** This action corrects and updates regulations for source testing of emissions. These revisions include corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures that will provide flexibility to testers. These revisions will improve the quality of data and will not impose any new substantive requirements on source owners or operators.

**June 3, 2016, 81 FR 35824; amended at June 5, 2017, 82 FR 25730; March 12, 2018, 83 FR 10628; September 14, 2020, 85 FR 57018; and September 15, 2020, 85 FR 57398**

**40 CFR 60, Subparts A, OOOO, and OOOOa**

**Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources**

**SUMMARY:** This action finalizes amendments to the current new source performance standards (NSPS) and establishes new standards setting standards for both greenhouse gases (GHGs) and volatile organic compounds (VOC). Later amendments to Subparts OOOO and OOOOa remove sources in the transmission and storage segment from the source category, rescind the NSPS (including both the volatile organic compounds (VOC) and methane requirements) applicable to those sources, and separately rescinds the methane-specific requirements of the NSPS applicable to sources in the production and processing segments. The EPA also granted reconsideration of Subpart OOOOa on the fugitive emissions requirements, well site pneumatic pump standards, requirements for certification of closed vent systems (CVS) by a professional engineer (PE), and the provisions to apply for the use of an alternative means of emission limitation (AMEL), adopting amendments.



**March 8, 2024, 89 FR 16820**

**40 CFR 60, Subparts A, KKK, OOOO, OOOOa and OOOOb and Appendix K  
Standards of Performance for New, Reconstructed, and Modified Sources  
and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector  
Climate Review**

**SUMMARY:** EPA finalized multiple actions to reduce air pollution emissions from the Crude Oil and Natural Gas source category.. First, the EPA finalized revisions to the new source performance standards (NSPS) regulating greenhouse gases (GHGs) and volatile organic compounds (VOCs) emissions for the Crude Oil and Natural Gas source category pursuant to the Clean Air Act (CAA). Second, the EPA finalized emission guidelines (EG) under the CAA for states to follow in developing, submitting, and implementing state plans to establish performance standards to limit GHG emissions from existing sources (designated facilities) in the Crude Oil and Natural Gas source category. Third, the EPA finalized several related actions stemming from the joint resolution of Congress, adopted on June 30, 2021, under the Congressional Review Act (CRA), disapproving the EPA’s final rule titled, “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review,” September 14, 2020 (“2020 Policy Rule”). Fourth, the EPA finalized a protocol under the general provisions for optical gas imaging (OGI).

**October 23, 2015, 80 FR 64510**

**40 CFR 60, Subparts A and TTTT**

**Standards of Performance for Greenhouse Gas Emissions From New,  
Modified, and Reconstructed Stationary Sources: Electric Utility  
Generating Units**

**SUMMARY:** The EPA finalized new source performance standards (NSPS) under Clean Air Act (CAA) section 111(b) that, for the first time, will establish standards for emissions of carbon dioxide (CO<sub>2</sub>) for newly constructed, modified, and reconstructed affected fossil fuel-fired electric utility generating units (EGUs).

**May 9, 2024, 89 FR 39798**

**40 CFR 60, Subparts A, TTTT, TTTTa, UUUUa and UUUUb**

**New Source Performance Standards for Greenhouse Gas Emissions From  
New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating  
Units; Emission Guidelines for Greenhouse Gas Emissions From Existing  
Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable  
Clean Energy Rule**

**SUMMARY:** The EPA finalized multiple actions under section 111 of the Clean Air Act (CAA) addressing greenhouse gas (GHG) emissions from fossil fuel-fired electric generating units (EGUs). First, the EPA finalized the repeal of the Affordable Clean Energy (ACE) Rule (Subpart UUUUa). Second, the EPA finalized emission guidelines for GHG emissions from existing fossil fuel-fired steam generating EGUs, which include both coal-fired and oil/gas-fired steam

generating EGUs (Subpart UUUUb). Third, the EPA finalized revisions to the New Source Performance Standards (NSPS) for GHG emissions from new and reconstructed fossil fuel-fired stationary combustion turbine EGUs (Subpart TTTTa). Fourth, the EPA finalized revisions to the NSPS for GHG emissions from fossil fuel-fired steam generating units that undertake a large modification, based upon the 8-year review required by the CAA (Subpart TTTT). Note that Subpart UUUUb is not listed in Chapter 13 because it establishes emission guidelines and approval criteria for state implementation plans.

### **Revisions to Chapters 14 & 14A**

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 for major sources and “generally available control technology” (GACT) standards for area sources. EPA publishes the rules and technical amendments in 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories), 40 CFR Part 61 (NESHAPs) and 40 CFR Part 65 (Consolidated Federal Air Rule). Incorporation in Chapter 14 or 14A allows the EPA to delegate administrative enforcement of these regulations to JCDH.

In this revision, JCDH proposes to adopt the NESHAPs listed in Chapter 14 as they exist in the Code of Federal Regulations, Annual Edition, Revised as of July 1, 2024. The revision also adds the date on which JCDH first accepted delegation of each listed rule.

Below is a list of new regulations that EPA has promulgated since the last time Chapter 14 was revised for which delegation will be accepted. ADEM has accepted delegation of these new rules, except for 40 CFR 63, Subpart NN – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources, effective February 12, 2024. JCDH proposes to adopt 5 new NESHAPs.

**July 29, 2015, 80 FR 45280**

**40 CFR 63, Subparts NN, DDD and NNN**

**National Emissions Standards for Hazardous Air Pollutants for Mineral Wool Production and Wool Fiberglass Manufacturing**

**SUMMARY:** This action finalizes first-time generally available control technologies (GACT) standards for gas-fired glass-melting furnaces at wool fiberglass manufacturing facilities that are area sources (Subpart NN). This

action also finalizes the residual risk and technology reviews (RTR) conducted for the Mineral Wool Production and Wool Fiberglass Manufacturing source categories regulated under national emission standards for hazardous air pollutants (NESHAP) (Subparts DDD and NNN). Under this action, EPA established pollutant-specific emissions limits for hazardous air pollutants (HAP) that were previously regulated (under a surrogate) and for HAP that were previously unregulated.

**March 26, 2020, 85 FR 17244 and February 14, 2022, 87 FR 8197**

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

**National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; and Correction**

**SUMMARY:** These actions finalize the residual risk and technology review (RTR) conducted for the Municipal Solid Waste (MSW) Landfills source category and promulgate technical revisions and clarifications for the national emission standards for hazardous air pollutants (NESHAP) for MSW Landfills established in the March 26, 2020, final rule.

**October 26, 2015, 80 FR 65470; correction to Subpart KKKKK December**

**4, 2015, 80 FR 75817; amendment to Subpart KKKKK November 1, 2019,**

**84 FR 58601; minor amendment to both November 19, 2020, 85 FR 73914;**

**technical correction to Subpart KKKKK November 19, 2021, 86 FR 66043**

**40 CFR 63, Subparts A, JJJJJ and KKKKK**

**NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing**

**SUMMARY:** These rules require that all major sources in these categories must meet maximum achievable control technology (MACT) standards for mercury (Hg), non-mercury (non-Hg) metal hazardous air pollutants (HAP) (or particulate matter (PM) surrogate) and dioxins/furans (Clay Ceramics only); health-based standards for acid gas HAP; and work practice standards, where applicable.

**July 16, 2007, 72 FR 38864**

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

**Subpart OOOOOO—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources**

**SUMMARY:** Subpart OOOOOO—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources begins at 72 FR 38910. The final emissions standards and associated requirements for two area source categories (Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication) are combined in one subpart. These final rules include emission standards that reflect the generally available control technologies or management practices in each of these area source categories. Technical corrections at 73 FR 15928, published March 26,

2008, and the residual risk and technology review (RTR) at 86 FR 64385, published November 18, 2021.

**July 16, 2007, 72 FR 38864**

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

**Subpart P P P P P—National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources**

**SUMMARY:** Subpart P P P P P—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources begins at 72 FR 38913. The final rule includes emission standards that reflect the generally available control technologies or management practices in each of these area source categories. Technical corrections at 73 FR 15929, published March 26, 2008, and the technology review at 88 FR 11589 was published February 23, 2023.

**Revisions to Chapter 15**

No revision is proposed for Chapter 15 – Application Fees.

**Revisions to Chapter 16**

The Department proposes to add 2 revision dates to Chapter 16 – Operating Permit Fees. No substantive changes are proposed.

**Revisions to Chapter 17**

Chapter 17 – Synthetic Minor Operating Permit Regulations is proposed for revision. An adoption date for a revision is proposed to be added.

Paragraph 17.2.8(f) is proposed for revision to add significance levels for PM<sub>2.5</sub>, consistent with Subparagraph 2.4.10(a).

Section 17.4.5, the “emergency provision,” is proposed to be removed, consistent with EPA’s SIP Calls (June 15, 2015, 80 FR 33840 and January 12, 2022, 87 FR 1680) and ADEM’s removal of 335-3-15-.04(5), effective February 12, 2024.

Paragraph 17.5.1(c) is proposed for revision to set the public comment period to 30 days to be consistent with other types of permits.

**Revisions to Chapter 18**

Chapter 18 – Major Source Operating Permits is proposed for revision. Paragraph 18.4.8(k) is proposed for the addition of a list of insignificant activities modeled after the Federal Operating Permit Program rules at 40 CFR 71.5(c)(11). This provision will replace the original list dated January 8, 1998 that was part of the Title V applications.

Section 18.4.9 is proposed for revision by adding “Any document required to be submitted with a CTAC shall be submitted on paper with a “wet-ink” signature.” EPA requirements for electronic submissions under 40 CFR 3 – Cross-Media Electronic Reporting (CROMERR) include (1) the document is not alterable without detection, (2) alterations to the document are recorded by the CROMERR-compliant electronic reporting system, (3) the document can only be submitted intentionally, and (4) submitters and signatories are provided with an opportunity to review and repudiate the COR (submittal record). Email submissions cannot meet the above requirements and do not comply with CROMERR. JCDH does not have an electronic reporting system and must require signed paper submittals.

Part 18.11, the “emergency provision,” is proposed to be removed, consistent with EPA’s Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program (July 21, 2023, 88 FR 47029).

### **Revisions to Chapter 19**

For Chapter 19 – General Conformity of Federal Actions to State Implementation Plans, a non-substantive change is being proposed to mirror ADEM’s recent revision to ADEM Admin. Code r. 335-3-17-.01, effective February 12, 2024.

### **Revisions to Chapter 20**

For Chapter 20 – Acid Rain Program – Permits Regulation, JCDH proposes to adopt the NESHAPs listed in Chapter 14 as they exist in the Code of Federal Regulations, Annual Edition, Revised as of July 1, 2024.

### **Revisions to Chapter 21**

The Department proposes to update Chapter 21 – Control of Municipal Solid Waste Landfill Gas Emissions to reflect ADEM’s revisions to ADEM Admin. Code r. 335-3-19 made to incorporate EPA’s revised emission guidelines listed below by incorporating them into the State Implementation Plan. Consistent with ADEM at 335-3-19-.02(1)(a), the requirements of Chapter 21 will become effective upon final approval by EPA.

**August 29, 2016, 81 FR 59313, amended August 26, 2019, 84 FR 44547 and March 26, 2020, 85 FR 17244**  
**40 CFR 60, Subparts A and Cf**  
**Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills**

**SUMMARY:** This action updates the Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (Emission Guidelines). The EPA’s review of

the Emission Guidelines for municipal solid waste (MSW) landfills considered landfills that accepted waste after November 8, 1987, and commenced construction, reconstruction, or modification on or before July 17, 2014. EPA determined that it is appropriate to revise the Emission Guidelines to reflect changes to the population of landfills and the results of an analysis of the timing and methods for reducing emissions. This action will achieve additional reductions in emissions of landfill gas and its components, including methane, by lowering the emissions threshold at which a landfill must install controls. The revised Emission Guidelines, once implemented through revised state plans or a revised federal plan, will reduce emissions of landfill gas, which contains both nonmethane organic compounds and methane. In 2020, the EPA finalized provisions that would allow affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements by following the corresponding requirements in the MSW Landfills NESHAP.

### **Revisions to Chapter 22**

The Department proposes to list the adoption, revision and repeal history for Chapter 22 – Control of Fuels (Repealed).

### **Revisions to Appendix C**

Revisions to Appendix C are proposed to reflect changes to the NSPS and NESHAP incorporated into Chapters 13, 14 and 14A.

### **Revisions to Appendix D**

**January 5, 2022, 87 FR 396**

**40 CFR §63.64 Additions of substances to the list of hazardous air pollutants.**

**Clean Air Act Section 112 List of Hazardous Air Pollutant: Amendments to the List of Hazardous Air Pollutants (HAP)**

**SUMMARY:** EPA amended the list of hazardous air pollutants (HAP) under Clean Air Act (CAA) to add 1-bromopropane (1-BP) in response to public petitions previously granted by the EPA. JCDH is adding this substance to our list as well. Descriptions of EPA amendments over time have been added as footnotes.

### **Revisions to Appendices A, B, E, F & G**

No revisions to Appendices A, B, E, F, & G are proposed.