

ADEM Air Division Update

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Topics



Air Staffing



Regulatory Issues



Other Issues

Air Division Staffing

- 88 current employees
- 2 vacant positions
- Management changes
 - Scott Southwick,
Meteorological Section
Chief
- No growth of staff numbers
since late 1900's

Regulatory Issues



Regulatory Issues

Affirmative Defense Provisions in Title V

- In place since original 1992 EPA rules for state programs
- For qualifying emergencies
- Removed by EPA in 2023
- ADEM had until August 2024 to revise its rules
- EPA granted one-year extension
- *SSM Litigation Group v. EPA*
- Rulemaking to remove AD Provision approved by EMC in August



Regulatory Issues

2015 Ozone NAAQS “Good Neighbor Plan”

- 2022: EPA disapproved ADEM’s SIP
- 2023: EPA Issued FIP for 23 states
- *Utah v. EPA*
- SCOTUS issued stay September 2024
 - States and industry were likely to succeed on the merits of the case
- 6/18/25: SCOTUS sends cases to district courts
- Part of the “31”



Regulatory Issues

GHG Rules - EGU

New and Existing Power Plants

- NSPS TTTT & NSPS TTTTa
- Requires sequestration or shutdown of coal units
- 111(d) UUUUb
 - Existing sources
- ADEM will develop its own rule
- *West Virginia v. EPA*
- Part of the “31”
- Reconsideration rule proposed June 11, 2025, with public hearing July 8, 2025. Comments were due by August 7, 2025.



Regulatory Issues

GHG Rules - EGU

“Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units, aka Power Plant Carbon Dioxide Rule”

- Repeals all GHG standards, including TTTT, TTTTa, and UUUUb. Based on “does not significantly contribute”.
- Alternatively, repeals UUUUb only. Based on inadequate demonstration and cost effectiveness of carbon capture and sequestration (CCS).
- Comment period closed 8/7/25.



Regulatory Issues

GHG Rules – Oil and Gas

- 3 new or modified NSPS
 - 0000 – 0000b
- 111(d) 0000c
 - Existing Sources
 - States are required to develop rules
- EPA extended compliance deadlines on 7/31/25
- Covers wellhead to end storage
- ADEM resources are an issue
- Part of the “31”
- *Oklahoma v. EPA, others*



Regulatory Issues

GHG Rules

- Part of the “31”
- 3/12/25: EPA announces it will formally reconsider endangerment finding.



Regulatory Issues

Once In Always in Policy

- EPA's long-standing policy for MACT
 - Once a facility is subject, it is always subject
- 1st Trump administration reversed it
- Biden administration changed it back
- On 9/10/24, finalized modifications to Section 112 to prohibit some sources from reclassifying as area sources
- On 3/24/25, H.J. Res. 79 was filed to disapprove final rule under the CRA



Regulatory Issues

NSPS Kc

- Volatile organic liquid storage
- Large storage tanks
- Existing tanks can become subject
 - New VOL with a higher vapor pressure than permitted liquid historically stored
- Contradicts Part 60 General Provisions
- *International Liquid Terminals v. EPA*
- Case currently held in abeyance



Regulatory Issues

PM2.5 NAAQS

- 2024 Annual standard 9 $\mu\text{g}/\text{m}^3$
- Sumter County (background) 6.2 $\mu\text{g}/\text{m}^3$
- Jefferson County and Phenix City have exceeded
- Exceptional events demonstration
 - Canadian wildfires
 - Prescribed burns
 - Fireworks
 - Not easy or a sure thing



Regulatory Issues

PM2.5 NAAQS

- Not much head room for Industrial Growth
 - Gadsden 8.8* $\mu\text{g}/\text{m}^3$
 - Montgomery 8.6 $\mu\text{g}/\text{m}^3$
- Open burning control becomes more important
- Exceptional event public notification requirements are a major concern
- Nonattainment is a bigger concern
- *Chamber of Commerce v. EPA, Texas v. EPA, Kentucky v. EPA*
- Part of the “31”



Regulatory Issues

PM2.5 NAAQS

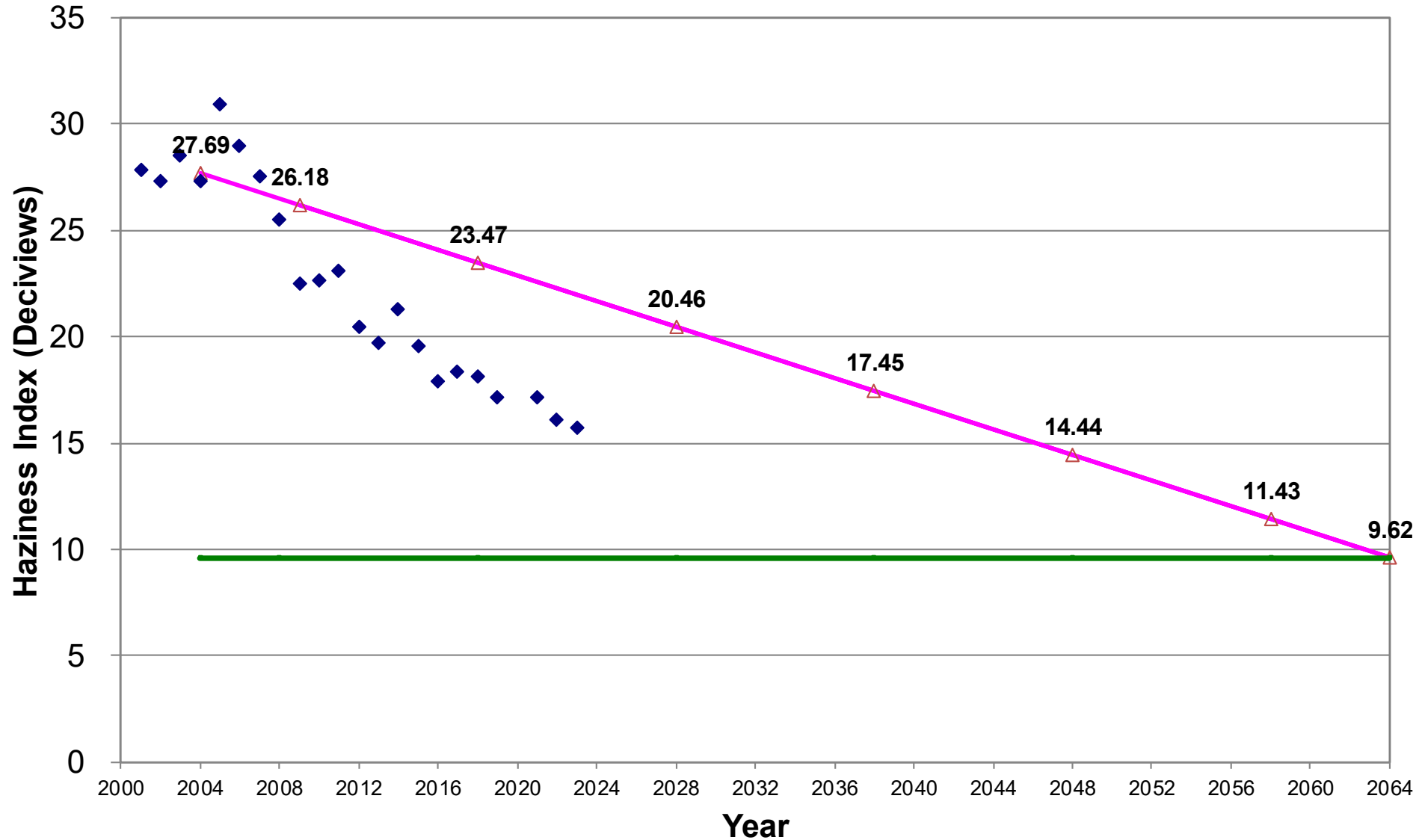
- 3/12/25: EPA announces it will soon release new guidance to increase flexibility on NAAQS implementation, reforms to NSR, and instructions on permitting obligations. It also announced it will reconsider the exceptional events rule, to address prescribed fire events.
- EPA plans to release reconsideration of standard in Fall 2025 w/ final rule in February 2026



Regional Haze

- In 1999 EPA implemented the Regional Haze Rule for National Parks and Wilderness area (Class 1 areas) to reduce emissions and reach natural visibility conditions by 2064.
- Draft SIP has been prepared for second planning period, which ends 2028.
- EPA has historically been very, very picky about these SIPs.
- Part of the “31”

Uniform Rate of Progress Glide Path Sipsey - 20% Most Impaired Days



△ Glide Path — Natural Condition (Most Impaired) ◆ Observation (Most Impaired)

Other Issues

Fees

- Title V
 - \$92 for emission year 2023
 - \$95-101 estimate for 2024
 - Tonnage is 42% of 2003 levels
 - Total fees collected have not increased when factored for inflation
- Air construction permit fees remain unchanged...for now

Other Issues

Public Comments

- Increased public scrutiny
 - Title V
 - Construction permits
 - Orders

Title V petitions since 2021

- 9 total petitions
- EPA has granted 7 in part

Other Issues

AEPACS

- Alabama Environmental Permitting and Compliance System
- For E Permitting and Compliance

Reminders



**KNOW THE OPEN
BURNING RULES**



**READ YOUR
PERMIT**



**CALL YOUR
REGULATOR**

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Questions

