

**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 revise the definition of Volatile Organic Compounds (VOCs), 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, revise the Conformity SIP, and other minor administrative corrections to Chapters 335-3-3 (Control of Open Burning and Incineration), 335-3-5 (Control of Sulfur Compound Emissions, and 335-3-8 (Control of Nitrogen Oxide Emissions).

A detailed index of changes is attached with this summary.

**Revisions to Chapter 335-3-1**

Rule 335-3-1-.02(1)(gggg) is being proposed for change to incorporate EPA’s revisions to the definition of Volatile Organic Compounds (VOCs) as noted below.

**February 8, 2023, 87 FR 8226  
40 CFR 51, Subpart F**

**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:** On April 28, 2022, the U.S. Environmental Protection Agency (EPA) published a proposed rule seeking comments in response to a petition requesting the revision of the EPA’s regulatory definition of volatile organic compounds (VOC) to exempt *trans*- 1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO–1336mzz(E); CAS number 66711–86–2). The EPA took final action to revise the regulatory definition of VOC under the Clean Air Act (CAA). This final action added HFO–1336mzz(E) 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.

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

Rule 335-3-3-.05 is being revised to correct typographical, misspellings, numbering, and other administrative errors.

### **Revisions to Chapter 335-3-5**

Several rules in this chapter are being revised to correct numbering not consistent with the Legislative Agency Services requirements.

### **Revisions to Chapter 335-3-8**

Several rules in this chapter are being revised to correct numbering not consistent with the Legislative Agency Services requirements.

### **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.

**February 14, 2022, 87 FR 8197**

**40 CFR 60, Subpart XXX**

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

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) finalized 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. This final rule also amended the MSW Landfills NSPS at 40 CFR part 60, subpart XXX, to clarify and align the timing of compliance for certain requirements involving installation of a gas collection and control system (GCCS) under related MSW landfill rules. Additionally, the EPA revised the definition of Administrator in the MSW Landfills Federal Plan that was promulgated on May 21, 2021, to clarify who has the authority to implement and enforce the applicable requirements. The EPA also made some minor typographical corrections.

**August 10, 2022, 87 FR 48603**

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

**National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines; Court Vacatur**

**SUMMARY:** The Environmental Protection Agency (EPA) amended the Code of Federal Regulations (CFR) to reflect a 2015 court decision regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) and the New Source Performance Standards (NSPS) for Stationary Internal Combustion Engines (ICE). The court vacated provisions in the regulations specifying that emergency engines could operate for emergency demand response or during periods where there is a deviation of voltage or frequency. This ministerial rule revised the RICE NESHAP and ICE NSPS to conform to the court's decision.

**January 24, 2023, 88 FR 4296**

**40 CFR 60, Subpart IIII**

**Control of Air Pollutants from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards**

**SUMMARY:** The Environmental Protection Agency (EPA) finalized a program to further reduce air pollution, including ozone and particulate matter (PM), from heavy-duty engines and vehicles across the United States. The final program includes new emission standards that are significantly more stringent and that cover a wider range of heavy-duty engine operating conditions compared to today's standards; further, the final program requires these more stringent emissions standards to be met for a longer period of when these engines operate on the road. Heavy-duty vehicles and engines are important contributors to concentrations of ozone and particulate matter and their resulting threat to public health, which includes premature death, respiratory illness (including childhood asthma), cardiovascular problems, and other adverse health impacts. The final rulemaking promulgated new numeric standards and changes key provisions of the existing heavy-duty emission control program, including the test procedures, regulatory useful life, emission-related warranty, and other requirements. Together, the provisions in the final rule will further reduce the air quality impacts of heavy-duty engines across a range of operating conditions and over a longer period of the operational life of heavy-duty engines. The requirements in the final rule will lower emissions of NO<sub>x</sub> and other air pollutants (PM, hydrocarbons (HC), carbon monoxide (CO), and air toxics) beginning no later than model year 2027. EPA also finalized limited amendments to the regulations that implement our air pollutant emission standards for other sectors (e.g., light duty vehicles, marine diesel engines, locomotives, and various other types of nonroad engines, vehicles, and equipment).

**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 Reviews**

**SUMMARY:** EPA finalized the results of the Environmental Protection Agency's (EPA's) review of the New Source Performance Standards (NSPS) for Lead Acid Battery Manufacturing Plants and the technology review for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Lead Acid Battery Manufacturing Area Sources as required under the Clean Air Act (CAA). The EPA 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). In addition, the EPA finalized the following amendments for both the area source NESHAP and under

the new NSPS subpart: performance testing once every 5 years to demonstrate compliance; work practices to minimize emissions of fugitive lead dust; increased inspection frequency of fabric filters; clarification of activities that are considered to be lead reclamation activities; electronic reporting of performance test results and semiannual compliance reports; and the removal of exemptions for periods of startup, shutdown, and malfunctions (SSM). The EPA also finalized a revision to the applicability provisions in the area source NESHAP such that facilities which make lead-bearing battery parts or process input material, including but not limited to grid casting facilities and lead oxide manufacturing facilities, will be subject to the area source NESHAP. In addition, the EPA finalized a requirement in the new NSPS for new facilities to operate bag leak detection systems for emission points controlled by a fabric filter that do not include a secondary fabric filter.

**March 20, 2023, 88 FR 16732**

**40 CFR 60, Subparts A and CCCC and Appendix A**

**EPA Method 23—Determination of Polychlorinated Dibenzo-*p*-Dioxins and Polychlorinated Dibenzofurans From Stationary Sources**

**SUMMARY:** EPA finalized editorial and technical revisions to the Environmental Protection Agency’s (EPA’s) Method 23 (Determination of Polychlorinated Dibenzo-*p*-Dioxins, Polychlorinated Dibenzofurans, and Polycyclic Aromatic Hydrocarbons from Stationary Sources). Final revisions include incorporating true, comprehensive, and stable isotope dilution for quantifying target compounds using corresponding carbon-13 labeled compounds for each target compound including most of the polycyclic aromatic hydrocarbons (PAH) and changing the method quality control from the current prescriptive format to a more flexible performance-based approach with specified performance criteria. EPA also finalized revisions that expand the list of target compounds of Method 23 to include PAH and polychlorinated biphenyls (PCB). The final revisions allow facilities and their test teams flexibility when sampling and measuring polychlorinated dibenzo-*p*dioxins and polychlorinated dibenzofurans (PCDD/PCDF), PAH, and PCB from stationary sources with a comprehensive isotope dilution method while ensuring that the stack testing community can consistently implement the method across emissions sources and facilities.

**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:** The Environmental Protection Agency (EPA) finalized amendments to the new source performance standards for Industrial Surface Coating of Plastic Parts for Business Machines pursuant to the review required by the Clean Air Act. For affected facilities that commence construction, modification, or reconstruction after June 21, 2022, the EPA, in a new subpart, finalized 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.

**March 29, 2023, 88 FR 18396**  
**40 CFR 60, Subpart A, and Appendices A, B and F**  
**Testing Provisions for Air Emission Sources**

**SUMMARY:** The EPA promulgated corrections and updates to regulations for source testing of emissions under various rules. The final rule included corrections to typographical and technical errors, updates to outdated procedures, and revisions to add clarity and consistency with other monitoring requirements. The revisions will improve the quality of data but will not impose new substantive requirements on source owners or operators.

**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 Environmental Protection Agency (EPA) finalized amendments to the new source performance standards for Automobile and Light Duty Truck Surface Coating Operations pursuant to the review required by the Clean Air Act. The EPA determined that revisions to the NSPS were needed to reflect the degree of emission limitation achievable through the application of the best system of emission reduction (BSER). The EPA therefore finalized, as proposed, in a new NSPS subpart MMA, 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. In addition, in the new NSPS subpart, the EPA finalized the proposed amendments: the addition of work practices to minimize VOC emissions; revision of the plastic parts provision; updates to the capture and control devices and the associated testing and monitoring requirements; revision of the transfer efficiency provisions; new test methods and alternative test methods; revision of the recordkeeping and reporting requirements, including the addition of electronic reporting; removing exemptions for

periods of startup, shutdown, and malfunction; and other amendments to harmonize the new NSPS subpart and Automobile and Light Duty Truck Surface Coating National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements. The EPA 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.

**May 30, 2023, 88 FR 34452**

**40 CFR 60, Subpart A**

**Testing Provisions for Air Emission Sources; Correction**

**SUMMARY:** The Environmental Protection Agency (EPA) corrected a final rule that was published in the Federal Register on March 29, 2023, that will be effective on May 30, 2023. The final rule corrected and updated regulations for source testing of emissions. This correction does not change any final action taken by the EPA on March 29, 2023; this action merely corrects the amendatory instruction.

**June 28, 2023, 88 FR 41833**

**40 CFR 60, Appendix B**

**Testing Provisions for Air Emission Sources; Correction**

**SUMMARY:** The Environmental Protection Agency (EPA) made a correcting amendment due to an error in a final rule that was published in the Federal Register on March 29, 2023, and became effective on May 30, 2023. The final rule corrected and updated regulations for source testing of emissions.

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

ADEM proposes technical amendments to rules in chapter 335-3-11. These rules will incorporate revisions regulations in 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Source Categories) and 40 CFR Part 61 (NESHAPS) 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 [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.

**November 18, 2021, 86 FR 64385**

**40 CFR 63, Subpart OOOOOO**

**National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations Residual Risk and Technology Review and Flexible Polyurethane Foam Production and Fabrication Area Source Technology Review**

**SUMMARY:** The EPA finalized the residual risk and technology review (RTR) conducted for the Flexible Polyurethane Foam Fabrication Operations source category regulated under national emission standards for hazardous air pollutants (NESHAP). This action also finalized the NESHAP technology review for two area source categories, Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication, which are combined in one subpart. In this action, the EPA finalized the proposed revisions to the Flexible Polyurethane Foam Fabrication Operations major source NESHAP, which include adding a numeric emission limit for existing flame lamination units, removing exemptions for periods of startup, shutdown, and malfunction (SSM) and specifying that the emissions standards always apply, requiring periodic performance tests, and requiring electronic reporting of performance test results and compliance reports. In this action, the EPA also finalized the proposed revisions to the NESHAP for Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication area sources to remove references to the provisions of another NESHAP that has been revised and no longer contains the referenced provisions. Implementation of these final rules is not expected to result in significant changes to the hazardous air pollutant (HAP) emissions from affected facilities in these three source categories or to human health impacts or environmental impacts associated with those emissions. However, this action will result in improved monitoring, compliance, and implementation of the existing standards and codifies existing industry practices to prevent backsliding.



**November 19, 2021, 86 FR 66038**

**40 CFR 63, Subparts A, IIII, KKKK, VVVV and KKKKK**

**National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks, Surface Coating of Metal Cans, Boat Manufacturing, and Clay Ceramics Manufacturing; Technical Correction**

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) made technical corrections to four regulations under the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. Specifically, the rules to be amended by this action include the following: The NESHAP for Surface Coating of Automobiles and Light-Duty Trucks, promulgated on July 8, 2020; the NESHAP for Surface Coating of Metal Cans, promulgated on February 25, 2020; the NESHAP for Boat Manufacturing, promulgated on March 20, 2020; and the NESHAP for Clay Ceramics Manufacturing, promulgated on November 1, 2019. Following signature of each of these final rules, the EPA discovered inadvertent minor errors and corrected these errors.

**November 19, 2021, 86 FR 66096**

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

**National Emission Standard for Hazardous Air Pollutants: Carbon Black Production and Cyanide Chemical Manufacturing Residual Risk and Technology Reviews, and Carbon Black Production Area Source Technology Review**

**SUMMARY:** The EPA finalized the residual risk and technology reviews (RTR) conducted for the Carbon Black Production and Cyanide Chemicals Manufacturing major source categories, and the technology review conducted for Carbon Black Production area sources, regulated under National Emission Standards for Hazardous Air Pollutants (NESHAP). In addition, EPA took final action to add new emissions standards for the Carbon Black Production and Cyanide Chemicals Manufacturing major source categories to address hazardous air pollutant (HAP) emissions not previously covered by these NESHAP. The EPA also finalized amendments for both source categories that address the startup, shutdown, and malfunction (SSM) provisions of the existing standards, and require electronic reporting of certain notifications, performance test results, and semiannual reports.

**January 5, 2022, 87 FR 393**

**40 CFR 63, Subpart C (ADEM Appendix G)**

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

**SUMMARY:** The U.S. Environmental Protection Agency (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. This action amended the list of hazardous air pollutants initially listed under the CAA.

ADEM is proposing to revise Appendix G to reflect EPA's amendments to the list of HAPs.

**February 14, 2022, 87 FR 8197**

**40 CFR 63, Subpart AAAA**

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

**SUMMARY:** The EPA finalized 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. This final rule also amended the MSW Landfills NSPS at 40 CFR part 60, subpart XXX, to clarify and align the timing of compliance for certain requirements involving installation of a gas collection and control system (GCCS) under related MSW landfill rules. Additionally, the EPA revised the definition of Administrator in the MSW Landfills Federal Plan that was promulgated on May 21, 2021, to clarify who has the authority to implement and enforce the applicable requirements. The EPA also made some minor typographical corrections.

**March 9, 2022, 87 FR 13183**

**40 CFR 63, Subpart YYYY**

**National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines**

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Combustion Turbines. This final action removed the stay of the effectiveness of the standards for new lean premix and diffusion flame gas-fired turbines that was promulgated in 2004.

**May 6, 2022, 87 FR 27002**

#### **40 CFR 63, Subpart IIII**

#### **National Emission Standards for Hazardous Air Pollutants: Mercury Cell Chlor-Alkali Plants Residual Risk and Technology Review**

SUMMARY: The EPA finalized the residual risk and technology review (RTR) conducted for the Mercury Cell Chlor-Alkali Plants source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, this action finalized the beyond-the-floor determination that EPA performed in response to a petition for reconsideration of the 2003 NESHAP. These final amendments prohibit mercury emissions from existing mercury cell chlor-alkali plants based on the results of the EPA's technology review and its beyond-the-floor maximum achievable control technology (MACT) determination. The compliance date for this requirement is three years. Since mercury emissions will be eliminated as a result of the final rule standards, any adverse health or environmental effects from mercury emissions from the source category will also be eliminated in that three-year time frame. Furthermore, the EPA finalized work practice standards and instrumental monitoring of mercury to minimize fugitive mercury emissions from the cell rooms during the period of time before emissions are eventually eliminated. In addition, the EPA finalized work practice standards to minimize fugitive chlorine emissions from mercury cell chlor-alkali plants, which were not previously regulated under the NESHAP. The EPA also finalized revisions related to emissions during periods of startup, shutdown, and malfunction (SSM) and amendments to correct a few minor errors in compliance provisions in the 2003 rule.

**May 23, 2022, 87 FR 31185**

#### **40 CFR 63, Subpart A**

#### **National Emission Standards for Hazardous Air Pollutants: General Provisions; Technical Corrections**

SUMMARY: The U.S. Environmental Protection Agency (EPA) made technical corrections to the general provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP). Specifically, on November 19, 2021, EPA finalized changes to the NESHAPs for Refractory Products Manufacturing, Carbon Black Production (major sources), Cyanide Chemicals Manufacturing, and Carbon Black Production Area Sources and, also amended the general provisions. Following signature, the EPA discovered inadvertent minor errors in the ordering of the standards and methods that were being incorporated by reference in these rules. The Office of the Federal Register (OFR) was unable to complete the amendatory instructions, resulting in regulatory text intended for the general provisions to be omitted.

**August 10, 2022, 87 FR 48603**

**40 CFR 63, Subpart ZZZZ**

**National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines; Court Vacatur**

**SUMMARY:** The Environmental Protection Agency (EPA) amended the Code of Federal Regulations (CFR) to reflect a 2015 court decision regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) and the New Source Performance Standards (NSPS) for Stationary Internal Combustion Engines (ICE). The court vacated provisions in the regulations specifying that emergency engines could operate for emergency demand response or during periods where there is a deviation of voltage or frequency. This ministerial rule revised the RICE NESHAP and ICE NSPS to conform to the court's decision.

**October 6, 2022, 87 FR 60816**

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

**National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters**

**SUMMARY:** The EPA finalized amendments to the national emission standards for hazardous air pollutants (NESHAP) at major sources from new and existing industrial, commercial, and institutional (ICI) boilers and process heaters. Certain aspects of these standards were challenged and subsequently remanded to the EPA by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). This action finalized amendments to several numeric emission limits for new and existing boilers and process heaters consistent with the court's opinion and sets compliance dates for these new emission limits. This action also provided further explanation of one aspect of the EPA's use of carbon monoxide (CO) as a surrogate for organic hazardous air pollutants (HAP) and its use of a CO threshold to represent the application of the maximum achievable control technology (MACT) for organic HAP. EPA also finalized several technical clarifications and corrections.

**December 22, 2022, 87 FR 78545**

**40 CFR 63, Subpart GGGGG**

## **National Emission Standards for Hazardous Air Pollutants: Site Remediation**

**SUMMARY:** The EPA finalized amendments to the national emission standards for hazardous air pollutants (NESHAP) for the site remediation source category. This action finalized amendments to remove exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a remedial action or a non-time-critical removal action, and for site remediation activities performed under Resource Conservation and Recovery Act (RCRA) corrective actions conducted at treatment, storage, and disposal facilities.

**February 22, 2023, 88 FR 10842**

**40 CFR 63, Subpart HHHHH**

### **National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing Technology Reviews**

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) took final action on the technology review conducted on the Miscellaneous Coating Manufacturing (MCM) source category regulated under the National Emission Standards for Hazardous Air Pollutants (NESHAP). These final amendments included provisions for inorganic hazardous air pollutant (HAP) standards for process vessels.

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

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

### **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 Reviews**

**SUMMARY:** EPA finalized the results of the Environmental Protection Agency's (EPA's) review of the New Source Performance Standards (NSPS) for Lead Acid Battery Manufacturing Plants and the technology review for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Lead Acid Battery Manufacturing Area Sources as required under the Clean Air Act (CAA). The EPA 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). In addition, the EPA finalized the following amendments for both the area source NESHAP and under the new NSPS subpart: performance testing once every 5 years to

demonstrate compliance; work practices to minimize emissions of fugitive lead dust; increased inspection frequency of fabric filters; clarification of activities that are considered to be lead reclamation activities; electronic reporting of performance test results and semiannual compliance reports; and the removal of exemptions for periods of startup, shutdown, and malfunctions (SSM). The EPA also finalized a revision to the applicability provisions in the area source NESHAP such that facilities which make lead-bearing battery parts or process input material, including but not limited to grid casting facilities and lead oxide manufacturing facilities, will be subject to the area source NESHAP. In addition, the EPA finalized a requirement in the new NSPS for new facilities to operate bag leak detection systems for emission points controlled by a fabric filter that do not include a secondary fabric filter.

ADEM is adopting Subpart P P P P P P by reference into ADEM Administrative Code r. 335-3-11-.06(145).

**March 8, 2023, 88 FR 14280**

**40 CFR 63, Subparts, QQQQ and QQQQQQ**

**National Emission Standard for Hazardous Air Pollutants: Wood Preserving Area Sources Technology Review; Technical Correction for Surface Coating of Wood Building Products**

**SUMMARY:** The EPA finalized the technology review (TR) conducted for the Wood Preserving Area Sources category regulated under national emission standards for hazardous air pollutants (NESHAP). While the Environmental Protection Agency (EPA) made no changes to the existing standards as a result of the TR, this action establishes minor editorial and formatting changes to the Wood Preserving Area Sources NESHAP table of applicable general provisions. In addition, the EPA finalized technical corrections to the Surface Coating of Wood Building Products NESHAP.

**March 20, 2023, 88 FR 16732**

**40 CFR 63, Subparts EEE, XXX and AAAAAAA**

**EPA Method 23—Determination of Polychlorinated Dibenzo-*p*-Dioxins and Polychlorinated Dibenzofurans From Stationary Sources**

**SUMMARY:** EPA finalized editorial and technical revisions to the Environmental Protection Agency's (EPA's) Method 23 (Determination of Polychlorinated Dibenzo-*p*-Dioxins, Polychlorinated Dibenzofurans, and Polycyclic Aromatic Hydrocarbons from Stationary Sources). Final revisions include incorporating true, comprehensive, and stable isotope dilution for quantifying target compounds using corresponding carbon-

13 labeled compounds for each target compound including most of the polycyclic aromatic hydrocarbons (PAH) and changing the method quality control from the current prescriptive format to a more flexible performance-based approach with specified performance criteria. EPA also finalized revisions that expand the list of target compounds of Method 23 to include PAH and polychlorinated biphenyls (PCB). The final revisions allow facilities and their test teams flexibility when sampling and measuring polychlorinated dibenzo-*p*-dioxins and polychlorinated dibenzofurans (PCDD/PCDF), PAH, and PCB from stationary sources with a comprehensive isotope dilution method while ensuring that the stack testing community can consistently implement the method across emissions sources and facilities.

**March 29, 2023, 88 FR 18396  
40 CFR 63, Subparts A, S, EEE, JJJJ, ZZZZ, PPPP and UUUU  
Testing Provisions for Air Emission Sources**

**SUMMARY:** The EPA promulgated corrections and updates to regulations for source testing of emissions under various rules. The final rule included corrections to typographical and technical errors, updates to outdated procedures, and revisions to add clarity and consistency with other monitoring requirements. The revisions will improve the quality of data but will not impose new substantive requirements on source owners or operators.

**April 20, 2023, 88 FR 24339  
40 CFR 63, Subpart UUUUU  
Testing Provisions for Air Emission Sources; Correction**

**SUMMARY:** The Environmental Protection Agency (EPA) made a correction to a final rule that was published in the Federal Register on March 29, 2023, that will be effective on May 30, 2023. The final rule corrected and updated regulations for source testing of emissions. This correction does not change any final action taken by the EPA on March 29, 2023.

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

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

Also, Rules 335-3-14-.03, 335-3-14-.04, and 335-3-14-.05 are being revised to correct administrative errors and to update outdated information.

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

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

### **Revisions to Conformity State Implementation Plan (SIP) and Chapter 335-3-17**

ADEM is revising the Conformity SIP, a Memorandum of Agreement (MOA) for implementing Chapter 335-3-17 (Conformity) of the ADEM Administrative Code. Specifically, the Memorandum of Agreement (MOA) is being proposed for revision to update the conformity criteria and consultation procedures for the determination of conformity of transportation plans, programs, and projects in the Birmingham maintenance area.

The MOA was last updated on April 9, 2007.

Chapter 335-3-17 is being proposed to correct numbering not consistent with the Legislative Agency Services requirements in 335-3-17-.01 and 335-3-17-.02.