

**Summary of Reasons Supporting the Adoption of the Proposed
Amendments to the Alabama Department of Environmental
Management's Administrative Code for Division 1 (General
Administration)**

Revisions to the Division 1 Code are being proposed to include the federal Clean Air Act requirements that members of Boards and Commissions which oversee State air quality efforts conform to requirements in the Act involving disclosure of potential conflicts of interest. The Alabama Environmental Management Commission (EMC) serves this oversight function in Alabama, and the Act of the State Legislature which created ADEM in 1982 has language which not only complies with the disclosure requirements of the federal Clean Air Act, but has been acknowledged by the USEPA as doing so. The USEPA has determined that these disclosure requirements should be contained in ADEM's rules as well as in the Legislative Act. In order to meet these requirements, ADEM is requesting public comment on its proposal to: 1) Ask the EMC to incorporate into Departmental rules provisions of the Alabama Environmental Management Act that require members of the EMC to meet state and federal ethics laws and regulations; 2) Ask the EMC to incorporate language into Departmental rules applying similar requirements to the Director, the Deputy Director, and the Division Chiefs (i.e., the ADEM employees authorized to act on behalf of the Director to issue permits and enforcement orders); and 3) Submit the amended rules to EPA for incorporation into the state implementation plan (SIP).

**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)**

Revisions to Division 3 Code are being proposed to revise 335-3-3-.05 (Incineration of Commercial and Industrial Solid Waste) to allow Commercial and Industrial Solid Waste (CISWI) units in the waste-burning kiln subcategory to comply with an equivalent production-based mercury emission limit of 58 pounds of mercury per million tons of clinker produced instead of the concentration-based emission limit. The Department believes that this revision is justified since EPA itself stated in the preamble to the CISWI rules that a production-based limit of 58 pounds of mercury per million tons of clinker is equivalent to the concentration-based limit. The Department is also proposing to add additional monitoring and recordkeeping requirements that apply to waste-burning kilns that choose to comply with the equivalent production-based mercury emission limit. These additional requirements are necessary for determining whether a facility is in compliance with the equivalent production-based limit. The additional monitoring and recordkeeping requirements have been taken from specific provisions in the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry (40 CFR 63 LLL), which are used to determine compliance with that subpart's production-based mercury emission limit. The specific referenced provision are: 40 CFR 63.1348(a)(5) (requirements for demonstrating initial compliance with production-based mercury limit); 40 C.F.R. 63.1348(b)(7) (continuous monitoring requirements for a production-based mercury limit); 40 C.F.R. 63.1349(b)(5) (how to calculate a facility's production-based mercury emission performance); 40 C.F.R. 63.1350(k) (mercury emission monitoring requirements); 40 C.F.R. 63.1350(d) (clinker production monitoring requirements); 40 C.F.R. 63.1350(n) (continuous flow rate monitoring system); and the definition of "operating day" used in 40 C.F.R. 63.1341.

A detailed index of changes is attached with this summary.