

ADEM Air Division Update

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Topics



Air Staffing



Regulatory Changes
and Uncertainties



Other Issues

Air Division Staffing

- 89 current employees
- 2 vacant positions
- Management changes
 - Aubrey White – Air Division Chief
 - Dodi Moseley, Chief of the Petroleum Unit
- No growth of staff numbers since late 90's

Regulatory Changes & Uncertainties



Regulatory Changes & Uncertainties

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 has until August of 2025 to revise its rules
- *SSM Litigation Group v. EPA*
- Hopefully there is resolution before we initiate rulemaking



Regulatory Changes & Uncertainties

2015 Ozone NAAQS “Good Neighbor Plan”

- 2022: EPA disapproved ADEM’s SIP
- 2023: EPA Issued FIP for 23 states
 - Reduce NOx
 - Alabama: power plant impacts
- *Utah v. EPA*
- Supreme Court issued a stay
September 2024
 - States and industry were likely to
succeed on the merits of the case
- 3/10/25: EPA seeks remand of case to
allow for reconsideration of the rule.



Regulatory Changes & Uncertainties

GHG Rules

New and Existing Power Plants

- NSPS TTTT & NSPS TTTTa
- Requires sequestration or shutdown of coal units
- 111(d) UUUUb
 - Existing sources
 - States are required to develop rules
- ADEM will develop its own rule
- *West Virginia v. EPA*



Regulatory Changes & Uncertainties

GHG Rules

Oil and Gas

- 3 new or modified NSPS
 - OOOO – OOOOb
- 111(d) OOOOc
 - Existing Sources
 - States are required to develop rules
- Very large number of sources
- Covers wellhead to end storage
- ADEM resources are an issue
- *Oklahoma v. EPA, others*



Regulatory Changes & Uncertainties

GHG Rules

- 3/12/25: EPA announces it will formally reconsider endangerment finding and will reconsider both power plant and oil & gas GHG rules.



Regulatory Changes & Uncertainties

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 Changes & Uncertainties

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*



Regulatory Changes & Uncertainties

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 Changes & Uncertainties

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*



Regulatory Changes & Uncertainties

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, in particular to address prescribed fire events.



Regulatory Changes & Uncertainties

Citizen Suits

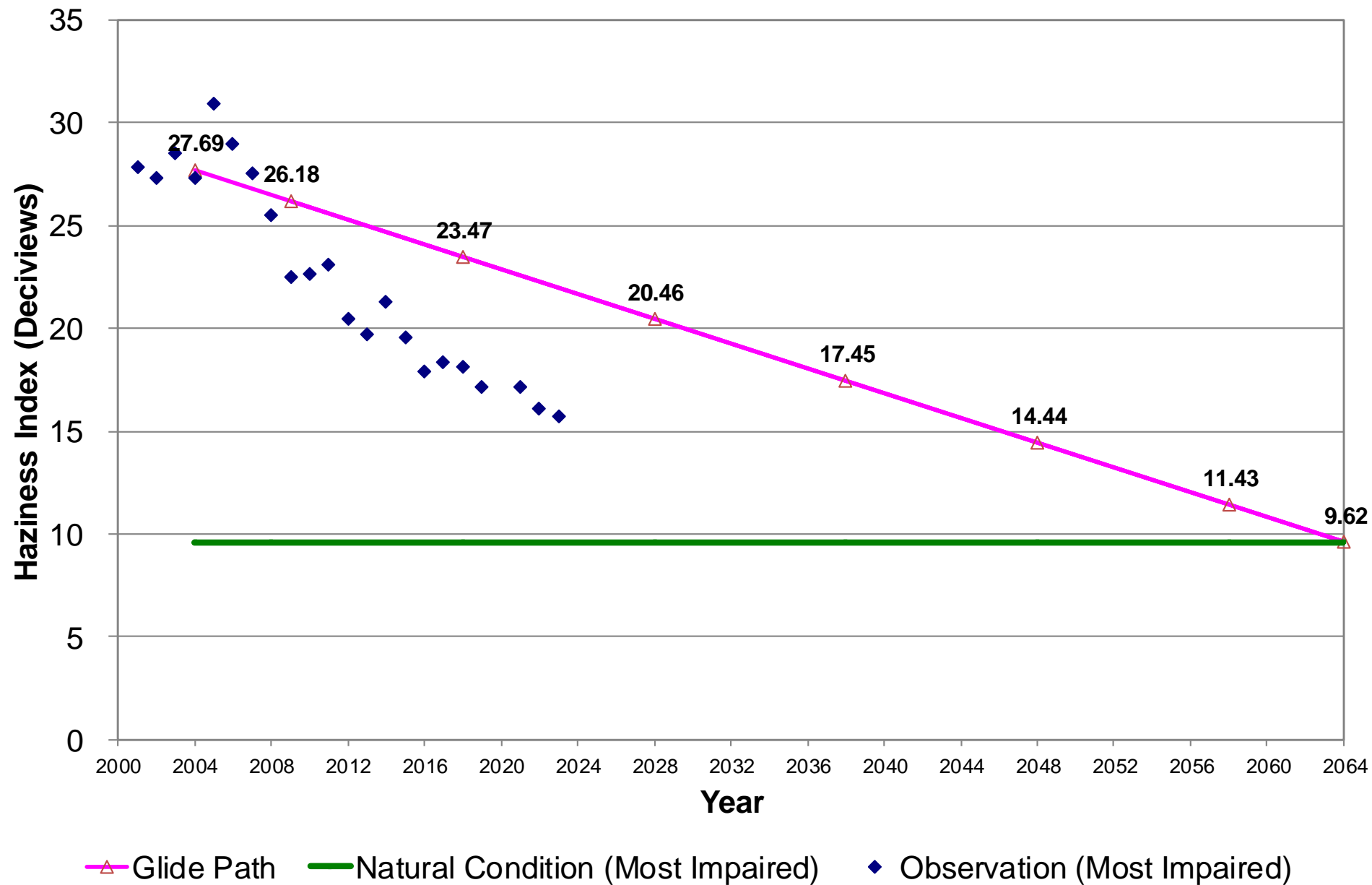
- *ExxonMobil Corp., et al., v. Environmental Texas Citizen Lobby*
- 27 State Attorneys General have filed *amicus* briefs in support of Exxon.
- Suit revisits whether citizens must show a concrete injury due to a violation, and limit case to just those violations.
- Briefs from environmental groups due to SCOTUS June 3, 2025.



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 been very, very picky about these SIPs.
- We are anticipating changes to the RH rule in 2025.

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



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 unchanged

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

