

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-5-.28
Rule Title: Subpart BB-Air Emission Standards for Equipment Leaks

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Mandy Elliott

Date November 18, 2022

REC'D & FILED
NOV 18 2022
LEGISLATIVE SVC AGENCY

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-14-5-.01	General (Amend)
335-14-5-.02	General Facility Standards (Amend)
335-14-5-.05	Manifest Systems, Recordkeeping and Reporting (Amend)
335-14-5-.06	Releases from Solid Waste Management Units (Amend)
335-14-5-.08	Financial Requirements (Amend)
335-14-5-.09	Use and Management of Containers (Amend)
335-14-5-.10	Tank Systems (Amend)
335-14-5-.19	Special Provisions for Cleanup (Amend)
335-14-5-.27	Subpart AA – Air Emission Standards for Process Vents (Amend)
335-14-5-.28	Subpart BB – Air Emission Standards for Equipment Leaks (Amend)
335-14-5-.30	Containment Buildings (Amend)

INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.


SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held January 24, 2023, at 2:00 pm in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: January 24, 2023

CONTACT PERSON AT AGENCY: Lynn Roper, Chief, Office of Land Services (334-271-7728)



Lance R. LeFleur
Director

Subpart BB - Air Emission Standards For Equipment Leaks.

(a) The Environmental Protection Agency Regulations, set forth in 40 CFR, Part 264, Subpart BB (as published by EPA on June 21, 1990, and amended on April 26, 1991; November 25, 1996; June 13, 1997; October 8, 1997; December 8, 1997; April 26, 2004; June 14, 2005; April 4, 2006; ~~and July 14, 2006;~~ and November 28, 2016), are incorporated herein by reference.

(b) In the event that any Code of Federal Regulations Rule(s) incorporated herein by reference refers to or cites another Code of Federal Regulations Rule(s), other than 40 CFR Part 264, Subpart BB, such reference to the other Code of Federal Regulations Rule(s) is not incorporated in this ADEM Administrative Code and the ADEM Administrative Code Rule specifically addressing said issue or circumstance shall take precedence, be applicable and govern. Any provision of 40 CFR Part 264, Subpart BB, which is inconsistent with the provisions of ADEM Administrative Code, Division 335-14, is not incorporated herein by reference.

(c) The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Authors: Stephen C. Maurer, C. Edwin Johnston, Bradley N. Curvin; Vernon H. Crockett; Jonah L. Harris.

Statutory Authority: Code of Alabama 1975, §§22-30-11, 22-30-16.

History: January 25, 1992.

Amended: Effective: January 1, 1993; **Amended:** Effective: January 5, 1995;

Amended: Effective: January 12, 1996; **Amended:** Effective: March 27, 1998;

Amended: Effective: April 2, 1999; **Amended:** Effective: April 13, 2001; **Amended:**

Effective: March 31, 2005; **Amended:** Effective: April 4, 2006, **Amended:** Effective:

March 31, 2017; **Proposed: November 18, 2022.**