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# **ADEM AIR UPDATE**

**Ron Gore**

**Alabama Department of Environmental Management**

**November 2022**

# Emission Fees

- \$/Ton emission fees tied to billable emissions
  - Adjust due to inflation
  - NO change in total fees collected in REAL dollars

# Ozone Air Quality Standard Changes

- EPA may not lower standard
- If lowered from 70 ppb to 65:
  - Birmingham will be close
  - Nowhere else in Alabama
- If lowered to 60
  - Birmingham definitely fails
  - One or two other areas - Huntsville

# Fine Particle Standard Change

- EPA definitely will lower
- If annual standard lowered from 12 to 10:
  - Birmingham fails
- 9.5:
  - Phenix City?

# Title V Permit Issues

- A.K.A, Major Source Operating Permits
- Increased scrutiny from local and national NGO's
- More details in applications, statement of basis, permit itself
- Can lead to petitions asking EPA to object
- EJ issues: Should this facility be allowed to continue to operate?

# Construction Permits

- More procedures coming for minor source permits:
  - Dispersion modeling
  - Public notices, potential public hearings
  - EJ protocols
  - Will slow down decisionmaking

# PSD (Major Construction Permits)

- More complex dispersion modeling
- More public outreach due to EJ
- Disparate impact analysis
- Increased scrutiny of BACT decisions
- Will slow down decisionmaking



# Compliance and Enforcement

- Number and amounts of fines increasing
- Why?
  - Increased specificity of permit conditions?
  - Facilities' loss of personnel and expertise?

# Relationship with EPA

- EPA is focused on climate change and EJ
- Flip-flopping on major issues:
  - Start-up, shutdown, and malfunction
  - Regional Haze
  - Ambient monitoring
  - Ozone transport (ADEM and Attorney-General have sued EPA)

# EJ

- Per EPA, possible endpoints of EJ consideration in permitting:
  - Alternate sites and processes
  - Lower emission limits than rules require
  - Other mitigation?
  - Deny permit