

FACT SHEET
Alabama Visible Emissions Rule Final Decision on Reconsideration

ACTION

- In 2009, EPA was petitioned to reconsider our 2008 approval of changes to Alabama’s rules governing visible emissions from 19 major sources. Visible emissions are what can be seen by the eye coming out of a smokestack or other emission point. Visible emissions are measured as opacity, a condition that describes how much light is blocked by the concentrated pollution. Opacity can be used as a surrogate for particulate pollution and can show that control devices may not be working properly.
- We have completed our reconsideration and have now decided to disapprove these changes because the Agency has made the determination that the revised rule and the information supporting these changes do not ensure continued compliance with the Clean Air Act (CAA) requirements in affected areas. The result of this decision is that Alabama’s visible emissions rule will revert to its pre-2008 form. Our disapproval action is not creating requirements beyond those that were already in place prior to the action that we reconsidered. We do not anticipate increased cost of compliance for those sources that were already in compliance with the previous requirements.
- On October 15, 2008, EPA approved two SIP revisions from Alabama regarding Alabama’s visible emissions (also referred to as “opacity”) requirements for certain facilities required to operate continuous opacity monitoring systems. The revisions affected 19 facilities in Alabama (8 power plants, 6 pulp and paper mills, 4 chemical plants and 1 cement plant).
- The SIP revisions changed the opacity limit exemptions for the affected sources from one 6-minute period per hour to an aggregate of 24 6-minute periods per day and removed the 40 percent opacity cap during such exempt periods. Thus, the approval of the SIP revisions in 2008 allowed for consecutive periods of high opacity (up to 2.4 hours at up to 100 percent opacity).
- On April 3, 2009, EPA granted a February 25, 2009, petition for reconsideration of the Agency’s October 15, 2008, final action which approved revisions to the visible emissions rule included in the Alabama State Implementation Plan (SIP).
- On March 29, 2011, EPA finalized the reconsideration by disapproving the SIP revision. As a result of this action, Alabama’s visible emissions rule that was in the SIP prior to the October 15, 2008, action will be the current SIP-approved rule as of the effective date of this action. The result is consistent with the goals of the CAA, in particular section 110(l).

BACKGROUND

- This disapproval will protect air quality and human health for the citizens of Alabama. There is a general relationship between visible emissions and particulate matter pollution – one that varies from source to source – so that excess visible emissions has long been used as an indicator of emissions of particulate matter.
- Particulate matter pollution – especially fine particles – contains microscopic solids or liquid droplets that are so small that they can get deep into the lungs and cause serious health problems. Particles can cause premature death and a wide range of lung and heart disease, including heart attacks and asthma.
- It is very important to understand the relationship between visible emissions and particulate matter pollution at each affected source so that we may discern the impacts of any changes in the visible emissions rules on particulate matter emissions. This more specific information helps EPA to ensure that the citizens in Alabama enjoy the health benefits and air quality protection afforded by the Clean Air Act (CAA). Alabama’s SIP relies on opacity as the only indicator of continuous compliance with PM emission limits for large boilers built before 1971. The State of Alabama currently has two nonattainment areas for the national ambient air quality standards for fine particulates (PM_{2.5}): the Birmingham area (for both the annual and 24-hour PM_{2.5} standards) and the Chattanooga area (for the annual PM_{2.5} standard). While these two areas are still designated nonattainment, the most recent monitoring data show that both areas are meeting the fine particulate matter standards.
- On September 11, 2003, the Alabama Department of Environmental Management (ADEM) submitted a request for EPA approval of a SIP submittal containing proposed revisions to the Visible Emissions portion of the Alabama SIP, found at ADEM Administrative Code (AAC) Chapter 335-3-4-.01, “Visible Emissions,” and pertaining to sources of PM emissions.
- On August 22, 2008, ADEM submitted revisions to that rule including an additional provision that limits subject sources to a daily opacity average of no more than 22 percent. In its submittal, Alabama did not provide information on the specific relationship between visible emissions and particulate pollution for the 19 affected sources.
- On October 15, 2008, EPA published a final rulemaking (73 FR 60957) that approved revisions to the Alabama SIP embodied in two submittals from the State. The SIP revision changed the opacity limit exemptions for subject sources from one 6-minute period per hour to an aggregate of 24 6-minute periods per day and removed the 40 percent opacity cap during such exempt periods. Thus, the approved SIP revision

allowed for consecutive periods of high opacity (up to 2.4 hours at up to 100 percent opacity).

- The October 2008 final rule was challenged by the Alabama Environmental Council and other environmental groups in the 11th Circuit Court of Appeals. In February 2009, the same organizations also petitioned for EPA to reconsider the October 2008 final action. EPA granted the petition because the Agency agreed that the petitioners raised procedural and substantive issues that warranted additional review and opportunity for public comment.
- On October 2, 2009, EPA proposed a rule (74 FR 50930) identifying two alternative options being considered as part of the reconsideration process. The alternative proposals were either to affirm the October 15, 2008, rulemaking, thereby affirming the approval of Alabama's Submittals or to amend the October 15, 2008, rulemaking, thereby disapproving Alabama's Submittals.
- Upon reconsideration, EPA has concluded that the Alabama submission is not approvable under the CAA because it does not provide a sufficient basis to conclude that these specific changes to Alabama's visual emissions requirement would not result in increased PM emissions in a nonattainment area over what would have been allowed under the previously approved SIP rule (or otherwise interfere with any applicable requirement of the Act).

FOR ADDITIONAL INFORMATION

- Visit <http://www.epa.gov/region4/air/sips/index.htm> on EPA's website for a copy of the notice announcing EPA's decision on the reconsideration.
- The final reconsideration of the Alabama visible emissions rule revision was signed on March 29, 2011 and sent for publication in the Federal Register. The action will soon be available at www.regulations.gov, EPA's electronic public docket and comment system, under EPA docket No. EPA-R04-OAR-2005-AL-0002.
- Background information on the Alabama's visible emissions rulemaking is available either electronically at www.regulations.gov or in hardcopy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.
 - Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Supporting information for this action can be accessed under Docket ID No. EPA-R04-OAR-2005-AL-0002.

- For general information about the petition for reconsideration of the Alabama's visible emissions rule, please contact Dick Schutt of the EPA's Region 4 Offices at (404) 562-9033, or schutt.dick@epa.gov.