

From: [Elliott, Darlene](#)
To: [Brown, Larry](#); [White, Aubrey](#)
Subject: RE: Proposed Amendments to the City of Huntsville Air Pollution Control Rules and Regulations
Date: Monday, December 30, 2024 3:02:00 PM

Hi Larry,

We are aware of ADEM's current status regarding the SSM provisions and the affirmative defense for emergencies. Our rules are organized somewhat differently from ADEM's, and we don't have separate chapters for Air Permits, SMOPs and MSOPs. Consequently, the provisions in our rules proposed for deletion apply to *all* permits. We have never included SSM provisions in a permit and have never been asked to do so by an applicant, perhaps in large part because of the nature of Huntsville's industry. With regard to the emergency affirmative defense provisions, such a defense has never been asserted. However, it is entirely appropriate in any enforcement action to consider all the pertinent facts, and it may very well prove to be unjust to pursue formal enforcement action to completion (issuance of an Order or filing suit) for an "emission limit violation" that was entirely beyond the control of the source and presumably caused by a natural disaster.

We don't know whether the petition for review of EPA's rule filed by SSM Litigation Group in the DC Circuit will result in vacatur of EPA's rule or not, but the proposed change to our regulations conforms with current federal law. If EPA's rule is vacated, we may revisit this in a future regulation amendment.

ADEM does have similar language to that proposed for inclusion in 3.4.4(e) of our rules (see ADEM Administrative Code 335-3-14-.05(4)(e)). You're right, it doesn't really change anything, but it is cleaner than referencing an old EPA Guidance Document.

Let me know if ADEM has concerns over my line of reasoning or our proposed course of action.

Thanks & Happy New Year,

DARLENE ELLIOTT, P.E.

Director

Natural Resources and Environmental Management

City of Huntsville

[\(256\) 427-5760](tel:(256)427-5760)

darlene.elliott@huntsvilleal.gov

We are in a new location!
Huntsville City Hall
305 Fountain Cir. SW
Huntsville, AL 35801

From: Brown, Larry <LWB@adem.alabama.gov>

Sent: Tuesday, December 24, 2024 9:35 AM

To: White, Aubrey <AHW@adem.alabama.gov>; Elliott, Darlene <darlene.elliott@huntsvilleal.gov>

Subject: Fw: Proposed Amendments to the City of Huntsville Air Pollution Control Rules and

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Darlene,

I noticed that you are taking out the affirmative defense language in your regs. I'm not sure if that section is for all permitting, air permits, or title v. We took action to remove the ssm language from our regs last year but left in a qualifier that the removal was not effective until EPA approved in a sip. Following the court ruling we withdrew the sip submittal. Therefore the ssm language for air permits is still on our books. EPA also published a withdrawal of the ssm sip call for Alabama. We will probably remove the language which would have removed the ssm in a future rulemaking.

We have not taken out the affirmative defense language for title v yet. There is still a court action on that one. We got an extension till next August to take final action.

Just wanted to make sure you knew where we were on this issue.

Also I'm not sure that we have the language regarding the credits for nonphotochemically reactive organics, but since basically by definition they are not VOCs, I don't know of any issue.

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From: White, Aubrey <AHW@adem.alabama.gov>
Sent: Tuesday, December 24, 2024 8:19:23 AM
To: Carr, Doug <DKC@adem.alabama.gov>; Thornhill, James W. <JWT@adem.alabama.gov>; Brown, Larry <LWB@adem.alabama.gov>
Subject: FW: Proposed Amendments to the City of Huntsville Air Pollution Control Rules and Regulations

FYI

From: Elliott, Darlene <darlene.elliott@huntsvilleal.gov>
Sent: Monday, December 23, 2024 1:25 PM
To: Diaz, Denisse <diaz.denisse@epa.gov>; Averett, Lindsay (she/her/hers) <Averett.Lindsay@epa.gov>; White, Aubrey <AHW@adem.alabama.gov>; Handsome, Geraline <GH@adem.alabama.gov>
Subject: Proposed Amendments to the City of Huntsville Air Pollution Control Rules and Regulations

All –

Attached are proposed amendments to the City of Huntsville Air Pollution Control Rules and Regulations, including a summary of reasons and the public notice published in the *Speakin' Out News* as well as online on the City's Legal Notices website at:

<https://www.huntsvilleal.gov/government/media-center/legal-notices/>

<https://www.huntsvilleal.gov/wp-content/uploads/2024/12/NOTICE-OF-AIR-POLLUTION-HEARING.pdf>

Please let me know if you have any questions or comments.

Respectfully,

DARLENE ELLIOTT, P.E.

Director

Natural Resources and Environmental Management
City of Huntsville

[\(256\) 427-5760](tel:(256)427-5760)

darlene.elliott@huntsvilleal.gov

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305 Fountain Cir. SW
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From: [Elliott, Darlene](#)
To: [Handsome, Geraline](#)
Cc: [White, Aubrey](#); [Brown, Larry](#); [Hurst, A Dale](#); [Edwards, Lisa R](#)
Subject: RE: Proposed Amendments to the City of Huntsville Air Pollution Control Rules and Regulations
Date: Thursday, January 9, 2025 2:38:00 PM
Attachments: [RE Proposed Amendments to the City of Huntsville Air Pollution Control Rules and Regulations.pdf](#)

Geraline,

Thank you for your review of our proposed regulation amendments. With regard to the deletion of Section 3.3.8 of our rules, Larry made a similar comment. I've attached my response for your information. With respect to the cross-references in the Appendix, you are absolutely right. Somehow, Subparts BB and FF were inadvertently listed in our regulations under Part 14.5, instead of under Part 14.2. Consequently, they were being proposed for deletion, but they need to be added back to the listing for Subpart 14.2 since they should be referring to federal regulations in 40 CFR Part 61. Thanks for catching that. We should be able to make that correction for the package brought before the City Council at the time of the public hearing.

Thanks again for all your help.

DARLENE ELLIOTT, P.E.

Director

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Huntsville City Hall

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From: Handsome, Geraline <GH@adem.alabama.gov>

Sent: Tuesday, December 31, 2024 10:42 AM

To: Elliott, Darlene <darlene.elliott@huntsvilleal.gov>

Cc: White, Aubrey <AHW@adem.alabama.gov>; Brown, Larry <LWB@adem.alabama.gov>; Hurst, A Dale <ADH@adem.alabama.gov>; Edwards, Lisa R <LHicks@adem.alabama.gov>

Subject: RE: Proposed Amendments to the City of Huntsville Air Pollution Control Rules and Regulations

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Oops! The rules would be **'repealed'** not 'appealed.'

From: Handsome, Geraline

Sent: Tuesday, December 31, 2024 10:14 AM

To: Elliott, Darlene <darlene.elliott@huntsvilleal.gov>

Cc: White, Aubrey <AHW@adem.alabama.gov>; Brown, Larry <LWB@adem.alabama.gov>; Hurst, A Dale <ADH@adem.alabama.gov>; Edwards, Lisa R <LHicks@adem.alabama.gov>

Subject: RE: Proposed Amendments to the City of Huntsville Air Pollution Control Rules and Regulations

Hi Darlene,

The following are what I noted from the proposed rules:

1. Pertaining to rules in Section 3.3.8. These rules are not deleted in ADEM's regulations, yet. We added a provision (335-3-14-.03(1)(h)3.) that states the rules would be appealed upon EPA's final approval of the provision.
2. Chapter 18, Landfill regulations. I found nothing of concern. However, I assumed the references are correct since I was unable to view the rules in their entirety.
3. Appendix to 14.2 and 14.5. Subparts BB and FF were deleted in the section pertaining to 14.5. Are BB and FF supposed to be under 14.2? Is each of these subparts pertaining to standards for benzene emission sources under 40 CFR 61?

Let me know if you have any questions.

Thanks,
Geraline

Geraline L. Handsome
Program Development Unit
Planning Branch
Air Division
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463
(334) 271-7909
www.adem.alabama.gov



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