

# STATE OF ALASKA

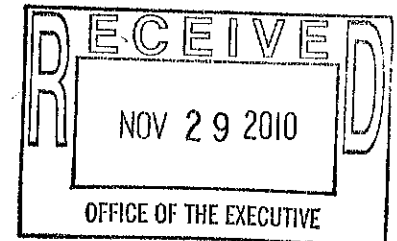
**DEPT. OF ENVIRONMENTAL CONSERVATION**  
OFFICE OF THE COMMISSIONER

**SEAN PARNELL, GOVERNOR**

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November 19, 2010

Mr. Dennis McLerran  
U.S. EPA, Region 10  
Regional Administrator's Office, RA-140  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101



Dear Mr. McLerran:

The Alaska Department of Environmental Conservation (ADEC) hereby submits a revision to our State Implementation Plan (SIP) and requests EPA approval of the submission in accordance with 40 C.F.R. 51. The revisions to 18 ACC 50 which constitute the SIP revision included the following changes:

- update adoption by reference dates of federal rules adopted in 18 AAC 50.040 and 18 AAC 50.990;
- update adoption by reference of revised Standard Conditions for air permits in 18 AAC 50.346;
- add a new Standard Condition for air permits and associated form in 18 AAC 50.346;
- update the air quality nonattainment designations in 18 AAC 50.015;
- adopt clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts in 18 AAC 50.302, 18 AAC 50.502, 18 AAC 50.508, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.544, and 18 AAC 50.990; and
- make additional changes necessary to clarify the regulations in: 18 AAC 50.055, 18 AAC 225, 18 AAC 50.306, 18 AAC 50.502, 18 AAC 50.508, 18 AAC 50.510, 18 AAC 50.540, 18 AAC 50.542, and 18 AAC 50.544.

Please note that the attached final regulations differ in some respects from the version submitted on October 25, 2010, for parallel processing under 40 C.F.R. 51, Appendix V 2.3. Although the intent of the regulations remained the same, the Alaska Department of Law required some wording changes for the final regulations. Please use the final regulations enclosed with this letter to complete parallel processing our adoption of the greenhouse gas tailoring rule and prevention of significant deterioration (PSD) permitting changes.

We are providing three paper copies and one electronic version of the following documents to Mr. Scott Hedges, of your staff:

SIP Revision:

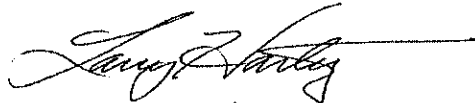
- Alaska Administrative Code, Title 18, Chapter 50 Air Quality Control with an effective date of December 9, 2010, published in Register 196, January 2011; and
- ADEC documents adopted by reference (standard conditions, adoption date of September 27, 2010) in the November 2, 2010, regulation revision.

Supporting Documentation:

- Signed & Certified Adoption Order and Filing Certificate for Permanent Regulations, filed November 9, 2010, with an effective date of December 9, 2010;
- Notice of Public Comment, signed June 25, 2010;
- Affidavits of Publication for the Public Notice (dated June 28 or June 29, 2010), signed July 7, 2010, June 30, 2010, and June 29, 2010;
- Affidavit of Agency Record of Public Comment, signed September 27, 2010;
- Affidavit of Oral Hearing (dated July 29, 2010), signed July 29, 2010;
- Affidavit of Notice of Proposed Adoption of Regulations and Furnishing of Additional Information, signed September 27, 2010; and
- Public Review Draft of proposed changes to 18 AAC 50 showing changes with new language indicated by bold lettering and old language shown in brackets, dated June 25, 2010.

Please have your staff contact Ms. Rebecca Smith if they have any questions or need additional assistance with this submittal. She can be reached at (907) 465-5121 or at rebecca.smith@alaska.gov. Thank you for your consideration of our SIP revision submittal, and we look forward to your approval of the package.

Sincerely,



Larry Hartig  
Commissioner

cc: Rick Albright, EPA Region 10 (w/o enclosures)  
Mahbubul Islam, EPA Region 10 (w/o enclosures)  
Scott Hedges, EPA Region 10 (w/ enclosures)  
David Bray, EPA Region 10 (w/o enclosures)  
Gina Bonifacino, EPA Region 10 (w/o enclosures)  
Alice Edwards, Division of Air Quality, ADEC (w/o enclosures)  
John Kuterbach, Air Permits Program, Division of Air Quality, ADEC (w/o enclosures)

**40 C.F.R. Part 51 Appendix V 2.1. (b)**

**Evidence State Has Formally Adopted Plan or Revision :**

**Adoption Order of Commissioner Larry Hartig signed November 2, 2010, with Filing Certification of Lt. Governor Craig E. Campbell signed by Scott Clark on November 9, 2010, with Delegation of Lieutenant Governor's Authority certificate dated February 23, 2010.**

**Draft copy of changes to regulations with changes indicated by bold, underlined text.**

**Permanent Filing of Regulation Memo of Lt. Governor Craig E. Campbell signed by Scott Clark dated November 9, 2010, with Delegation of Lieutenant Governor's Authority certificate dated February 23, 2010.**

**Adoption draft of 18 AAC 50 Air Quality Control Regulations, As amended through November 2, 2010 (no register number in header).**

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ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

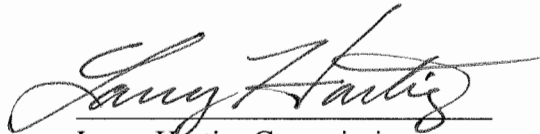
The attached 18 pages of regulations, dealing with Air Quality Control are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.14 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: November 2, 2010  
Anchorage, Alaska



Larry Hartig, Commissioner  
Department of Environmental Conservation

FILING CERTIFICATION

✓ Scott Clark for  
I, Craig E. Campbell, Lieutenant Governor for the State of Alaska, certify that on  
November 9, 2010, at 3:24 p.m., I filed the attached regulations according to the provisions  
of AS 44.62.040 – 44.62.120.



Craig E. Campbell, Lieutenant Governor

Effective: December 9, 2010

Register: 196, January. 2011

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, CRAIG E. CAMPBELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**SCOTT CLARK, Special Assistant**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, at Juneau, on February 23, 2010.**



  
.....  
**CRAIG E. CAMPBELL**  
**LIEUTENANT GOVERNOR**

**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 50**

**AIR QUALITY CONTROL**

**Public Comment Draft**

**June 25, 2010**

**Comment Period Ends  
August 3, 2010, 5:00 p.m.**

**Sean Parnell  
Governor**

**Larry Hartig  
Commissioner**

18 AAC 50.015(b) is amended by adding a new paragraph to read:

(b) The following areas have been designated by the federal administrator as "nonattainment" for the specified air pollutants:

(1) for carbon monoxide

(A) repealed 2/20/2004

(B) repealed 6/24/2004

(2) for PM-10:

(A) Mendenhall Valley area of Juneau; and

(B) Eagle River area of Anchorage;[.]

**(3) for PM-2.5:**

**(A) Fairbanks and North Pole urban area**

(Eff. 1/18/97, Register 141; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/10/2004, Register 171; am \_\_/\_\_/\_\_\_\_, Register \_\_)

**Authority:** AS 46.03.020 AS 46.14.010 AS 46.14.030

18 AAC 50.035(b) is amended to read:

(b) The following procedures and methods set out in 40 C.F.R., revised as of July 1, **2009** [2007], are adopted by reference:

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am \_\_/\_\_/\_\_\_\_, Register \_\_)

**Authority:** AS 46.03.020 AS 46.14.020 AS 46.14.140  
AS 46.14.010 AS 46.14.030 Sec. 30, ch. 74, SLA 1993

18 AAC 50.040(a) is amended to read:



(a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), as revised as of **74 Fed. Reg. 51950 (October 8, 2009)** [JULY 1, 2007], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(a)(2) is amended by adding new subparagraphs to read:

**(LL) the provisions of Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999);**

**(MM) the provisions of Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006);**

**(NN) the provisions of Subpart FFFF (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004);**

**(OO) the provisions of Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines);**

**(PP) the provisions of Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines);**

**(QQ) the provisions of Subpart KKKK (Standards of Performance for Stationary Combustion Turbines);**

...

18 AAC 50.040(b) is amended to read:

(b) The following provisions of 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants), as revised as of **July 1, 2009** [MAY 16, 2007], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(c) is amended to read:

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), as revised as of **75 Fed. Reg. 9648 (March 3, 2010)** [JULY 16, 2007], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(c) is amended by adding new paragraphs to read:

(33) Appendix B (Sources Defined for Early Reduction Provisions); [.]

**(34) Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities);**

**(35) Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities).**

...

18 AAC 50.040(d) is amended to read:

(d) The provisions of 40 C.F.R. Part 82, as revised as of July 1, **2009** [2007], are adopted by reference to the extent that they apply to a Title V source.

...

18 AAC 50.040(e) is amended to read:

(e) The requirements of 40 C.F.R. 52.70 - 40 C.F.R. 52.96, as revised as of July 1, **2009** [2007], as they apply to a Title V source and for purposes of a Title V permit, are adopted by reference.

...

18 AAC 50.040(f) is amended to read:

(f) The provisions of 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models (Revised)), as revised as of July 1, **2009** [2007], are adopted by reference.

...

18 AAC 50.040(g) is amended to read:

(g) The following provisions of 40 C.F.R. Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants), as revised as of July 1, **2009** [2007], are adopted by reference:

...

18 AAC 50.040(h) is amended to read:

(h) The following provisions of 40 C.F.R. 51.166 and 40 C.F.R. 52.21 - **40 C.F.R. 52.22** (Prevention of Significant Deterioration of Air Quality), as revised as of **75 Fed. Reg. 31514 (June 3, 2010)** [JULY 2, 2007], are adopted by reference:

...

18 AAC 50.040(i) is amended to read:

(i) From the following provisions of 40 C.F.R. 51.165 (Permit Requirements), as revised as of **July 1, 2009**[JULY 2, 2007], text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

...

18 AAC 50.040(j) is amended to read:

(j) The following provisions of 40 C.F.R. Part 71 (Operating Permits), as revised as of **75 Fed. Reg. 31514 (June 3, 2010)** [JULY 2, 2007], are adopted by reference, except as provided in 18 AAC 50.326:

...

18 AAC 50.040(j) is amended by adding a new paragraph to read:

**(9) 40 C.F.R. 71.13 (Enforceable commitments for further actions addressing Greenhouse gases (GHGs))**

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.020 AS 46.14.030  
AS 46.14.010

18 AAC 50.055(a)(9) is amended to read:

(9) more than 20 percent for any three minutes in any one hour [EXCEPT FOR AN ADDITIONAL THREE MINUTES IN ANY ONE HOUR] for a coal burning boiler that began operation before August 17, 1971, **except for an additional three minutes in any one hour** if

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/4/99, Register 152; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993  
AS 46.14.010 AS 46.14.030

18 AAC 50.215(a) is amended to read:

**18 AAC 50.215. Ambient air quality analysis methods.** (a) A person who submits meteorological or ambient air monitoring data under AS 46.03, AS 46.14, or this chapter shall obtain the data in accordance with

(1) the department's Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program [ALASKA QUALITY ASSURANCE MANUAL FOR AMBIENT AIR QUALITY MONITORING], adopted by reference in 18 AAC 50.030, for PM-10, total suspended particulates (TSP), lead, carbon monoxide, nitrogen dioxide, sulfur dioxide, and ammonia;

...

18 AAC 50.215(f) is amended by adding a new subsection to read:

**(f) A person conducting a modeling analysis under 18 AAC 50.540(c)(2) for a non fast-track minor permit application may seek department approval to use the procedures and demonstration thresholds described in 18 AAC 50.542(c)(2), except when modeling a stationary source subject to 18 AAC 50.542(a)(1). The department may grant approval to use such procedures and demonstration thresholds at its discretion.**

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.140 Sec. 30, ch. 74, SLA 1993  
AS 46.14.030 AS 46.14.180

18 AAC 50.302 is amended by adding a new subsection to read:

**(c) Terms and conditions initially established in a PSD permit and identified in the PSD permit as solely necessary to meet a Title V requirement associated with an integrated review conducted under 18 AAC 50.306(c)(3) are considered Title V terms and conditions upon incorporation of those terms and conditions into a Title V permit. Subsequent changes to such terms and conditions will therefore only need to be made within the Title V permit, not the PSD permit. The mechanism for requesting such changes shall be through**

**the applicable Title V operating permit modification or amendment provisions of 18 AAC 50.326 rather than the Minor Permit provisions of 18 AAC 50.508(6).**

(Eff.10/1/2004, Register 171; am \_\_/\_\_/\_\_\_\_, Register \_\_)

**Authority:** AS 46.03.020 AS 46.14.030 AS 46.14.140  
AS 46.14.010 AS 46.14.120 Sec. 30, ch. 74, SLA 1993  
AS 46.14.020

18 AAC 50.306(b) is repealed and readopted to read:

(b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21,

(A) the term “administrator” means

(i) “federal administrator” in 40 C.F.R. 52.21(b)(17), (b)(37), (b)(43), (b)(48)(ii)(c), (i)(1)(x), (l)(2), and (p)(2); and

(ii) “department” elsewhere;

(B) the term “national ambient air quality standard” means an Alaskan ambient air quality standard as found in 18 AAC 50.010;

(C) the terms “ambient air increment” or “maximum allowable increase” mean a maximum allowable increase as found in Table 3 in 18 AAC 50.020;

(2) exclusions from increment consumption apply to the maximum extent allowed under 40 C.F.R. 51.166(f), adopted by reference in 18 AAC 50.040;

(3) in 40 C.F.R. 52.21(b)(50)(vi) the parenthetical “(or any earlier date established in the upcoming rulemaking codifying test methods)” shall be ignored; and

(4) in 40 C.F.R. 52.21(i)(1)(xi) all references to “July 15, 2008” shall be read as {*adoption date of these regulations*}.

(Eff.10/1/2004, Register 171; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_)

**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140

18 AAC 311(b)(1)(C)(i) is amended to read:

(i) from each stationary source providing the emission reductions, a complete application for a minor permit under **18 AAC 50.508(a)(2)** [18 AAC 50.508(4)]; and

(Eff. 10/1/2004, Register 171; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.14.020	AS 46.14.170
	AS 46.03.850	AS 46.14.130	AS 46.14.180
	AS 46.14.010	AS 46.14.140	

18 AAC 50.346 is amended to read:

**18 AAC 50.346. Construction and operating permits: other permit conditions.** (a) For a construction permit or Title V permit, the department will use the standard permit condition in this subsection, unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter or that no comparable condition is appropriate for the stationary source or emission unit. The department's Standard Permit Condition II – Air Pollution Prohibited, as revised as of **{adoption date of these regulations}** [AUGUST 25, 2004], is adopted by reference.

(b) In a Title V permit, the department will use the standard permit conditions listed in this subsection, unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter or that no comparable condition is appropriate for the Title V source or emission unit. The following standard permit conditions prepared by the department are adopted by reference:

(1) Standard Permit Condition I – Emission Fees, as revised as of **{adoption date of these regulations}** [AUGUST 25, 2004];

(2) Standard Permit Condition III – Excess Emissions and Permit Deviation Reports, as revised as of **{adoption date of these regulations}** [AUGUST 20, 2008];

(3) Standard Permit Condition IV – Notification Form, as revised as of **{adoption date of these regulations}** [AUGUST 20, 2008];

(4) Standard Operating Permit Condition V – Insignificant Sources, as revised as of **{adoption date of these regulations}** [AUGUST 25, 2004];

(5) Standard Operating Permit Condition VI – Good Air Pollution Control Practices, as revised as of August 25, 2004;

(6) Standard Operating Permit Condition VII – Operating Reports, as revised as of **{adoption date of these regulations}** [AUGUST 20, 2008.];

(7) Standard Operating Permit Condition[S] XIV – Document Submittals and Electronic Copies, as revised as of August 20, 2008[.];

**(8) Standard Operating Permit Condition XV – Emission Inventory Reporting, {adoption date of these regulations}; and**

**(9) Standard Operating Permit Condition XVI – Emission Inventory Reporting Form, {adoption date of these regulations}.**

(c) Unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter, the department will use the standard operating permit conditions listed in Table 7 of this subsection for the respective emission unit or emission unit types identified in the table. The standard operating permit conditions listed in Table 7 are adopted by reference.

**Table 7**  
**Standard Operating Permit Conditions**

Emission Unit or Activity	Standard Permit Condition
-Gas-fired fuel burning equipment, except flares	Standard Operating Permit Condition VIII – Visible Emissions and Particulate Matter Monitoring Plan for Gas-Fired Fuel Burning Equipment, August 25, 2004
-Stationary diesel engines -Liquid-fired stationary turbines -Other liquid-fired fuel burning equipment	Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units, <u><i>{adoption date of these regulations}</i></u> [AUGUST 20, 2008]
-Coal fired boilers -Coal handling equipment -Construction of gravel pads or roads that are part of a permitted stationary source, or other construction that has the potential to generate fugitive dust that reaches ambient air  -Commercial, industrial, municipal solid waste, air curtain, and medical waste incinerators  -Sewage sludge incinerators not using wet methods to handle the ash  -Mines -Urea manufacturing -Soil remediation units -Dirt roads under the control of the operator with frequent vehicle traffic  -Other sources the department finds are likely to generate fugitive dust	Standard Operating Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust, <u><i>{adoption date of these regulations}</i></u> [AUGUST 25, 2004]



-Fuel burning equipment burning liquid fuel	Standard Operating Permit Condition XI – SO <sub>2</sub> Emissions from Oil Fired Fuel Burning Equipment, August 25, 2004
-Fuel burning equipment burning liquid fuel	Standard Operating Permit Condition XII – SO <sub>2</sub> Material Balance Calculation, August 25, 2004
-Coal fired boilers	Standard Operating Permit Condition XIII – Coal Fired Boilers, August 20, 2008

(d) Repealed 10/1/2004. (Eff. 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008, Register 188; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.180  
AS 46.14.010 AS 46.14.130 AS 46.14.250  
AS 46.14.020 AS 46.14.140

18 AAC 400(e) is amended to read:

(e) Before the department takes action on an application received for a permit under **18 AAC 50.508(a)(1)** [18 AAC 50.508(3)], the permittee, owner, or operator of a stationary source must pay a nonrefundable one-time permit fee as follows:

...

18 AAC 400(k) is amended to read:

(k) The permittee, owner, or operator of a stationary source who requests an owner requested limit (ORL) under 18 AAC 50.225 or **18 AAC 50.508(a)(3)** [18 AAC 50.508(5)] or a preapproved emission limit under 18 AAC 50.230 must pay the following fees:

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 12/1/2004, Register 172; am 1/29/2005, Register 173; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 37.10.050 AS 44.46.025 AS 46.14.140  
AS 37.10.052 AS 46.03.020 AS 46.14.240  
AS 37.10.058

18 AAC 403(7) is amended to read:

(7) a minor permit under **18 AAC 50.508(a)(2)** [18 AAC 50.508(4)];

(Eff. 1/29/2005, Register 173; am 12/3/2005, Register 176; am \_\_/\_\_/\_\_\_\_, Register \_\_)

**Authority:** AS 37.10.050 AS 44.46.025 AS 46.14.140  
AS 37.10.052 AS 46.03.020 AS 46.14.240  
AS 37.10.058

18 AAC 410(f) is amended to read:

(f) For stationary sources required to obtain a minor permit in accordance with 18 AAC 50.502(c) or **18 AAC 50.508(a)(4)** [18 AAC 50.508(6)] but not required to obtain an operating permit under AS 46.14.130(b), the permittee shall pay a one-time emission fee assessed for the state fiscal year following the state fiscal year in which the permit was issued. The emission fee is based on assessable emissions for the state fiscal year being assessed and is billed in July of that year. The entire fee is allocated to the emission control permit receipts account under AS 46.14.265. The annual emission fee rate is

(Eff. 1/18/97, Register 141; am 5/3/2002, Register 162; am 10/16/2003, Register 168; am 10/1/2004, Register 171; am 1/29/2005, Register 173; am 12/3/2005, Register 176; am 12/14/2006, Register 180; am 6/18/2009, Register 190; am \_\_/\_\_/\_\_\_\_, Register \_\_)

**Authority:** AS 44.46.025 AS 46.14.140 AS 46.14.250  
AS 46.03.020

18 AAC 50.502(b)(6) is amended to read:

(6) a Port of Anchorage stationary source, **as defined in 18 AAC 50.990(78)**.

...

18 AAC 50.502(c)(1)(E) is amended to read:

(E) 100 TPY of carbon monoxide within 10 kilometers of a **carbon monoxide** nonattainment area; or

...

18 AAC 50.502(c)(3)(A)(iv) is amended to read:

(iv) 100 TPY of carbon monoxide for a stationary source within

10 kilometers of a **carbon monoxide** nonattainment area; or

...

18 AAC 50.502(c)(3)(B)(iv) is amended to read:

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a **carbon monoxide** nonattainment area.

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.508 is repealed and readopted to read:

**18 AAC 50.508. Minor permits requested by the owner or operator.** **(a)** An owner or operator may request a minor permit from the department for

(1) establishing or revising a plantwide applicability limitation (PAL) for a major stationary source; the provisions of 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040, apply to a PAL established or revised under this chapter;

(2) establishing actual emission reductions from an existing stationary source if requested by that source's owner or operator to offset an increase in allowable nonattainment air pollutant emissions at a

(A) new major stationary source;

(B) major modification; or

(C) PAL major modification;

(3) **establishing an owner requested limit (ORL) at a stationary source to avoid a permit classification under AS 46.14.130; if the department approves an owner requested limit on the source's ability to emit air pollutants, a limitation approved under an ORL is an enforceable limitation for purposes of determining** [ESTABLISHING AN OWNER REQUESTED LIMIT (ORL) AT A STATIONARY SOURCE; THE OWNER OR OPERATOR MAY AVOID A PERMIT CLASSIFICATION UNDER AS 46.14.130 IF THE DEPARTMENT APPROVES AN OWNER REQUESTED LIMIT ON THE SOURCE'S ABILITY TO EMIT AIR POLLUTANTS; A LIMITATION APPROVED UNDER AN ORL IS AN ENFORCEABLE LIMITATION FOR THE PURPOSE OF DETERMINING]

(A) stationary source-specific allowable emissions; and

(B) a stationary source's potential to emit; or

(4) revising or rescinding the terms and conditions of a Title I permit issued under this chapter, **except as noted under (b).**

**(b) Terms and conditions initially established in a Title I permit and identified in the Title I permit as solely necessary to meet a Title V operating permit requirement to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 CFR 71.7(d) incorporated by reference under 18 AAC 50.040(j)(5) are considered Title V terms and conditions upon incorporation of those terms and conditions into a Title V permit. Subsequent changes to such terms and conditions will therefore only need to be made within the Title V permit, not the original Title I permit. The mechanism for requesting such changes shall be through the applicable Title V operating permit modification or amendment provisions of 40 C.F.R. 71.7 as incorporated by reference under 18 AAC 50.040(j)(5) rather than the Title I provisions of 18 AAC 50.508(6).** (Eff. 10/1/2004, Register 171; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.540(c)(2) is amended to read:

(2) for a permit for construction, modification, or relocation of a stationary source, a demonstration **conducted in a manner consistent with 18 AAC 50.215(b) – (f)** that the proposed potential emissions from the stationary source will not interfere with the attainment or maintenance of the ambient air quality standards; the ambient demonstration must follow an approved modeling protocol if the department requests a modeling protocol for demonstrating compliance with ambient air quality standards; unless the department has made a finding in writing that the stationary source or modification does not need an ambient analysis to determine that construction and operation will not result in a violation of an ambient air quality standard, the application must include an ambient analysis for

...

18 AAC 50.540(c)(2)(B) is amended to read:

(B) sulfur dioxide, PM-10, and nitrogen dioxide for a portable oil and gas operation, **unless the department grants in writing the exclusion of sulfur dioxide;**

...

18 AAC 540(j) is amended to read:

(j) **Owner requested limits (ORLs).** An application for a minor permit establishing an owner requested limit (ORL) under **18 AAC 50.508(a)(3)** [18 AAC 50.508(5)] must include the information and materials required under 18 AAC 50.225(b)(2) – (6) and (8).

...

18 AAC 50.540(k)(3) is amended to read:

(3) the effect of revising or revoking the permit term or condition on emissions, other permit terms, **the underlying ambient demonstration (if applicable)**, and compliance monitoring; and

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_, Register \_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.542(a)(1) is amended by adding new subparagraphs to read:

[OR] (C) in the Nikiski Industrial Area **as described under 18 AAC 50.990(6)**;

(D) on an offshore platform; [OR]

**(E) in the Municipality of Anchorage;**

**(F) in the City of Fairbanks;**

**(G) Fort Wainwright;**

**(H) Eielson AFB; or**

...

18 AAC 542(d)(1)(D) is amended to read:

(D) for a request under **18 AAC 50.508(a)(4)** [18 AAC 50.508(6)] to revise a construction permit issued under 18 AAC 50.306 – 18 AAC 50.316, the department will provide an opportunity for public hearing in accordance with 40 C.F.R. 51.166(q)(2)(v), adopted by reference in 18 AAC 50.040; and

...

18 AAC 542(f)(7) is amended to read:

(7) approve a minor permit for a limitation requested under **18 AAC 50.508(a)(2)** [18 AAC 50.508(4)] to establish offsetting emissions, if the department finds that permanent, actual emission reductions of the nonattainment air pollutant will result from the limitations proposed in the application;

...

18 AAC 542(f)(8) is amended to read:

(8) approve a minor permit establishing an owner requested limit under **18 AAC 50.508(a)(3)** [18 AAC 50.508(5)], if the department finds that

...

18 AAC 542(f)(9) is amended to read:

(9) approve a request under **18 AAC 50.508(a)(4)** [18 AAC 50.508(6)] to revise or rescind a Title I permit term or condition, if the department finds that the permit will still require the owner or operator to comply with all applicable requirements of this chapter.

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.200

18 AAC 50.544(a) is amended to read:

**18 AAC 50.544. Minor permits: content.** (a) In each minor permit issued under 18 AAC 50.542, the department will

(1) identify the stationary source, the project, the permittee, and contact information;

(2) include the requirement to pay fees in accordance with 18 AAC 50.400 – 18 AAC 50.499;

(3) include any conditions established under 18 AAC 50.201, **as applicable**;  
[AND]

(4) include the requirements of an owner requested limit under 18 AAC 50.225 that applies to the stationary source.

(5) include the standard permit conditions in 18 AAC 50.345, as applicable;[.]

**(6) include conditions as necessary to protect ambient air quality; and**

**(7) include conditions required under 40 C.F.R. 71 as incorporated by reference under 18 AAC 50.040(j) and 18 AAC 50.326, as needed, to accommodate an owner or operator request to add the conditions of a minor permit to a Title V permit by administrative amendment under 18 AAC 50.542(e).**

...

18 AAC 50.544(g) is amended to read:

(g) In each minor permit under **18 AAC 50.508(a)(2)** [18 AAC 50.508(4)] to establish offsetting emissions, the department will include terms and conditions to ensure that the stationary source will meet the criteria in 18 AAC 50.542(f)(7), including terms and conditions imposed under AS 46.14.180 for

...

18 AAC 50.544(h) is amended to read:

(h) In each minor permit establishing an owner requested limit (ORL) under **18 AAC 50.508(a)(3)** [18 AAC 50.508(5)], the department will include terms and conditions that

...

18 AAC 50.544(h)(3) is amended to read:

(3) describe each permit classification under AS 46.14.130 that the ORL allows the owner or operator to avoid [, OR EACH MAXIMUM ALLOWABLE INCREASE UNDER 18 AAC 50.020 OR AMBIENT AIR QUALITY STANDARDS THAT WILL BE PROTECTED].

...

18 AAC 50.544(i) is amended to read:

(i) In each minor permit under **18 AAC 50.508(a)(4)** [18 AAC 50.508(6)] that revises or rescinds terms or conditions of a Title I permit, the department will include terms and conditions as necessary to ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with this chapter. If the limit

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 1/29/2005, Register 173; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.250

18 AAC 50.990(101) is amended to read:

(101) "stack" has the **meaning**[MEETING] given in AS 46.14.990;

...

18 AAC 50.990(121) is amended to read:

(121) "volatile organic compound" or "VOC" has the meaning given in 40 C.F.R. 51.100(s), as revised as of July 1, **2009**, [2004] and adopted by reference;

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993



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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Gary Mendivil, AAC Contact  
Department of Environmental Conservation

**FROM:** Scott Clark  
Special Assistant  
907.465.4081

A handwritten signature in black ink, appearing to read "Scott", written over the printed name "Scott Clark".

**DATE:** November 9, 2010

**RE:** Filed Permanent Regulations: Department of Environmental Conservation

Air Quality, Adopted-By-Reference Materials, Standard Permit Conditions, and Clarifications: 18 AAC 50.015(b)(3); 18 AAC 50.040; 18 AAC 50.055(a)(9); 18 AAC 50.225(a); 18 AAC 50.302(c); 18 AAC 50.306(b); 18 AAC 50.346; 18 AAC 50.502(c), (e); 18 AAC 50.508; 18 AAC 50.510; 18 AAC 50.540(c)(2), (k); 18 AAC 50.542(a)(1); 18 AAC 50.544(a), (h)(3); 18

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Attorney General File:	JU2009200994
Regulation Filed:	11/9/2010
Effective Date:	12/9/2010
Print:	196, January 2011

cc with enclosures:

Linda Miller, Department of Law  
Jim Pound, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, CRAIG E. CAMPBELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**SCOTT CLARK, Special Assistant**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, at Juneau, on February 23, 2010.**



  
.....  
**CRAIG E. CAMPBELL  
LIEUTENANT GOVERNOR**

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18 AAC 50.015(b) is amended by adding a new paragraph to read:

(3) for PM-2.5: Fairbanks and North Pole urban area.

(Eff. 1/18/97, Register 141; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/10/2004, Register 171; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.010 AS 46.14.030

The lead-in language of 18 AAC 50.040(a) is amended to read:

(a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), as revised as of **October 8, 2009** [JULY 1, 2007], are adopted by reference as they apply to a Title V source:

• • •

18 AAC 50.040(a)(2) is amended by adding new subparagraphs to read:

(LL) Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction on or Before November 30, 1999);

(MM) Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006);

(NN) Subpart FFFF (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction on or Before December 9, 2004);

(OO) Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines);

(PP) Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines);

(QQ) Subpart KKKK (Standards of Performance for Stationary Combustion Turbines);

The lead-in language of 18 AAC 50.040(b) is amended to read:

(b) The following provisions of 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants), as revised as of **July 1, 2009** [MAY 16, 2007], are adopted by reference as they apply to a Title V source:

...

The lead-in language of 18 AAC 50.040(c) is amended to read:

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), as revised as of **July 30, 2010** [JULY 16, 2007], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(c) is amended by adding new paragraphs to read:

(34) Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline

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Facilities);

(35) Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities).

18 AAC 50.040(d) is amended to read:

(d) The provisions of 40 C.F.R. Part 82, as revised as of **July 1, 2009** [JULY 1, 2007], are adopted by reference to the extent that they apply to a Title V source.

18 AAC 50.040(e) is amended to read:

(e) The requirements of 40 C.F.R. 52.70 - 40 C.F.R. 52.96, as revised as of **July 1, 2009** [JULY 1, 2007], as they apply to a Title V source and for purposes of a Title V permit, are adopted by reference.

18 AAC 50.040(f) is amended to read:

(f) The provisions of 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models), as revised as of **July 1, 2009** [JULY 1, 2007], are adopted by reference.

The lead-in language of 18 AAC 50.040(g) is amended to read:

(g) The following provisions of 40 C.F.R. Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants), as revised as of **July 1, 2009** [JULY 1, 2007], are adopted by reference:

• • •

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The lead-in language of 18 AAC 50.040(h) is amended to read:

(h) The following provisions of 40 C.F.R. 51.166 (**Prevention of Significant Deterioration of Air Quality**) and **40 C.F.R. Part 52 (Approval and Promulgation of Implementation Plans** [40 C.F.R. 52.21 (PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY)], as revised as of **August 2, 2010** [JULY 2, 2007], are adopted by reference:

• • •

18 AAC 50.040(h)(3) is amended to read:

(3) 40 C.F.R. 52.21(a)(2) (Applicability Procedures);

18 AAC 50.040(h) is amended by adding a new paragraph to read:

(21) 40 C.F.R. 52.22 (Enforceable Commitments for Further Actions Addressing the Pollutant Greenhouse Gases (GHGs)).

The lead-in language of 18 AAC 50.040(i) is amended to read:

(i) From the following provisions of 40 C.F.R. 51.165 (Permit Requirements), as revised as of **July 1, 2009** [JULY 2, 2007], text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

• • •

The lead-in language of 18 AAC 50.040(j) is amended to read:

(j) The following provisions of 40 C.F.R. Part 71 (Operating Permits), as revised as of **August 2, 2010** [JULY 2, 2007], are adopted by reference, except as provided in 18 AAC 50.326:

...

18 AAC 50.040(j) is amended by adding a new paragraph to read:

(9) 40 C.F.R. 71.13 (Enforceable Commitments for Further Actions Addressing Greenhouse Gases (GHGs)). (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.020 AS 46.14.030  
AS 46.14.010

18 AAC 50.055(a)(9) is amended to read:

(9) more than 20 percent for any three minutes in any one hour [, EXCEPT FOR AN ADDITIONAL THREE MINUTES IN ANY ONE HOUR] for a coal burning boiler that began operation before August 17, 1971, **except for an additional three minutes in any one hour** if

...

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/4/99, Register 152; am 5/3/2002,

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Register 162; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am \_\_\_/\_\_\_/\_\_\_\_,

Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993

AS 46.14.010 AS 46.14.030

The lead-in language of 18 AAC 50.225(a) is amended to read:

**18 AAC 50.225. Owner-requested limits.** (a) The owner or operator of an existing or proposed stationary source may request an enforceable limit on the ability to emit air pollutants **to avoid all permitting obligations under AS 46.14.130.** A limitation approved under this section is an enforceable limitation for the purpose of determining

...

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am

1/29/2005, Register 173; am 7/25/2008, Register 187; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.030 AS 46.14.140

AS 46.14.020 AS 46.14.120

18 AAC 50.302 is amended by adding a new subsection to read:

(c) If a term or condition is established in a PSD permit listed in (a)(1) of this section, or established in a PSD permit incorporated into a permit under (b) of this section, and is identified in the permit as solely necessary to meet a Title V requirement associated with an integrated review conducted under 18 AAC 50.306(c)(3), the term or condition is considered a Title V term or condition upon incorporation into a Title V permit. A subsequent revision to the term or



condition may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. (Eff. 10/1/2004, Register 171; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.030 AS 46.14.140  
AS 46.14.010 AS 46.14.120 Sec. 30, ch. 74, SLA 1993  
AS 46.14.020

18 AAC 50.306(b) is repealed and readopted to read:

(b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21,

(A) the term "administrator" means

(i) "federal administrator" in 40 C.F.R. 52.21(b)(17), (b)(37),

(b)(43), (b)(48)(ii)(c), (i)(1)(x), (l)(2), and (p)(2); and

(ii) "department" elsewhere;

(B) the term "national ambient air quality standard" means an ambient air quality standard set out in 18 AAC 50.010 for this state;

(C) the term "ambient air increment" or "maximum allowable increase" means a maximum allowable increase set out in Table 3 in 18 AAC 50.020(b);

(2) exclusions from increment consumption apply to the maximum extent allowed under 40 C.F.R. 51.166(f), adopted by reference in 18 AAC 50.040;

(3) in 40 C.F.R. 52.21(i)(1)(xi), each reference to the date "July 15, 2008" is replaced with "{effective date of these regulations}."

(Eff. 10/1/2004, Register 171; am 7/25/2008, Register 187; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140

18 AAC 50.346 is amended to read:

**18 AAC 50.346. Construction and operating permits: other permit conditions.** (a)

For a construction permit or Title V permit, the department will use the standard permit condition in this subsection, unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter or that no comparable condition is appropriate for the stationary source or emission unit. The department's Standard Permit Condition II - Air Pollution Prohibited, as revised as of **September 27, 2010** [AUGUST 25, 2004], is adopted by reference.

(b) In a Title V permit, the department will use the standard permit conditions listed in this subsection, unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter or that no comparable condition is appropriate for the Title V source or emission unit. The following standard permit conditions prepared by the department are adopted by reference:

(1) Standard Permit Condition I - Emission Fees, as revised as of **September 27, 2010** [AUGUST 25, 2004];

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(2) Standard Permit Condition III - Excess Emissions and Permit Deviation Reports, as revised as of **September 27, 2010** [AUGUST 20, 2008];

(3) Standard Permit Condition IV - Notification Form, as revised as of **September 27, 2010** [AUGUST 20, 2008];

(4) Standard Operating Permit Condition V - Insignificant Sources, as revised as of **September 27, 2010** [AUGUST 25, 2004];

(5) Standard Operating Permit Condition VI - Good Air Pollution Control Practices, as revised as of August 25, 2004;

(6) Standard Operating Permit Condition VII - Operating Reports, as revised as of **September 27, 2010** [AUGUST 20, 2008];

(7) Standard Operating Permit Condition XIV - Document Submittals and Electronic Copies, as revised as of August 20, 2008;

**(8) Standard Operating Permit Condition XV - Emission Inventory Reporting, as revised as of September 27, 2010;**

**(9) Standard Operating Permit Condition XVI - Emission Inventory Reporting Form, as revised as of September 27, 2010.**

(c) Unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter, the department will use the standard operating permit conditions listed in Table 7 of this subsection for the respective emission unit or emission unit types identified in the table. The standard operating permit conditions listed in Table 7 are adopted by reference.

**Table 7**

**Standard Operating Permit Conditions**

<b>Emission Unit or Activity</b>	<b>Standard Operating Permit Condition</b>
-Gas-fired fuel burning equipment, except flares	Standard Operating Permit Condition VIII – Visible Emissions and Particulate Matter Monitoring Plan for Gas-Fired Fuel Burning Equipment, August 25, 2004
-Stationary diesel engines -Liquid-fired stationary turbines -Other liquid-fired fuel burning equipment	Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units, <b>September 27, 2010</b> [AUGUST 20, 2008]
-Coal fired boilers -Coal handling equipment -Construction of gravel pads or roads that are part of a permitted stationary source, or other construction that has the potential to generate fugitive dust that reaches ambient air -Commercial, industrial, municipal solid waste,	Standard Operating Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust, <b>September 27, 2010</b> [AUGUST 25, 2004]

<p>air curtain, and medical waste incinerators</p> <p>–Sewage sludge incinerators not using wet methods to handle the ash</p> <p>–Mines</p> <p>–Urea manufacturing</p> <p>–Soil remediation units</p> <p>–Dirt roads under the control of the operator with frequent vehicle traffic</p> <p>–Other sources the department finds are likely to generate fugitive dust</p>	
<p>–Fuel burning equipment burning liquid fuel</p>	<p>Standard Operating Permit Condition XI – SO<sub>2</sub> Emissions from Oil Fired Fuel Burning Equipment, August 25, 2004</p>
<p>–Fuel burning equipment burning liquid fuel</p>	<p>Standard Operating Permit Condition XII – SO<sub>2</sub> Material Balance Calculation, August 25, 2004</p>
<p>–Coal fired boilers</p>	<p>Standard Operating Permit Condition XIII – Coal Fired Boilers, August 20, 2008</p>

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(d) Repealed 10/1/2004. (Eff. 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008, Register 188; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.180  
AS 46.14.010 AS 46.14.130 AS 46.14.250  
AS 46.14.020 AS 46.14.140

18 AAC 50.502(c)(1)(E) is amended to read:

(E) 100 TPY of carbon monoxide within 10 kilometers of a **carbon monoxide** nonattainment area; or

18 AAC 50.502(c)(3)(A)(iv) is amended to read:

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a **carbon monoxide** nonattainment area; or

18 AAC 50.502(c)(3)(B)(iv) is amended to read:

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a **carbon monoxide** nonattainment area.

The lead-in language of 18 AAC 50.502(e) is amended to read:

(e) For the purposes of **(c)(3)(B)** [(c)(3)] of this section, actual emissions shall be calculated by comparing projected actual emissions to the baseline actual emissions. In determining the projected actual emissions, before beginning actual construction, the owner or

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operator of the stationary source shall

• • •

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

The lead-in language of 18 AAC 50.508(5) is amended to read:

(5) establishing an owner requested limit (ORL) **to avoid one or more permit classifications** [AT A STATIONARY SOURCE; THE OWNER OR OPERATOR MAY AVOID A PERMIT CLASSIFICATION] under AS 46.14.130 **at a stationary source that will remain subject to at least one permit classification** [IF THE DEPARTMENT APPROVES AN OWNER REQUESTED LIMIT ON THE SOURCE'S ABILITY TO EMIT AIR POLLUTANTS]; a limitation approved under an ORL is an enforceable limitation for the purpose of determining

• • •

18 AAC 50.508(6) is amended to read:

(6) revising or rescinding the terms and conditions of a Title I permit issued under this chapter, **except as provided under 18 AAC 50.510**. (Eff. 10/1/2004, Register 171; am 7/25/2008, Register 187; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

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**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140

18 AAC 50 is amended by adding a new section to read:

**18 AAC 50.510. Minor permit - Title V permit interface.** A term or condition established in a minor permit issued under 18 AAC 50.542 and identified in the minor permit as solely necessary to meet a Title V operating permit requirement to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 C.F.R. 71.7(d), adopted by reference in 18 AAC 50.040(j), is considered a Title V term or condition upon incorporation into a Title V permit. A subsequent revision to the term or condition may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326.

(Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140

The lead-in language of 18 AAC 50.540(c)(2) is amended to read:

(2) for a permit for construction, modification, or relocation of a stationary source, a demonstration **in accordance with 18 AAC 50.215(b) - (e)** that the proposed potential emissions from the stationary source will not interfere with the attainment or maintenance of the ambient air quality standards; the ambient demonstration must follow an approved modeling



protocol if the department requests a modeling protocol for demonstrating compliance with ambient air quality standards; unless the department has made a finding in writing that the stationary source or modification does not need an ambient analysis to determine that construction and operation will not result in a violation of an ambient air quality standard, the application must include an ambient analysis for

...

The lead-in language of 18 AAC 50.540(k) is amended to read:

(k) **Revising or rescinding permit conditions.** An application for a minor permit revising or rescinding terms or conditions of a Title I permit **under 18 AAC 50.508(6)** must include

...

18 AAC 50.540(k)(3) is amended to read:

(3) the effect of revising or revoking the permit term or condition on

**(A)** emissions;

**(B)** [,] other permit terms

**(C) the underlying ambient demonstration, if required under (c)(2) of**

**this section;** [,] and

**(D)** compliance monitoring; and

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

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**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140

18 AAC 50.542(a)(1) is amended by adding new subparagraphs to read:

- (E) in the Municipality of Anchorage;
- (F) in the City of Fairbanks;
- (G) within Fort Wainwright; or
- (H) within Eielson Air Force Base; or

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 7/25/2008, Register 187; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140 AS 46.14.200

18 AAC 50.544(a)(3) is amended to read:

- (3) include any conditions established under 18 AAC 50.201, **as applicable**;

18 AAC 50.544(a) is amended by adding new paragraphs to read:

- (6) include conditions as necessary to protect ambient air quality; and
- (7) include, as needed, conditions required under 40 C.F.R. Part 71, as adopted

by reference in 18 AAC 50.040(j) and 18 AAC 50.326 to accommodate an owner or operator

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request to add the conditions of a minor permit to a Title V permit by administrative amendment under 18 AAC 50.542(e).

18 AAC 50.544(h)(3) is amended to read:

(3) describe each permit classification under AS 46.14.130 that the ORL allows the owner or operator to avoid [, OR EACH MAXIMUM ALLOWABLE INCREASE UNDER 18 AAC 50.020 OR AMBIENT AIR QUALITY STANDARDS THAT WILL BE PROTECTED].

(Eff.10/1/2004, Register 171; am 12/1/2004, Register 172; am 1/29/2005, Register 173; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.250

18 AAC 50.990(101) is amended to read:

(101) "stack" has the **meaning** [MEETING] given in AS 46.14.990;

18 AAC 50.990(121) is amended to read:

(121) "volatile organic compound" or "VOC" has the meaning given in 40 C.F.R. 51.100(s), as revised as of **July 1, 2009**, [JULY 1, 2004] and adopted by reference; (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161;

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am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993

**Editor's note: The July 1, 2009 version of 40 C.F.R. 51.166(b)(49) contains a printing error. The correct definition for "regulated NSR pollutant" may be found in 73 Fed. Reg. 28347 (May 16, 2008).**

**40 C.F.R. Part 51 Appendix V 2.1. (c)**

**Proof of State Legal Authority to Adopt Plan:**

**Alaska Statute 44.46.020**

**Alaska Statute 46.03.020**

**Alaska Statute 46.03.760**

**Alaska Statute 46.03.765**

**Alaska Statute 46.03.780**

**Alaska Statute 46.03.790**

**Alaska Statute AS 46.14**

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Article 01. ORGANIZATION

Sec. 44.46.020. Duties of department.

(a) The Department of Environmental Conservation shall

(1) have primary responsibility for coordination and development of policies, programs, and planning related to the environment of the state and of the various regions of the state;

(2) have primary responsibility for the adoption and enforcement of regulations setting standards for the prevention and abatement of all water, land, subsurface land, and air pollution, and other sources or potential sources of pollution of the environment, including by way of example only, petroleum and natural gas pipelines;

(3) promote and develop programs for the protection and control of the environment of the state;

(4) take actions that are necessary and proper to further the policy declared in [AS 46.03.010](#);

(5) adopt regulations for

(A) the prevention and control of public health nuisances;

(B) the regulation of sanitation and sanitary practices in the interest of public health;

(C) standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barbershop, hairdressing, manicuring, esthetics, tattooing and permanent cosmetic coloring, body piercing, or ear piercing establishment, soft drink establishment, beer and wine dispensaries, and for other similar establishments in which lack of sanitation may create a condition that causes disease;

(D) the regulation of quality and purity of commercially compressed air sold for human respiration.

(b) The department's regulations for tattooing and permanent cosmetic coloring shops and for body piercing shops must include requirements that

(1) the shop be equipped with appropriate sterilizing equipment, with availability of hot and cold running water, and with an appropriate waste receptacle;

(2) the owner of the shop is responsible for ensuring that case history cards are kept for each client for a period of three years after the client's most recent tattooing and permanent cosmetic coloring or body piercing;

(3) a practitioner in the shop may use only instruments for tattooing and permanent cosmetic coloring or body piercing that have been sterilized in accordance with methods approved by the department.



Title 46. WATER, AIR, ENERGY, AND ENVIRONMENTAL CONSERVATION

Chapter 46.03. ENVIRONMENTAL CONSERVATION

Article 02. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Sec. 46.03.020. Powers of the department.

The department may

(1) enter into contracts and compliance agreements necessary or convenient to carry out the functions, powers, and duties of the department;

(2) review and appraise programs and activities of state departments and agencies in light of the policy set out in [AS 46.03.010](#) for the purpose of determining the extent to which the programs and activities are contributing to the achievement of that policy and to make recommendations to the departments and agencies, including environmental guidelines;

(3) consult with and cooperate with

(A) officials and representatives of any nonprofit corporation or organization in the state;

(B) persons, organizations, and groups, public and private, using, served by, interested in, or concerned with the environment of the state;

(4) appear and participate in proceedings before any state or federal regulatory agency involving or affecting the purposes of the department;

(5) undertake studies, inquiries, surveys, or analyses it may consider essential to the accomplishment of the purposes of the department; these activities may be carried out by the personnel of the department or in cooperation with public or private agencies, including educational, civic, and research organizations, colleges, universities, institutes, and foundations;

(6) at reasonable times, enter and inspect with the consent of the owner or occupier any property or premises to investigate either actual or suspected sources of pollution or contamination or to ascertain compliance or noncompliance with a regulation that may be adopted under [AS 46.03.020](#) - 46.03.040; information relating to secret processes or methods of manufacture discovered during investigation is confidential;

(7) conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books, and documents by the issuance of a subpoena;

(8) advise and cooperate with municipal, regional, and other local agencies and officials in the state, to carry out the purposes of this chapter;

(9) act as the official agency of the state in all matters affecting the purposes of the department under federal laws now or hereafter enacted;

(10) adopt regulations necessary to carry out the purposes of this chapter, including, by way of example and not limitation, regulations providing for

(A) control, prevention, and abatement of air, water, or land or subsurface land pollution;

(B) safeguard standards for petroleum and natural gas pipeline construction, operation, modification, or alteration;

(C) protection of public water supplies by establishing minimum drinking water standards, and standards for the construction, improvement, and maintenance of public water supply systems;

(D) collection and disposal of sewage and industrial waste;

(E) collection and disposal of garbage, refuse, and other discarded solid materials from industrial, commercial, agricultural, and community activities or operations;

(F) control of pesticides;

(G) other purposes as may be required for the implementation of the policy declared in AS 46.03.010;

(H) handling, transportation, treatment, storage, and disposal of hazardous wastes;

(11) inspect the premises of sellers and suppliers of paint, vessels, and marine and boating supplies, and take other actions necessary to enforce AS 46.03.715;

(12) notwithstanding any other provision of law, take all actions necessary to receive authorization from the administrator of the United States Environmental Protection Agency to administer and enforce a National Pollutant Discharge Elimination System program in accordance with 33 U.S.C. 1342 (sec. 402, Clean Water Act), 33 U.S.C. 1345 (sec. 405, Clean Water Act), 40 C.F.R. Part 123, and 40 C.F.R. Part 403, as amended;

(13) require the owner or operator of a facility to undertake monitoring, sampling, and reporting activities described in 33 U.S.C. 1318 (sec. 308, Clean Water Act).

Sec. 46.03.760. Civil action for pollution; damages.

(a) A person who violates or causes or permits to be violated a provision of this chapter other than AS 46.03.250 - 46.03.313, or a provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of the department, or a permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under this chapter or AS 46.04 or AS 46.09 is liable, in a civil action, to the state for a sum to be assessed by the court of not less than \$500 nor more than \$100,000 for the initial violation, nor more than \$5,000 for each day after that on which the violation continues, and that shall reflect, when applicable,

(1) reasonable compensation in the nature of liquidated damages for any adverse environmental effects caused by the violation, which shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;

(2) reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation;

(3) the economic savings realized by the person in not complying with the requirement for which a violation is charged.

(b) Except as determined by the court under (e)(4) of this section, actions under this section may not be used for punitive purposes, and sums assessed by the court must be compensatory and remedial in nature.

(c) The court, upon motion of the department or upon its own motion, may defer assessment of all or part of that portion of the sum imposed upon a person under (a)(3) of this section conditioned upon the person complying, within the shortest feasible time, with the requirement for which a violation is shown.

(d) In addition to liability under (a) - (c) of this section, a person who violates or causes or permits to be violated a provision of AS 46.03.740 - 46.03.750 is liable to the state, in a civil action brought under AS 46.03.822, for the full amount of actual damages caused to the state by the violation, including

(1) direct and indirect costs associated with the abatement, containment, or removal of the pollutant;

(2) restoration of the environment to its former state;

(3) amounts paid as grants under AS 29.60.510 - 29.60.599 and as emergency first response advances and reimbursements under AS 46.08.070(c); and

(4) all incidental administrative costs.

(e) A person who violates or causes or permits to be violated a provision of AS 46.03.250 - 46.03.313, 46.03.460 - 46.03.475, AS 46.14, or a regulation, a lawful order of the department, or a permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under AS 46.03.250 - 46.03.313, 46.03.460 - 46.03.475, AS 46.14, or under the program authorized by AS 46.03.020(12), is liable, in a civil action, to the state for a sum to be assessed by the court of not less than \$500 nor more than \$100,000 for the initial violation, nor more than \$10,000 for each day after that on which the violation continues, and that shall reflect, when applicable,

(1) reasonable compensation in the nature of liquidated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality; for a violation relating to AS 46.14, the court, in making its determination under this paragraph, shall also consider the degree to which the discharge causes harm to persons or property; for a violation of AS 46.03.463, the court, in making its determination under this paragraph, shall also consider the volume of the graywater, sewage, or other wastewater discharged; this paragraph may not be construed to limit the right of parties other than the state to recover for personal injuries or damage to their property;

(2) reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation;

(3) the economic savings realized by the person in not complying with the requirement for which a violation is charged; and

(4) the need for an enhanced civil penalty to deter future noncompliance.

(f) An owner, agent, employee, or operator of a commercial passenger vessel, as defined in AS 43.52.295, who falsifies a registration or report required by AS 46.03.460 or 46.03.475 or who violates or causes or permits to be violated a provision of AS 46.03.250 - 46.03.314, 46.03.460 - 46.03.490, AS 46.14, or a regulation, a lawful order of the department, or a permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under AS 46.03.250 - 46.03.314, 46.03.460 - 46.03.490, or AS 46.14 is liable, in a civil action, to the state for a sum to be assessed by the court of not less than \$5,000 nor more than \$100,000 for the initial violation, nor more than \$10,000 for each day after that on which the violation continues, and that shall reflect, when applicable,

(1) reasonable compensation in the nature of liquidated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality; for a violation relating to AS 46.14, the court, in making its determination under this paragraph, shall also consider the degree to which the discharge causes harm to persons or property; this paragraph may not be construed to limit the right of parties other than the state to recover for personal injuries or damage to their property;

(2) reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation;

(3) the economic savings realized by the person in not complying with the requirement for which a violation is charged; and

(4) the need for an enhanced civil penalty to deter future noncompliance.

(g) As used in this section, "economic savings" means that sum which a person would be required to expend for the planning, acquisition, siting, construction, installation and operation of facilities necessary to effect compliance with the standard violated.

Sec. 46.03.765. Injunctions.

The superior court has jurisdiction to enjoin a violation of this chapter, AS 46.04, AS 46.09, AS 46.14, or of a regulation, a lawful order of the department, or permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under this chapter, AS 46.04, AS 46.09, or AS 46.14. In actions brought under this section, temporary or preliminary relief may be obtained upon a showing of an imminent threat of continued violation, and probable success on the merits, without the necessity of demonstrating physical irreparable harm. The balance of equities in actions under this section may affect the timing of compliance, but not the necessity of compliance within a reasonable period of time.

Sec. 46.03.780. Liability for restoration.

(a) A person who violates a provision of this chapter, AS 46.04, AS 46.09, or AS 46.14, or who fails to perform a duty imposed by this chapter, AS 46.04, AS 46.09, or AS 46.14, or violates or disregards an order, permit, or other determination of the department made under the provisions of this chapter, AS 46.04, AS 46.09, or AS 46.14, respectively, and thereby causes the death of fish, animals, or vegetation or otherwise injures or degrades the environment of the state is liable to the state for damages.

(b) Liability for damages under (a) of this section includes an amount equal to the sum of money required to restock injured land or waters, to replenish a damaged or degraded resource, or to otherwise restore the environment of the state to its condition before the injury.

(c) Damages under (a) of this section shall be recovered by the attorney general on behalf of the state.

Sec. 46.03.790. Criminal penalties.

(a) Except as provided in (d) of this section, a person is guilty of a class A misdemeanor if the person with criminal negligence

(1) violates a provision of this chapter, AS 46.04, AS 46.09, or AS 46.14, a regulation or order of the department, or a permit, approval, or acceptance, or a term or condition of a permit, approval, or acceptance issued under this chapter, AS 46.04, AS 46.09, or AS 46.14;

(2) fails to provide information or provides false information required by AS 46.03.465, 46.03.475, 46.03.755, AS 46.04, or AS 46.09, or by a regulation adopted by the department under AS 46.03.020 (12), 46.03.460, 46.03.755, AS 46.04, or AS 46.09;

(3) makes a false statement or representation in an application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with AS 46.03.250 - 46.03.313 applicable to hazardous wastes or a regulation adopted by the department under AS 46.03.250 - 46.03.313;

(4) makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with AS 46.03.460 - 46.03.475, AS 46.14, or a regulation adopted under AS 46.03.020 (12), 46.03.460, or AS 46.14; or

(5) renders inaccurate a monitoring device or method required to be maintained under AS 46.14, a regulation adopted under AS 46.03.020 (12) or AS 46.14, a permit issued by the department or a local air quality control program under AS 46.14, or a permit issued by the department under the program authorized by AS 46.03.020 (12).

(b) *[Repealed, Sec. 5 ch 141 SLA 1990].*

(c) Each day on which a violation described in this section occurs is considered a separate violation.

(d) Notwithstanding (a) of this section, a person who with criminal negligence discharges oil in violation of AS 46.03.740 or who, when required by an oil discharge to comply with the provisions of an oil discharge contingency plan approved under AS 46.04.030, with criminal negligence fails to comply with the plan is guilty of

(1) a class C felony if the oil discharge is 10,000 barrels or more;

(2) a class A misdemeanor if the oil discharge is less than 10,000 barrels.

(e) *[Repealed, Sec. 5 ch 141 SLA 1990].*

(f) *[Repealed, Sec. 5 ch 141 SLA 1990].*



(g) Notwithstanding [AS 12.55.035](#) (b), upon conviction of a violation of a regulation adopted under [AS 46.03.020](#) (12) or of a violation related to AS 46.14 and described in (a) of this section, a defendant who is not an organization may be sentenced to pay a fine of not more than \$10,000 for each separate violation.

(h) Notwithstanding (a) and (d) of this section, a person is guilty of a class A misdemeanor if the person negligently

(1) violates a regulation adopted by the department under AS 46.03.020(12);

(2) violates a permit issued under the program authorized by AS 46.03.020(12);

(3) fails to provide information or provides false information required by a regulation adopted under [AS 46.03.020](#) (12);

(4) makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under [AS 46.03.020](#) (12); or

(5) renders inaccurate a monitoring device or method required to be maintained by a permit issued under or a regulation adopted under AS 46.03.020(12).

(i) In this section,

(1) "barrel" has the meaning given in [AS 46.04.900](#);

(2) "criminal negligence" has the meaning given in [AS 11.81.900](#).

Article 01. GENERAL REGULATIONS AND CLASSIFICATIONS

Sec. 46.14.010. Emission control regulations.

(a) After public hearing, the department may adopt regulations under this chapter establishing ambient air quality standards, emission standards, or exemptions to implement a state air quality control program required under 42 U.S.C. 7401 - 7671q (Clean Air Act), as amended, and regulations adopted under those sections. The standards established under this section may be for the state as a whole or may vary in recognition of local conditions.

(b) Unless the governor has determined that an emergency exists that requires emergency regulations under AS 44.62.250, the department may adopt the following types of regulations only after the procedures established in (a), (c), and (d) of this section and compliance with AS 46.14.015:

(1) a regulation that establishes an ambient air quality standard for an air pollutant for which there is no corresponding federal standard;

(2) a regulation that establishes an ambient air quality standard or emission standard that is more stringent than a corresponding federal standard;

(3) a regulation that establishes an equivalent emission limitation for a hazardous air pollutant for which the federal administrator has not adopted a corresponding maximum achievable control technology standard; or

(4) a regulation that regulates emissions from an emissions unit or stationary source or establishes an emission standard under the authority of AS 46.14.120 (e) or 46.14.130(c)(2).

(c) In preparation for peer review under AS 46.14.015 and before adopting a regulation described under (b) of this section, the department shall

(1) find in writing that exposure profiles and either meteorological conditions or emissions unit characteristics in the state or in an area of the state reasonably require the ambient air quality standard, or emission standard to protect human health and welfare or the environment; this paragraph does not apply to a regulation under (b)(3) of this section;

(2) find in writing that the proposed standard or emission limitation is technologically feasible; and

(3) prepare a written analysis of the economic feasibility of the proposal.

(d) Before adopting a regulation described in (b)(2) of this section, the department shall find in writing that exposure profiles and either meteorological conditions or emissions unit characteristics are significantly different in the state or in an area of the state from those upon which the corresponding federal regulation is based.

(e) When incorporated into more than one permit, emission standards and limitations, emissions monitoring and reporting requirements, and compliance verification requirements that are generally applicable statewide or are generally applicable to individual emissions unit or stationary source types shall be adopted in regulation unless they have been requested by the owner and operator to whom the permit is issued. The department shall, by regulation, adopt a standard, limitation, or requirement described in this subsection as soon as its general applicability is reasonably foreseeable.

(f) An emission standard adopted by the department may be applicable to individual emissions units within a stationary source or to all emissions units within a stationary source. For purposes of determining compliance with applicable regulations and with permit limitations, the department may allow numerical averaging of the emissions of each air pollutant from several emissions units within a stationary source if

(1) requested by the owner and operator; and

(2) allowed under 42 U.S.C. 7401 - 7671q (Clean Air Act), as amended, and regulations adopted under those sections.

Sec. 46.14.015. Special procedure for more stringent regulations.

(a) Before the department adopts a regulation described under AS 46.14.010(b), written findings under [AS 46.14.010](#) (c) and (d) shall be made available by the department to the public at locations throughout the state that the department considers appropriate.

(b) Before the department adopts a regulation described in AS 46.14.010(b), the department shall submit the findings described under (a) of this section, the studies on which the findings are based, and other related data for peer review to a minimum of three separate parties who are not employees of the department and who are determined by the commissioner to be technically qualified in the subject matter under review. The commissioner shall ensure that the peer review includes an analysis of the factors considered by the commissioner to support the standards proposed to be adopted and recommendations, if any, for additional research or investigation considered appropriate. Peer review reports shall be submitted to the commissioner within 45 days after the department submits a matter for peer review unless the commissioner determines that additional time is required.

(c) The department shall make available to the public at least 30 days before the public hearing required under [AS 46.14.010](#) (a), at convenient locations, copies of the department's proposed regulation, the findings of the department describing the basis for adoption of the regulation, and the peer review reports, submitted under (b) of this section.

(d) The department shall contract with persons to perform peer review under (b) of this section. All persons selected shall be selected on the basis of competitive sealed proposals under AS 36.30.200 - 36.30.270 (State Procurement Code). The commissioner may not contract with a person to perform peer review under this section if the person has a significant financial interest or other significant interest that could bias evaluation of the proposed regulation. An interest is

not considered significant under this subsection if it is an interest possessed generally by the public or a large class of persons or if the effect of the interest on the person's ability to be impartial is only conjectural.

Sec. 46.14.020. Classification of stationary sources or emissions units; reporting.

(a) The department, by regulation, may classify stationary sources or emissions units that, in the department's determination, are likely to cause or contribute to air pollution, according to the levels and types of emissions and other characteristics that relate to air quality. The department may make a classification under this subsection applicable to the state as a whole or to a designated area of the state. The department shall base the classifications on consideration of health, economic, and social factors, sensitivity of the receiving environment, and physical effects on property.

(b) The department or a local air quality control program authorized under [AS 46.14.400](#) may require an owner and operator of a stationary source or emissions unit classified under this section to report information to the department or the authorized local program concerning location, size, and height of stacks or area emissions units, processes employed, fuels used, the nature and time periods or duration of emissions, and other information relevant to air quality that is available or reasonably capable of being calculated and compiled.

Sec. 46.14.030. State air quality plan.

The department shall act for the state in any negotiations relative to the state air quality control plan developed under 42 U.S.C. 7401 - 7671q (Clean Air Act), as amended. The department may adopt regulations necessary to implement the state plan.

Article 02. EMISSION CONTROL PERMIT PROGRAM

*Sec. 46.14.110. Additional contaminant control measures. [Repealed, Sec. 28 ch 74 SLA 1993].*

Repealed or Renumbered

Sec. 46.14.120. Permits for construction, installation, modification, or operation.

(a) Before constructing, installing, modifying, or establishing a stationary source subject to [AS 46.14.130](#) (a), the owner and operator shall obtain a construction permit under this chapter.

(b) Except when considered to be in compliance with this chapter under [AS 46.14.275](#) or under a regulation adopted under AS 46.14.140(a)(12), the owner and operator shall obtain an operating permit under this chapter before operating a stationary source subject to [AS 46.14.130](#) (b).

(c) A permittee shall comply with the terms and conditions of a permit or a modifying compliance order issued by the department under this chapter or a court order. A person

operating under the application shield available under AS 46.14.140 (a)(12) and 46.14.275, shall comply with the terms and conditions of the pending application and applicable regulations.

(d) The department shall ensure that permits issued, modified, amended, renewed, or revoked and reissued under this chapter comply with all applicable federal, state, and local requirements.

(e) If the federal administrator exempts a stationary source from the requirements of 42 U.S.C. 7661a(a) (Clean Air Act, sec. 502(a)), the commissioner shall consider the factors used by the administrator in reaching that determination and, by regulation, shall issue a similar determination unless public health or air quality effects provide a reasonable basis to regulate the stationary source.

(f) The department may exempt or defer a stationary source from the requirement of AS 46.14.130 (b) to the extent allowed under 40 C.F.R. 70.3(b).

(g) Before constructing, installing, modifying, operating, or establishing a stationary source subject to AS 46.14.130 (c), the owner or operator shall obtain a minor permit under this chapter.

#### Sec. 46.14.130. Stationary sources requiring permits.

(a) The owner and operator shall obtain a construction permit from the department before beginning actual construction of any one of the following:

(1) a new major stationary source;

(2) a major modification;

(3) a project subject to the construction permitting requirements of 42 U.S.C. 7412(i) (Clean Air Act, sec. 112(i)).

(b) Except for the owner and operator of a stationary source exempted under AS 46.14.120 (e) or (f), the owner and operator of a stationary source shall obtain an operating permit from the department for

(1) a major source;

(2) a stationary source that contains an emissions unit subject to federal new source performance standards under 42 U.S.C. 7411 (Clean Air Act, sec. 111) or national emission standards for hazardous air pollutants issued under 42 U.S.C. 7412 (Clean Air Act, sec. 112); or

(3) another stationary source designated by the federal administrator by regulation.

(c) Unless the owner and operator of a stationary source are required to obtain a construction permit under (a) of this section, before constructing, installing, modifying, operating, or

establishing a stationary source, the owner and operator shall obtain a minor permit from the department if the stationary source is of a type classified under [AS 46.14.020](#)

(1) as having the potential to violate the ambient air quality standards; or

(2) under a finding by the department that public health or air quality effects provide a reasonable basis to regulate the stationary source.

(d) In this section, "major source" has the meaning given in 42 U.S.C. 7661(2).

Sec. 46.14.140. Emission control permit program regulations.

(a) The department shall adopt regulations to address substantive and procedural elements of the emission control permit program established under this chapter that are not addressed in statute, except elements that relate only to the internal management of the department and do not affect the public or govern the way the department deals with the public. The regulations must be reasonable and adequate, and provide flexibility in the operation of a stationary source consistent with 42 U.S.C. 7401 - 7671q (Clean Air Act), as amended, and applicable federal regulations. Except for regulations concerning minor permits required under [AS 46.14.130](#)(c), the regulations must include

(1) a standard permit application form that meets the requirements of federal regulations adopted under 42 U.S.C. 7661a(b) (Clean Air Act, sec. 502(b));

(2) monitoring, record keeping, and reporting requirements for facilities that are subject to [AS 46.14.130](#) (b), which must comply with the requirements established for state operating permit programs in 40 C.F.R. 70.6, but which may be modified to take into account this state's unique conditions;

(3) procedures for preparation and submission of a monitoring, reporting, and quality assurance plan and, if required, a compliance schedule describing how a permitted stationary source will comply with the applicable requirements of this chapter;

(4) procedures for

(A) specifying when permit applications and renewal requests are to be submitted;

(B) specifying the time duration for department review of permit applications;

(C) processing and reviewing an application;

(D) providing public notice, including opportunity for public comment and hearing; and

(E) issuing permits, including procedures for issuing permits for temporary operations or open burn activities;

- (5) reasonable standard permit conditions, including conditions for
- (A) emission standards and limitations;
  - (B) monitoring, record keeping, and reporting for facilities subject to AS 46.14.130;
  - (C) inspection and entry;
  - (D) certification of corporate or other business organization reports;
  - (E) annual certification of compliance;
  - (F) excess emission or process deviation reporting; and
  - (G) equipment malfunctions and emergencies;
- (6) fees and procedures for collecting fees;
- (7) provisions addressing late payment or nonpayment of fees, which may include assessment of penalties and interest or refusal to issue, amend, modify, or renew an air quality control permit;
- (8) the duration of permits;
- (9) procedures for modifying or amending a permit that provide flexibility in the operation of the stationary source, including procedures to allow changes to a permitted stationary source without requiring a permit modification, consistent with the purposes of this chapter and with 42 U.S.C. 7401 - 7671q (Clean Air Act);
- (10) reasonable provisions for renewing, reopening, revoking and reissuing, and terminating a permit consistent with the purposes of this chapter and 42 U.S.C. 7401 - 7671q (Clean Air Act);
- (11) provisions allowing for physical or operational limitations that will reduce a stationary source's emissions to levels below those that would make the stationary source subject to part or all of AS 46.14.120 and 46.14.130;
- (12) provisions authorizing stationary source operation while a permit application is pending, consistent with 42 U.S.C. 7661b(d) (Clean Air Act, sec. 503(d));
- (13) provisions for ensuring that compliance with an operating permit issued under this chapter will be considered to be compliance with 42 U.S.C. 7661a (Clean Air Act, sec. 502) and other provisions of state or federal law specifically provided for by the department consistent with 42 U.S.C. 7401 - 7671q (Clean Air Act) and regulations adopted under state and federal law;

(14) provisions allowing for certification of inspectors who evaluate compliance with the terms and conditions of a permit, order, regulation, or other provision of law authorized under this chapter; and

(15) definitions of terms incorporating applicable definitions in 42 U.S.C. 7401 - 7671q (Clean Air Act), as amended, and applicable federal regulations, to the extent that those definitions are not inconsistent with this chapter.

(b) A permit issued under this chapter may not require a person to use

(1) machinery, devices, or equipment of a particular type, from a particular supplier, or produced by a particular manufacturer; or

(2) specific methods, processes, procedures, or designs for the management and operation of a stationary source regulated under this chapter except to the extent that the federal administrator has

(A) adopted a design, equipment work practice, or operational standard under 42 U.S.C. 7412(h), as amended, for the control of a hazardous air pollutant; or

(B) approved an alternative hazardous air pollutant standard under 42 U.S.C. 7412(h)(3), as amended.

(c) The absence of, or the department's failure to adopt, a regulation under this section does not relieve a person from compliance with a permit issued under this chapter and with other provisions of law, including emission control requirements.

Sec. 46.14.150. Time for submission of operating permit applications.

(a) The owner and operator of a stationary source required to have an operating permit under this chapter shall submit the required application and other information required by the department by regulation no later than 12 months after the date on which the stationary source becomes subject to AS 46.14.120 (b).

(b) The department may accept and begin processing applications filed earlier than the submission date. Applications filed earlier may be given priority for permit issuance.

Sec. 46.14.160. Completeness determination.

(a) The department shall review every application submitted under this chapter for completeness. To be determined complete, an application must provide the information identified by the department in regulations adopted under AS 46.14.140 and in standard application forms provided by the department under AS 46.14.140 (a)(1) and must be certified true and correct by the owner and operator.



(b) The department shall notify the applicant in writing whether the application is complete. Unless the department notifies the applicant within 60 days of receipt of an application that the application is incomplete, the application is considered to be complete.

(c) If, during the processing of an application after it has been determined or considered to be complete, the department finds that additional information is necessary to evaluate or take action on that application, the information may be requested in writing from the owner and operator. A request for information under this subsection does not render the application incomplete. However, notwithstanding AS 46.14.275, an owner and operator may be found in violation of this chapter for operating without a valid permit if they fail to provide timely additional information.

#### Sec. 46.14.170. Administrative actions regarding permits.

(a) Except as provided in AS 46.14.220 or in regulations adopted under AS 46.14.140 (a)(7), after receipt of a complete application, and after notice and opportunity for public comment and hearing, the department shall issue or deny

(1) a construction permit within 30 days after the close of the public comment period;

(2) an operating permit, other than a general operating permit or temporary operating permit, within 12 months after receipt of the complete application by the department.

(b) *[Repealed, Sec. 82 ch 41 SLA 2009]*.

(c) Failure by the department to act within the time limits established in or under (a) or (d) of this section is considered to be a final agency action, but only for the purpose of judicial review to determine whether the court will require that action be taken by the department.

(d) The department shall issue or deny a minor permit under AS 46.14.130(c) within 30 days after the close of the public comment period or within 30 days after receipt of the complete application by the department if a public comment period is not required under this chapter.

#### Sec. 46.14.180. Monitoring.

Monitoring by the owner and operator of stack emissions or ambient air quality shall be required by the department only for purposes of demonstrating compliance with applicable permit program requirements. Monitoring requirements must be reasonable and based on test methods, analytical procedures, and statistical conventions approved by the federal administrator or the department or otherwise generally accepted as scientifically competent. Unless otherwise agreed to by the owner and operator and the department,

(1) the department may not require an owner and operator of an emissions unit to monitor emissions or ambient air quality solely for the purpose of scientific investigation or research; and

(2) monitoring activities must be consistent with the applicable emission standards and their permit or permit application requirements.

#### Sec. 46.14.190. Single permit.

(a) Except as provided in (b) of this section, the department shall issue only a single operating permit to a stationary source, regardless of whether the stationary source contains a single emissions unit or multiple emissions units.

(b) The department may, upon request of a stationary source owner or operator, issue more than one permit for the stationary source. Substantive and procedural requirements otherwise applicable to a stationary source remain applicable regardless of whether the stationary source owner and operator apply for one or more permits.

#### Sec. 46.14.200. Review of permit action.

A person who has a private, substantive, legally protected interest under state law that may be adversely affected by the permit action, the owner and operator, or, if a public comment process is required or solicited, a person who participated in the public comment process may request an adjudicatory hearing under the department's adjudicatory hearing procedures. After the issuance of an adjudicatory hearing decision, a party to the hearing may obtain judicial review of that decision as provided in the Alaska Rules of Appellate Procedure.

#### Sec. 46.14.210. General operating permits.

After notice and opportunity for public comment and hearing, the department may, unless the permit is disapproved by the federal administrator, establish a general operating permit that would be applicable to more than one stationary source determined by the department to be similar in emissions unit structure. A general operating permit must contain provisions that meet the requirements of this chapter that are applicable to operating permits. A general operating permit issued to a particular person takes effect when the person's application is determined to be complete unless the department notifies the applicant that the general permit is not applicable to the person's stationary source.

#### Sec. 46.14.211. General minor permits.

After notice and opportunity for public comment and hearing, the department may establish a general minor permit that would be applicable to more than one stationary source determined by the department to be similar in structure. If authorized by the department, a permit issued under this section may be valid for multiple locations in this state. A general minor permit must contain provisions that meet the requirements of this chapter that are applicable to a minor permit.

#### Sec. 46.14.215. Temporary operations.

For purposes of [AS 46.14.130](#) (b), the department may issue a single operating permit under [AS 46.14.170](#), authorizing a stationary source to operate at specific multiple locations in the state

for temporary periods of time. A permit described in this section is valid only for the specific locations identified in the application and authorized by the department. The department may not issue a permit under this section unless the permit contains conditions that will ensure compliance with this chapter at each authorized location, including compliance with ambient air quality standards and applicable increment or visibility requirements adopted under this chapter. A permit under this section must require the owner and operator to notify the department at least 10 days before a change in location of a stationary source permitted under this section.

Sec. 46.14.220. Objection by federal administrator.

(a) An operating permit may not be issued under this chapter until the federal administrator approves the permit, or until 45 days after a copy of the final draft permit has been provided by the department to the federal administrator, whichever is earlier. If, during the 45-day period, the federal administrator files an objection with the department, the department shall notify the applicant of the objection. The department may not issue the permit until the objection is resolved or the permit is revised to meet the objection of the federal administrator. Upon request of an applicant, the department shall assist the applicant in an effort to resolve promptly an objection by the federal administrator.

(b) Within 60 days after the close of the 45-day period under (a) of this section and in accordance with procedures established in federal regulations adopted under 42 U.S.C. 7661d(b)(2) (Clean Air Act, sec. 505(b)(2)), a person may petition the federal administrator to file an objection to the permit.

Sec. 46.14.230. Duration of operating permits.

(a) An operating permit under this chapter, including an operating permit that contains a compliance schedule, shall be issued for a fixed term of five years after the date of issue, except as provided for temporary operations under [AS 46.14.215](#) or unless a shorter term is requested by the permit applicant.

(b) If a timely and complete application for renewal of an operating permit is submitted to the department, the existing permit issued under this chapter does not expire until the renewal permit has been issued or denied.

Sec. 46.14.235. Federal termination, modification, or revocation and reissuance of permits.

The department shall take measures practicable and otherwise lawful to avoid termination, modification, or revocation and reissuance by the federal administrator of permits issued by the department under this chapter.

Sec. 46.14.240. Permit administration fees.

(a) The owner or operator of a stationary source who is required to apply for a permit under [AS 46.14.130](#) shall pay to the department all assessed permit administration fees established

under (b) of this section except that the person named in a permit issued under AS 46.14.170 shall pay assessed permit administration fees incurred after the date the permit is issued.

(b) The department shall establish by regulation permit administration fees in accordance with AS 37.10.050 - 37.10.058.

(c) *[Repealed, Sec. 60(b), 65 ch 46 SLA 2003].*

(d) Costs incurred by the department and other state or local governmental agencies that are assessed against small business facilities that qualify for assistance under AS 46.14.300 - 46.14.310 shall be recovered from emission fees under AS 46.14.250 (h)(2) for the following services:

(1) providing preapplication consultation, assistance, and completeness review of applications for a permit, an amendment, a permit modification, or a renewal of a permit;

(2) reviewing or assisting in the preparation of specific documents to support a permit for a stationary source; the documents described in this paragraph include on-site evaluations.

Sec. 46.14.250. Emission fees.

(a) A person named as permittee in a permit issued under this chapter shall pay to the department all assessed emission fees established under this section.

(b) The department shall establish by regulation an emission fee rate. The rate shall be set on the basis of dollars per ton of air pollutant emitted. The department shall assess emission fees annually on or before July 1 based on a stationary source's estimated assessable emissions for the subsequent fiscal year. The department may allow installment payments of assessed emission fees.

(c) For a stationary source that begins operation during a fiscal year, the department shall prorate the first year's fee to cover the time period occurring before the next annual payment date. The owner or operator shall pay the initial emission fee upon commencement of lawful stationary source operation unless authorized to pay by installments under (b) of this section. The first year's emission fee may not duplicate a fee paid by a permittee under AS 44.46.025 for the same emissions units for the same time period. If the fees would otherwise be duplicative, the department shall provide a credit toward the emission fee in the amount of the unused balance of the fee collected under AS 44.46.025. The unused balance to be credited shall be based on prorating the total original fee under AS 44.46.025 for the time period for which an emission fee applies.

(d) The department shall design the emission fee rate to distribute the total annual incurred costs described under (h) of this section in a manner so that each permittee is assessed an annual emission fee that reflects an equitable apportionment of the fees paid by each stationary source type, size, or category. In making an apportionment under (f)(6) of this section, the department shall consider factors such as exemptions or reduced rates for small amounts of emissions, limits

upon assessable emissions, exempting small business facilities from the costs of the small business assistance program established under AS 46.14.300, air pollution prevention efforts, and other factors that may ensure fair distribution of the costs described under (h) of this section.

(e) *[Repealed, Sec. 88 ch 56 SLA 2005]*.

(f) The department shall set the emission fee rate in regulation to implement the policy established in (d) of this section. The department shall base the regulation on the findings of a report, which the department shall make available to the public with proper notice before adoption of the regulation, that examines

(1) fees assessed;

(2) alternative fee rates or formulas;

(3) types, sizes, or categories of stationary sources, their respective emission quantities, and their previous or proposed fee burden;

(4) apparent inequities encountered in the initial fee rate;

(5) total costs incurred or anticipated to be incurred under (h) of this section; and

(6) other factors that ensure fair distribution of the costs described in (h) of this section.

(g) The department shall periodically, and at least every four years, evaluate the fee rate set under this section to determine if it is responsive to the policy established in (d) of this section and shall provide its findings in a report.

(h) In this section,

(1) "assessable emission" means the quantity of each air pollutant for which emission fees are assessed and is the lesser of

(A) the stationary source's potential to emit, in tons per year, each air pollutant; or

(B) the projected annual rate of emissions, in tons per year, of each air pollutant by the stationary source based upon previous actual annual emissions if the permittee can demonstrate to the department its previous actual annual rate of emissions through monitoring, modeling, calculations, or other method acceptable to the department;

(2) "emission fees" mean fees assessed to recover costs incurred by the department and other state or local governmental agencies for the implementation of minor permits, for the implementation of construction permits, and for operating permits to the extent required under 42 U.S.C. 7661a(b)(3)(A) and federal regulations implementing that provision, for execution of the permit program established under this chapter that are generally not associated with service provided to a specific facility, including the costs incurred by the department or a local air

quality program to comply with [AS 46.14.010](#) - 46.14.015; the costs may include rent, utilities, permit program management, administrative and accounting services, and other costs as identified by the department in regulations; the fees shall also be sufficient to recover the cost of the small business assistance program under AS 46.14.300 - 46.14.310.

Sec. 46.14.255. Interest and sanctions for nonpayment.

(a) The department may assess interest against the owner and operator after a fee is due under this chapter and is unpaid. Interest assessed under this subsection shall be computed at two percentage points higher than the prime rate, as defined in [AS 44.88.599](#), for the day the fee was due.

(b) If a permittee has failed to pay a fee imposed under AS 46.14.240 - 46.14.250, a penalty, assessment, or damage award imposed under [AS 46.03.760](#) (e) or 46.03.790 for a violation of this chapter, or interest imposed under (a) of this section, the department may, after 30 days' written notice to the permittee, revoke a minor permit, refuse to issue or renew permits requested by the permittee, or refuse to amend or modify a permit when the amendment or modification is requested by the permittee.

Sec. 46.14.260. Clean air protection fund.

(a) The clean air protection fund is established. The fund consists of fees collected by the department under [AS 46.14.240](#) and 46.14.250 and under regulations authorized by [AS 46.14.140](#), as required by 42 U.S.C. 7661a(b)(3)(C)(iii) (Clean Air Act, sec. 502(b)(3)(C)(iii)) for state participation in the federal emission control permit program.

(b) The money deposited into the clean air protection fund may only be used to cover the reasonable direct and indirect costs required to support the permit program under this chapter and the activities of the small business assistance program that are directed at stationary sources subject to this chapter, not including court costs or other costs associated with an enforcement action.

Sec. 46.14.265. Emission control permit receipts account.

(a) The emission control permit receipts account is established in the state treasury. Under [AS 37.05.146](#) (c), money received by the department in payment of fees under [AS 46.14.240](#) and 46.14.250 and under regulations adopted under [AS 46.14.140](#), other than fees described in [AS 46.14.260](#) (a), shall be deposited in the account. Appropriations from the account are not made from the unrestricted general fund.

(b) Nothing in this section creates a dedicated fund.

Sec. 46.14.270. Special account.

Civil or criminal penalties, fines, assessments, or damages, and interest, attorney fees, and costs collected as a result of a violation relating to this chapter and interest collected under [AS](#)

46.14.255 shall be deposited in the general fund and credited to a special account called the "clean air protection account."

Sec. 46.14.275. Timely and complete application as shield.

If an owner and operator have submitted a timely and complete application for a permit or a permit renewal, as applicable, but final action has not been taken on the application, the owner's and operator's failure to have an operating permit is not a violation of this chapter unless the delay in final action was due to the failure of the owner and operator to submit, in a timely manner, additional information required or requested to process the application. An owner and operator required to have an operating permit under this chapter are not in violation of the operating permit program established under this chapter before the date on which the owner and operator are required to submit an application under AS 46.14.150.

Sec. 46.14.280. Termination, modification, reopening, or revocation and reissuance of permits by the department.

(a) After 30 days' written notice to the permittee, the department

(1) may terminate, modify, or revoke and reissue a construction, operating, or minor permit if the department finds that

(A) the permit was obtained by misrepresentation of material fact or by failure of the owner and operator to disclose fully the facts relating to issuance of the permit;

(B) the permittee has violated this chapter, a regulation, a judicial or administrative order, or a material term or condition of a permit, approval, or acceptance issued under this chapter; or

(C) the permittee has failed to construct or modify a stationary source within the time period specified in a construction permit, if any, required under AS 46.14.130 (a);

(2) may modify, or revoke and reissue a construction, operating, or minor permit if the department finds that

(A) the permit contains a material mistake; or

(B) there has been a material change in the quantity or type of air pollutant emitted from the stationary source; or

(3) shall reopen a permit issued under this chapter

(A) based on a determination of the federal administrator or the department that the permit must be revised to comply with 42 U.S.C. 7401 - 7671q (Clean Air Act) and regulations adopted under 42 U.S.C. 7401 - 7671q; or

(B) to incorporate changes in law, or to impose equivalent emission limitations, that become applicable after the permit is issued if the permit is issued to a major source and has a remaining duration of three or more years; the department shall make revisions allowed under this subparagraph as soon as practicable, but, regarding a change in law, not later than 18 months after the change in law takes effect; the department may not reopen the permit of a major source under this subparagraph if the change in law is not effective until after the date that the permit expires.

(b) Reopening of a permit under (a)(3) of this section shall be treated as a permit renewal by the department if the procedural requirements for permit renewal have been met.

(c) Proceedings to reopen a permit under this section shall follow the same procedure as for initial permit issuance and shall affect only those parts of the permit for which the department had cause to reopen under this section.

#### Sec. 46.14.285. Amendment and modification of permit upon request of permittee.

(a) A permittee may request

(1) a permit amendment that provides for administrative changes to a permit that do not result in material changes in permit terms or conditions, such as changes in the name of the owner or operator, mailing address, registered agent, or assessable emissions;

(2) an expedited authorization for minor changes in permit terms and conditions that provide for flexibility in the operation of a stationary source consistent with 42 U.S.C. 7661a(b)(10) (Clean Air Act, sec. 502(b)(10)), and regulations adopted under that paragraph; the department may adopt regulations that include procedures under which the public may participate when an expedited authorization is requested under this paragraph; or

(3) a modification of a permit to authorize significant changes in permit terms and conditions consistent with this chapter and regulations adopted under AS 46.14.140.

(b) The department shall review all requests submitted under (a) of this section and issue or deny the permit amendment or modification or otherwise authorize or deny the request consistent with this chapter and regulations adopted under this chapter.

#### Sec. 46.14.290. Permit as shield.

(a) To the extent allowed under 42 U.S.C. 7661c(f) (Clean Air Act, sec. 504(f)), a permittee is considered in compliance with applicable requirements of this chapter, regulations adopted under this chapter and 42 U.S.C. 7401 - 7671q (Clean Air Act) and regulations adopted under it, if

(1) the applicable requirements are included and specifically identified in the owner or operator's permit; or



(2) the requirements are determined in writing not to be applicable to the permitted stationary source; a determination made under this paragraph shall be included in the permit.

(b) This section does not alter or affect

(1) the owner's and operator's obligation to comply with an emergency order issued under [AS 46.03.820](#) or 42 U.S.C. 7603 (Clean Air Act, sec. 303);

(2) the liability of an owner and operator for a violation of applicable requirements of law before or at the time of permit issuance; or

(3) the ability of the department to obtain information from an owner or operator of a stationary source under [AS 46.14.020](#) (b).

### Article 03. SMALL BUSINESS ASSISTANCE PROGRAM

#### Sec. 46.14.300. Small business assistance program.

(a) A small business assistance program is established in the department. The department shall include the program in the state air quality control plan developed under 42 U.S.C. 7401 - 7671q (Clean Air Act).

(b) The small business assistance program shall, by regulation, meet the requirements of 42 U.S.C. 7661f(a) (Clean Air Act, sec. 507(a)), including the requirement that a small business advocate be designated.

(c) Except as provided in [AS 46.14.310](#) (b), the department shall provide assistance as described in (b) of this section to a requesting stationary source that is not a small business concern as defined in 15 U.S.C. 632 but that is subject to the requirements of this chapter if the legislature appropriates money from the general fund for this purpose.

#### Sec. 46.14.310. Power to limit small business assistance program.

(a) After consultation with the federal administrator and the administrator of the United States Small Business Administration and after providing notice and opportunity for public hearing, the department may exclude from the scope of the small business assistance program established in [AS 46.14.300](#) a category or subcategory of small business facilities that the department finds to have sufficient technical and financial capabilities to meet the requirements of this chapter and federal law without the assistance provided under AS 46.14.300 - 46.14.320.

(b) Nothing in [AS 46.14.300](#) (c) precludes the department from excluding a business facility or category of business facilities that the department finds to have sufficient technical and financial capabilities to meet the requirements of this chapter without assistance from the department.

#### Sec. 46.14.320. Compliance advisory panel.

(a) There is established in the department a compliance advisory panel whose members shall serve staggered three-year terms. A member may not serve more than two three-year terms consecutively.

(b) The panel consists of

(1) two members who are not owners or representatives of owners of small business facilities, selected by the governor to represent the general public;

(2) one member selected by the commissioner to represent the department; and

(3) four members who are owners or representatives of owners of small business facilities, selected as follows:

(A) one shall be selected by the president of the senate and one shall be selected by the speaker of the house;

(B) if there are members of the senate who are not part of the majority caucus of the senate, the leader of the largest nonmajority group shall select a panel member; if all members of the senate are in the majority caucus, then the president of the senate shall select a second panel member in addition to the selection authorized under (A) of this paragraph;

(C) if there are members of the house who are not part of the majority caucus of the house, the leader of the largest nonmajority group shall select a panel member; if all members of the house are in the majority caucus, then the speaker of the house shall select a second panel member in addition to the selection authorized under (A) of this paragraph.

(c) The panel members shall serve without compensation but are entitled to transportation expenses and per diem as authorized for members of boards and commissions under AS 39.20.180.

(d) The compliance advisory panel shall

(1) elect a chair and agree upon procedures by which the panel will function;

(2) meet annually and at the call of the chair and give public notice of panel meetings as required under AS 44.62.310 - 44.62.312;

(3) prepare advisory opinions concerning the effectiveness of the small business assistance program, difficulties encountered in making the program efficient and effective, and degree of enforcement and severity of air pollution offenses;

(4) make periodic reports to the administrator concerning the compliance of the small business assistance program with requirements of 44 U.S.C. 3501 (Paperwork Reduction Act), 5 U.S.C. 601 (Regulatory Flexibility Act), and 5 U.S.C. 504 (Equal Access to Justice Act);

(5) review information designed to assist small business facilities in complying with this chapter to ensure that the information is understandable by the public; and

(6) use the assistance of the small business advocate designated under [AS 46.14.300](#) (b) in the development and dissemination of panel reports and advisory opinions.

#### Article 04. LOCAL PROGRAMS

##### Sec. 46.14.400. Local air quality control programs.

(a) With the approval of the department, a municipality may establish and administer within its jurisdiction a local air quality control program that operates in lieu of and is consistent with all or part of the department's air quality program as established under this chapter. A first or second class borough may administer an air quality control program approved by the department under this subsection on an areawide basis and is not subject to the restrictions for acquiring additional areawide powers specified in [AS 29.35.300](#) - 29.35.350. A third class borough may administer a local air quality control program approved by the department under this subsection only in a service area formed under [AS 29.35.490](#) (b) or (c).

(b) With the approval of the department, two or more municipalities or other entities may create a local air quality district for the purpose of jointly administering a local air quality control program within the boundaries of the air quality district.

(c) If the department finds that the location, character, or extent of particular concentrations of population, air pollutant emissions units, the geographic, topographic, or meteorological considerations, or a combination of these factors make impracticable the maintenance of appropriate levels of air quality without an areawide air pollution control program, the department may determine the boundaries within which a local air quality control program is necessary and direct that a local air quality control program spanning those boundaries is the only acceptable alternative to direct state administration.

(d) A municipality or a local air quality district seeking department approval for a local air quality control program shall enter into a cooperative agreement with the department that is designed to avoid unnecessary duplication of responsibilities. The cooperative agreement must include provisions specifying

(1) the respective duties and authority of the department and the municipality or local air quality district in the administration of the local air quality control program;

(2) the authority of the municipality or the local air quality district to employ staff to administer the local air quality control program;

(3) duties of staff employed under (2) of this subsection;

(4) the procedures that must be followed by the municipality or local air quality district when requesting money from the clean air protection fund to cover the costs of implementing the municipality's or district's air quality program;

(5) the procedures that will be used by the department in approving a request under (4) of this subsection and submitting it to the legislature for funding;

(6) respective enforcement responsibilities of the department and the municipality or the local air quality district;

(7) that if the municipality or local air quality control district seeks authority to take action under (f) of this section, the municipality or local air quality control district will use procedures that are substantially equivalent to those required under [AS 46.14.010](#) and 46.14.015.

(e) A local air quality control program shall provide for the exemption of a locally registered motor vehicle from motor vehicle emission requirements adopted under [AS 46.14.510](#) if the motor vehicle is not used within the program's jurisdiction.

(f) A municipality or a local air quality district administering a program under this section shall administer its local air quality control program according to this chapter, regulations adopted under those sections, and its cooperative agreement under (d) of this section. A municipality or local air quality district's program may, upon a finding by the local agency and an affirmative agreement by the department, establish a more stringent requirement than the stationary emissions unit permit program authorized under this chapter if public health or air quality effects provide a reasonable basis to regulate the emissions unit with the additional or more stringent requirement and the municipality or district has used procedures substantially equivalent to those required under [AS 46.14.010](#) - 46.14.015 before establishing the more stringent requirement. This subsection does not prohibit a municipality or local air quality control district from establishing a mobile source emissions program more stringent than the state program without making findings of public health or air quality effects or using procedures substantially equivalent to those required under [AS 46.14.010](#) - 46.14.015. In this subsection, "mobile source" does not include tank vessels or other watercraft.

(g) A determination, order, permit, or permit action issued under a local air quality control program is considered to be a determination, order, permit, or permit action of the department.

(h) Notwithstanding any other law or rule of law, the department may not delegate or enable another department or government entity to establish fee rates or collect fees under [AS 46.14.240](#) or 46.14.250.

(i) If a municipality or a local air quality district administering a program under this section requires emissions inspection for a motor vehicle, emission inspection may not be required more than once every two years.

(j) A person who operates a motor vehicle in violation of emissions requirements imposed under this section is guilty of a violation and, upon conviction, shall be fined an amount not to

exceed \$500. It is the intent of the legislature that money collected under this subsection be appropriated to promote air quality control programs in municipalities.

#### Sec. 46.14.410. Inadequacy of local program.

(a) If a municipality or a local air quality district has an approved local air quality control program under AS 46.14.400 and the department determines that the program is being implemented in a manner that fails to meet the terms of the cooperative agreement or is otherwise being inappropriately administered, the department shall give written notice setting out its determination to the municipality or local air quality district. Within 45 days after giving written notice, the department shall conduct a public hearing on the matter. The hearing shall be recorded by any means that ensures an accurate record.

(b) If, after the hearing, the department upholds the determination made in the written notice, the department shall provide the municipality or local air quality district with a written finding setting out the nature of the deficiencies and a description of the necessary action to be taken to ensure that the local air quality control program prevents or controls air pollution. The department shall provide its finding to the municipality or district within 45 days after closure of the public hearing record. The department shall set a reasonable period of time for the municipality or local air quality district to take corrective action in response to the department's finding.

(c) If the municipality or local air quality district fails to take corrective action within the time period set by the department under (b) of this section, the department shall terminate the cooperative agreement and resume management of air quality control in the affected jurisdiction. If the municipality or the local air quality district partially remedies, to the department's satisfaction, the deficiencies found in the determination, the department shall amend the cooperative agreement to reflect a modified allocation of responsibilities between the department and municipality or the local air quality district.

(d) A municipality or local air quality district that has had its cooperative agreement terminated may, with the department's approval, resume a local air quality control program if the municipality or district agrees to comply with AS 46.14.400 and with any corrective action plan required by the department.

(e) If the department finds that control of a particular class of stationary source or emissions unit, because of its complexity or magnitude, is beyond the reasonable capability of the municipality or the local air quality district or may be more efficiently and economically controlled at the state level, the department may assume and retain jurisdiction over the class of stationary source or emissions unit. Classifications under this subsection may be based on the nature of stationary sources or emissions units involved, their size relative to the size of the communities in which they are located, or another basis established by the department.

### Article 05. MISCELLANEOUS PROVISIONS

#### Sec. 46.14.500. Air pollution from outer continental shelf activities.

(a) The department shall seek delegation of authority from the federal administrator to implement and enforce the terms and provisions of 42 U.S.C. 7627 (Clean Air Act, sec. 328) for the Pacific and Arctic Ocean areas offshore of the state. The department may adopt regulations that are necessary to acquire this delegated authority.

(b) In adopting regulations under this section, the department shall ensure that stationary sources located within 25 miles of the seaward boundary of the state are subject to the same air quality control requirements that would be applicable if the stationary source were located in the corresponding onshore area. For purposes of this subsection, stationary sources located within 25 miles of the seaward boundary of the state include a vessel servicing or associated with the stationary source while at the stationary source or en route to or from the stationary source and within 25 miles of the stationary source.

(c) In this section, "corresponding onshore area" means, with respect to a stationary source located within 25 miles of the seaward boundary of the state, the onshore attainment or nonattainment area that is closest to the stationary source, unless the commissioner determines that another area with more stringent requirements relating to control and abatement of air pollution may reasonably be expected to be affected by emissions from the offshore stationary source; this determination shall be based on the potential for air pollutants from the stationary source to reach the other onshore area and the potential of the air pollutants to affect the efforts of the other onshore area to attain or maintain a federal ambient air quality standard set under 42 U.S.C. 7470 - 7492 (Title I, Part C, Clean Air Act) or a state equivalent.

#### Sec. 46.14.510. Motor vehicle pollution.

(a) When the department determines that the state of knowledge and technology may allow or make appropriate the control of emissions from motor vehicles to further air quality control, the department may provide, by regulation, for the control of the emissions from motor vehicles. The regulations may prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of this equipment.

(b) Unless otherwise exempted by law, a person shall maintain in operating condition any element of the air pollution control system or mechanism of a motor vehicle that the department, by regulation, requires to be maintained in or on the motor vehicle.

(c) The department shall consult with the Department of Administration regarding implementation of the motor vehicle pollution control program. The Department of Administration shall cooperate with the department in implementing the program. As a part of a motor vehicle pollution control program, the department or a municipality that enforces a motor vehicle pollution control program may determine if a vehicle is properly registered as required by law.

(d) If the department adopts regulations requiring the maintenance of air pollution control systems or mechanisms in motor vehicles to control emissions from the vehicle, a motor vehicle subject to those regulations may not be issued a certificate of inspection unless the required air pollution control system or mechanism has been inspected in accordance with the standards,

testing techniques, and instructions furnished by the department and the motor vehicle has been found to meet those standards. A valid certificate of inspection for the emission control system, if required by the department, must be presented to the Department of Administration before that department may register a motor vehicle.

(e) If the department adopts regulations requiring emissions inspection for a motor vehicle, the department may not require the vehicle be inspected more than once every two years.

(f) A person who fails to display an emissions inspection decal as required by law is guilty of a violation and, upon conviction, shall be fined an amount not to exceed \$500. It is the intent of the legislature that money collected under this subsection be appropriated to control pollution from motor vehicle emissions.

(g) In addition to the emission control inspection program fee imposed under [AS 28.10.423](#), the department or a municipality may impose a fee upon a vehicle required to be inspected under a motor vehicle emission control program established under this chapter, but the fee may not exceed the actual costs of the department or the municipality in administering

- (1) the motor vehicle emission control inspection program; and
- (2) the related ambient air monitoring program.

#### Sec. 46.14.515. Inspection.

(a) An officer or employee of the department designated by the commissioner or an inspector authorized by the commissioner and certified under regulations adopted under [AS 46.14.140](#) (a)(14) may, upon presentation of credentials and at reasonable times with the consent of the owner or operator, enter upon or through any premises of a stationary source regulated under this chapter to

- (1) inspect and copy any records required to be maintained;
- (2) inspect any emissions unit, monitoring equipment, or method required to be used; or
- (3) sample any emissions that the owner and operator of the stationary source is required to sample.

(b) During an inspection under this section, the inspector shall comply with applicable health and safety standards.

#### Sec. 46.14.520. Confidentiality of trade secrets.

Records, reports, and information, and parts of records, reports, and information, other than emission data, in the department's possession or control are considered confidential records and shall be kept confidential and in separate files if the owner and operator have certified under oath to the department or authorized local program that

(1) public disclosure would tend to affect adversely the owner's and operator's competitive position; and

(2) the records, reports, or information, or parts of the records, reports, or information, would divulge production figures, sales figures, processes, production techniques, or financial data of the owner and operator that are entitled to protection as trade secrets under AS 45.50.910 - 45.50.945 (Alaska Uniform Trade Secrets Act).

#### Sec. 46.14.525. Public records.

Except as provided in AS 46.14.520, permits, permit applications, emissions and monitoring reports, compliance reports, certifications, and monitoring, reporting, and quality assurance plans in the department's possession or control are available to the public for inspection and copying.

#### Sec. 46.14.530. State and federal aid.

(a) A municipality or local air quality district with a local air quality control program may apply for, receive, administer, and spend state aid for the control of air emissions or the development and administration of the program if an application is first submitted to and approved by the department. Subject to available money appropriated by the legislature for the purpose of this section, the department may approve an application if it is consistent with the terms and conditions of the applicable cooperative agreement and meets the requirements of this chapter.

(b) A municipality or local air quality district with a local air quality control program may apply for, receive, administer, and spend federal aid for the control of air emissions or the development and administration of the program.

#### Sec. 46.14.535. Grants.

(a) Subject to appropriation, the department may award grants of federal or other funds received by the department for the control of air emissions or the development or administration of air quality control programs in the state.

(b) The department may adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out the purposes of this section.

#### Sec. 46.14.540. Authority of department in cases of emergency.

(a) When the commissioner finds that an act of God, act of war, act of terrorism, or similar catastrophe necessitates emergency use of an unpermitted emissions unit or emergency use of a permitted emissions unit in a manner not authorized by the permit, the commissioner may waive procedural requirements of this chapter and issue an order to authorize emergency use of the emissions unit. When acting under this section, the commissioner shall impose conditions necessary to protect life, human health, welfare, property, and the environment and may impose other conditions the commissioner finds necessary and appropriate.



(b) An authorization issued under this section automatically terminates within a reasonable time after abatement of the emergency, subject to a maximum of 30 days from the date of issuance. However, the commissioner may reissue an authorization, if warranted, that may remain in effect for up to another 30 days. An authorization may be reissued more than once.

(c) A person acting under an order issued under (a) of this section is considered to be acting in compliance with the operating permit program established in this chapter.

(d) The commissioner may delegate the commissioner's authority under this section to deputy commissioners and division directors in the department.

#### Sec. 46.14.550. Responsibilities of owner and operator; agent for service.

Notwithstanding use of the conjunctive or disjunctive in a provision of this chapter, before issuance of a permit under this chapter both the owner and operator of a stationary source are responsible for compliance with this chapter and regulations adopted under this chapter. If the owner and operator of the stationary source are separate persons, only one person is required to discharge a specific responsibility. After issuance of a permit under this chapter, only the permittee is responsible for permitted operations. The permittee shall have a designated agent for service of process in the state.

#### Sec. 46.14.560. Unavoidable malfunctions and emergencies.

Excess emissions caused by an unavoidable emergency, a malfunction, or nonroutine repairs of an emissions unit including pollution control equipment or process equipment constitute an affirmative defense, when asserted under regulations adopted under AS 46.14.140, to an action brought for noncompliance with a technology-based emission standard. This section does not limit the department's power to enjoin the emission or require corrective action. This provision is in addition to any emergency or upset provision contained in an applicable requirement.

### Article 06. GENERAL PROVISIONS

#### Sec. 46.14.900. Limitations.

This chapter does not

(1) grant jurisdiction or authority with respect to air contamination existing solely within a residential dwelling or a commercial or industrial plant, workplace, or shop;

(2) affect the relations between employers and employees with respect to or arising out of a condition of air contamination or air pollution; or

(3) supersede or limit the applicability of a law or ordinance relating to sanitation, industrial health, or safety.

#### Sec. 46.14.990. Definitions.

In this chapter,

- (1) "air pollutant" has the meaning given in 42 U.S.C. 7602 (Clean Air Act, sec. 302);
- (2) "ambient air" has the meaning given in 40 C.F.R. 50.1;
- (3) "ambient air quality standard" means a standard, other than an emission standard, adopted under AS 46.14.010, 46.14.140, 46.14.400(f), or 42 U.S.C. 7409 (Clean Air Act, sec. 109);
- (4) "building, structure, facility, or installation" has the meaning given in 40 C.F.R. 51.166(b) except that it includes a vessel
  - (A) that is anchored or otherwise permanently or temporarily stationed within a locale;
  - (B) upon which a stationary source or stationary sources are located; not including stationary sources engaged in propulsion of the vessel; and
  - (C) that is used for an industrial process, excluding a tank vessel in the trade of transporting cargo; in this subparagraph, "industrial process" means the extraction of raw material or the physical or chemical transformation of raw material in either composition or character;
- (5) "commissioner" means the commissioner of environmental conservation;
- (6) "construction" has the meaning given in 40 C.F.R. 51.166(b);
- (7) "construction permit" means a permit under AS 46.14.130 (a), including all relevant exhibits, addendums, transmittal letters, compliance schedules, administrative orders, emergency orders, and court orders;
- (8) "department" means the Department of Environmental Conservation;
- (9) "emission" means a release of one or more air pollutants to the atmosphere;
- (10) "emission limitation" and "emission standard" have the meanings given in 40 C.F.R. 51.100;
- (11) "emissions unit" has the meaning given in 40 C.F.R. 51.166(b)(7) or 40 C.F.R. 70.2, depending on the context in which the term is used;
- (12) "federal administrator" means the administrator of the United States Environmental Protection Agency;
- (13) *[Repealed, Sec. 82 ch 41 SLA 2009].*

(14) "hazardous air pollutant" means a pollutant listed in or under 42 U.S.C. 7412(b) (Clean Air Act, sec. 112(b));

(15) "local air quality control program" means a program authorized under [AS 46.14.400](#) to implement some or all of the provisions of this chapter;

(16) "major modification" means a change that meets the definition of "major modification" under either 40 C.F.R. 51.165 or 40 C.F.R. 51.166;

(17) "major stationary source" means a stationary source or physical change that meets the definition of "major stationary source" under either 40 C.F.R. 51.165 or 40 C.F.R. 51.166;

(18) "operating permit" means a permit under [AS 46.14.130](#)(b), including all relevant exhibits, addendums, transmittal letters, compliance schedules, administrative orders, emergency orders, and court orders;

(19) "operator" means a person or persons who direct, control, or supervise a stationary source or emissions unit that has the potential to emit an air pollutant to the atmosphere;

(20) "owner" means a person or persons with a proprietary or possessory interest in a stationary source or emissions unit that has the potential to emit an air pollutant to the atmosphere;

(21) "person" has the meaning given in [AS 01.10.060](#) and also includes an agency of the United States, a municipality, the University of Alaska, the Alaska Railroad Corporation, and other departments, agencies, instrumentalities, units, and corporate authorities of the state;

(22) "potential to emit" has the meaning given in 40 C.F.R. 51.166(b);

(23) "regulated air pollutant" means an air pollutant subject to regulation under 42 U.S.C. 7401 - 7671q (Clean Air Act);

(24) "small business facility" means a stationary source that

(A) is owned or operated by a person who employs 100 or fewer individuals;

(B) is a small business concern as defined in 15 U.S.C. 632; and

(C) emits less than 100 TPY of regulated air pollutants;

(25) "stack" has the meaning given in 40 C.F.R. 51.100;

(26) "stationary source" has the meaning given in 40 C.F.R. 51.166(b) or 40 C.F.R. 70.2, depending on the context in which the term is used;

(27) "tank vessel" means a waterborne vessel, ship, or barge, whether or not self-propelled, that is constructed or converted to carry cargo; "tank vessel" includes a tanker, tank ship, or combination carrier, but does not include a vessel that is loading or unloading

(A) cargo in sealed drums, barrels, or other packages; or

(B) petroleum or petroleum products solely as fuel for use on that vessel;

(28) "TPY" means tons per year.

**40 C.F.R. Part 51 Appendix V 2.1. (d)**

**Copy of Actual Regulation Signed with Effective Date Indicated:**

**The Department of Environmental Conservation 18 AAC 50 Air Quality Control Regulations, As amended through November 2, 2010 (with register number).**

**See section 2.1 (b) for Lt. Governor's filing memo dated November 9, 2010.**

**Revision Table 2010, showing effective dates of individual sections of 18 AAC 50 and whether they are subject to SIP approval.**

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**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 50**

**Air Quality Control**

As Amended through December 9, 2010

## **IMPORTANT NOTE TO READER**

**THE REGULATIONS REPRODUCED HERE HAVE BEEN PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS A PUBLIC COURTESY. WHILE EVERY EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE REPRODUCED VERSION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CANNOT GUARANTEE ITS ABSOLUTE ACCURACY. PAPER COPIES OF THE REGULATIONS AS ORIGINALLY FILED WITH THE LIEUTENANT GOVERNOR ARE AVAILABLE FOR THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.**

**THE REGULATIONS HAVE AN EFFECTIVE DATE OF DECEMBER 9, 2010, ARE IN REGISTER 196, AND WILL APPEAR IN OFFICIAL PUBLISHED FORM IN THE JANUARY 2011 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.**



**Chapter 50. Air Quality Control.****Article**

1. Ambient Air Quality Management (18 AAC 50.005 - 18 AAC 50.110)
2. Program Administration (18 AAC 50.200 - 18 AAC 50.260)
3. Major Stationary Source Permits (18 AAC 50.300 - 18 AAC 50.390)
4. User Fees (18 AAC 50.400 - 18 AAC 50.430)
5. Minor Permits (18 AAC 50.502 – 18 AAC 50.560)
6. (Reserved)
7. Conformity (18 AAC 50.700 - 18 AAC 50.735)
8. (Reserved)
9. General Provisions (18 AAC 50.900 - 18 AAC 50.990)

**Editor's note:** The regulations in this chapter, effective January 18, 1997, and distributed in Register 141, are a comprehensive reorganization and revision of the department's regulations dealing with air quality control. Except for the provisions of 18 AAC 50.110 and 18 AAC 50.700 - 18 AAC 50.735, they replace all previous regulations in this chapter that were repealed simultaneously with the adoption of these regulations. The history line at the end of each section does not reflect the history of the replaced provisions before January 18, 1997. The numbering of sections is not related to the numbering before January 18, 1997. Previous amendments of this chapter are on file in the Office of the Lieutenant Governor and are found at Register 42, 5/26/72; Register 50, 5/8/74; Register 74, 5/4/80; Register 84, 11/1/82; Register 88, 10/30/83; Register 102, 6/7/87; Register 106, 6/2/88; Register 118, 5/11/91; Register 119, 7/21/91; Register 123, 7/12/92; Register 124, 12/10/92; Register 125, 2/19/93; Register 126, 4/7/93; Register 127, 7/8/93; Register 129, 2/1/94; Register 130, 4/23/94; Register 131, 7/30/94; Register 131, 8/5/94; Register 131, 8/10/94; and Register 133, 1/4/95.

**Article 1. Ambient Air Quality Management.****Section**

- 05. Purpose and applicability of chapter
- 10. Ambient air quality standards
- 15. Air quality designations, classifications, and control regions
- 20. Baseline dates and maximum allowable increases
- 25. Visibility and other special protection areas
- 30. State air quality control plan
- 35. Documents, procedures, and methods adopted by reference
- 40. Federal standards adopted by reference
- 45. Prohibitions
- 50. Incinerator emission standards
- 52. (Repealed)
- 55. Industrial processes and fuel-burning equipment
- 60. Pulp mills
- 65. Open burning
- 70. Marine vessel visible emission standards
- 75. Wood-fired heating device visible emission standards
- 80. Ice fog standards
- 85. Volatile liquid storage tank emission standards
- 90. Volatile liquid loading racks and delivery tank emission standards
- 100. Nonroad engines
- 110. Air pollution prohibited

**18 AAC 50.005. Purpose and applicability of chapter.** (a) The purpose of this chapter is to identify, prevent, abate, and control air pollution in a manner that meets the purposes of AS 46.03, AS 46.14, and 42 U.S.C. 7401 - 7671q (Clean Air Act).

(b) The requirements of this chapter apply to any person who allows or causes air pollutants to be emitted into the ambient air. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020                      AS 46.14.030                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.010

**18 AAC 50.010. Ambient air quality standards.** The standards for concentrations of air pollutants in the ambient air, measured, determined, or predicted by an analytical method described in 18 AAC 50.035 or 18 AAC 50.215, are established as follows:

(1) for particulate matter, as follows:

(A) for PM-10: a 24-hour average of 150 micrograms per cubic meter, with this standard being attained when the expected number of days in a calendar year with a 24-hour average concentration above 150 micrograms per cubic meter is less than or equal to one day;

## (B) for PM 2.5:

(i) an annual arithmetic mean concentration of 15.0 micrograms per cubic meter, with this standard being attained when the three-year average of the annual arithmetic mean concentration is less than or equal to 15.0 micrograms per cubic meter; for purposes of this sub-paragraph, a figure must be rounded to the nearest .1 microgram per cubic meter, as required in 40 C.F.R. Part 50, Appendix N, sec. 4.3(a), adopted by reference in 18 AAC 50.035(b);

(ii) a 24-hour average concentration of 35 micrograms per cubic meter, with this standard being attained when the three-year average of the annual 98<sup>th</sup> percentile 24-hour concentration is less than or equal to 35 micrograms per cubic meter; for the purposes of the sub-paragraph, a figure must be rounded to the nearest one microgram per cubic meter, as required in 40 C.F.R. Part 50, Appendix N, sec. 4.3(b), adopted by reference in 18 AAC 50.035(b);

## (2) for sulfur oxides, measured as sulfur dioxide:

(A) annual arithmetic mean of 80 micrograms per cubic meter;

(B) 24-hour average of 365 micrograms per cubic meter not to be exceeded more than once each year; and

(C) three-hour average of 1300 micrograms per cubic meter not to be exceeded more than once each year;

## (3) for carbon monoxide:

(A) eight-hour average of 10 milligrams per cubic meter not to be exceeded more than once each year; and

(B) one-hour average of 40 milligrams per cubic meter not to be exceeded more than once each year;

(4) for ozone: a daily maximum eight-hour average of .075 parts per million, with this standard being attained when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to .075 parts per million;

(5) for nitrogen dioxide: annual arithmetic mean of 100 micrograms per cubic meter;

(6) for lead: an arithmetic mean concentration over a three-month period of .15 micrograms per cubic meter, with this standard being attained when the maximum arithmetic three-month mean concentration for a three-year period is less than or equal to .15 micrograms per cubic meter;

(7) for reduced sulfur compounds, expressed as sulfur dioxide: 30-minute average of 50 micrograms per cubic meter not to be exceeded more than once each year; and

(8) for ammonia: 2.1 milligrams per cubic meter, averaged over any consecutive eight hours not to be exceeded more than once each year. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 4/1/2010, Register 193)

**Authority:** AS 46.03.020                      AS 46.14.030                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.010

**18 AAC 50.015. Air quality designations, classifications, and control regions.** (a) To identify an area by its air quality, all geographic areas in the state are designated by the federal administrator as "attainment," "nonattainment," or "unclassifiable." An area is designated "attainment" for a particular air pollutant if its air quality meets the ambient air quality standard for that air pollutant. If air quality does not meet the ambient standard for a particular air pollutant, that area is designated "nonattainment" for that air pollutant. If there is insufficient information to classify an area as attainment or nonattainment for a particular air pollutant, the area is designated "unclassifiable" for that air pollutant.

(b) The following areas have been designated by the federal administrator as "nonattainment" for the specified air pollutants:

(1) for carbon monoxide

(A) repealed 2/20/2004

(B) repealed 6/24/2004

(2) for PM-10:

(A) Mendenhall Valley area of Juneau; and

(B) Eagle River area of Anchorage.

(3) for PM-2.5: Fairbanks and North Pole urban area.

(c) To establish standards for the prevention of significant deterioration of air quality, geographic areas in the state are

(1) divided into four "air quality control regions" as follows:

(A) Cook Inlet Intrastate Air Quality Control Region;

(B) Northern Alaska Intrastate Air Quality Control Region;

(C) South Central Alaska Intrastate Air Quality Control Region; and

(D) Southeast Alaska Intrastate Air Quality Control Region; and

(2) classified as shown in Table 1 in this subsection for each air pollutant for which the area is designated "unclassifiable" or "attainment."

**Table 1. Air Quality Classifications**

Classification	Geographic Area
Class I areas	Denali National Park including the Denali Wilderness but excluding the Denali National Preserve
	Bering Sea National Wildlife Refuge designated as a National Wilderness Area
	Simeonof National Wildlife Refuge designated as a National Wilderness Area
	Tuxedni National Wildlife Refuge designated as a National Wilderness Area
Class II areas	All other geographic areas in Alaska not classified as Class I or Class III
Class III areas	No areas in Alaska

(d) The following areas are subject to maintenance plan requirements for carbon monoxide, as required under 42 U.S.C. 7505a, and as adopted by reference in 18 AAC 50.030 as part of the state air quality control plan:

(1) the Municipality of Anchorage;

(2) Fairbanks and North Pole urban area. (Eff. 1/18/97, Register 141; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/10/2004, Register 171; am 12/9/2010, Register 196)

**Authority:** AS 46.03.020                      AS 46.14.010                      AS 46.14.030

**Editor's note:** The nonattainment area and maintenance boundaries, the air quality control region boundaries, and the Class I area boundaries are depicted on maps in the state air quality control plan adopted by reference in 18 AAC 50.030. Air quality control region and nonattainment area boundaries are described in 40 C.F.R. 81, as revised as of July 1, 2003.

As of Register 154, July 2000, the regulations attorney made a technical revision under AS 44.62.125(b)(6) in Table 1 at 18 AAC 50.015(c)(2).

**18 AAC 50.020. Baseline dates and maximum allowable increases.** (a) In an area designated nonattainment in 18 AAC 50.015(b), the provisions of this section do not apply to the nonattainment air pollutant. However, this section does apply to all other air pollutants listed in Table 2 in this subsection.

**Table 2. Baseline Dates**

Air Quality Control Region	Air Pollutant	Baseline Date
Cook Inlet Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	October 12, 1979
	PM-10	March 20, 1982
Northern Alaska Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	June 1, 1979
	PM-10	November 13, 1978
South Central Alaska Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	October 26, 1979
	PM-10	October 26, 1979
Southeast Alaska Intra-state Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	November 10, 1986
	PM-10	The earliest date upon which the department declares complete an application for a facility or modification that includes information required under 18 AAC 50.306 and shows an increase in actual PM-10 emissions equal to or exceeding 15 tons per year.

(b) To establish standards for the prevention of significant deterioration of air quality,

(1) baseline dates for determining the ambient concentration of certain air pollutants are established for each air quality control region listed in Table 2 in (a) of this section;

(2) in areas designated as Class I, II, or III, increases in air pollutant concentration over the baseline concentration shall be limited to the concentrations in Table 3 in this subsection;

(3) for any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location; and

(4) the baseline concentrations and maximum allowable increases shall be measured or predicted by a method described in 18 AAC 50.215.

**Table 3. Maximum Allowable Increases**

Classification of area in 18 AAC 50.015(c) Table 1	Air Pollutant	Maximum allowable increase (micrograms per cubic meter)	
CLASS I	PM-10: Annual arithmetic mean ..... 24-hour maximum .....	.....4 .....8	
	Sulfur dioxide: Annual arithmetic mean ..... 24-hour maximum ..... 3-hour maximum .....	.....2 .....5 .....25	
	Nitrogen dioxide: Annual arithmetic mean .....	.....2.5	
	CLASS II	PM-10: Annual arithmetic mean ..... 24-hour maximum .....	.....17 .....30
		Sulfur dioxide: Annual arithmetic mean ..... 24-hour maximum ..... 3-hour maximum .....	.....20 .....91 .....512
		Nitrogen dioxide: Annual arithmetic mean .....	.....25
CLASS III		PM-10: Annual arithmetic mean ..... 24-hour maximum .....	.....34 .....60
	Sulfur dioxide: Annual arithmetic mean ..... 24-hour maximum ..... 3-hour maximum .....	.....40 .....182 .....700	
	Nitrogen dioxide: Annual arithmetic mean .....	.....50	

(c) Repealed 10/1/2004.

(d) Repealed 10/1/2004.

(e) For purposes of this section, the baseline concentration of an air pollutant is determined as follows:



(1) for PM-10 and sulfur dioxide, the baseline concentration is the ambient concentration of the air pollutant on the applicable baseline date, plus the contribution from allowable emissions of a PSD major stationary source for which construction commenced before January 6, 1975, but that was not in operation by the baseline date; however, the baseline concentration does not include actual emissions from a PSD major stationary source or a PSD major modification for which construction commenced on or after January 6, 1975; and

(2) for nitrogen dioxide, the baseline concentration is the ambient concentration of the air pollutant on the applicable baseline date, plus the contribution from allowable emissions of a PSD major stationary source for which construction commenced before February 8, 1988, but that was not in operation by the baseline date.

(f) In this section, "commence" has the meaning given in 40 C.F.R. 52.21(b), adopted by reference in 18 AAC 50.040. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 7/25/2008, Register 187)

**Authority:** AS 46.03.020 AS 46.14.010 AS 46.14.030

**18 AAC 50.025. Visibility and other special protection areas.** (a) Visibility special protection areas are established to prevent impairment of visibility. The following areas are designated visibility special protection areas:

(1) Mt. Deborah and the Alaska Range East, as viewed from approximately the Savage River Campground area;

(2) Mt. McKinley, Alaska Range, and the Interior Lowlands, as viewed from the vicinity of Wonder Lake; and

(3) geographic areas classified as Class I areas under 18 AAC 50.015(c).

(b) A wood smoke control area is a geographic location where a wood-burning activity has resulted in two or more discontinuous 24-hour periods when the ambient exposures of PM-10 solely from this activity have reached or exceeded 150 micrograms per cubic meter of air. The Mendenhall Valley area of Juneau is designated a wood smoke control area.

(c) Special protection areas for sulfur dioxide are established to prevent the violation of the ambient air quality standard and maximum allowable ambient concentration for sulfur dioxide. The following areas are designated as special protection areas for sulfur dioxide:

(1) in the Unalaska area, the land and water areas within a 3.4-mile radius of the intersection of 53° 53' 4" N latitude and 166° 32' 11" W longitude; and

(2) in the St. Paul Island area, the land and water areas south of UTM Northing 6333.00 kilometers (57° 8' 29" N latitude) and within 0.6 kilometers of St. Paul Island. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146)

**Authority:** AS 46.03.020 AS 46.14.010 AS 46.14.030

**Editor's note:** Complete descriptions of the special protection areas designated in this section, including maps, are provided in the state air quality control plan adopted by reference in 18 AAC 50.030.

**18 AAC 50.030. State Air Quality Control Plan.** Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through August 20, 2010, are adopted by reference. The plan includes the following documents which are also adopted by reference:

- (1) the department's *Alaska Air Quality Small Business Assistance Program*, April 1994;
- (2) the Code of the City and Borough of Juneau, Alaska, Chapter 36.40, amended by the provisions of Ordinance of the City and Borough of Juneau, Alaska, Serial No. 2008-28, sec. 2;
- (3) except as provided in 18 AAC 50.090(b), the department's *Air Quality Compliance Certification Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*, as amended through December 10, 1992;
- (4) the department's *Alaska Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program*, as amended through February 23, 2010;
- (5) Repealed 6/21/98.
- (6) *Protocol for Determining the Best Performing Model*, EPA-454/R-92-025, December 1992;
- (7) *Interim Procedures for Evaluating Air Quality Models (Revised)*, EPA-450/4-84-023, September 1984;
- (8) *Source Test Report Outline*, as amended through November 1984;
- (9) the department's *Performance Audits for COMS*, revised as of August 20, 2008;
- (10) the department's *Minor Permit Application Forms*, dated August 30, 2004.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000; Register 152; am 12/30/2000; Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 161; am 3/27/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/1/2004, Register 171; am 12/14/2006, Register 180; am 12/30/2007, Register 184; am 5/17/2008, Register 186; am 7/25/2008, Register 187; am, 11/9/2008, Register 188; am 5/6/2009, Register 190; am 11/4/2009, Register 192; am 4/1/2010, Register 193; am 10/29/2010, Register 196)

**Authority:** AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993  
AS 46.14.020 AS 46.14.140

**Editor's note:** The *State Air Quality Control Plan* and the other documents adopted by reference in 18 AAC 50.030 may be reviewed at the department's Anchorage, Fairbanks, or Juneau office and are on file with the Office of the Lieutenant Governor.

**18 AAC 50.035. Documents, procedures, and methods adopted by reference.** (a) The following documents are adopted by reference:

(1) the department's *In Situ Burning Guidelines for Alaska, Revision 1*, revised August 2008;

(2) *Workbook for Plume Visual Impact Screening and Analysis (revised)*, EPA 454/R-92-023, October 1992;

(3) the United States Environmental Protection Agency's (EPA) publication AP-42, *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources*, Fifth Edition with Supplements A – F and annual updates, as updated through December 2007;

(4) *Meteorological Monitoring Guidance for Regulatory Modeling Applications*, EPA - 454/R-99-005, February 2000;

(5) *Ambient Monitoring Guidelines for Prevention of Significant Deterioration (PSD)*, EPA-450/4-87-007, May 1987;

(6) the department's *Summary Prepared by the Department of Environmental Conservation of Coastal Area Boundaries Approved by the Coastal Policy Council (CPC) for Coastal Resource Districts Excluded from the Portable Oil and Gas Operation Permit by Rule (18 AAC 50.390)*, as revised as of November 19, 2001;

(7) *SCREEN3 Model User's Guide*, EPA 454/B-95-004, dated September 1995;  
and

(8) *Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised*, EPA-454/R-92-019, dated October 1992.

(b) The following procedures and methods set out in 40 C.F.R., revised as of July 1, 2009, are adopted by reference:

(1) 40 C.F.R. Part 50, Appendices A, D, F, G, J, K, L, N, P, Q, and R;

(2) 40 C.F.R. Part 51, Appendix M;

(3) 40 C.F.R. Part 58, Appendix B;

(4) the following test methods as they apply to 40 C.F.R. 63.11(b)(6):

(A) ASTM D1946-90(1994)e1, Standard Practice for Analysis of

Reformed Gas by Gas Chromatography; and

(B) ASTM D 240-92(1997)e2, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter.

(c) This subsection adopts the methods and procedures listed in this subsection for use by the department in permits for compliance monitoring. Nothing in this subsection is intended to limit the department's discretion to require in a permit issued under this chapter compliance with the requirements of other methods or procedures on a case by case basis. The following methods and procedures are adopted by reference:

(1) ASTM D 129-00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), approved January 10, 2000;

(2) ASTM D 1266-98, Standard Test Method for Sulfur in Petroleum Products (Lamp Method), approved February 10, 1998;

(3) ASTM D 1552-95, Standard Test Method for Sulfur in Petroleum Products (High Temperature Method), approved August 15, 1995;

(4) ASTM D 2622-98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, approved April 10, 1998;

(5) ASTM D 4294-98, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-Ray Fluorescence Spectroscopy, approved April 10, 1998;

(6) ASTM D 4045-99, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Hydrogenolysis and Rateometric Colorimetry, approved January 10, 1999;

(7) ASTM D 2492-90 (Reapproved 1998), Standard Test Method for Forms of Sulfur in Coal, approved March 30, 1990;

(8) ASTM D 3176-89 (Reapproved 1997), Standard Practice for Ultimate Analysis of Coal and Coke, approved September 29, 1989;

(9) ASTM D 4749-87 (Reapproved 1994), Standard Test Method for Performing the Sieve Analysis of Coal and Designating Coal Size, approved November 27, 1987;

(10) ASTM D 1140-97, Standard Test Method for Amount of Material in Soils Finer Than the No. 200 Sieve, approved May 10, 1997;

(11) ASTM D 422-63 (Reapproved 1998), Standard Test Method for Particle-Size Analysis of Soils, approved November 21, 1963;

(12) ASTM D 4629-96, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection, approved April 10, 1996;

(13) ASTM D 5762-98, Standard Test Method for Nitrogen in Petroleum and Petroleum Products by Boat-Inlet Chemiluminescence, approved December 10, 1998;

(14) ASTM D 4913-89( Reapproved 1995), Standard Practice for Determining Concentration of Hydrogen Sulfide by Direct Reading, Length of Stain, Visual Chemical Detectors, approved February 24, 1989;

(15) ASTM D 4810-88 (Reapproved 1999), Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes, approved April 29, 1988;

(16) ASTM D 6216-98 Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, approved February 10, 1998;

(17) ASTM D 4239-00 Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High-Temperature Tube Furnace Combustion Methods, approved April 10, 2000. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 4/1/2010, Register 193)

<b>Authority:</b>	AS 46.03.020	AS 46.14.020	AS 46.14.140
	AS 46.14.010	AS 46.14.030	Sec. 30, ch. 74, SLA 1993

**Editor's note:** The documents, procedures, and methods adopted by reference in 18 AAC 50.035 may be reviewed at the department's Anchorage, Fairbanks, or Juneau office. For information on how to obtain a copy of the EPA publication AP-42 referred to in this section, contact EPA's InfoCHIEF information line at (919) 541-5285.

For information on how to obtain a copy of the ASTM documents referred to in 18 AAC 50.035, contact the American Society for Testing and Materials (ASTM), Publications Department, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, phone (610) 832-9585; fax (610) 832-9555.

**18 AAC 50.040. Federal standards adopted by reference.** (a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), as revised as of October 8, 2009, are adopted by reference as they apply to a Title V source:

(1) Subpart A (General Provisions), except 40 C.F.R. 60.9 (Availability of Information);

(2) the following subparts:

(A) Subpart D (Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971);

(B) Subpart Da (Standards of Performance for Electric Utility Steam

Generating Units for Which Construction is Commenced After September 18, 1978);

(C) Subpart Db (Standards of Performance for Industrial – Commercial - Institutional Steam Generating Units);

(D) Subpart Dc (Standards of Performance for Small Industrial – Commercial - Institutional Steam Generating Units);

(E) Subpart E (Standards of Performance for Incinerators);

(F) Subparts Ea and Eb (Standards of Performance for Municipal Waste Combustors);

(G) Subpart Ec (Standards of Performance for Hospital, Medical, and Infectious Waste Incinerators);

(H) Subpart F (Standards of Performance for Portland Cement Plants);

(I) Subpart I (Standards of Performance for Hot Mix Asphalt Facilities);

(J) Subpart J (Standards of Performance for Petroleum Refineries);

(K) Subpart K (Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978);

(L) Subpart Ka (Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984);

(M) Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984);

(N) Subpart L (Standards of Performance for Secondary Lead Smelters);

(O) Subpart N (Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973);

(P) Subpart Na (Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983);

(Q) Subpart O (Standards of Performance for Sewage Treatment Plants);

(R) Subpart Q (Standards of Performance for Primary Zinc Smelters);

- (S) Subpart R (Standards of Performance for Primary Lead Smelters);
- (T) Subpart Y (Standards of Performance for Coal Preparation Plants);
- (U) Subpart DD (Standards of Performance for Grain Elevators);
- (V) Subpart GG (Standards of Performance for Stationary Gas Turbines);
- (W) Subpart HH (Standards of Performance for Lime Manufacturing Plants);
- (X) Subpart LL (Standards of Performance for Metallic Mineral Processing Plants);
- (Y) Subpart UU (Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture);
- (Z) Subpart VV (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry);
- (AA) Subpart XX (Standards of Performance for Bulk Gasoline Terminals);
- (BB) Subpart GGG (Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries);
- (CC) Subpart JJJ (Standards of Performance for Petroleum Dry Cleaners);
- (DD) Subpart KKK (Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants);
- (EE) Subpart LLL (Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions);
- (FF) Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants);
- (GG) Subpart QQQ (Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems);
- (HH) Subpart UUU (Standards of Performance for Calciners and Dryers in Mineral Industries);
- (II) Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills);
- (JJ) Subpart CCCC (Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001);

(KK) the provisions of Subpart AAA (Standards of Performance for New Residential Wood Heaters), except that the operator of a wood stove may demonstrate compliance with 40 C.F.R. 60.532 by operating the wood stove in accordance with the permanent label required by 40 C.F.R. 60.536;

(LL) Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999);

(MM) Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006);

(NN) Subpart FFFF (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction on or Before December 9, 2004);

(OO) Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines);

(PP) Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines);

(QQ) Subpart KKKK (Standards of Performance for Stationary Combustion Turbines);

(3) the provisions of Appendices A - F.

(b) The following provisions of 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants), as revised as of July 1, 2009, are adopted by reference as they apply to a Title V source:

(1) Subpart A (General Provisions), except 40 C.F.R. 61.16 (Availability of Information);

(2) the following subparts:

(A) Subpart E (National Emission Standard for Mercury);

(B) Subpart J (National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene);

(C) Subpart V (National Emission Standard for Equipment Leaks (Fugitive Emission Sources));

(D) Subpart Y (National Emission Standard for Benzene Emissions from



Benzene Storage Vessels); and

(E) Subpart FF (National Emission Standard for Benzene Waste Operations);

(F) the Standard for Demolition and Renovation under 40 C.F.R. 61.145 and, as they apply to activities subject to 40 C.F.R. 61.145, 40 C.F.R. 61.141, 40 C.F.R. 61.149(d)(1), 40 C.F.R. 61.150, 40 C.F.R. 61.152, and Appendix A to Subpart M (Interpretive Rule Governing Roof Removal Operations);

(3) 40 C.F.R. 61.154;

(4) Appendices A, B, and C.

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), as revised as of July 30, 2010, are adopted by reference as they apply to a Title V source:

(1) Subpart A (General Provisions), except 40 C.F.R. 63.5(e)(2) – (f)

(2) Subpart B (Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)), except that

(A) 40 C.F.R. 63.50 and 40 C.F.R. 63.54 are not adopted; and

(B) the requirements of 40 C.F.R. 63.51 - 40 C.F.R. 63.53, 40 C.F.R. 63.55, and 40 C.F.R. 63.56 apply to the owner or operator of a hazardous air pollutant major source that includes one or more sources from a category or subcategory established under 42 U.S.C. 7412(c)(1) (Clean Air Act, sec. 112(c)(1)) for which the EPA administrator has failed to promulgate an emission standard within 18 months after the deadline established for doing so in 42 U.S.C. 7412(e) (Clean Air Act, sec. 112(e));

(3) Subpart D (Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants);

(4) Subpart M (National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities);

(5) Subpart N (Chromium Electroplating and Anodizing);

(6) Subpart Q (Industrial Process Cooling Towers);

(7) Subpart R (Gasoline Distribution Facilities: Bulk Gasoline Terminals and Pipeline Breakout Stations);

(8) Subpart T (Halogenated Solvent Cleaning);

- (9) Subpart Y (Marine Tank Vessel Loading Operations);
- (10) Subpart CC (Petroleum Refineries);
- (11) Subpart DD (Off-Site Waste and Recovery Operations);
- (12) Subpart GG (Aerospace Manufacturing and Rework Facilities);
- (13) Subpart HH (Oil and Natural Gas Production Facilities);
- (14) Subpart II (Shipbuilding and Ship Repair);
- (15) Subpart JJ (Wood Furniture Manufacturing);
- (16) Subpart KK (Printing and Publishing Industry);
- (17) Subpart HHH (Natural Gas Transmission and Storage Facilities);
- (18) Subpart LLL (Portland Cement Plants);
- (19) Subpart UUU (Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units)
- (20) Subpart AAAA (Municipal Solid Waste Landfills);
- (21) Subpart EEEE (Organic Liquids Distribution (Non-Gasoline));
- (22) Subpart YYYY (Stationary Combustion Turbines);
- (23) Subpart ZZZZ (Stationary Reciprocating Internal Combustion Engines);
- (24) Subpart GGGGG (Site Remediation);
- (25) Subpart PPPPP (Engine Test Cells, Stands);
- (26) Subpart LLLLLL (Acrylic and Modacrylic Fibers Production Area Sources);
- (27) Subpart MMMMMM (Carbon Black Production Area Sources);
- (28) Subpart NNNNNN (Chemical Manufacturing Area Sources: Chromium Compounds);
- (29) Subpart OOOOOO (Flexible Polyurethane Foam Production and Fabrication Area Sources);
- (30) Subpart PPPPPP (Lead Acid Battery Manufacturing Area Sources);

(31) Subpart QQQQQQ (Wood Preserving Area Sources);

(32) Appendix A (Test Methods);

(33) Appendix B (Sources Defined for Early Reduction Provisions);

(34) Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities);

(35) Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities).

(d) The provisions of 40 C.F.R. Part 82, as revised as of July 1, 2009, are adopted by reference to the extent that they apply to a Title V source.

(e) The requirements of 40 C.F.R. 52.70 - 40 C.F.R. 52.96, as revised as of July 1, 2009, as they apply to a Title V source and for purposes of a Title V permit, are adopted by reference.

(f) The provisions of 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models (Revised)), as revised as of July 1, 2009, are adopted by reference.

(g) The following provisions of 40 C.F.R. Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants), as revised as of July 1, 2009, are adopted by reference:

(1) Subpart FFF (Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994);

(2) Subpart GGG (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991, and Have Not Been Modified or Reconstructed Since May 30, 1991);

(3) Subpart HHH (Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996);

(4) Subpart III (Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999);

(5) Subpart JJJ (Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999).

(h) The following provisions of 40 C.F.R. 51.166 (Prevention of Significant Deterioration of Air Quality) and 40 C.F.R. Part 52 (Approval and Promulgation of Implementation Plans, as revised as of August 2, 2010, are adopted by reference:

(1) 40 C.F.R. 51.166(f) (Exclusions from Increment Consumption);

(2) 40 C.F.R. 51.166(q)(2) (Public Participation);

(3) 40 C.F.R. 52.21(a)(2) (Applicability Procedures);

(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990 and 18 AAC 50.990:

(i) 40 C.F.R. 52.21(b)(1) (“major stationary source”);

(ii) 40 C.F.R. 52.21(b)(2) (“major modification”);

(B) the following provisions are not adopted, and the terms defined in those provisions have the meanings give in AS 46.14.990:

(i) 40 C.F.R. 52.21(b)(4) (“potential to emit”);

(ii) 40 C.F.R. 52.21(b)(5) (“stationary source”);

(iii) 40 C.F.R. 52.21(b)(6) (“building, structure, facility, or installation”);

(iv) 40 C.F.R. 52.21(b)(7) (“emissions unit”);

(v) 40 C.F.R. 52.21(b)(8) (“construction”);

(vi) 40 C.F.R. 52.21(b)(20) (“fugitive emissions”);

(C) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in 18 AAC 50.990;

(i) 40 C.F.R. 52.21(b)(50) (“regulated NSR pollutant”);

(ii) 40 C.F.R. 52.21(b)(51) (“reviewing authority”);

(5) 40 C.F.R. 52.21(d) (Ambient Air Ceilings);

(6) 40 C.F.R. 52.21(h) (Stack Heights);

(7) 40 C.F.R. 52.21(i) (Exemptions);

(8) 40 C.F.R. 52.21(j) (Control Technology Review);

(9) 40 C.F.R. 52.21(k) (Source Impact Analysis);

(10) 40 C.F.R. 52.21(l) (Air Quality Models);

(11) 40 C.F.R. 52.21(m) (Air Quality Analysis);

- (12) 40 C.F.R. 52.21(n) (Source Information);
- (13) 40 C.F.R. 52.21(o) (Additional Impact Analyses);
- (14) 40 C.F.R. 52.21(p) (Sources Impacting Federal Class I Areas);
- (15) 40 C.F.R. 52.21(r) (Source Obligation);
- (16) 40 C.F.R. 52.21(v) (Innovative Control Technology);
- (17) repealed 7/25/2008;
- (18) repealed 7/25/2008;
- (19) repealed 7/25/2008;
- (20) 40 C.F.R. 52.21(aa) (Actuals PALs), except as follows:

(A) mass balance calculations as authorized under 40 C.F.R. 52.21(aa)(12)(ii)(a) are also acceptable for activities using coating or solvents or for activities emitting sulfur dioxide from the combustion of fuel;

(B) the requirements of 40 C.F.R. 52.21(aa)(12)(iii) also apply to owners or operators using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents or from activities emitting sulfur dioxide from the combustion of fuel.

(21) 40 C.F.R. 52.22 (Enforceable Commitments for Further Actions Addressing the Pollutant Greenhouse Gases (GHGs)).

(i) From the following provisions of 40 C.F.R. 51.165 (Permit Requirements), as revised as of July 1, 2009, text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

- (1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

- (i) 40 C.F.R. 51.165(a)(1)(i) (“stationary source”);
- (ii) 40 C.F.R. 51.165(a)(1)(ii) (“building, structure, facility, or installation”);
- (iii) 40 C.F.R. 51.165(a)(1)(iii) (“potential to emit”);
- (iv) 40 C.F.R. 51.165(a)(1)(vii) (“emissions unit”);

(v) 40 C.F.R. 51.165(a)(1)(ix) (“fugitive emissions”);

(vi) 40 C.F.R. 51.165(a)(1)(xviii) (“construction”);

(B) the following provisions are not adopted, and the terms defined in those provisions have the meaning given in 18 AAC 50.990:

(i) 40 C.F.R. 51.165(a)(1)(xxxvii) (“regulated NSR pollutant”);

(ii) 40 C.F.R. 51.165(a)(1)(xxxviii) (“reviewing authority”);

(2) 40 C.F.R. 51.165(a)(2)(ii) (Major Modifications);

(3) 40 C.F.R. 51.165(a)(3) (Offset Credits);

(4) 40 C.F.R. 51.165(a)(4) (Fugitive Emissions);

(5) 40 C.F.R. 51.165(a)(5) (Source Obligations);

(6) 40 C.F.R. 51.165(a)(6) (Projected Actual Emissions);

(7) repealed 7/25/2008;

(8) repealed 7/25/2008;

(9) repealed 7/25/2008;

(10) 40 C.F.R. 51.165(f) (Actuals PALs), except as follows:

(A) mass balance calculations as authorized under 40 C.F.R. 51.165(f)(12)(ii)(A) are also acceptable for activities using coating or solvents or for activities emitting sulfur dioxide from the combustion of fuel;

(B) the requirements of 40 C.F.R. 51.165(f)(12)(iii) also apply to owners or operators using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents or from activities emitting sulfur dioxide from the combustion of fuel.

(j) The following provisions of 40 C.F.R. Part 71 (Operating Permits), as revised as of August 2, 2010, are adopted by reference, except as provided in 18 AAC 50.326:

(1) 40 C.F.R. 71.2 (Definitions);

(2) 40 C.F.R. 71.3 (Sources Subject to Permitting Requirements);

(3) 40 C.F.R. 71.5(a) - (c) (Permit Applications);

- (4) 40 C.F.R. 71.6(a) - (f) (Permit Content);
- (5) 40 C.F.R. 71.7(a) - (e) (Permit Issuance, Renewal, Reopenings, and Revisions);
- (6) 40 C.F.R. 71.8 (Affected State Review);
- (7) 40 C.F.R. 71.10(d) (Delegation);
- (8) 40 C.F.R. 71.11(a) - (h) and (j) - (k) (Administrative Record, Public Participation, and Administrative Review).
- (9) 40 C.F.R. 71.13 (Enforceable Commitments for Further Actions Addressing Greenhouse Gases (GHGs)). (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196)

**Authority:** AS 46.03.020            AS 46.14.020            AS 46.14.030  
AS 46.14.010

**Editor's note:** The federal standards adopted by reference in 18 AAC 50.040 may be reviewed at the department's Anchorage, Fairbanks, or Juneau office.

The owner or operator of an affected facility subject to a federal emission standard that is not at a stationary source subject to a Title V permit should contact the United States Environmental Protection Agency.

**18 AAC 50.045. Prohibitions.** (a) A person may not dilute emissions with air to comply with this chapter, except that dilution air may be used at a sulfur recovery plant with a maximum production rate of 20 long tons per day or less to comply with the 500 ppm sulfur dioxide requirement of 18 AAC 50.055(c).

(b) A person who owns or operates a stationary source that emits an air pollutant subject to this chapter shall ensure that the stationary source complies with this chapter and any other applicable local, state, or federal law.

(c) A person may not construct, operate, or modify a stationary source that will result in a violation of the applicable emission standards or that will interfere with the attainment or maintenance of ambient air quality standards.

(d) A person who causes or permits bulk materials to be handled, transported, or stored, or who engages in an industrial activity or construction project shall take reasonable precautions to prevent particulate matter from being emitted into the ambient air.

(e) Dispersion techniques may not be used to comply with this chapter, except for

compliance with 18 AAC 50.110.

(f) Subject to (g) of this section, as used in this section, "dispersion technique" means a technique that attempts to reduce the concentration of an air pollutant in the ambient air by

(1) using that portion of a stack that exceeds good engineering practice stack height;

(2) varying the emissions rate of an air pollutant according to atmospheric conditions or ambient concentrations of that air pollutant; or

(3) increasing exhaust gas plume rise by

(A) manipulating a source process parameter, exhaust gas parameter, or stack parameter;

(B) combining exhaust gases from several existing stacks into one stack;  
or

(C) other selective handling of exhaust gas streams.

(g) The following are not dispersion techniques for purposes of this section:

(1) reheating a gas stream to its original discharge temperature after use of an emission control system;

(2) combining the exhaust gases from several stacks into one stack if the stationary source was originally designed and constructed with combined exhaust streams;

(3) combining the exhaust gases from several stacks into one stack, if done when an emission control system is installed and results in a net reduction in the allowable emissions of the controlled air pollutant; or

(4) any technique that increases the exhaust gas plume rise if the allowable emissions of sulfur dioxide from the stationary source are less than 5,000 tons per year. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020                      AS 46.14.020                      AS 46.14.030  
AS 46.14.010

**18 AAC 50.050. Incinerator emission standards.** (a) Visibility through the exhaust effluent of an incinerator, including an air curtain incinerator, may not be reduced by visible emissions, excluding condensed water vapor, by more than 20 percent averaged over any six consecutive minutes.

(b) Particulate matter emissions from an incinerator may not exceed the particulate matter standard listed for that incinerator in Table 4 in this subsection.

**Table 4. Particulate Matter Standards for Incinerators**



Incinerator	Particulate Matter Standard
Rated capacity less than 1,000 pounds per hour	No limit
Rated capacity greater than or equal to 1,000 but less than 2,000 pounds per hour	0.15 grains per cubic foot of exhaust gas corrected to 12 percent carbon dioxide and standard conditions, averaged over three hours
Rated capacity greater than or equal to 2,000 pounds per hour	0.08 grains per cubic foot of exhaust gas corrected to 12 percent carbon dioxide and standard conditions, averaged over three hours
An incinerator that burns waste containing more than 10 percent wastewater treatment plant sludge by dry weight from a municipal wastewater treatment plant that serves 10,000 or more persons	0.65 grams per kilogram of dry sludge input

(Eff. 1/18/97, Register 141; am 5/3/2002, Register 162; am 7/25/2008, Register 187)

**Authority:** AS 46.03.020                      AS 46.14.020                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.010                      AS 46.14.030

**18 AAC 50.052. Emission standards for certain municipal solid waste landfills.**  
Repealed. (Eff. 6/21/98, Register 146; repealed 10/1/2004, Register 171)

**18 AAC 50.055. Industrial processes and fuel-burning equipment.** (a) Visible emissions, excluding condensed water vapor, from an industrial process or fuel-burning equipment may not reduce visibility through the exhaust effluent by

(1) more than 20 percent averaged over any six consecutive minutes, except as provided in (2) - (9) of this subsection;

(2) more than 30 percent averaged over any six consecutive minutes for fuel-burning equipment in operation before November 1, 1982, and using more than 20 percent woodwaste as fuel;

(3) more than 55 percent for a urea prilling tower in operation before July 1, 1972, averaged over any six consecutive minutes, nor more than 40 percent, based on a daily 24-hour average of five-second measurements by continuous opacity monitoring instrumentation approved by the department and that conforms to Performance Specification Number 1 in 40 C.F.R. Part 60, Appendix B, adopted by reference in 18 AAC 50.040;

(4) 20 percent or greater averaged over any six consecutive minutes for an asphalt plant constructed or modified after June 11, 1973;

(5) 20 percent or greater averaged over any six consecutive minutes for process emissions, other than from a pneumatic cleaner, at a coal preparation plant constructed or modified after November 1, 1982;

(6) 10 percent or greater averaged over any six consecutive minutes for a pneumatic cleaner constructed or modified at a coal preparation plant after November 1, 1982;

(7) 10 percent or greater averaged over any six consecutive minutes for process emissions, other than from a kiln, at a portland cement plant constructed or modified after November 1, 1982;

(8) 20 percent or greater averaged over any six consecutive minutes for a kiln constructed or modified at a portland cement plant after November 1, 1982; and

(9) more than 20 percent for more than three minutes in any one hour for a coal burning boiler that began operation before August 17, 1971, except for an additional three minutes in any one hour if

(A) the visible emissions are caused by startup, shutdown, soot-blowing, grate cleaning, or other routine maintenance activities specified in an operating permit issued under this chapter;

(B) the owner or operator of the boiler monitors visible emissions by continuous opacity monitoring instrumentation that

(i) conforms to Performance Specification 1 in 40 C.F.R. Part 60, Appendix B, adopted by reference in 18 AAC 50.040; and

(ii) completes one cycle of sampling and analyzing for each successive 15-second period;

(C) the owner or operator of the boiler provides the department with a demonstration that the particulate matter emissions from the boiler allowed by this opacity limit will not cause or contribute to a violation of the ambient air quality standards for PM-10 in 18 AAC 50.010, or to cause the maximum allowable increases for PM-10 in 18 AAC 50.020 to be exceeded; and

(D) the federal administrator approves a stationary source-specific revision to the state implementation plan, required under 42 U.S.C. 7410, authorizing the application of this opacity limit instead of the opacity limit otherwise applicable under this section.

(b) Particulate matter emitted from an industrial process or fuel-burning equipment may not exceed, per cubic foot of exhaust gas corrected to standard conditions and averaged over three hours,

(1) 0.05 grains, except as provided in (2) - (6) of this subsection, (d) - (f) of this

section, and 18 AAC 50.060;

(2) 0.1 grains for a steam generating plant fueled by

(A) coal, and in operation before July 1, 1972;

(B) coal, and rated less than 250 million Btu per hour heat input; or

(C) municipal wastes;

(3) 0.1 grains for an industrial process in operation before July 1, 1972, except as provided in (6) of this subsection;

(4) 0.15 grains for fuel-burning equipment in operation before November 1, 1982, and using more than 20 percent woodwaste as fuel;

(5) 0.04 grains for an asphalt plant constructed or modified after June 11, 1973;

or

(6) 0.04 grains for a urea prilling tower.

(c) Sulfur-compound emissions, expressed as sulfur dioxide, from an industrial process or from fuel-burning equipment may not exceed 500 ppm averaged over a period of three hours, except as provided in (d) - (f) of this section and 18 AAC 50.060.

(d) At a petroleum refinery, emissions from the following sources, constructed or modified after November 1, 1982, may not exceed the following:

(1) for a catalytic cracking unit catalyst regenerator

(A) 1.0 kilogram of particulate matter per 1,000 kilograms of coke burnoff;

(B) 43.0 additional grams of particulate matter per million joules supplemental heat attributable to fuels burned in a catalyst regenerator waste heat boiler; and

(C) 500 ppm carbon monoxide by volume of exhaust gas;

(2) for a sulfur recovery plant rated at more than 20 long tons per day

(A) 250 ppm sulfur dioxide at zero percent oxygen on a dry basis; or

(B) 10 ppm hydrogen sulfide and a total of 300 ppm reduced sulfur compounds, expressed as sulfur dioxide, at zero percent oxygen on a dry basis, if the air pollutants are not oxidized before release to the atmosphere; and

(3) for fuel-burning equipment, a sulfur dioxide concentration, averaged over three hours, equal to whichever of the following is applicable:

(A) for equipment burning only fuel gas, the concentration of uncon-

trolled emissions that would result from burning fuel gas containing 230 milligrams hydrogen sulfide per dry standard cubic meter;

(B) for fuel-burning equipment that does not burn fuel gas, 500 ppm;

(C) for fuel-burning equipment that burns a combination of fuel gas and other fuels, a concentration based on the allowable emissions in (A) and (B) of this paragraph, prorated by the proportion of fuel gas and other fuels to the total fuel burned in the equipment.

(e) At a coal preparation plant, emissions from the following sources, if constructed or modified after November 1, 1982, may not exceed the following:

(1) for a thermal drying unit, 70 milligrams of particulate matter per cubic meter of exhaust gas at standard conditions; and

(2) for a pneumatic coal-cleaning unit, 40 milligrams of particulate matter per cubic meter of exhaust gas at standard conditions.

(f) At a portland cement plant, emissions from the following sources, if constructed or modified after November 1, 1982, may not exceed the following:

(1) for a clinker cooler, 0.050 kilograms of particulate matter per 1,000 kilograms of feed on a dry basis to the kiln; and

(2) for a kiln, 0.15 kilograms of particulate matter per 1,000 kilograms of feed on a dry basis.

(g) Release of materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack at a stationary source constructed or modified after November 1, 1982, is prohibited, except as authorized by a construction permit, Title V permit, or air quality control permit issued before October 1, 2004. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/4/99, Register 152; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am 12/9/2010, Register 196)

**Authority:** AS 46.03.020                      AS 46.14.020                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.010                      AS 46.14.030

**18 AAC 50.060. Pulp mills.** Average emissions per ton of air dried pulp produced from a sulfite pulp mill may not exceed, in any 24-hour period,

(1) 20 pounds of sulfur oxides (expressed as sulfur dioxide) from blow pits, washer vents, storage tanks, digester relief systems, and recovery systems; and

(2) two pounds of particulate matter from blow pits, washer vents, storage tanks,

digester relief systems, and recovery systems. (Eff. 1/18/97, Register 141)

**Authority:** AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993  
AS 46.14.010 AS 46.14.030

**18 AAC 50.065. Open burning. (a) General Requirements.** Except when conducting open burning under (g), (h), or (i) of this section, a person conducting open burning shall comply with the limitations of (b) - (f) of this section and shall ensure that

- (1) the material is kept as dry as possible through the use of a cover or dry storage;
- (2) before igniting the burn, noncombustibles are separated to the greatest extent practicable;
- (3) natural or artificially induced draft is present;
- (4) to the greatest extent practicable, combustibles are separated from grass or peat layer; and
- (5) combustibles are not allowed to smolder.

(b) **Black Smoke Prohibited.** Except for firefighter training conducted under (h) or (i) of this section, open burning of asphalts, rubber products, plastics, tars, oils, oily wastes, contaminated oil cleanup materials, or other materials in a way that gives off black smoke is prohibited without written department approval. Department approval of open burning as an oil spill response countermeasure is subject to the department's *In Situ Burning Guidelines for Alaska*, adopted by reference in 18 AAC 50.035. Open burning approved under this subsection is subject to the following limitations:

- (1) open burning of liquid hydrocarbons produced during oil or gas well flow tests may occur only when there are no practical means available to recycle, reuse, or dispose of the fluids in a more environmentally acceptable manner;
- (2) the person who conducts open burning shall establish reasonable procedures to minimize adverse environmental effects and limit the amount of smoke generated; and
- (3) the department will, in its discretion, as a condition of approval issued under this subsection, require public notice as described in (j) of this section.

(c) **Toxic and Acid Gases and Particulate Matter Prohibited.** Open burning or incineration of pesticides, halogenated organic compounds, cyanic compounds, or polyurethane products in a way that gives off toxic or acidic gases or particulate matter is prohibited.

(d) **Adverse Effects Prohibited.** Open burning of putrescible garbage, animal carcasses, or petroleum-based materials, including materials contaminated with petroleum or petroleum derivatives, is prohibited if it causes odor or black smoke that has an adverse effect on

nearby persons or property.

(e) **Air Quality Advisory.** Open burning is prohibited in an area if the department declares an air quality advisory under 18 AAC 50.245, stating that burning is not permitted in that area for that day. This advisory will be based on a determination that there is or is likely to be inadequate air ventilation to maintain the standards set by 18 AAC 50.010. The department will make reasonable efforts to ensure that the advisory is broadcast on local radio or television.

(f) **Wood Smoke Control Areas.** Open burning is prohibited between November 1 and March 31 in a wood smoke control area identified in 18 AAC 50.025(b).

(g) **Controlled Burning.** Controlled burning to manage forest land, vegetative cover, fisheries, or wildlife habitat, other than burning to combat a natural wildfire, requires written department approval if the area to be burned exceeds 40 acres yearly. The department will, in its discretion, require public notice as described in (j) of this section.

(h) **Firefighter Training: Structures.** A fire service may open burn structures for firefighter training without ensuring maximum combustion efficiency under the following circumstances:

(1) before igniting the structure, the fire service shall

(A) obtain department approval for the location of the proposed firefighter training; approval will be based on whether the proposed open burning is likely to adversely affect public health in the neighborhood of the structure;

(B) visually identify materials in the structure that might contain asbestos, test those materials for asbestos, and remove all materials that contain asbestos;

(C) ensure that the structure does not contain

(i) putrescible garbage;

(ii) electrical batteries;

(iii) stored chemicals such as fertilizers, pesticides, paints, glues, sealers, tars, solvents, household cleaners, or photographic reagents;

(iv) stored linoleum, plastics, rubber, tires, or insulated wire;

(v) hazardous waste;

(vi) lead piping;

(vii) plastic piping with an outside diameter of four inches or more; or

(viii) urethane or another plastic foam insulation;

(D) provide public notice consistent with (j) of this section; and

(E) ensure that a fire-service representative is on-site before igniting the structure;

(2) the fire service shall ignite and conduct training on only one main structure and any number of associated smaller structures at a time; examples of associated smaller structures are garages, sheds, and other outbuildings; and

(3) the fire service shall respond to complaints in accordance with (k) of this section.

(i) **Firefighter Training: Fuel Burning.** Unless a greater quantity is approved by the department, a fire service may open burn up to 250 gallons of uncontaminated fuel daily and up to 600 gallons yearly for firefighter training without ensuring maximum combustion efficiency. To conduct this training without prior written department approval, the fire service shall

(1) provide public notice consistent with (j) of this section before burning more than 20 gallons of uncontaminated fuel, unless waived in writing by the department; and

(2) respond to complaints in accordance with (k) of this section.

(j) **Public Notice.** A person required to provide public notice of open burning shall issue the notice through local news media or by other appropriate means if the area of the open burning does not have local news media. The public notice must be issued as directed by the department and must

(1) state the name of the person conducting the burn;

(2) provide a list of material to be burned;

(3) provide a telephone number to contact the person conducting the burn before and during the burn;

(4) for a surprise fire drill, state

(A) the address or location of the training; and

(B) the beginning and ending dates of the period during which a surprise fire drill may be conducted (this period may not exceed 30 days); and

(5) for open burning other than a surprise fire drill, state the expected time, date, and location of the open burning.

(k) **Complaints.** A person required to provide public notice of open burning shall

(1) make a reasonable effort to respond to complaints received about the burn;

(2) keep, for at least 30 days, a record of all complaints received about the burn, including to the extent feasible

(A) the name, address, and telephone number of each person who complained;

(B) a short summary of each complaint; and

(C) any action the person conducting the open burning took to respond to each complaint; and

(3) upon request, provide the department with a copy of the records kept under (2) of this subsection. (Eff. 1/18/97, Register 141)

**Authority:** AS 46.03.020                      AS 46.14.010                      AS 46.14.030  
AS 46.03.710                              AS 46.14.020                      Sec. 30, ch. 74, SLA 1993

**18 AAC 50.070. Marine vessel visible emission standards.** Within three miles of the Alaska coastline, visible emissions, excluding condensed water vapor, may not reduce visibility through the exhaust effluent of a marine vessel by more than 20 percent except as follows:

(1) while at berth or at anchor, visibility may be reduced by up to 100 percent for periods aggregating no more than

(A) three minutes in any one hour; and

(B) an additional three minutes during initial startup of a vessel; for purposes of this subparagraph, "initial startup" includes the period during which a vessel is testing equipment in preparation to casting off or weighing anchor;

(2) during the hour immediately after weighing anchor or casting off, visibility may be reduced under one, but not both, of the following options:

(A) visibility may be reduced by up to 40 percent for that entire hour; or

(B) visibility may be reduced by up to 100 percent for periods aggregating no more than nine minutes during that hour;

(3) during the hour immediately before the completion of all maneuvers to anchor or make fast to the shore, visibility may be reduced under one, but not both, of the following options:

(A) visibility may be reduced by up to 40 percent for that entire hour; or

(B) visibility may be reduced by up to 100 percent for periods aggregating no more than nine minutes during that hour; and



(4) at any time not covered by (1) - (3) of this section, visibility may be reduced by up to 100 percent for periods aggregating no more than three minutes in any one hour. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146)

**Authority:** AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993  
AS 46.14.010

**18 AAC 50.075. Wood-fired heating device visible emission standards.** (a) A person may not operate a wood-fired heating device in a manner that causes

(1) black smoke; or

(2) visible emissions that exceed 50 percent opacity for more than 15 minutes in any one hour in an area for which an air quality advisory is in effect under 18 AAC 50.245.

(b) A person may not operate a wood-fired heating device in an area for which the department has declared an air quality episode under 18 AAC 50.245.

(c) In the Mendenhall Valley wood smoke control area identified in 18 AAC 50.025(b), a person may not violate or cause a violation of a provision of the Code of the City and Borough of Juneau, Alaska, Chapter 36.40, as amended by the provisions of the Ordinance of the City and Borough of Juneau, Alaska, Serial No. 2008-28, sec. 2, adopted by reference in 18 AAC 50.030.

(Eff. 1/18/97, Register 141; am 5/6/2009, Register 190)

**Authority:** AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993  
AS 46.14.010 AS 46.14.030

**18 AAC 50.080. Ice fog standards.** The department will, in its discretion, require a person who proposes to build or operate an industrial process, fuel-burning equipment, or incinerator in an area of potential ice fog to obtain a permit and to reduce water emissions. (Eff. 1/18/97, Register 141)

**Authority:** AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993  
AS 46.14.010

**18 AAC 50.085. Volatile liquid storage tank emission standards.** (a) The owner, operator, or permittee of a volatile liquid storage tank located in the Port of Anchorage that has a volume of 9,000 barrels (378,000 gallons) or more shall reduce organic vapors emitted to the atmosphere by using

(1) an internal floating roof installed before June 1, 1992;

(2) an internal floating roof that meets the specifications of 40 C.F.R. 60.112b(a)(1), adopted by reference in 18 AAC 50.040;

(3) a closed vent system and control device that collects and reduces organic vapors emitted to the atmosphere by at least 95 percent (six-hour average), as specified in the department's *Air Quality Compliance Certification Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*, adopted by reference in 18 AAC 50.030; or

(4) a system that the department determines is as effective as those described in (2) or (3) of this subsection, using procedures in the document referred to in (3) of this subsection.

(b) The owner, operator, or permittee of a volatile liquid storage tank with an internal floating roof described in (a)(1) of this section shall reduce organic vapors emitted to the atmosphere by modifying the seals and fittings to meet the specifications of 40 C.F.R. 60.112b(a)(1), adopted by reference in 18 AAC 50.040, no later than the first time after June 1, 1995 that the tank is emptied and degassed.

(c) The owner, operator, or permittee of a volatile liquid storage tank that is located in the Port of Anchorage, that has a volume equal to or greater than 952 barrels (40,000 gallons) but less than 9,000 barrels (378,000 gallons), and that is not equipped with a control device described in (a)(1) - (4) of this section, shall, no later than the first time on or after June 1, 1995 that the tank is emptied and degassed, reduce organic vapors emitted to the atmosphere by installing conservation vents on the tank as specified in the document referred to in (a)(3) of this section.

(d) When conducting source testing, the department will, and the owner, operator, or permittee shall, use the procedures specified in the document referred to in (a)(3) of this section to determine compliance with this section. In accordance with those procedures, the owner, operator, or permittee of a volatile liquid storage tank subject to this section shall

- (1) periodically inspect air pollution control equipment;
- (2) repair any deficiencies detected;
- (3) report to the department the results of all inspections and repairs; and
- (4) keep records of those inspections and repairs for at least five years.

(Eff. 1/18/97, Register 141)

**Authority:** AS 46.03.020                      AS 46.14.020                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.010                      AS 46.14.030

**Editor's note:** A complete description of the Port of Anchorage is in the state air quality control plan adopted by reference in 18 AAC 50.030.

**18 AAC 50.090. Volatile liquid loading racks and delivery tank emission standards.**

(a) The owner, operator, or permittee of a stationary source that is located in the Port of

Anchorage and that has a volatile liquid loading rack with a design throughput of 15 million gallons (357,143 barrels) or more per year shall reduce organic vapors emitted to the atmosphere by

(1) operating a vapor collection system and liquid product loading equipment that

(A) loads volatile liquid through the bottom of the delivery tank or through a submerged loading arm that extends to within six inches of the bottom of the delivery tank;

(B) collects all organic vapors displaced during the loading of vapor-laden delivery tanks;

(C) prevents any organic vapors collected at one delivery tank loading position from passing to another delivery tank loading position;

(D) processes the vapors collected under (B) of this paragraph with

(i) a control device that emits no more than 10 milligrams of organic vapors per liter of volatile liquid loaded (six-hour average); or

(ii) a system that the department determines is as effective as the control device described in (i) of this subparagraph; in making a determination under this clause, the department will use the procedures specified in the department's *Air Quality Compliance Certification Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*, adopted by reference in 18 AAC 50.030;

(E) prevents the gauge pressure in any delivery tank connected to the vapor collection system from exceeding 18 inches of water; and

(F) does not contain a pressure relief valve designed to open at a gauge pressure of less than 18 inches of water, except that for a system using vapor balancing to a storage tank, a pressure relief valve on the storage tank or on any portion of the vapor collection system between a storage tank and the control device may be designed to open at a gauge pressure less than 18 inches of water, but may not open at the normal system operating pressure;

(2) preventing the loading of liquid product into any vapor-laden delivery tank unless the tank

(A) is connected to a vapor collection system that meets the requirements of (1) of this subsection; and

(B) has been certified vapor-tight under (b) of this section within the preceding 12 months; and

(3) preventing leaks in the vapor collection system or liquid loading equipment that result in the release of a volatile liquid organic or a volatile organic vapor in a concentration

exceeding 10,000 ppm by volume, measured as methane.

(b) The owner or operator of a delivery tank that is to be loaded with volatile liquid at a loading rack described in (a) of this section shall

(1) perform annual tests to certify that the delivery tank is vapor-tight; the owner or operator shall perform an annual test in accordance with 40 C.F.R. Part 60, Appendix A-8, Method 27, adopted by reference in 18 AAC 50.040(a), except that

- (A) the time period of the pressure test (t) is five minutes;
- (B) the initial pressure (P) is 450 millimeters, or 17.7 inches, of water;
- (C) the allowable pressure change is 75 millimeters, or three inches, of water; and
- (D) the test shall be performed for the volatile liquid as it would be for gasoline;

(2) mark the delivery tank with the month and year that the tank was last certified vapor-tight according to the test required under (1) of this subsection as follows;

(A) for a delivery tank this is the tank portion of a tank truck or tank trailer, the delivery tank must be marked in accordance with the requirements of 49 C.F.R. 180.415(b)(3)(vii), as revised as of October 1, 2007, and adopted by reference;

(B) for a delivery tank that is the tank portion of a rail tank car,

- (i) the delivery tank must be marked with letters and numerals at least four inches high;
- (ii) the color of the letters and numerals must contrast with the color of the tank;
- (iii) the delivery tank must be marked on both sides; a marking need not appear in an exact location; however, each marking must be clearly visible;
- (iv) the marking must be "V – month/year";

(3) provide the owner, operator, or permittee of the loading rack with a copy of the most recent test results under (1) of this subsection; and

(4) keep a copy of the most recent test results with the delivery tank.

(c) When conducting source testing, the department will, and the owner, operator, or permittee shall, use the procedures specified in the department's *Air Quality Compliance Certification Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*,

adopted by reference in 18 AAC 50.030, to determine compliance with this section. In accordance with those procedures, the owner, operator, or permittee shall

- (1) periodically inspect air pollution control equipment;
- (2) repair any deficiencies detected;
- (3) report to the department the results of all inspections and repairs; and
- (4) keep records of all inspections and repairs for at least five years.

(Eff. 1/18/97, Register 141; am 10/1/2004, Register 171; am 7/25/2008, Register 187)

**Authority:** AS 46.03.020                      AS 46.14.020                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.010                      AS 46.14.030

**Editor's note:** A complete description of the Port of Anchorage is in the state air quality control plan adopted by reference in 18 AAC 50.030.

**18 AAC 50.100. Nonroad engines.** The actual and potential emissions of nonroad engines are not included when determining the classification of a stationary source or modification under AS 46.14.130. Nothing in this section exempts nonroad engines from compliance with other applicable air pollution control requirements. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020                      AS 46.14.010                      AS 46.14.030  
AS 46.14.020

**18 AAC 50.110. Air pollution prohibited.** No person may permit any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property. (Eff. 5/26/72, Register 42)

**Authority:** AS 46.03.020                      AS 46.03.710

**Article 2. Program Administration.****Section**

- 200. Information requests
- 201. Ambient air quality investigation
- 205. Certification
- 210. (Repealed)
- 215. Ambient air quality analysis methods
- 220. Enforceable test methods
- 225. Owner-requested limits
- 230. Preapproved limits
- 235. Unavoidable emergencies and malfunctions
- 240. Excess emissions
- 245. Air episodes and advisories
- 250. Procedures and criteria for revising air quality classifications
- 260. Guidelines for best available retrofit technology under the regional haze rule

**18 AAC 50.200. Information requests.** If requested by the department to determine compliance with AS 46.03, AS 46.14, and this chapter, the owner, operator, or permittee of a stationary source shall maintain records of, and report to the department information on, the nature and amount of emissions from the stationary source and other information designated by the department. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020                      AS 46.14.030                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.020

**18 AAC 50.201. Ambient air quality investigation.** (a) Upon a finding by the department that emissions from an existing stationary source have a reasonable likelihood of causing or significantly contributing to ambient concentrations of one or more air pollutants that exceed an ambient air quality standard, maximum allowable increase, or the limitations of 18 AAC 50.110, the department may require the owner, operator, or permittee to evaluate the effect of the stationary source's emissions of those air pollutants on ambient air or on the limitations of 18 AAC 50.110 that are at issue. An evaluation submitted under 18 AAC 50.306, 18 AAC 50.540, this section, or prior equivalent regulations, and deemed complete by the department, must satisfy the evaluation requirements of this section, and any prior analysis must accurately represent the stationary source's emissions.

(b) Based on an evaluation submitted under (a) of this section or other information in the department's possession and subject to AS 46.14.010(e), the department may require an existing stationary source to reduce emissions or implement another control strategy to reduce the ambient impact of those emissions as necessary to ensure that the concentration of air pollutants in the ambient air does not exceed the ambient air quality standards, maximum allowable increases, or the limitations of 18 AAC 50.110. A reduction or control strategy may be imposed as a source-specific permit condition or as a regulation. Before imposing a reduction or control strategy, the department will consult with the affected owner, operator, or permittee and provide the affected public an opportunity for comment and hearing. To the extent practicable, given the costs of determining an equitable allocation, any emission reduction or control strategy imposed

under this section will be equitably allocated among stationary, mobile, and area sources and source categories based upon their relative contribution to the ambient impacts of concern, the cost of additional controls, and other equitable factors.

(c) When determining whether to impose a reduction or control strategy under (b) of this section, the department will consider the uncertainties of ambient air quality analysis, the costs and benefits of resolving the uncertainties, the nature of the ambient impact area, and the proximity and magnitude of adjacent impacts.

(d) The provisions of this section do not apply if the area affected by the emissions of an air pollutant is designated nonattainment for that air pollutant under 18 AAC 50.015.

(e) The provisions of this section do not limit the department's ability to require or conduct ambient air quality analysis or control under the construction permit program established under AS 46.14.120 and this chapter. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020                      AS 46.14.030                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.020                      AS 46.14.120

**18 AAC 50.205. Certification.** (a) Any permit application, report, affirmation, or compliance certification required by the department under a permit program established under AS 46.14 or this chapter must include the signature of a responsible official for the permitted stationary source following the statement: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete."

(b) The department may accept an electronic signature on an electronic application or other electronic record required by the department under a permit program established under AS 46.14 or this chapter if

(1) a certifying authority registered under AS 09.25.510 verifies that the electronic signature is authentic; and

(2) the person providing the electronic signature has made an agreement, with the certifying authority described in (1) of this subsection, that the person accepts or agrees to be bound by an electronic record executed or adopted with that signature. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 09.25.510                      AS 46.14.020                      AS 46.14.140  
AS 46.03.020                      AS 46.14.030                      Sec. 30, ch. 74, SLA 1993

**18 AAC 50.210. Potential to emit.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.215. Ambient air quality analysis methods.** (a) A person who submits meteorological or ambient air monitoring data under AS 46.03, AS 46.14, or this chapter shall obtain the data in accordance with

(1) the department's *Alaska Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program*, adopted by reference in 18 AAC 50.030, for PM-2.5, PM-10, total suspended particulates (TSP), lead, carbon monoxide, nitrogen dioxide, sulfur dioxide, ozone, and ammonia;

(2) a reference method or an equivalent method described in 40 C.F.R Part 50, Appendices D and P, adopted by reference in 18 AAC 50.035(b), for ozone;

(3) EPA's *Meteorological Monitoring Guidance for Regulatory Modeling Applications*, adopted by reference in 18 AAC 50.035(a), for meteorological data; or

(4) an alternative method that is representative, accurate, verifiable, capable of replication, and approved by the department.

(b) Except as provided in (c) and (e) of this section, a person who submits an analysis performed to predict ambient air quality conditions shall

(1) ensure that estimates of ambient concentrations and impairment to visibility are based on applicable air quality models, databases, and other requirements specified in 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models), adopted by reference in 18 AAC 50.040(f); and

(2) for comparing predicted or measured ambient concentrations of an air pollutant to a maximum allowable increase established under 18 AAC 50.020(b)(2), exclude

(A) concentrations attributable to a temporary construction activity for a new or modified source; and

(B) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources included in the baseline concentration.

(c) Except as provided in (e) of this section, a person may substitute or modify an air quality model referenced in (b)(1) of this section only after

(1) demonstrating, consistent with 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models), Section 3.2.2 (Use of Alternative Models – Recommendations), adopted by reference in 18 AAC 50.040(f), that the alternative air quality model is more appropriate than a preferred air quality model; and

(2) obtaining approval from the regional administrator and the commissioner.



(d) Table 5 establishes the significant impact level, expressed as micrograms per cubic meter, for each pollutant and averaging time. If the ambient impacts from emissions from a stationary source or modification are less than the concentrations in Table 5, the emissions are not considered to cause or contribute to a violation of an ambient air quality standard or maximum allowable increase for a Class II area.

**Table 5. Significant Impact Levels (SILs)**

Pollutant	Significant impact level (micrograms per cubic meter)				
	Annual	Averaging time (hours)			
		24	8	3	1
Sulfur dioxide	1.0	5	N/A	25	N/A
PM-10	1.0	5	N/A	N/A	N/A
Nitrogen dioxide	1.0	N/A	N/A	N/A	N/A
Carbon monoxide	N/A	N/A	500	N/A	2,000

Note to Table 5: In this table, "N/A" means not applicable.

(e) A person may use the SCREEN3 dispersion model, without meeting the requirements of (c) of this section, if the analysis conducted with SCREEN3 is consistent with EPA's *SCREEN3 Model User's Guide and Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised*, adopted by reference in 18 AAC 50.035(a).

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 10/29/2010, Register 196)

**Authority:** AS 46.03.020 AS 46.14.140 Sec. 30, ch. 74, SLA 1993  
AS 46.14.030 AS 46.14.180

**18 AAC 50.220. Enforceable test methods.** (a) The department may require an owner, operator, or permittee to conduct air pollutant emission tests to determine compliance with AS 46.14 and this chapter. If an applicable emission standard, permit provision, or other requirement specifies a time period within which testing must be completed, the owner, operator, or permittee shall conduct the testing within the specified period regardless of whether the department explicitly calls for testing under this subsection.

(b) Unless otherwise specified by an applicable requirement or test method, an air

pollutant emission test must be performed

(1) at a point or points that characterize the actual discharge into the ambient air;  
and

(2) at the maximum rated burning or operating capacity of the emission unit or another rate determined by the department to characterize the actual discharge into the ambient air.

(c) Reference test methods to be used by the owner, operator, or permittee for an applicable requirement of AS 46.14 or this chapter are as follows:

(1) except as provided in (2) of this subsection,

(A) source testing for compliance with requirements adopted by reference in 18 AAC 50.040(a) must be conducted in accordance with the source test methods and procedures specified in 40 C.F.R. Part 60, adopted by reference in 18 AAC 50.040(a);

(B) source testing for compliance with requirements adopted by reference in 18 AAC 50.040(b) must be conducted in accordance with the source test methods and procedures specified in 40 C.F.R. Part 61, adopted by reference in 18 AAC 50.040(b);

(C) source testing for compliance with requirements adopted by reference in 18 AAC 50.040(c) must be conducted in accordance with the source test methods and procedures specified in 40 C.F.R. Part 63, adopted by reference in 18 AAC 50.040(c);

(D) source testing for reduction in visibility through the exhaust effluent must follow the procedures set out in Vol. 3, sec. IV-3, Appendix IV-3, "Alaska Air Quality Visible Emissions Evaluation Procedures," of the state air quality control plan, adopted by reference in 18 AAC 50.030;

(E) source testing for emissions of total particulate matter, sulfur compounds, nitrogen compounds, carbon monoxide, lead, volatile organic compounds, fluorides, sulfuric acid mist, municipal waste combustor organics, metals, and acid gases must follow the procedures specified in Appendix A to 40 C.F.R. Part 60, adopted by reference in 18 AAC 50.040; and

(F) source testing for emissions of PM-10 must follow the procedures set out in Appendix M to 40 C.F.R. Part 51, adopted by reference in 18 AAC 50.035;

(2) emissions of any air pollutant may be determined using an alternative method approved by the department in accordance with Method 301 in Appendix A to 40 C.F.R. Part 63, adopted by reference in 18 AAC 50.040(c); and

(3) standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific source type, corrected to standard conditions.

(d) In deciding whether to require a test under (a) of this section, the department will consider

(1) the compliance status of the emission unit and the margin of compliance with each applicable requirement as demonstrated by prior compliance tests or other reasonably accurate data or calculations;

(2) the potential variability of emissions from the stationary source; and

(3) the date and results of prior compliance tests, if any.

(e) The owner, operator, or permittee shall submit the results of testing conducted under this section as required by Vol. 3., sec. IV-3, Appendix IV-3, of the state air quality control plan, adopted by reference in 18 AAC 50.030.

(f) In source testing for compliance with the particulate matter standards in 18 AAC 50.050 or 18 AAC 50.055, the three-hour average is determined using the average of three one-hour test runs. The source test must account for those emissions caused by soot blowing, grate cleaning, or other routine maintenance activities by ensuring that at least one test run includes the emissions caused by the routine maintenance activity and is conducted under conditions that lead to representative emissions from that activity. The emissions must be

$$E = E_M \left[ (A + B) \times \frac{S}{R \times A} \right] + E_{NM} \left[ \frac{(R - S)}{R} - \frac{BS}{R \times A} \right]$$

quantified using the following equation:

Where:

- E = the total particulate emissions of the source in grains per dry standard cubic foot (gr/dscf).
- $E_M$  = the particulate emissions in gr/dscf measured during the test that included the routine maintenance activity.
- $E_{NM}$  = the arithmetic average of particulate emissions in gr/dscf measured by the test runs that did not include routine maintenance activity.
- A = the period of routine maintenance activity occurring during the test run that included routine maintenance activity, expressed to the nearest hundredth of an hour.
- B = the total period of the test run, less A.
- R = the maximum period of source operation per 24 hours, expressed to the nearest hundredth of an hour.
- S = the maximum period of routine maintenance activity per 24 hours, expressed to the nearest hundredth of an hour.

(Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020                      AS 46.14.020                      AS 46.14.140  
AS 46.14.010                      AS 46.14.030                      Sec. 30, ch. 74, SLA 1993

**18 AAC 50.225. Owner-requested limits.** (a) The owner or operator of an existing or proposed stationary source may request an enforceable limit on the ability to emit air pollutants to avoid all permitting obligations under AS 46.14.130. A limitation approved under this section is an enforceable limitation for the purpose of determining

- (1) stationary source-specific allowable emissions; and
- (2) a stationary source's potential to emit.

(b) To request approval under this section of limits on the ability to emit, the owner or operator shall submit to the department

- (1) a completed stationary source identification form;
- (2) a list of all emission units at the stationary source;
- (3) a calculation of the stationary source's actual emissions and potential to emit air pollutants;
- (4) a description of each proposed limit, including for each air pollutant a calculation of the effect the limit will have on the stationary source's potential to emit and the allowable emissions;
- (5) a description of a verifiable method to attain and maintain each limit, including monitoring and recordkeeping requirements;
- (6) citation to each requirement that the person seeks to avoid, including an explanation of why the requirement would apply in the absence of the limit and how the limit allows the person to avoid the requirement;
- (7) if applying all limits does not avoid all permit classifications under AS 46.14 and this chapter, a description, and if necessary an application, for the remaining classifications;
- (8) a statement that the owner or operator of the stationary source will be able to comply with each limit; and
- (9) a certification, bearing the signature of the person requesting the limits, that states: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this request are true, accurate, and complete.

(c) Within 30 days after receiving a request under (b) of this section, the department will

- (1) make a preliminary decision to approve the request; or
- (2) deny the request and notify the owner or operator of the reasons for the denial.

(d) If the department makes a preliminary decision to approve a request under (c) of this section, the department will solicit public comment on the preliminary decision as follows:

(1) the department will publish a notice in a newspaper of general circulation within the area where the stationary source is or will be located; the department will publish this notice in two consecutive issues of the newspaper and in other media the department considers appropriate; the notice will include

(A) the name and address of the applicant and the location or proposed location of the stationary source;

(B) a summary describing the proposed limit, including reference to the requirement that the limit avoids;

(C) a statement that the department will accept public comment on the proposed limit for 30 days after first publishing notice; and

(D) the name and address of the person to whom comments should be sent;

(2) the department will make available for public review, in at least one location within the area affected by the stationary source, the materials submitted by the owner or operator and a copy of the proposed limit;

(3) the department, upon its own motion or upon a request made in accordance with 18 AAC 15.060, will hold a public hearing on the application as described in 18 AAC 15.060(d) - (h); and

(4) the department will accept public comments and testimony on the proposed limit for 30 days after publishing the notice required by (1) of this subsection; if the department determines additional time is needed to allow full public participation, it will

(A) extend the public comment period by up to an additional 60 days; and

(B) publish notice of the extension as provided under (1) of this subsection.

(e) After the public comment period provided under (d) of this section, the department will consider the comments received during the public comment period and will make a final decision whether to approve, approve with conditions, or deny the request for cause. This final decision, or a decision to deny the request under (c)(2) of this section, is a permit action for the purpose of review under AS 46.14.200. The absence of a department decision within 30 days after the close of the public comment period provided in (d) of this section will be considered a permit action to deny the request for the purpose of review under AS 46.14.200.

(f) If the department approves a request for a limit, it will issue a letter of approval that

(1) describes the terms and conditions of the approval, including specific testing, monitoring, recordkeeping, or reporting requirements;

(2) lists all equipment covered by the approval;

(3) describes the requirement that the limit allows the owner or operator to avoid;  
and

(4) contains the statement "I understand and agree to the terms and conditions of this approval" followed by a space for the owner's or operator's signature.

(g) A limit approved under this section becomes effective the day after the department receives a copy of the letter of approval bearing the owner's or operator's signature in the space provided. On and after the date the limit becomes effective and until the limit is revised or revoked under (h) of this section, the owner and operator shall comply with all terms and conditions of the approval.

(h) The owner or operator may request the department to revise the terms or conditions of the approval issued under this section by submitting a new request under (b) of this section. The owner or operator may request the department to revoke the approval in writing by explaining the reason for the request and applying for each permit listed in the original approval under (f) of this section as if the limit had never been approved. The limit remains in effect until the owner or operator

(1) obtains a new limit that allows the owner or operator to continue to avoid the requirement; or

(2) for a request to revoke the limit, obtains any permit that was avoided, and complies with any other requirement that was avoided. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 1/29/2005, Register 173; am 7/25/2008, Register 187; am 12/9/2010, Register 196)

**Authority:** AS 46.14.020                      AS 46.03.020                      AS 46.14.140  
AS 46.14.030                      AS 46.14.120

**18 AAC 50.230. Preapproved emission limits.** (a) This section sets out limits for certain stationary sources that become effective the day after the department receives a request containing all the required information. Under these "preapproved" emission limits or PAELs, no additional department approval is required. The owner and operator shall comply with the limit while that limit is in effect. The limit remains in effect until revoked in accordance with (e) of this section.

(b) The owner or operator of a stationary source containing one or more emission units described in (c) or (d) of this section may request that the preapproved limits in those subsections be applied to that stationary source. To make the request, the owner or operator shall submit to the department the information required for the limit requested.

(c) Limits on the allowable emissions of, or potential to emit, nitrogen oxides from diesel

engines may be established by restricting the amount of fuel that may be burned in an engine. To implement these limits, the owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the stationary source to which the limits will apply;

(B) a list of all diesel engines at the stationary source to which the limits will apply, including the model and rated capacity of each diesel engine;

(C) the maximum quantity of fuel, in gallons, that the owner or operator will be limited to use in the equipment listed in (B) of this paragraph in any consecutive 12 months;

(D) a calculation of the nitrogen oxides, in tons per year, that the equipment listed in (B) of this paragraph would have the potential to emit if subjected to the limits on fuel use proposed under (C) of this paragraph, determined by dividing the number provided under (C) of this paragraph by 3,309;

(E) an estimate of the potential to emit nitrogen oxides, in tons per year, from all emission units at the stationary source that are not listed under (B) of this paragraph;

(F) a calculation of the stationary source's total potential to emit nitrogen oxides, determined by adding the values derived under (D) and (E) of this paragraph;

(G) a list setting out each of the conditions required under (2) of this subsection;

(H) a certification bearing the owner's or operator's signature stating that

(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this subsection and agrees to those conditions in order to limit nitrogen oxide emissions from the equipment listed under (B) of this paragraph to no more than the value calculated under (D) of this paragraph; and

(I) the administration fee in 18 AAC 50.400(h)(2); and

(2) agree to

(A) limit the quantity of fuel burned in the equipment listed under (1)(B) of this subsection during any consecutive 12 months to no more than the amount proposed under (1)(C) of this subsection;

(B) record the amount of fuel consumed in the equipment listed under (1)(B) of this subsection each month and calculate the total fuel consumed in the equipment during the preceding 12 months;

(C) keep all receipts for fuel purchases and all records and calculations under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records and calculations required by (B) of this paragraph for the preceding year.

(d) The owner or operator of a gasoline distribution facility may limit the maximum daily throughput of gasoline for the stationary source to less than 19,900 gallons. If the limit in this subsection is applied, the department will consider the stationary source to be a bulk gasoline plant under the standards adopted by reference in 18 AAC 50.040(a)(2)(M) and (AA). The owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the stationary source to which the limit will apply;

(B) a list of each tank containing gasoline at the stationary source, including the working capacity of each tank;

(C) a list of the conditions required under (2) of this subsection; and

(D) a certification bearing the signature of the owner or operator stating that

(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this section and agrees to those conditions in order to be classified as a bulk gasoline plant; and

(E) the administration fee in 18 AAC 50.400(h)(3); and

(2) agree to

(A) limit the quantity of gasoline transferred from tanks at the stationary source each day to less than 19,900 gallons;

(B) record the amount of gasoline transferred from tanks at the stationary



source each day;

(C) keep all receipts for fuel sales and all records under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records required by (B) of this paragraph for the preceding year.

(e) The owner or operator may terminate a limit under this section by notifying the department, in writing, of the proposed date for termination of the limit. On and after the proposed date, the limit is no longer in effect unless the limit made it possible for the owner or operator to avoid any preconstruction review procedures or to avoid the requirement for an operating permit. If the limit

(1) made it possible for the owner or operator to avoid any preconstruction review under this chapter, the limit remains in effect until the owner or operator obtains

(A) a new construction permit under this chapter as if the limit had never existed; or

(B) under this section, 18 AAC 50.225, or 18 AAC 50.508, a new limit that allows the owner or operator to continue to avoid preconstruction review; or

(2) did not make it possible to avoid preconstruction review, but made it possible to avoid a Title V permit or minor permit to operate, the limit remains in effect until the owner or operator obtains

(A) a new Title V permit under this chapter as if the limit had never existed; or

(B) under this section or under a permit classified in 18 AAC 50.508, a new limit that allows the owner or operator to continue to avoid the need for the permit. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 1/29/2005, Register 173; am 7/1/2010, Register 194)

<b>Authority:</b>	AS 44.46.025	AS 46.14.030	AS 46.14.170
	AS 46.03.020	AS 46.14.120	AS 46.14.180
	AS 46.14.010	AS 46.14.130	AS 46.14.240
	AS 46.14.020		

**18 AAC 50.235. Unavoidable emergencies and malfunctions.** (a) If an unavoidable emergency, malfunction, or nonroutine repair causes emissions in excess of a technology-based emission standard, the owner, operator, or permittee shall

(1) take all reasonable steps to minimize levels of emissions that exceed the standard; and

(2) give written notice to the appropriate department office within two working

days after the event commenced or was discovered; notice under this paragraph must include a description of the event, the cause of the event, steps taken to mitigate emissions, and corrective measures taken or to be taken.

(b) A person who asserts the affirmative defense recognized in AS 46.14.560 must demonstrate that

(1) an unavoidable emergency, malfunction, or nonroutine repair of an emission unit occurred, and the person can identify the cause;

(2) the stationary source was being properly operated when the event described in (1) of this subsection occurred; and

(3) the person took the steps required under (a) of this section.

(c) In any enforcement action, the person seeking to assert the affirmative defense under AS 46.14.560 and this section has the burden of proof.

(d) For the purposes of this section, an emergency or malfunction is unavoidable

(1) if it arises from a sudden and reasonably unforeseeable event beyond the person's control, including an act of God, that requires immediate corrective action to restore normal operation; and

(2) to the extent it was not the result of improper design, lack of preventive maintenance, careless or improper operation, or operator error. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; 10/1/2004, Register 171)

**Authority:** AS 46.03.020                      AS 46.14.140                      AS 46.14.560

**18 AAC 50.240. Excess emissions.** (a) In an enforcement action, the owner, operator, or permittee has the burden of proving that excess emissions were unavoidable. This demonstration is a condition to obtaining relief under (d), (e), and (f) of this section.

(b) Excess emissions determined to be unavoidable under this section will be excused and are not subject to penalty. This section does not limit the department's power to enjoin the emission or require corrective action.

(c) Excess emissions that present a potential threat to human health or safety or that the owner, operator, or permittee believes to be unavoidable must be reported to the department as soon as possible. Unless otherwise specified in the stationary source's permit, other excess emissions must be reported within 30 days after the end of the month during which the emissions occurred or as part of the next routine emission monitoring report, whichever is sooner. If requested by the department, the owner, operator, or permittee shall submit a full written report that includes the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(d) Excess emissions due to startup or shutdown will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that

(1) the excess emissions could not have been prevented through careful planning and design; and

(2) if a bypass of control equipment occurred, the bypass was necessary to prevent loss of life, personal injury, or severe property damage.

(e) Excess emissions due to scheduled maintenance will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance, or better operation and maintenance practices.

(f) Excess emissions due to upsets will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that

(1) the event was not caused by poor or inadequate design, operation, or maintenance or by any other reasonably preventable condition;

(2) the event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(3) when the operator knew or should have known that an emission standard or permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the source as necessary to minimize emissions.

(g) A demonstration under (d), (e), or (f) of this section must be supported by records made at the time the excess emissions occurred. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020            AS 46.14.140            AS 46.14.560  
AS 46.14.030

**18 AAC 50.245. Air episodes and advisories.** (a) The department may declare an air episode and prescribe and publicize curtailment action if the concentration of an air pollutant in the ambient air has reached, or is likely in the immediate future to reach, any of the concentrations established in Table 6 in this subsection.

**Table 6.  
Concentrations Triggering an Air Episode**

Episode Type	Air Pollutant	Concentration in micrograms per cubic meter {and in ppm where applicable}
Air alert	Sulfur dioxide	365 (24-hour average) {0.14 ppm}
	PM-10	150 (24-hour average)
	PM-10 from wood burning (wood smoke control areas)	92 (24-hour average)
	Carbon monoxide	10,000 (8-hour average) {8.7 ppm}
Air warning	Sulfur dioxide	800 (24-hour average) {0.31 ppm}
	PM-10	350 (24-hour average)
	Carbon monoxide	17,000 (8-hour average) {15 ppm}
Air emergency	Sulfur dioxide	1,600 (24-hour average) {0.61 ppm}
	PM-10	420 (24-hour average)
	PM-10 from wood burning (wood smoke control areas)	During an air alert, a concentration measured or predicted to exceed 92 (24-hour average), and to continue to increase beyond the concentration that triggered the air alert
	Carbon monoxide	34,000 (8-hour average) {30 ppm}

(b) The department will declare an air quality advisory if, in its judgment, air quality or atmospheric dispersion conditions exist that might threaten public health.

(c) If the department declares an air quality advisory under (b) of this section, the department will

(1) request voluntary emission curtailments from any person issued a permit under this chapter whose stationary source's emissions might impact the area subject to the advisory; and

(2) publicize actions to be taken to protect public health. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993  
AS 46.14.010 AS 46.14.030

**18 AAC 50.250. Procedures and criteria for revising air quality classifications.** (a) Except for the Class I areas identified in 18 AAC 50.015(c), the class of any geographical area of the state can be revised. This section sets out the procedures and criteria for revising an air quality classification.

(b) A geographic area that exceeds 10,000 acres and is one of the following may be classified only as Class I or Class II:

- (1) a national park or national wilderness area established after August 7, 1977;  
or  
(2) a national monument, national primitive area, national preserve, national recreation area, national wild and scenic river, national wildlife refuge or range, or a national lakeshore or seashore.

(c) The department will, on its own motion, or upon receipt of a petition under AS 44.62.220, propose to change the air quality classification of a geographical area. The department will, in its discretion, combine or coordinate any public meetings or hearings conducted under (e) of this section with those conducted under AS 44.62.180 - 44.62.290. The department will make the report prepared under (d) of this section available to the public during the public comment period provided under AS 44.62.210.

(d) Before proposing a change to a geographic air quality classification, the department will prepare, and a person submitting a petition under AS 44.62.220 must provide, a report that includes

- (1) an accurate description of the boundaries of the geographic area for which the change in air quality classification is proposed;
- (2) the classification in effect for the area and the proposed classification;
- (3) a statement of the reasons why the change to the air quality classification is proposed and is in the public interest;
- (4) a detailed evaluation of new emissions and ambient air quality impacts expected to occur in the area to be reclassified and in adjacent areas as a result of a modification to a stationary source in that area or from construction and operation of a new stationary source in that area

(A) for which a complete permit application under AS 46.14.160 is

pending before the department at the time the report is prepared; or

(B) that has been proposed, would be subject to this chapter and AS 46.14.120 or 46.14.130, and could not be permitted under those provisions without a change in the air quality classification for the area;

(5) an evaluation of the effects on air quality in other geographic areas classified in 18 AAC 50.015(c) of any proposed new or modified stationary source in the area to be reclassified; and

(6) a detailed analysis of the health, environmental, economic, social, and energy effects of the proposed reclassification.

(e) Before the commissioner will adopt an amendment to 18 AAC 50.015(c) that changes the air quality classification of an area of the state,

(1) for any change,

(A) the federal administrator must have approved the change;

(B) the department must have conferred with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation;

(C) the department must have notified each affected federal land manager of the proposed change and provided at least 30 days to comment on the report described in (d) of this section;

(D) the department must have published in a newspaper of general circulation in the state a summary of the comments and recommendations of any affected federal land manager received under (B) of this paragraph and an explanation of the reasons for implementing a change that is inconsistent with the recommendations of the federal land manager; and

(E) the commissioner must have determined that

(i) the health, environmental, economic, social, and energy effects of the change are in the public interest; and

(ii) implementing the change will not cause or contribute to a violation of the ambient air quality standards or maximum allowable increase;

(2) for any change to the classification of lands within the exterior boundary of a reservation of a federally-recognized Indian tribe, the governing body of the tribe must have approved the change; and

(3) for a reclassification of an area to Class III, the change must meet the

applicable requirements of 42 U.S.C. 7474, adopted by reference as amended through December 19, 1996.

(f) In this section, “federal land manager” has the meaning given in 40 C.F.R. 51.166(b)(24), as revised as of July 1, 2003 and adopted by reference. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 44.62.210 AS 44.62.230 AS 46.14.030  
AS 44.62.220 AS 46.03.020

**18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule** (a) For the purposes of this section, the following are adopted by reference:

(1) 40 C.F.R. 51.301(Definitions), revised as of July 1, 2007, except that

(A) “fugitive emissions” has the meaning given in AS 46.14.990;

(B) “major stationary source” has the meaning given in AS 46.14.990 and 18 AAC 50.990:

(C) “potential to emit” has the meaning given in AS 46.14.990;

(D) “stationary source” has the meaning given in AS 46.14.990;

(2) 40 C.F.R. Part 51, Appendix Y (guidelines for BART determinations under the regional haze rule), as revised as of July 1, 2007.

(b) Sources subject to BART shall be identified consistent with Section III of the BART guideline. No later than 5 days after December 30, 2007, the Department shall notify the owner or operator of each source subject to BART in writing and shall identify the affected Class I areas. A notice provided to the owner or operator prior to December 30, 2007 shall satisfy this obligation. Unless the department exempts a source in accordance with Section III of the BART guideline, each source subject to BART shall comply with (d) through (h) and (l) through (o) of this section.

(c) An owner or operator notified under (b) of this section may request an exemption from BART. Exemptions from BART approved by the department in writing prior to December 30, 2007 shall have the same effect as those approved under this subsection. An exemption from BART must be requested and processed as follows:

(1) the owner or operator shall:

(A) notify the department no later than 10 days after the latter of December 30, 2007 or notification under (b) of this section that they intend to request exemption from BART through visibility impact analysis modeling; and

(B) submit, no more than 30 days after the later of December 30, 2007 or the date of the department's notice under (b) of this section, a visibility impact analysis modeling protocol that will meet the requirements of (h)(3) of this section for refined visibility impact analysis modeling:

(2) no later than 30 days after receiving a submission under (1)(B) of this subsection, the department will:

(A) approve the modeling protocol; or

(B) disapprove the modeling protocol and notify the owner or operator of the reasons for the disapproval;

(3) upon approval of the modeling protocol, the owner or operator shall

(A) conduct a visibility impact analysis in accordance with (h)(3) of this section; and

(B) submit the visibility impact analysis report, including all supporting documentation, to the department no later than 60 days after the department approves a modeling protocol for the visibility impact analysis; if a modeling protocol is submitted and approved prior to December 30, 2007, the visibility impact analysis report required under this section shall be submitted no later than 90 days after December 30, 2007;

(4) the department will approve an exemption if the owner or operator meets the requirements of (1) and (3) of this subsection and the information submitted adequately demonstrates that the BART-eligible source is not reasonably anticipated to cause or contribute to any impairment of visibility in a Class 1 Area identified in the notice provided under (b) of this section;

(5) if the department does not approve an exemption based on the visibility impact analysis submitted under (c)(1) and (c)(3) of this section, the owner or operator shall:

(A) submit a BART control analysis under (d) and (e) of this section; or

(B) submit an application under 18 AAC 50.225 for owner-requested limits (ORL); that application must be submitted no later than 30 days after the date of the disapproval; upon approval of an owner requested limit under 18 AAC 50.225, the owner or operator shall comply with the terms and conditions of the approval; if the owner requested limit is subsequently rescinded, the owner or operator shall conduct a BART control analysis in accordance with (d) – (o) of this section;

(6) the department will notify the owner or operator, the Environmental Protection Agency, and each affected federal land manager, in writing, of a department approval or disapproval under this subsection; if the decision is to approve an exemption, either through visibility impact analysis or an owner-requested limit, the department will explain what requirements of this section no longer apply to the BART-eligible source.



(d) If an owner or operator does not submit an exemption modeling protocol under (c)(1) of this section or if the department denies the exemption request under (c) of this section, the owner or operator shall submit a BART assessment modeling protocol that meets the requirements of (h)(3) of this section for control technology visibility impact analysis modeling no more than 30 days after the latest of December 30, 2007, the date of the department's notice under (b) of this section, or the date of the department's notice disapproving the exemption request under (c) of this section. No more than 30 days after submission of a modeling protocol under this subsection, the department will

(1) approve the modeling protocol; or

(2) disapprove the modeling protocol and notify the owner or operator of the reasons for the disapproval.

(e) For purposes of analyzing the visibility impact from potential control technologies, the owner or operator of each source subject to BART shall submit to the department an analysis of control options consistent with Section IV of the BART guidelines;

(1) no more than 210 days after the later of December 30, 2007 or the date of the department's notice under (b) of this section, if the owner or operator did not submit an exemption modeling protocol under (c)(1) of this section; or

(2) no more than 180 days after the date of the department's notice disapproving an exemption request submitted under (c) of this section.

(f) The pollutants of concern for purposes of BART are SO<sub>2</sub>, NO<sub>x</sub>, and PM<sub>10</sub>.

(g) If an owner or operator elects to apply, or has already applied, the most stringent controls available consistent with the analysis conducted under (e) of this section, they are not required to conduct a visibility impact analysis for the emission units and pollutants to which the controls are to be or have been applied.

(h) A visibility impact analysis must:

(1) use an identical modeling approach for comparing the pre-control and post-control impacts of potential BART controls;

(2) determine the maximum change in visibility impacts in daily deciviews, between the current or pre-control technology and each potential BART control option consistent with the approved modeling protocol compared to the annual average default natural visibility condition as listed in EPA's *Guidance for Estimating Natural Visibility Conditions Under the Regional Haze Rule*, EPA-454/B-03-005, dated September 2003 and adopted by reference, at each Class I area identified in the notice under (b) of this section.

(3) be conducted in a manner consistent with either:

(A) the Western Regional Air Partnership's *CALMET/CALPUFF Protocol for BART Exemption Screening Analysis for Class I Areas in the Western United States*, dated August 15, 2006 and adopted by reference, as amended by the *Summary of WRAP RMC BART Modeling for Alaska, Draft #7*, dated April 6, 2007, adopted by reference; or

(B) a modified protocol that was first submitted as a draft and made available for at least a 15-day review by EPA and each affected federal land manager, and subsequently approved in writing by the department.

(i) The department will request from the owner or operator any additional information necessary to complete review of the analysis of control options for a source subject to BART. The department will establish a reasonable deadline for submitting the information after consulting the owner or operator. The owner or operator shall provide such information no later than the deadline established by the department.

(j) The department will review each analysis of control options and issue a preliminary BART determination for each emission unit at each source subject to BART. In the preliminary BART determination, the department will include:

(1) the pollutant-specific emission limits for each emission unit at each source subject to BART, and

(2) the monitoring, record-keeping, and reporting needed to demonstrate compliance with the emission limits, consistent with 40 C.F.R. 71.6(a)(3), adopted by reference in 18 AAC 50.040(j);

(k) No more than 120 days after receipt of BART analysis under (e) of this section, the department will publish a notice of its preliminary BART determination and provide at least 30 days for the public to comment in accordance with 40 C.F.R. 71.11, adopted by reference in 18 AAC 50.040(j) except as follows:

(1) the department may distribute a public notice to a person by electronic mail; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail;

(2) the department will hold a public hearing only if one is requested within 15 days after publication of the notice.

(l) Within 15 days after the deadline for receipt of public comments, and after consideration of comments and testimony received, the department will make a final BART determination and provide written notice to each owner or operator, EPA, each affected federal land manager, and any person who commented on the preliminary BART determination. In the final BART determination, the department will include

(1) the pollutant-specific emission limits for each emission unit at each source subject to BART; and

(2) the monitoring, record-keeping, and reporting needed to demonstrate compliance with the emission limits, consistent with 40 C.F.R. 71.6(a)(3), adopted by reference in 18 AAC 50.040(j).

(m) An informal review of the final BART determination may be requested as prescribed in 18 AAC 15.185. An adjudicatory hearing of the final BART determination may be requested as prescribed in 18 AAC 15.195 – 18 AAC 15.340.

(n) As expeditiously as practicable, but in no case more than five years after the date of EPA approval of the regional haze state implementation plan required under 42.U.S.C. 7410 and 7491, the owner or operator of a source that is subject to a final BART determination under this section shall comply with the requirements established in that determination.

(o) The owner or operator of a source required to install control equipment to comply with the BART determination shall:

(1) maintain the control equipment and establish procedures to ensure that the equipment is properly operated and maintained; and

(2) conduct monitoring, recordkeeping, and reporting in accordance with the methods set out in the final BART determination.

(p) Department services under this section are designated regulatory services for preapplication assistance and will be billed to the operating permit covering the source subject to BART as set out in 18 AAC 50.400(j)

(q) In this section,

(1) “BART” has the meaning given the term “Best Available Retrofit Technology” in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(2) “BART-eligible source” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(3) “BART guidelines” means 40 C.F.R. Part 51, Appendix Y (Guidelines for BART determinations under the regional haze rule), adopted by reference in (a) of this section.

(4) “cause or contribute to impairment of visibility” means to release emissions that produce a 0.5 or greater change in the daily deciview when compared against natural conditions; for the purposes of this paragraph, “natural conditions” includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration;

(5) “deciview” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(6) “existing stationary facility” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(7) “federal land manager” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(8) “maximum change” means the greatest relative change in visibility between pre-BART controls and post-BART controls for purposes of this section;

(9) “sources subject to BART” means a source indentified by the department in accordance with Section III of the BART guidelines;

(10) “visibility impact analysis” means an air quality modeling analysis conducted for the purposes of determining visibility impacts. (Eff. 12/30/2007, Register 184; am 7/1/2010, Register 194)

**Authority:** AS 46.03.710                      AS 46.14.010                      Sec. 30, ch. 74, SLA 1993  
AS 46.14.020                      AS 46.14.030

Editor’s note: The *Guidance for Estimating Natural Visibility Conditions Under the Regional Haze Rule*, the *CALMET/CALPUFF Protocol for BART Exemption Screening Analysis for Class I areas in the Western United States*, and the *Summary of WRAP RMC BART Modeling for Alaska, Draft #7*, adopted by reference in 18 AAC 50.260(h), may be reviewed at the department's Anchorage, Fairbanks, or Juneau office. To obtain a copy of these or any other documents adopted by reference in this section, contact the Department of Environmental Conservation, Air Quality Division at (907) 465-5100.

**Article 3. Major Stationary Source Permits.****Section**

- 300. (Repealed)
- 301. Permit continuity
- 302. Construction permits
- 305. (Repealed)
- 306. Prevention of significant deterioration (PSD) permits
- 310. (Repealed)
- 311. Nonattainment area major stationary source permits
- 315. (Repealed)
- 316. Preconstruction review for construction or reconstruction of a major source of hazardous air pollutants
- 320. (Repealed)
- 321. Case-by-case maximum achievable control technology determinations
- 322. (Repealed)
- 325. (Repealed)
- 326. Title V operating permits
- 330. (Repealed)
- 335. (Repealed)
- 340. (Repealed)
- 341. (Repealed)
- 345. Construction and operating permits: standard permit conditions
- 346. Construction and operating permits: other permit conditions
- 350. (Repealed)
- 355. (Repealed)
- 360. (Repealed)
- 365. (Repealed)
- 370. (Repealed)
- 375. (Repealed)
- 380. (Repealed)
- 385. (Repealed)
- 390. (Repealed)

**18 AAC 50.300. Construction permits: classifications.** Repealed. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 2/2/2002, Register 161; am 5/3/2002, Register 162; repealed 10/1/2004, Register 171)

**18 AAC 50.301. Permit continuity.** (a) An air quality permit that is effective under this chapter as of October 1, 2004 remains in effect until it

- (1) expires, consistent with AS 46.14.230;
- (2) is revoked by the department under AS 46.14.280; or
- (3) is replaced by a permit issued under this chapter.

(b) For a permit under this chapter, if the applicant has submitted a complete application before October 1, 2004, but the department has not yet issued the permit by that date, the

(1) applicant may request in writing that the department process the application under the regulations in effect before or after October 1, 2004; and

(2) department will process the application in accordance with the applicant's request. (Eff.10/1/2004, Register 171)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.230
	AS 46.14.010	AS 46.14.130	AS 46.14.280
	AS 46.14.020	AS 46.14.140	

**18 AAC 50.302. Construction permits.** (a) An owner or operator must obtain a construction permit before beginning actual construction of a new major stationary source, a major modification, a PAL major modification, or a new stationary source or modification subject to the construction permitting requirements of 42 U.S.C. 7412(i) (Clean Air Act sec. 112(i)). The owner or operator must obtain one or more of the following types of construction permits, as applicable:

(1) a prevention of significant deterioration (PSD) permits under 18 AAC 50.306;

(2) a nonattainment area major stationary source permit under 18 AAC 50.311;

(3) a construction permit under 18 AAC 50.316 for a major source of hazardous air pollutants.

(b) If a stationary source or modification may require permits under more than one section in this chapter, the owner or operator may file a single permit application, and the department will issue a single permit incorporating all applicable construction permit requirements.

(c) If a term or condition is established in a PSD permit listed in (a)(1) of this section, or established in a PSD permit incorporated into a permit under (b) of this section, and is identified in the permit as solely necessary to meet a Title V requirement associated with an integrated review conducted under 18 AAC 50.306(c)(3), the term or condition is considered a Title V term or condition upon incorporation into a Title V permit. A subsequent revision to the term or condition may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. (Eff.10/1/2004, Register 171; am 12/9/2010, Register 196)

<b>Authority:</b>	AS 46.03.020	AS 46.14.030	AS 46.14.140
	AS 46.14.010	AS 46.14.120	Sec. 30, ch. 74, SLA 1993
	AS 46.14.020		

**18 AAC 50.305. Construction permit provisions requested by the owner or operator.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.306. Prevention of significant deterioration (PSD) permits.** (a) An owner or operator must obtain a prevention of significant deterioration (PSD) permit under this section before beginning actual construction of a new major stationary source, a major modification, or a PAL major modification.

(b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21,

(A) the term “administrator” means

(i) “federal administrator” in 40 C.F.R. 52.21(b)(17), (b)(37), (b)(43), (b)(48)(ii)(c), (i)(1)(x), (l)(2), and (p)(2); and

(ii) “department” elsewhere;

(B) the term “national ambient air quality standard” means an ambient air quality standard set out in 18 AAC 50.010 for this state;

(C) the term “ambient air increment” or “maximum allowable increase” means a maximum allowable increase set out in Table 3 in 18 AAC 50.020(b);

(2) exclusions from increment consumption apply to the maximum extent allowed under 40 C.F.R. 51.166(f), adopted by reference in 18 AAC 50.040;

(3) in 40 C.F.R. 52.21(i)(1)(xi), each reference to the date “July 15, 2008” is replaced with “December 9, 2010”.

(c) The department will issue each permit under this section following the procedures and other requirements of AS 46.14, and of 40 C.F.R. 51.166(f) and (q)(2), and 40 C.F.R. 52.21, as adopted by reference in 18 AAC 50.040, with the following additions and exemptions:

(1) the date of receipt of the application is the date that the department has received all required information under AS 46.14.160 and this section;

(2) the department will provide at least 30 days for the public to comment, and upon its own motion or upon a request in accordance with 18 AAC 15.060, will hold a public hearing on the application as described in 18 AAC 15.060(d) - (h);

(3) if requested by the owner or operator of a stationary source or modification that requires both a PSD permit and a Title V permit or permit modification, the department will integrate review of the operating permit application or amendment required by 18 AAC 50.326

and the PSD permit application required by this section; a PSD permit application designated for integrated review will be processed in accordance with procedures and deadlines described in 18 AAC 50.326.

(d) In each PSD permit issued under this section, the department will include terms and conditions

(1) as necessary to ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with this section, including terms and conditions consistent with AS 46.14.180 that require the permittee to

(A) install, use, and maintain monitoring equipment;

(B) sample emissions according to the methods prescribed by the department, at locations and intervals specified by the department, and by procedures specified by the department;

(C) provide source test reports, monitoring data, emissions data, and information from analysis of any test samples;

(D) keep records; and

(E) make periodic reports on process operations and emissions, and reports consistent with 18 AAC 50.235 – 18 AAC 50.240; and

(2) for payment of fees consistent with 18 AAC 50.400 – 18 AAC 50.420.

(e) A person described in AS 46.14.200 may request an adjudicatory hearing to challenge the issuance, denial, or conditions of a PSD permit as prescribed in 18 AAC 15.195 – 18 AAC 15.340. (Eff.10/1/2004, Register 171; am 7/25/2008, Register 187; am 12/9/2010, Register 196)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

**18 AAC 50.310. Construction permits: application.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.311. Nonattainment area major stationary source permits.** (a) In accordance with the provisions of 40 C.F.R. 51.165, as adopted by reference in 18 AAC 50.040, before commencing construction of a major stationary source, major modification, or PAL major modification for a nonattainment pollutant in a nonattainment area, an owner or operator must obtain a construction permit from the department.

(b) The application for a permit under this section must include



(1) for the nonattainment air pollutant, a

(A) demonstration, including substantiating information, that emissions of the pollutant will be controlled to a rate that represents the lowest achievable emission rate (LAER);

(B) demonstration that reductions in actual emissions from other stationary sources within the nonattainment area will equal or exceed the expected maximum emissions increase from the construction and operation of the stationary source or modification; and

(C) description of the proposed reductions in actual emissions used to demonstrate satisfaction of the requirements in (B) of this paragraph; the description must include

(i) from each stationary source providing the emission reductions, a complete application for a minor permit under 18 AAC 50.508(4); and

(ii) a certification that proposed reductions in actual emissions will occur before the onset of emission increases from the stationary source or modification;

(2) a demonstration that other stationary sources owned or operated by the applicant within the state are in compliance with

(A) AS 46.14, this chapter, the Clean Air Act, and applicable federal regulations; or

(B) an order issued under AS 46.03 that controls air emissions from those stationary sources; and

(3) a demonstration that the benefits of construction, operation, or modification of the stationary source will significantly outweigh the environmental and social costs incurred, considering factors such as alternative sites, sizes, production processes, and environmental control techniques.

(c) In accordance with 40 C.F.R. 51.161, as revised as of July 1, 2003 and adopted by reference, the department will provide notice and opportunity for a 30 - day public comment period on the department's proposed permit or proposed denial. The department will issue a permit only if the department finds that the applicant has shown that the stationary source or modification will meet the requirements of (b) of this section and 40 C.F.R. 51.165, adopted by reference in 18 AAC 50.040.

(d) In each construction permit issued under this section, the department will include terms and conditions

(1) as necessary to ensure that the proposed stationary source or modification will meet the requirements of this section, including terms and conditions consistent with AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department, at locations and intervals specified by the department, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analysis of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions, and reports consistent with 18 AAC 50.235 – 18 AAC 50.240; and

(2) for payment of fees consistent with 18 AAC 50.400 – 18 AAC 50.420. (Eff. 10/1/2004, Register 171)

<b>Authority:</b>	AS 46.03.020	AS 46.14.020	AS 46.14.170
	AS 46.03.850	AS 46.14.130	AS 46.14.180
	AS 46.14.010	AS 46.14.140	

**18 AAC 50.315. Construction permits: review and issuance.** Repealed. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/11/2002, Register 163; repealed 10/1/2004, Register 171)

**18 AAC 50.316. Preconstruction review for construction or reconstruction of a major source of hazardous air pollutants.** (a) **Applicability.** The owner or operator of a major source of hazardous air pollutants subject to a standard under 40 C.F.R. part 63, adopted by reference in 18 AAC 50.040, must obtain a construction permit before

(1) constructing a new major source of hazardous air pollutants subject to that standard;

(2) reconstructing a major source of hazardous air pollutants subject to that standard; or

(3) reconstructing a major source of hazardous air pollutants in a way that causes the source to become an affected source that is major-emitting under 40 C.F.R. Part 63 and subject to that standard.

(b) **Definitions.** The term “administrator” as used in 40 C.F.R. 63.5(d) - (e), adopted by reference in 18 AAC 50.040, means “department” for the purposes of this section.

(c) **Procedures for preconstruction approval.** An application for a construction permit required under this section must be prepared and submitted in accordance with 40 C.F.R. 63.5(d), adopted by reference in 18 AAC 50.040. After receiving a complete application,

(1) the department will prepare a report that contains a preliminary decision to approve or deny the permit application; the department will make a decision to issue the permit only if the department determines that the criteria of 40 C.F.R. 63.5(e)(1), adopted by reference in 18 AAC 50.040, are met;

(2) if the department makes the preliminary decision to deny the permit application, the owner, operator, or permittee may submit additional information for the department to consider before the department makes a final decision, as follows:

(A) after consulting with the applicant, the department will specify dates by which the applicant must submit any additional information under this paragraph;

(B) within 60 days after receiving the additional information, the department will

(i) make a preliminary decision to approve or approve with conditions; or

(ii) take a final permit action and deny the permit application for cause;

(3) if the department makes a preliminary decision to approve the permit application, the department will

(A) prepare a draft permit;

(B) provide at least 30 days for the public to comment, and upon its own motion or upon a request in accordance with 18 AAC 15.060, will hold a public hearing on the application as described in 18 AAC 15.060(d) - (h); and

(C) make available for public review the materials submitted by the applicant and a copy of the proposed permit in at least one location within the area known or expected to be affected by the stationary source as proposed;

(4) if the department makes a decision to issue a final permit, the department will issue the permit consistent with AS 46.14.170.

(d) **Permit Content.** In a permit under this section, the department will include terms and conditions that

(1) reference specific applicable requirements under each applicable subpart of 40 C.F.R. 63, adopted by reference in 18 AAC 50.040;

(2) require reporting in accordance with 18 AAC 50.235 - 18 AAC 50.240; and

(3) require payment of fees in accordance with 18 AAC 50.400 -

18 AAC 50.420.

(e) **Notification.** For each notification that the owner or operator is required to send to the administrator under 40 C.F.R. 63.9, adopted by reference in 18 AAC 50.040, the owner or operator shall also send a copy of the notification to the department. (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

**18 AAC 50.320. Construction permits: content and duration.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.321. Case-by-case maximum achievable control technology determinations.** (a) **Purpose.** This section implements EPA requirements for case-by-case maximum achievable control technology (MACT) determinations under 42 U.S.C. 7412(g) (Clean Air Act, sec. 112(g) and in 40 C.F.R. 63.40 - 63.44, adopted by reference in 18 AAC 50.040.

(b) **Applicability.** This section applies to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants after October 1, 2004, unless the

(1) major source of hazardous air pollutants has been specifically regulated or exempted from regulation by a standard under 42 U.S.C. 7412(d), (h), or (j) (Clean Air Act secs. 112(d), (h), or (j), and 40 C.F.R. Part 63, adopted by reference in 18 AAC 50.040; or

(2) stationary source is exempted under (c) of this section.

(c) **Exclusions from this section.** The requirements of this section do not apply to

(1) an electric utility steam generating unit unless, and until such time as that unit is added to the source category list under 42 U.S.C. 7412(c)(5) (Clean Air Act, sec. 112(c)(5));

(2) a stationary source that is within a source category that has been deleted from the source category list under 42 U.S.C. 7412(c)(9) (Clean Air Act, sec 112(c)(9)); or

(3) research and development activities, as defined in 40 C.F.R. 63.41.

(d) **Prohibition.** A person subject to this section may not begin actual construction or reconstruction of a major source of hazardous air pollutants unless the department has made a final and effective case-by-case determination under (e) of this section under which emissions from the constructed or reconstructed major source of hazardous air pollutants will be controlled to a level no less stringent than the maximum achievable control technology emission limitation for new sources.

(e) **Procedures for MACT determinations.** To satisfy the requirements of (d) of this section the owner or operator must obtain a notice of MACT approval under the procedures of 40 C.F.R. 63.43(d) – (m), adopted by reference in 18 AAC 50.040. To the extent practicable, the department will coordinate processing of the notice of MACT approval with the processing of any permit that is required for the stationary source or modification under this chapter.

(f) **Definitions.** For purposes of this section,

(1) the definitions of 40 C.F.R. 63.41 are adopted by reference, except that “permitting authority” means the department;

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that “construction,” “emission standard,” “fugitive emissions,” “hazardous air pollutant,” “operator,” “owner,” “potential to emit,” and “stationary source” have the meanings given in AS 46.14.990. (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172)

**Authority:** AS 46.14.010(a) AS 46.14.020

**18 AAC 50.322. Construction permits: reopenings.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.326. Title V operating permits.** (a) **Obligation for a permit.** Except as provided in (b) – (k) of this section, an owner or operator of a Title V source must obtain a Title V permit consistent with 40 C.F.R. Part 71, as adopted by reference in 18 AAC 50.040.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

(1) “permitting authority” and “delegate agency” mean the department;

(2) “applicable requirement” also means any obligation created by AS 46.14, this chapter, or a term or condition of a preconstruction permit issued by the department”;

(3) “part 71 permit” means a Title V permit;

(4) “part 71 program” means the permit program under this section;

(5) “part 71 source” means any source subject to the permitting requirements under this section;

(6) “emissions unit” has the meaning given in AS 46.14.990;

(7) “stationary source” has the meaning given in AS 46.14.990;

(8) “administrator” means the administrator of EPA, except that “administrator” or “regional administrator” means the department at

(A) 40 C.F.R. 71.3(e); and

(B) 40 C.F.R. 71.6(a)(7).

(c) **Applications.** For the purposes of 40 C.F.R. 71.5(a)(1)(i) and (ii), a timely application is one that satisfies AS 46.14.150, and 40 C.F.R. 71.5(a)(1)(i) - (ii) do not apply. Application fees must be paid in accordance with 18 AAC 50.400 – 18 AAC 50.430. To establish confidentiality for information submitted to the department, the owner and operator must satisfy the requirements of AS 46.14.520, and 40 C.F.R. 71.5(a)(3) does not apply. The requirements of 18 AAC 50.205 apply to a permit application, report, or compliance certification under this section, and 40 C.F.R. 71.5(d) does not apply. The owner or operator of an existing Title V source who is planning a modification that requires a Title I permit as well as an operating permit modification may request either

(1) integrated review of the Title I and Title V permits, in which the department will consolidate all required public notices, hearings, and comment periods; the applicant may provide either one application for both requested permits, or two separate applications; or

(2) changing the Title V permit by administrative amendment under 40 C.F.R. 71.7(d), adopted by reference in 18 AAC 50.040; to qualify for this option, the application must satisfy the requirements for both the Title I and Title V applications; for applications that qualify, the department will issue or deny the Title I permit following the required procedures for the Title I permit, and all of the procedures of this section; a Title I permit must include all of the permit content required for the Title I permit and required under this section.

(d) **Applications – insignificant emission units.** The provisions in 40 C.F.R. 71.5(c)(11) for insignificant emission units and activities do not apply and are replaced by (d) - (i) of this section. Emission units and activities described in (e) - (i) of this section are insignificant and need not be included in an operating permit application except as follows:

(1) an emission unit is not insignificant and must be included in an operating permit application if the emission unit is subject to

(A) a federal requirement adopted by reference in 18 AAC 50.040(a) - (d);

(B) an emission unit-specific requirement established under

(i) 18 AAC 50.201;

(ii) a construction permit issued under this chapter; or

(iii) a permit issued before January 18, 1997; or

(C) a stationary source-specific or emission unit-specific emission limitation;

(2) the application must list each requirement of 18 AAC 50.040(e), 18 AAC 50.050 - 18 AAC 50.075, 18 AAC 50.085, and 18 AAC 50.090 that applies to insignificant emission units at the stationary source;

(3) the application must list each emission unit at the stationary source that is identified as insignificant under (e) or (g) of this section; if requested by the department, the applicant must provide sufficient documentation for the department to determine whether a source has been appropriately listed as insignificant;

(4) the application may not omit information needed to evaluate the fee required under 18 AAC 50.410;

(5) the application must include compliance certification based on reasonable inquiry for insignificant emission units; a compliance certification made during the permit term according to the schedule proposed to satisfy 40 C.F.R. 71.5(c)(9) must include insignificant emission units;

(6) the application must propose conditions for monitoring, record keeping, and reporting if the conditions are necessary to assure compliance with requirements identified in (2) of this subsection.

(e) **Applications – insignificant emission units: emission rate basis.** Except as provided in (d) of this section, an emission unit is insignificant based on emission rate if its actual emissions of each air pollutant are less than the rates listed in (1) - (15) of this subsection. If requested by the department, an applicant or permittee shall demonstrate that an emission unit listed as insignificant under this subsection has actual emissions less than the following rates:

(1) five TPY of carbon monoxide;

(2) two TPY of nitrogen oxides;

(3) two TPY of sulfur oxides;

(4) two TPY of volatile organic compounds;

(5) 0.75 TPY of PM-10;

(6) 0.005 TPY of lead;

(7) 0.15 TPY of fluorides;

(8) 0.35 TPY of sulfuric acid mist;

- (9) 0.5 TPY of hydrogen sulfide;
- (10) 0.5 TPY of total reduced sulfur, including hydrogen sulfide;
- (11) 0.000000175 TPY of municipal waste combustor organics, measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans;
- (12) 0.75 TPY of municipal waste combustor metals, measured as particulate matter;
- (13) two TPY of municipal waste combustor acid gases, measured as Sulfur dioxide and hydrogen chloride;
- (14) two TPY of ozone depleting substances in aggregate, the sum of Class I and Class II substances as defined in the Clean Air Act and 40 C.F.R. Part 82, adopted by reference in 18 AAC 50.040;
- (15) 0.5 TPY for any regulated air pollutant not listed in (1) - (14) of this subsection.

(f) **Applications – insignificant emission units: category basis.** Except as provided in (d) of this section, the following categories of emission units are insignificant:

- (1) mobile transport tanks on vehicles, except for those containing asphalt or volatile liquids;
- (2) lubricating oil storage tanks;
- (3) equipment used to mix, package, store, or handle soaps, lubricants, hydraulic fluid, vegetable oil, grease, animal fat, and aqueous salt solutions if covered in a manner that minimizes or prevents unintended emissions; this category does not include equipment used to mix or package powdered detergent, spray dryers, or any equipment that must have an emission control device to comply with the requirements of 18 AAC 50.045(d) or 18 AAC 50.055;
- (4) pressurized storage of oxygen, nitrogen, carbon dioxide, air, or inert gasses;
- (5) vents from continuous emissions monitors and other analyzers;
- (6) sampling connections used exclusively to withdraw materials for laboratory analyses and testing;
- (7) sample gathering, preparation, and management;
- (8) equipment and instrumentation used for quality control, quality assurance, or inspection purposes;
- (9) laboratory calibration and maintenance equipment;



- (10) individual laboratory hoods;
- (11) ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial, or commercial process;
- (12) comfort air conditioning;
- (13) maintenance and upkeep activities such as routine housekeeping, grounds keeping, lawn and landscaping activities, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, applying insulation to buildings in accordance with applicable environmental and health and safety requirements, and paving or striping parking lots if these activities are not conducted as part of a manufacturing process, are not related to the primary business activity of the stationary source, and do not otherwise require a permit revision; this category does not include process control flares, spray paint equipment for rail cars or aircraft, or boilers or internal combustion engines used to provide electric power or heat;
- (14) portable solid waste containers such as dumpsters for municipal solid waste or office wastes;
- (15) structural changes that do not give rise to air pollutant emissions; this category does not include emissions from construction activities;
- (16) portable welding, brazing, cutting, and soldering operations used in incidental maintenance;
- (17) recreational fireplaces, including the use of barbecues, campfires, and ceremonial fires;
- (18) food preparation for human consumption including cafeterias, kitchen facilities, and barbecues located at a source for providing food service on the premises;
- (19) tobacco smoking rooms and areas;
- (20) emergency backup generators at single family or duplex residential locations;
- (21) washers, dryers, extractors, and tumblers for fabrics using water solutions of bleach or detergents;
- (22) janitorial services and consumer use of janitorial products;
- (23) office activities;
- (24) materials and equipment used by, and activity related to, operation of an infirmary if the infirmary is not the stationary source's business activity; this category does not include medical waste incineration at military bases;

- (25) personal care activities;
- (26) bathroom and toilet vents;
- (27) septic sewer systems, not including active wastewater treatment facilities;
- (28) cleaning and sweeping of streets and paved surfaces;
- (29) fuel and exhaust emissions from vehicles in parking lots;
- (30) flares used to indicate danger to the public;
- (31) firefighting and similar safety equipment and equipment used to train firefighters not subject to 18 AAC 50.065;
- (32) non-commercial smokehouses;
- (33) drop hammers or hydraulic presses for forging or metalworking;
- (34) blacksmith forges;
- (35) inspection equipment for metal products;
- (36) conveying and storage of plastic pellets;
- (37) plastic pipe welding;
- (38) tire buffing where a water spray is used with the particulate collection system to prevent smoke generation;
- (39) wet sand and gravel screening;
- (40) wax application;
- (41) ultraviolet curing processes;
- (42) hand-held applicator equipment for hot melt adhesives;
- (43) steam cleaning operations;
- (44) steam sterilizers;
- (45) portable drums and totes;
- (46) hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;
- (47) oxygen, nitrogen, or rare gas extraction and liquefaction equipment; this

category does not include associated power generation equipment;

(48) equipment used exclusively to slaughter animals; this category does not include other equipment at slaughterhouses such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(49) ozonation equipment;

(50) demineralization and oxygen scavenging (deaeration) of water;

(51) pulse capacitors;

(52) laser trimmers using dust collection to prevent fugitive emissions;

(53) gas cabinets using only gasses that are not regulated air pollutants;

(54) Carbon dioxide lasers used only on metals and other materials that do not emit hazardous air pollutants in the process;

(55) photographic process equipment by which an image is reproduced upon material sensitized to radiant energy such as blueprint activity, photocopying, mimeograph, telefacsimile, photographic developing, and microfiche;

(56) consumer use of paper trimmers and binders;

(57) hydraulic and hydrostatic testing equipment;

(58) batteries and battery charging areas; this category does not apply to manufacturing or rebuilding facilities;

(59) salt baths using nonvolatile salts that do not result in emissions of any regulated air contaminants;

(60) shock chambers;

(61) mechanical wire strippers;

(62) humidity chambers;

(63) solar simulators;

(64) environmental chambers that do not use hazardous air pollutant gasses;

(65) steam vents and safety relief valves not emitting process chemicals;

(66) air compressors, pneumatically operated systems, and related hand tools;

- (67) digester chip feeders;
- (68) process water and white water storage tanks;
- (69) demineralizer tanks;
- (70) hydrogen peroxide tanks;
- (71) dryers; this category is limited to Yankee, after dryer, curing systems, and cooling systems;
- (72) winders;
- (73) chipping;
- (74) debarking;
- (75) pulp mill sludge dewatering and handling;
- (76) screw press vents;
- (77) pond dredging;
- (78) polymer tanks and storage devices and associated pumping and handling equipment used for solids dewatering and flocculation;
- (79) electrical circuit breakers, transformers, or switching equipment installation or operation;
- (80) electric or steam-heated drying ovens or autoclaves, excluding the articles or substances being processed in the ovens or autoclaves and the boilers delivering the steam;
- (81) sewer manholes, junction boxes, sumps, and lift stations associated with wastewater treatment systems at publicly owned treatment works;
- (82) lube oil, seal oil, or hydraulic fluid storage tanks and equipment if those tanks and equipment do not emit volatile organic compounds (VOCs) or hazardous air pollutants;
- (83) natural gas pressure regulator vents; this category does not include venting at oil and gas production facilities;
- (84) lubricating pumps, sumps, and systems;
- (85) well service equipment;
- (86) aircraft ground support equipment (AGE), lights, and heating, ventilation, and air conditioning (HVAC) support; this category does not include portable power generators;

- (87) engine crankcase vents and equipment lubricating sumps;
- (88) tanks containing separated water produced from oil and gas operations;
- (89) skimmer pits, oil-water separators, and maintenance of filter separators;
- (90) removal of sludge or sediment from pits, ponds, sumps, or wastewater conveyance facilities;
- (91) site assessment work, including the evaluation of waste disposal or remediation sites;
- (92) instrument systems using air or natural gas;
- (93) drill site manifold and wellhead enclosures;
- (94) vent emission from gas streams used as buffer or seal gas in rotating pump and compressor seals;
- (95) natural gas odorizing activities;
- (96) pneumatic starters on reciprocating engines, turbines, compressors, or other equipment;
- (97) pipeline maintenance pigging activities;
- (98) truck, car, or aircraft washing if equipment is not designed to vaporize hydrocarbons from the wash water;
- (99) nonroutine clean-out of tanks and equipment for the purpose of worker entry or in preparation for maintenance or decommissions;
- (100) fugitive emissions of jet fuels associated with aircraft fuel cell and fuel bladder repair;
- (101) portable electrical generators that can be moved by hand from one location to another;
- (102) natural gas and liquefied petroleum gas (LPG) vehicle fleet fueling facilities;
- (103) military field exercises, except emissions from permanent stationary sources;
- (104) fire suppression;
- (105) storage of water-treating chemicals to be used in a drinking water system or a boiler water feedwater system.

**(g) Applications – insignificant emission units: size or production rate basis.**

Except as provided in (d) of this section, the following emission units are insignificant on the basis of size or production rate:

(1) operation, loading, and unloading of storage tanks and storage vessels with less than a 260-gallon capacity (35 cubic feet), with lids or other closure and heated only to the minimum extent necessary to avoid solidification;

(2) operation, loading, and unloading of storage tanks with not greater than 1,100-gallon capacity, with lids or other closure not for use with hazardous air pollutants, and with a maximum true vapor pressure of 550 millimeters (mm) of mercury (Hg);

(3) operation, loading, and unloading of volatile liquid storage with 10,000-gallon capacity or less, with lids or other closure and storing liquid with a vapor pressure not greater than 80 millimeters (mm) of mercury (Hg) at 21 degrees Celsius;

(4) operation, loading, and unloading of butane, propane, or liquefied petroleum gas (LPG) storage tanks with vessel capacity under 40,000 gallons;

(5) a combustion emission unit with a rated capacity less than 4,000,000 Btu per hour exclusively using natural gas, butane, propane, or liquefied petroleum gas (LPG); emission units under this paragraph do not include internal combustion engines;

(6) a combustion emission unit with a rated capacity less than 350,000 Btu per hour using a commercial fuel containing less than 0.5 percent sulfur by weight for coal or less than 500,000 Btu per hour at one percent sulfur by weight for other fuels; emission units under this paragraph do not include internal combustion engines;

(7) a combustion emission unit with a rated capacity less than 1,700,000 Btu per hour using kerosene, No. 1 fuel oil, or No. 2 fuel oil; emission units under this paragraph do not include internal combustion engines;

(8) a combustion emission unit with a rated capacity less than 300,000 Btu per hour if burning used oil; emission units under this paragraph do not include internal combustion engines;

(9) a combustion emission unit with a rated capacity less than 450,000 Btu per hour if burning wood waste or waste paper; emission units under this paragraph do not include internal combustion engines;

(10) welding using not more than 50 pounds per day of welding rod;

(11) foundry sand molds, unheated and using binders with less than 0.25 percent free phenol by sand weight;

(12) "paralyene" coaters using less than 500 gallons of coating per year;

(13) printing and silkscreening using less than two gallons per day of any

combination of inks, coatings, adhesives, fountain solutions, thinners, retarders, or nonaqueous solutions if they do not contain hazardous air pollutants;

(14) comfort cooling towers and ponds that have a capacity not greater than 10,000 gallons per minute, that are not used with barometric jets or condensers, and that do not use chromium-based corrosion inhibitors;

(15) combustion turbines rated at less than 160 horsepower;

(16) batch distillation equipment with a batch capacity not greater than 55 gallons and used only for solvents that do not contain hazardous air pollutants;

(17) cleaning equipment

(A) with less than 10 square feet of air-vapor interface; and

(B) using solvent

(i) that does not contain a hazardous air pollutant; and

(ii) with a vapor pressure not more than 30 millimeters (mm) of mercury (Hg) at 20 degrees Celsius;

(18) surface coating using less than two gallons per day of formulations not containing hazardous air pollutants;

(19) tanks, vessels, and pumping equipment with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases, and acids;

(20) cleaning and stripping activities and equipment using solutions having less than one percent volatile organic compounds (VOCs) by weight; when used on metallic substances, acid solutions are not insignificant;

(21) equipment with lids or other closures used exclusively to pump, load, unload, or store organic material that has an initial boiling point (IBP) not less than 150 degrees Celsius and a vapor pressure not more than 5 millimeters (mm) of mercury (Hg) at 21 degrees Celsius;

(22) surface coating, aqueous solution, or suspension containing less than one percent volatile organic compounds (VOCs);

(23) storage and handling of water-based lubricants for metal working if the organic content of the lubricant is less than 10 percent;

(24) municipal or industrial wastewater chlorination facilities of not greater than 1,000,000 gallons per day capacity;

(25) diesel engines of 250 horsepower or less being used to provide power for well servicing equipment.

(h) **Applications – insignificant emission units: case-by-case basis.** This subsection lists emission units or activities that may be insignificant on the basis of size or production rate. Insignificant emission units and activities listed in this subsection that are subject to a standard under 18 AAC 50.050 – 18 AAC 50.090 must be listed on the permit application. Except as provided in (d) of this section, the department may determine the following emission units to be insignificant on a case-by-case basis:

(1) ponds and lagoons that are permitted under 33 U.S.C. 1342 (Federal Water Pollution Control Act, National Pollutant Discharge Elimination System), and that are used solely for settling suspended solids and skimming oil and grease; and

(2) coffee roasters with a capacity of less than 15 pounds per day of coffee.

(i) **Applications – insignificant emission units: administratively insignificant sources.** The following emission units might have significant emissions, but are considered administratively insignificant emission units for the purpose of operating permit applications:

(1) the propulsion of mobile sources;

(2) general vehicle maintenance, including vehicle exhaust from repair stationary sources; and

(3) agricultural activities on the property of a stationary source that are not subject to review by the department under 18 AAC 50.306, 18 AAC 50.311, or 18 AAC 50.502 and are not under common control with the permitted stationary source.

(j) **Permit content.** Permit terms and conditions issued under this section will be developed in accordance with 40 C.F.R. Part 71, adopted by reference in 18 AAC 50.040, except as follows:

(1) with respect to any fee requirement or reference, the applicable provisions of 18 AAC 50.400 – 18 AAC 50.430 apply, and 40 C.F.R. 71.9 does not apply;

(2) the department will include the expiration date in the permit; the permit duration and expiration provisions of AS 46.14.230 apply, and 40 C.F.R. 71.6(a)(2) and (a)(11) do not apply;

(3) a stationary source subject to this section will also be subject to the standard operating permit conditions and other permit conditions as required by 18 AAC 50.345 and 18 AAC 50.346; prompt reporting of permit deviations is subject to the department's Standard Permit Condition III, adopted by reference in 18 AAC 50.346, instead of 40 C.F.R. 71.6(a)(3)(iii)(B)(1) – (B)(4); the provisions of 40 C.F.R. 71.6(a)(5) – (7) are replaced by the standard permit conditions of 18 AAC 50.345;

(4) for purposes of 40 C.F.R. 71.6(c)(6), the department will include in a Title V permit, consistent with AS 46.14.020(b) and 46.14.180, terms and conditions that are necessary



to implement a requirement of AS 46.14 or this chapter;

(5) notwithstanding 40 C.F.R. 71.6(b), a department term or condition is not federally enforceable unless required by the Clean Air Act; that term or condition is not subject to affected state review under 40 C.F.R. 71.8; in the permit, the department will identify each term or condition that is not federally enforceable and not subject to affected state review;

(6) inspection and entry requirements are subject to AS 46.14.515; the provisions of 40 C.F.R. 71.6(c)(2) do not apply;

(7) upon request of the applicant, and in accordance with this section, and with 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040, the department will establish a plantwide applicability limitation (PAL) in a Title V permit.

**(k) Permit review and issuance.** The review and issuance of a permit under this section will be conducted in accordance with 40 C.F.R. Part 71, adopted by reference, in 18 AAC 50.040 except as follows:

(1) the department may distribute a public notice to a person by electronic mail; if a person requests that the department send the notice by postal mail, the department will send the notice to the person by postal mail;

(2) the department will only issue a permit if the permit conditions provide for compliance with all applicable requirements and the requirements of this section; the provisions of 40 C.F.R. 71.7(a)(1)(iv) do not apply;

(3) the provisions of 40 C.F.R. 71.7(a)(1)(v) and (a)(2) do not apply; the department will, subject to the provisions of AS 46.14.170 and AS 46.14.220, issue the final permit; if EPA objects to a permit after the 45-day review period in AS 46.14.220 and the department has not issued the final permit, the department will not issue the final permit until the objections are resolved if the objections are based on

(A) a petition filed by a person that is submitted within 60 days after the review period ends; and

(B) objections that were raised during the public comment period for the permit, unless the petitioner shows that raising the objection during the public comment period was impracticable or that grounds for the objection arose after the public comment period;

(4) language in 40 C.F.R. Part 71 that makes related provisions in 40 C.F.R. Part 71 dependent on whether a program has been delegated does not apply, including the phrase “in the case of a program delegated pursuant to §71.10” in 40 C.F.R. 71.7, 71.8, and 71.11, and the phrase “When a part 71 program has been delegated in accordance with the provisions of this section,” in 40 C.F.R. 71.10;

(5) a permit under this section becomes effective 30 days after the department issues the final permit;

(6) when the department makes a final decision to approve or deny an application for a Title V permit, the department will notify the applicant and any person who commented on the application; a person described in AS 46.14.200 may request an adjudicatory hearing as prescribed in 18 AAC 15.195 – 18 AAC 15.340; the provisions of 40 C.F.R. 71.11(d)(1)(i)(E) do not apply; in a notification of denial of an application, the department will include the reasons for denial;

(7) the department will keep for five years any record and submit to the federal administrator any information that the federal administrator may reasonably require to ascertain whether the state Title V permit program complies with the requirements under 42 U.S.C. 7661 – 7661f (Title V, Clean Air Act).

**(l) Significant permit modifications.** If an existing Title V permit prohibits construction or a change in operation for which a permit or notice of MACT approval is required under 18 AAC 50.306, 18 AAC 50.311, or 18 AAC 50.321, the owner or operator must obtain, in accordance with 40 C.F.R. 71.7(e), adopted by reference in 18 AAC 50.040, a significant permit modification to the Title V permit before commencing operation that incorporates the construction or change. (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172)

<b>Authority:</b>	AS 46.03.020	AS 46.14.140	AS 46.14.190
	AS 46.14.010	AS 46.14.150	AS 46.14.220
	AS 46.14.020	AS 46.14.170	AS 46.14.230
	AS 46.14.120	AS 46.14.180	AS 46.14.515
	AS 46.14.130		

**18 AAC 50.330. Operating permits: exemptions.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.335. Operating permits: application.** Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 10/16/2003, Register 168; repealed 10/1/2004, Register 171)

**18 AAC 50.340. Operating permits: review and issuance.** Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 7/11/2002, Register 163; repealed 10/1/2004, Register 171)

**18 AAC 50.341. Operating permits: reopenings.** Repealed. (Eff. 6/14/98, Register 146; repealed 10/1/2004, Register 171)

**18 AAC 50.345. Construction, minor and operating permits: standard permit conditions.** (a) Subsections (b) – (o) of this section set out standard permit conditions that the department will include in each operating permit. The department may include the conditions set out in (c)(1) and (2) and (d) – (o) of this section in each minor permit and construction permit. The conditions set out in (m) – (o) of this section do not apply to visible emissions

observations by smoke readers, except in connection with required particulate matter testing.

(b) Compliance with permit terms and conditions is considered to be in compliance with those requirements that are

- (1) included and specifically identified in the permit; or
- (2) determined in writing in the permit to be inapplicable.

(c) The permittee must comply with each permit term and condition. Noncompliance with a permit term or condition constitutes a violation of AS 46.14, this chapter, and, except for those terms or conditions designated in the permit as not federally enforceable, the Clean Air Act, and is grounds for

- (1) an enforcement action;
- (2) permit termination, revocation and reissuance, or modification in accordance with AS 46.14.280; or
- (3) denial of an operating permit renewal application.

(d) It is not a defense in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with a permit term or condition.

(e) Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of the permit.

(f) The permit may be modified, reopened, revoked and reissued, or terminated for cause. A request by the permittee for modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) The permit does not convey any property rights of any sort, nor any exclusive privilege.

(h) The permittee shall allow the department or an inspector authorized by the department, upon presentation of credentials and at reasonable times with the consent of the owner or operator to

- (1) enter upon the premises where a source subject to the permit is located or where records required by the permit are kept;
- (2) have access to and copy any records required by the permit;
- (3) inspect any stationary source, equipment, practices, or operations regulated by or referenced in the permit; and

(4) sample or monitor substances or parameters to assure compliance with the permit or other applicable requirements.

(i) The permittee shall furnish to the department, within a reasonable time, any information that the department requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit or to determine compliance with the permit. Upon request, the permittee shall furnish to the department copies of records required to be kept by the permit. The department may require the permittee to furnish copies of those records directly to the federal administrator.

(j) The permittee shall certify any permit application, report, affirmation, or compliance certification submitted to the department and required under the permit by including the signature of a responsible official for the permitted stationary source following the statement: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete." Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal.

(k) In addition to any source testing explicitly required by the permit, the permittee shall conduct source testing as requested by the department to determine compliance with applicable permit requirements.

(l) The permittee may request an extension to a source test deadline established by the department. The permittee may delay a source test beyond the original deadline only if the extension is approved in writing by the department's appropriate division director or designee.

(m) Before conducting any source tests, the permittee shall submit a plan to the department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance and must specify how the source will operate during the test and how the permittee will document that operation. The permittee shall submit a complete plan within 60 days after receiving a request under (k) of this section and at least 30 days before the scheduled date of any test unless the department agrees in writing to some other time period. Retesting may be done without resubmitting the plan.

(n) At least 10 days before conducting a source test, the permittee shall give the department written notice of the date and the time the source test will begin.

(o) Within 60 days after completing a source test, the permittee shall submit two copies of the results in the format set out in the *Source Test Report Outline*, adopted by reference in 18 AAC 50.030. The permittee shall certify the results in the manner set out in (j) of this section. If requested in writing by the department, the permittee must provide preliminary results in a shorter period of time specified by the department. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008)

**Authority:** AS 46.03.020                      AS 46.14.120                      AS 46.14.140

AS 46.14.010  
AS 46.14.020

AS 46.14.130

AS 46.14.180

**18 AAC 50.346. Construction and operating permits: other permit conditions.** (a)

For a construction permit or Title V permit, the department will use the standard permit condition in this subsection, unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter or that no comparable condition is appropriate for the stationary source or emission unit. The department's Standard Permit Condition II – Air Pollution Prohibited, as revised as of September 27, 2010, is adopted by reference.

(b) In a Title V permit, the department will use the standard permit conditions listed in this subsection, unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter or that no comparable condition is appropriate for the Title V source or emission unit. The following standard permit conditions prepared by the department are adopted by reference:

(1) Standard Permit Condition I – Emission Fees, as revised as of September 27, 2010;

(2) Standard Permit Condition III – Excess Emissions and Permit Deviation Reports, as revised as of September 27, 2010;

(3) Standard Permit Condition IV – Notification Form, as revised as of September 27, 2010;

(4) Standard Operating Permit Condition V – Insignificant Sources, as revised as of September 27, 2010;

(5) Standard Operating Permit Condition VI – Good Air Pollution Control Practices, as revised as of August 25, 2004;

(6) Standard Operating Permit Condition VII – Operating Reports, as revised as of September 27, 2010.

(7) Standard Operating Permit Conditions XIV – Document Submittals and Electronic Copies, as revised as of August 20, 2008;

(8) Standard Operating Permit Condition XV – Emission Inventory Reporting, as revised as of September 27, 2010;

(9) Standard Operating Permit Condition XVI – Emission Inventory Reporting Form, as revised as of September 27, 2010.

(c) Unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter, the department will

use the standard operating permit conditions listed in Table 7 of this subsection for the respective emission unit or emission unit types identified in the table. The standard operating permit conditions listed in Table 7 are adopted by reference.

**Table 7****Standard Operating Permit Conditions**

<b>Emission Unit or Activity</b>	<b>Standard Operating Permit Condition</b>
-Gas-fired fuel burning equipment, except flares	Standard Operating Permit Condition VIII – Visible Emissions and Particulate Matter Monitoring Plan for Gas-Fired Fuel Burning Equipment, August 25, 2004
-Stationary diesel engines -Liquid-fired stationary turbines -Other liquid-fired fuel burning equipment	Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units, September 27, 2010
-Coal fired boilers -Coal handling equipment -Construction of gravel pads or roads that are part of a permitted stationary source, or other construction that has the potential to generate fugitive dust that reaches ambient air  -Commercial, industrial, municipal solid waste, air curtain, and medical waste incinerators  -Sewage sludge incinerators not using wet methods to handle the ash  -Mines -Urea manufacturing -Soil remediation units -Dirt roads under the control of the operator with frequent vehicle traffic  -Other sources the department finds are likely to generate fugitive dust	Standard Operating Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust, September 27, 2010

-Fuel burning equipment burning liquid fuel	Standard Operating Permit Condition XI – SO <sub>2</sub> Emissions from Oil Fired Fuel Burning Equipment, August 25, 2004
-Fuel burning equipment burning liquid fuel	Standard Operating Permit Condition XII – SO <sub>2</sub> Material Balance Calculation, August 25, 2004
-Coal fired boilers	Standard Operating Permit Condition XIII – Coal Fired Boilers, August 20, 2008

(d) Repealed 10/1/2004. (Eff. 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008, Register 188; am 12/9/2010, Register 196)

**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.180  
AS 46.14.010 AS 46.14.130 AS 46.14.250  
AS 46.14.020 AS 46.14.140

**18 AAC 50.350. Operating permits: content.** Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 5/3/2002, Register 162; repealed 10/1/2004, Register 171)

**18 AAC 50.355. Changes to a permitted facility.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.360. Facility changes that violate a permit condition.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.365. Facility changes that do not violate a permit condition.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.370. Administrative revisions.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.375. Minor and significant permit revisions.** Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; repealed 10/1/2004, Register 171)

**18 AAC 50.380. General operating permits.** Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; repealed 10/1/2004, Register 171)

**18 AAC 50.385. Permit-by-rule for certain small storage tanks.** Repealed. (Eff. 6/21/98, Register 146; repealed 10/1/2004, Register 171)



**18 AAC 50.390. Permit-by-rule for drilling rigs and associated equipment.**

Repealed. (Eff. 2/2/2002, Register 161; am 2/6/2002, Register 161; repealed 10/1/2004, Register 171)

**Article 4. User Fees.****Section**

- 400. Permit administration fees
- 401. Fees for a notice of MACT approval
- 403. Negotiated service agreements
- 405. Transition process for permit fees
- 410. Emission fees
- 420. Billing procedures
- 430. Fee appeal procedures
- 499. Definition for user fee requirements

**18 AAC 50.400. Permit administration fees.** (a) The permittee, owner, or operator of a Title V source described under 18 AAC 50.326 shall pay to the department the annual permit administration fees listed in this subsection. Permittees will be invoiced in July for each period from July 1 through the following June 30. Each annual permit fee is one-fifth of the total original permit cost or total cost of permit renewal. An annual permit fee listed in this subsection for an original permit is applicable for five years following the date of the application for the original permit. An annual permit fee listed in this subsection for renewal of a permit is collected in subsequent years after the fee for an original permit under 18 AAC 50.410(j) is paid in full or after a renewal permit is issued. If a Title V source has been issued a Title V permit before January 29, 2005, the permittee, owner, or operator shall pay the applicable annual fee for permit renewal. The following permit administration fees apply to Title V sources:

(1) for renewal of a permit for an oil-and-gas source with the potential to emit more than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$2,675; and

(B) annual compliance review fee is \$1,895;

(2) for renewal of a permit for a large power plant with the potential to emit more than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$3,080; and

(B) annual compliance review fee is \$1,735;

(3) for renewal of a permit for a small power plant with the potential to emit more than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$1,390; and

(B) annual compliance review fee is \$1,485;

(4) for renewal of a permit for a Title V source, with the potential to emit more than 100 and less than 250 tons per year of any one pollutant, and that is an oil-and-gas source or thermal soil remediation unit, the

(A) annual permit fee is \$2,045; and

(B) annual compliance review fee is \$1,350;

(5) for renewal of a permit for a small power plant, with the potential to emit more than 100 and less than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$1,565; and

(B) annual compliance review fee is \$1,115;

(6) for a Title V source that is operating under the department's general operating permit for diesel engines, the annual compliance review fee is \$730;

(7) for renewal of a permit for a Title V source, other than one described in (1) – (6) of this subsection, and that has the potential to emit less than 250 tons per year of any one pollutant, the

(A) annual permit fee is \$2,090; and

(B) annual compliance review fee is \$1,345.

(b) If the permittee, owner, or operator of a Title V source is subject to an annual permit fee listed in (a) of this section for renewal of a Title V permit, and does not apply to renew the Title V permit for that source, the department will refund any annual permit fees that had been paid for that renewal. Annual compliance review fees and annual permit fees for original permits are not refundable.

(c) Before the department takes action on any permit application received, and unless the minor permit is to be issued using the fast-track procedures in 18 AAC 50.542(b) – (c), the permittee, owner, or operator of a stationary source subject to 18 AAC 50.326 or 18 AAC 50.502 and not subject to (j)(3) – (8) of this section who requests a minor permit must pay a nonrefundable one-time permit fee of \$2,665. However, if fast-track procedures are not available under 18 AC 50.542(b)(1), the permittee, owner, or operator must pay, for a stationary source other than one described in 18 AAC 50.502(b), time and other direct costs under (j) of this section.

(d) If the department prepares a new general operating permit or a new general minor permit, the department will determine the cost of that permit by multiplying the number of hours the department spent to develop the permit by the hourly rate of salary and benefits of the department employees who developed the permit. This cost will be divided by the number of permittees who receive or are expected to receive the permit to determine the permit administration fee.

(e) The permittee, owner, or operator of a stationary source shall pay an annual compliance fee of \$325, to be paid for each period from July 1 through the following June 30, for a stationary source that is not classified as needing a Title V permit and that is

(1) subject to a minor permit under 18 AAC 50.502; the compliance review fee must be paid in addition to the one-time permit fees in (c) of this section or a general minor permit fee in (d) of this section; or

(2) required to have a minor permit under 18 AAC 50.502(b), that is operating under an operating or general permit issued before October 1, 2004.

(f) Before the department take action on any request of application received, the permittee, owner, or operator of a stationary source who requests a minor permit, review, action, or activity described in this subsection must pay a nonrefundable one-time permit fee as follows:

(1) to change a Title I permit or approval to operate by administrative amendment under AS 46.14.285, a permit fee of \$465;

(2) to change a Title V permit or approval to operate by administrative amendment under 18 AAC 50.326, or to add a minor permit to a Title V permit by administrative amendment under 18 AAC 50.542(e), a permit fee of \$225, except as provided in (3) of this subsection;

(3) to change a Title V permit by administrative amendment to incorporate, in accordance with 40 C.F.R. 71.7(d)(1)(v), adopted by reference in 18 AAC 50.040, the requirements from a construction permit issued under 18 AAC 50.316, a permit fee of \$220;

(4) to change an approval to operate under 18 AAC 50.225 by administrative amendment under AS 46.14.285, a permit fee of \$465.

(g) After the department completes a review, action or activity described in this subsection, and sought by the permittee, owner, or operator of a stationary source subject to 18 AAC 50.326 or 18 AAC 50.502, the permittee, owner, or operator will be invoiced for and shall pay a nonrefundable one-time fee as follows:

(1) for department review under 18 AAC 50.345(m) of a source test plan, a fee of \$665;

(2) for department review under 18 AAC 50.345(o) of the results of a source test, a fee of \$660;

(3) for department intake and processing of an excess emission report or permit deviation report submitted in accordance with a stationary source's permit, a fee of \$15;

(4) for a fee review under 18 AAC 15.190, a fee of \$210; the department will waive the fee charged under this paragraph if the outcome of the fee review is a reduction of 50 percent or more in the amount of the disputed fee.

(h) The permittee, owner, or operator of a stationary source who requests an owner requested limit (ORL) under 18 AAC 50.225 or 18 AAC 50.508(5) or a preapproved emission limit under 18 AAC 50.230 must pay the following fees:

(1) for an ORL,

(A) a one-time administrative fee of \$2,290, to be paid before the department takes action on any request received; and

(B) an annual compliance review fee of \$235, unless the permittee, owner, or operator is required to pay an annual compliance review fee under (a) or (e) of this section.

(2) for a preapproved emission limit for diesel engines under 18 AAC 50.230(c),

(A) a one-time administrative fee of \$85, to be paid before the limit takes effect; and

(B) an annual compliance review fee of \$45;

(3) for a preapproved emission limit for a gasoline distribution facility considered under 18 AAC 50.230(d) to be a bulk gasoline plant,

(A) a one-time administrative fee of \$65, to be paid before the limit takes effect; and

(B) an annual compliance review fee of \$60.

(i) Except as provided in (j)(20) of this section, the fee for department approval of open burning under 18 AAC 50.065 is \$200.

(j) Unless the designated regulatory service is subject to a fixed fee set out in (a) –(i) of this section, or to the terms of a negotiated service agreement under AS 37.10.052(b) and 18 AAC 50.403, the permittee, owner, or operator shall pay an hourly permit administration fee for a designated regulatory service. The department will calculate the total amount due under this subsection by multiplying the number of hours spent to provide the designated regulatory service by the hourly rate of salary and benefits of the department employees who provided the designated regulatory service, and by adding to the resulting amount any other direct costs. Designated regulatory services subject to this subsection include regulatory services for

(1) an original permit for a Title V source, with the potential to emit more than 100 and less than 250 tons per year of any one pollutant, and that is an oil-and-gas source or thermal soil remediation unit;

(2) an original permit for a small power plant with the potential to emit more than 100 and less than 250 tons per year of any one pollutant;

- (3) an asphalt plant described in 18 AAC 50.502(b)(1);
- (4) a thermal soil remediation unit described in 18 AAC 50.502(b)(2);
- (5) a rock crusher described in 18 AAC 50.502(b)(3);
- (6) an incinerator described in 18 AAC 50.502(b)(4);
- (7) A Port of Anchorage stationary source;
- (8) a coal preparation plant;
- (9) a minor permit under 18 AAC 50.502(c)(1), if a construction permit is not required under AS 46.14.130(a) for that stationary source;
- (10) a minor permit under 18 AAC 50.502(c)(3);
- (11) a minor permit establishing or revising a plantwide applicability limitation (PAL) without an ambient air quality analysis;
- (12) a minor permit establishing or revising a plantwide applicability limitation (PAL) with an ambient air quality analysis;
- (13) an adjudicatory hearing under 18 AAC 15.195 – 18 AAC 15.340, if requested under 18 AAC 50.260(m), 18 AAC 50.306(e), 18 AAC 50.326(k), or 18 AAC 50.542(d) by the permit applicant; at the request of the permittee, and if the permittee is current on all other billings in the department, the department will hold in abeyance a fee charged under this paragraph during the course of the adjudicatory hearing;
- (14) a minor modification to a Title V permit under 40 C.F.R. 71.7(e)(1), adopted by reference in 18 AAC 50.040;
- (15) a significant modification to a Title V permit under 40 C.F.R. 71.7(e)(3), adopted by reference in 18 AAC 50.040;
- (16) revision or rescission of terms or conditions of a Title I permit;
- (17) department observation of a source test conducted;
- (18) pre-application assistance, including services under 18 AAC 50.260;
- (19) department approval of a modeling protocol;
- (20) department approval of open burning under 18 AAC 50.065, if the department determines that smoke incursion into a public place, into an airport, into a Class I area, into a nonattainment area for carbon monoxide or PM-10, or into a maintenance area for carbon monoxide or PM-10 is likely;

(21) compliance and enforcement activities, including preparation of a notice or violation, compliance order by consent, settlement agreement, or consent decree; however, for purposes of this paragraph, compliance and enforcement activities do not include activities after the filing of a complaint in court;

(22) completion of a permitting action that was requested before January 29, 2005, except as provided in 18 AAC 50.405; and

(23) the reopening of permit terms or conditions at the request of the permittee, owner, or operator before issuance of a permit.

(k) In this section,

(1) "airport" has the meaning given in AS 02.25.100;

(2) "large power plant"

(A) means a Title V source

(i) that contains a coal-fired boiler;

(ii) the purpose of which is to generate electricity, and that contains a combustion turbine electric generator or natural gas-fired steam plant; or

(iii) that has a potential to emit a total greater than or equal to 500 tons per year of regulated air pollutants in the aggregate, and that contains emission units used to provide power to a mine or military base;

(B) does not include a Title V source that operates under the department's general permit for diesel engines;

(3) "oil-and-gas source" means a Title V source not described in (2)(A) of this subsection, the purpose of which is the exploration for, extraction of, processing of, transportation of, or storage of crude oil, natural gas, or other petroleum products, or related activities; "oil-and-gas source" does not include a petroleum refinery or liquefied natural gas (LNG) plant;

(4) "public place" has the meaning given in AS 46.06.150;

(5) "small power plant"

(A) means a Title V source not described in (2)(A) or (3) of this subsection

(i) the purpose of which is to generate electricity, and that contains one or more diesel-fired internal combustion engines to generate power

(ii) the purpose of which is seafood processing; or

(iii) that has a potential to emit a total less than 500 tons per year of regulated air pollutants in the aggregate, and that contains emission units used to provide power to a mine or military base; and

(B) does not include a Title V source that operates under the department's general permit for diesel engines. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 12/1/2004, Register 172; am 1/29/2005, Register 173; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 7/1/2010, Register 194)

**Authority:** AS 37.10.050            AS 44.46.025            AS 46.14.140  
                  AS 37.10.052            AS 46.03.020            AS 46.14.240  
                  AS 37.10.058

**18 AAC 50.401. Fees for a notice of MACT approval.** Repealed. (Eff. 10/1/2004, Register 171; repealed 1/29/2005, Register 173)

**18 AAC 50.403. Negotiated service agreements.** If a fixed permit administration fee has not been set under 18 AAC 50.400(a) - (i) for a designated regulatory service, the permittee, owner, or operator of a stationary source may request a negotiated service agreement under AS 37.10.052(b) for that designated regulatory service. If requesting a negotiated service agreement for one or more of the following designated regulatory services, the permittee, owner, or operator must submit a retainer payment of \$5,300 per designated regulatory service before the department begins negotiations:

- (1) a minor permit under 18 AAC 50.502(c)(2)(B);
- (2) a PSD permit under 18 AAC 50.306 for a new major stationary source;
- (3) a major modification of a major stationary source;
- (4) a construction permit under 18 AAC 50.302 for a new stationary source or modification subject to the construction permitting requirements of 42 U.S.C. 7412(i) (Clean Air Act sec. 112(i));
- (5) a permit for the construction of a new stationary source or addition of an emission unit at a stationary source, if the stationary source is
  - (A) in a sulfur dioxide special protection area established under 18 AAC 50.025(c);
  - (B) in the Nikiski Industrial Area; or
  - (C) on an offshore platform;



(6) a major modification of a major stationary source, for which a limit is requested specifically to avoid review under 18 AAC 50.306;

(7) a minor permit under 18 AAC 50.508(4);

(8) the renewal of a Title V permit for a Title V source for which fees are not established under 18 AAC 50.400(a);

(9) a notice of MACT approval under 18 AAC 50.321. (Eff. 1/29/2005, Register 173; am 12/3/2005, Register 176; am 7/1/2010, Register 194)

<b>Authority:</b>	AS 37.10.050	AS 44.46.025	AS 46.14.140
	AS 37.10.052	AS 46.03.020	AS 46.14.240
	AS 37.10.058		

**18 AAC 50.405. Transition process for permit fees.** For a permit issued under this chapter, if the applicant has submitted an application before January 29, 2005 and the department has not yet worked on that permit application, at the request of the applicant, the department will process the permit under the provisions of 18 AAC 50.400 - 18 AAC 50.499 in effect on January 29, 2005. Any retainer submitted before January 29, 2005 will be applied to any fees effective after January 29, 2005. (Eff. 1/29/2005, Register 173)

<b>Authority:</b>	AS 37.10.050	AS 46.03.020	AS 46.14.240
	AS 44.46.025	AS 46.14.140	

**18 AAC 50.410. Emission fees.** (a) For each period from July 1 through the following June 30, the permittee, owner, or operator shall pay to the department an annual emission fee based on the stationary source's assessable emissions for that year for each stationary source that is subject to a permit under this chapter. The emissions fee is assessed per ton for each air pollutant for which projected emissions are 10 tons per year or greater, except as limited under AS 46.14.250(e).

(b) Except as provided in (c), (f), and (g) of this section, emission fees will be assessed as follows:

(1) for stationary sources required to obtain an operating permit under AS 46.14.130(b), an emission fee rate of \$28.57 per ton; of that per ton amount, \$19.32 will be allocated to the clean air protection fund under AS 46.14.260, and \$9.25 will be allocated to the emission control permit receipts account under AS 46.14.265;

(2) for stationary sources not subject to (1)(A) of this subsection but otherwise required to obtain a permit under AS 46.14.130, the emission fee rate of \$9.25 per ton, which will be allocated to the emissions control permit receipts account under AS 46.14.265.

(c) The quantity of emissions for which fees will be assessed is the lesser of the

stationary source's

(1) potential to emit; or

(2) projected annual rate of emissions, as that term is used in AS 46.14.250, if demonstrated by

(A) an enforceable test method described in 18 AAC 50.220;

(B) material balance calculations;

(C) emission factors from EPA's *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources*, adopted by reference in 18 AAC 50.035; or

(D) other methods and calculations approved by the department.

(d) For a stationary source that needs an operating permit only because that source contains an emission unit that is subject to a federal emission standard under 42 U.S.C. 7411 or 7412, only emissions from the emission unit subject to that standard are subject to emission fees under (b)(1) of this section.

(e) In emissions projections prepared under AS 46.14.250(h)(1)(B) and (c)(2) of this section, the permittee, owner, or operator shall account for emissions from equipment classified under 18 AAC 50.100 that temporarily replaces or substitutes for permanently installed equipment at a stationary source.

(f) For stationary sources required to obtain a minor permit in accordance with 18 AAC 50.502(c) or 18 AAC 50.508(6) but not required to obtain an operating permit under AS 46.14.130(b), the permittee shall pay a one-time emission fee assessed for the state fiscal year following the state fiscal year in which the permit was issued. The emission fee is based on assessable emissions for the state fiscal year being assessed and is billed in July of that year. The entire fee is allocated to the emission control permit receipts account under AS 46.14.265. The annual emission fee rate is \$9.25

(g) Notwithstanding (a) - (d) of this section, for the projected annual rate of emissions for a portable oil and gas operation under a general minor permit under 18 AAC 50.560, the emission fee is allocated to the emission control permit receipts account under AS 46.14.265, and the permittee shall pay the emission fee

(1) at the time of application or notification for operation that will occur in the same state fiscal year;

(2) for operation that will occur during more than one state fiscal year under a single application or notification, after billing under 18 AAC 50.420 by the department for any subsequent state fiscal year; and

(3) at the following rates for a single portable oil and gas operation for which the owner or operator submits a new application or notification for operation under the general

minor permit on or after December 3, 2005:

(A) for a portable oil and gas operation north of 69 degrees, 30 minutes North latitude,

(i) \$1,336 for operation at one or more ice pads during a winter drilling season;

(ii) \$4,008 for operation during a state fiscal year at one or more sites not including a seasonal ice pad;

(B) for a portable oil and gas operation outside the area described in (A) of this paragraph,

(i) \$1,245 for drilling five or fewer wells under the same application or notification during a state fiscal year;

(ii) \$2,490 for drilling no fewer than six and no more than 10 wells under the same application or notification during a state fiscal year;

(iii) \$3,735 for drilling 11 or more wells under the same application or notification during a state fiscal year.

(h) For purposes of this section, "state fiscal year" means a year beginning on July 1 of one calendar year and ending on June 30 of the following calendar year. (Eff. 1/18/97, Register 141; am 5/3/2002, Register 162; am 10/16/2003, Register 168; am 10/1/2004, Register 171; am 1/29/2005, Register 173; am 12/3/2005, Register 176; am 12/14/2006, Register 180; am 6/18/2009, Register 190; am 7/1/2010, Register 194)

**Authority:** AS 44.46.025 AS 46.14.140 AS 46.14.250  
AS 46.03.020

**18 AAC 50.420. Billing procedures.** (a) The department will bill emission fees assessed under 18 AAC 50.410(a) on or before July 1 of each year in a manner consistent with AS 46.14.250. The department will bill fixed permit administration fees under AS 46.14.240 and 18 AAC 50.400(a) - (i)

(1) on or before the 15th of July; or

(2) quarterly on or before January 15, April 15, July 15, and October 15 if requested in writing by the person required to pay the fee.

(b) On or before the 15th of each month, the department will bill permit administration fees for designated regulatory services rendered during the preceding month under 18 AAC 50.400(j). However, for reviews of excess emission reports, the department will bill on a semiannual basis if requested in writing by the person required to pay the fee.

(c) Fees assessed under this chapter are due within 60 days after the billing date. A payment that is past due accrues interest at the rate set in AS 46.14.255 unless the person required to pay the fee successfully disputes the fee or a portion of the fee under 18 AAC 50.430. Interest will be charged on the unpaid balance, beginning on the 61st day after the billing date.

(d) A person required to pay an emission fee under 18 AAC 50.410 may pay that fee in equal quarterly installments if

(1) the fee exceeds \$1,000; and

(2) a written request is submitted to the department with the first installment before the due date described in (c) of this section.

(e) If installment payments are requested under (d) of this section, the remaining three installments, including interest accrued as described in (c) of this section, must be paid on or before October 15, January 15, and April 15 of each year.

(f) An owner, operator, or permittee who

(1) increases a stationary source's assessable emissions through a permit revision shall pay to the department an emission fee for the increase in assessable emissions; the fee is due within 60 days after the effective date of the permit revision; or

(2) decreases the stationary source's assessable emissions through a permit revision may request a prorated refund or credit to the stationary source's fee account toward future fees.

(g) The owner, operator, or permittee who terminates operations or whose permit has lapsed or is terminated by the department may request a refund calculated by the department for fees collected in excess of the amount due for the stationary sources' actual emissions.

(h) Unless the owner, operator, or permittee requests otherwise, an invoice for emission fees or permit administration fees will be sent to the last known address of the stationary source that is subject to the fee. In an invoice, the department will include an itemized list of charges and credits for the billing period and a calculation of total credit balance or amount due on the account. For permit administration fees for designated regulatory services under 18 AAC 50.400(j), the department will also include as part of the itemized list the

(1) date on which the task was performed and a description of the task;

(2) name of the individual who performed the task; and

(3) time spent on the task on that date and the charge for the task, determined under 18 AAC 50.400(j). (Eff. 1/18/97, Register 141; am 10/16/2003, Register 168; am 10/1/2004, Register 171; am 1/29/2005, Register 173; am 7/1/2010, Register 194)

**Authority:** AS 44.46.025                      AS 46.14.140                      AS 46.14.250

AS 46.03.020

AS 46.14.240

AS 46.14.255

**18 AAC 50.430. Fee appeal procedures.** (a) A person who disputes the imposition of a fee under AS 46.14 or this chapter or who disputes the computation of charges may request review under 18 AAC 15.190.

(b) Repealed 7/11/2002.

(c) Repealed 7/11/2002. (Eff. 1/18/97, Register 141; am 7/11/2002, Register 163)

**Authority:** AS 44.46.025 AS 46.14.140 AS 46.14.250  
AS 46.03.020 AS 46.14.240

**18 AAC 50.499. Definitions for user fee requirements.** In 18 AAC 50.400 – 18 AAC 50.499, unless the context requires otherwise,

(1) “designated regulatory service” has the meaning given in AS 37.10.058;

(2) “direct cost” has the meaning given in AS 37.10.058;

(3) “hourly rate of salary and benefits” has the meaning given in AS 37.10.058.  
(Eff. 1/29/2005, Register 173)

**Authority:** AS 37.10.050 AS 44.46.025 AS 46.14.140  
AS 37.10.052 AS 46.03.020 AS 46.14.240  
AS 37.10.058

**Article 5. Minor Permits.****Section**

- 502. Minor permits for air quality protection
- 508. Minor permits requested by the owner or operator
- 509. Construction of a pollution control project without a permit
- 540. Minor permit: application
- 542. Minor permit: review and issuance
- 544. Minor permits: content
- 546. Minor permits: Revisions
- 560. General minor permits

**18 AAC 50.502. Minor permits for air quality protection.** (a) A minor permit is required as described in (b) - (f) of this section, except that a permit is not required under this section

(1) before construction, modification, or relocation of a new major stationary source or major modification that requires a permit under 18 AAC 50.306 – 18 AAC 50.311; however, a minor permit is required under this section for an air pollutant if that air pollutant is not significant under 40 C.F.R. 52.21(b)(23), adopted by reference in 18 AAC 50.040, and if a permit is not required under 18 AAC 50.311; a minor permit that is required under this paragraph for that air pollutant will be issued as part of the major permit;

(2) before operation if the stationary source needs a Title V permit; however, the need for a Title V permit does not exempt a stationary source from the requirement for a minor permit for construction, modification, or relocation;

(3) before relocation if the stationary source is already allowed by permit to operate at the new location; or

(4) as provided in (g) of this section.

(b) Except as provided in (a) or (d) of this section, the owner or operator must obtain a minor permit under this section before construction, operation, or relocation of a stationary source containing

(1) an asphalt plant with a rated capacity of at least five tons per hour of product;

(2) a thermal soil remediation unit with a rated capacity of at least five tons per hour of untreated material;

(3) a rock crusher with a rated capacity of at least five tons per hour;

(4) one or more incinerators with a cumulative rated capacity of 1,000 pounds or more per hour;

(5) a coal preparation plant; or

(6) a Port of Anchorage stationary source.

(c) The owner or operator must obtain a minor permit under this section before

(1) beginning actual construction of a new stationary source with a potential to emit greater than

(A) 15 TPY of PM-10;

(B) 40 TPY of nitrogen oxides;

(C) 40 TPY of sulfur dioxide;

(D) 0.6 TPY of lead; or

(E) 100 TPY of carbon monoxide within 10 kilometers of a carbon monoxide nonattainment area; or

(2) beginning actual construction or, if not already authorized in a permit under this chapter, beginning relocation

(A) on or after December 3, 2005 of a portable oil and gas operation, unless the owner or operator

(i) complies with an existing operating permit developed for the portable oil and gas operation at the permitted location; or

(ii) operates as allowed under AS 46.14.275 (Timely and Complete Application as Shield) without an operating permit;

(B) after October 1, 2004 of an emission unit with a rated capacity of 10 million Btu or more per hour in a sulfur dioxide special protection area established under 18 AAC 50.025(c); or

(3) beginning a physical change to or a change in the method of operation of an existing stationary source with a potential to emit an air pollutant greater than an amount listed in (1) of this subsection that will cause for that pollutant an emissions increase calculated at the discretion of the owner or operator as either an increase in

(A) potential to emit that is greater than

(i) 10 TPY of PM-10

(ii) 10 TPY of sulfur dioxide;

(iii) 10 TPY of nitrogen oxides; or

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a nonattainment area; or

(B) actual emissions and a net emissions increase greater than

(i) 10 TPY of PM-10

(ii) 10 TPY of sulfur dioxide;

(iii) 10 TPY of nitrogen oxides; or

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a carbon monoxide nonattainment area.

(d) An owner or operator may satisfy the requirement for a minor permit under this section through a stationary source-specific permit issued under 18 AAC 50.540 – 18 AAC 50.544 or a general minor permit under 18 AAC 50.560. An owner or operator may apply for a minor permit under this section that is valid at multiple locations. The owner or operator of a stationary source listed in (b) of this section

(1) if operating under an operating permit issued before October 1, 2004 may

(A) continue to operate under that permit, which remains in effect regardless of the stated expiration date in the permit, unless the department takes an action under AS 46.14.280; or

(B) apply for a new permit under this section at any time; or

(2) if qualified, may apply for and operate under a general operating permit that was issued before October 1, 2004 and that has not expired or been revoked by the department as of the date the department receives a complete application; the owner or operator may

(A) continue to operate under that permit, which remains in effect regardless of the stated expiration date in the permit, unless the department takes action under AS 46.14.280; or

(B) apply for a new permit under this section at any time.

(e) For the purposes of (c)(3)(B) of this section, actual emissions shall be calculated by comparing projected actual emissions to the baseline actual emissions. In determining the projected actual emissions, before beginning actual construction, the owner or operator of the stationary source shall

(1) consider all relevant information, including historical operational data, the owner's or operator's own representations, the owner's or operator's expected business activity and the owner's or operator's highest projections of business activity, the owner's or operator's



filings with the state or federal regulatory authorities, and compliance plans under AS 46.14.120; and

(2) include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and

(3) exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.

(f) If the owner or operator elects to base permit applicability for a modification on a calculation of actual emissions, if the project does not need a minor permit based on that calculation, and if a reasonable possibility exists that the project may result in an emissions increase greater than the thresholds in (c)(3) of this section, the owner or operator shall comply with the following:

(1) before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(A) a description of the project;

(B) identification of each emission unit that has emissions of a regulated NSR pollutant that could be affected by the project; and

(C) a description of the applicability test used to determine that the project is not a modification subject to (c)(3) of this section for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under (e)(3) of this section, an explanation for why that amount was excluded, and any netting calculations, if applicable;

(2) if the emission unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information listed in(1) of this subsection to the department;

(3) the owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emission unit identified in (1)(B) of this subsection, and shall calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the project, or for a period of 10 years following resumption of regular operations after the project if the project increases the design capacity of or potential to emit that regulated NSR pollutant at that emission unit;

(4) if the emission unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the department within 60 days after the end of each

year during which records must be generated under (3) of this subsection setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(5) if the emissions unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project identified in (1) of this subsection, exceed the baseline actual emissions, as documented and maintained under (1)(C) of this subsection, by an amount exceeding the thresholds in (c)(3) of this section for that regulated NSR pollutant, and if those emissions differ from the reconstruction projection as documented and maintained under (1)(C) of this subsection; the report shall be submitted to the department within 60 days after the end of that year; the report must contain the following:

(A) the name, address, and telephone number of the stationary source;

(B) the annual emissions as calculated under (3) of this subsection;

(C) any other information that the owner or operator wishes to include in the report.

(g) An increase in emissions under (c)(3) of this section does not require a permit under that paragraph if a plantwide applicability limitation (PAL) is established for the stationary source under 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040.

(h) For the purposes of this section

(1) "baseline actual emissions" has the meaning given in 40 C.F.R. 52.21(b)(48), adopted by reference in 18 AAC 50.040, except that in that definition the term "major stationary source" is revised to read "stationary source within the meaning given in AS 46.14.990";

(2) "electric utility steam generating unit" has the meaning given in 40 C.F.R. 51.166(b)(30), as revised as of July 1, 2003 and adopted by reference;

(3) "net emissions increase" has the meaning given in 40 C.F.R. 52.21(b)(3) adopted by reference in 18 AAC 50.040, except that "net emissions increase" applies to

(A) any increase in emissions of an air pollutant at a stationary source with existing emissions of that air pollutant greater than the amounts listed in (c)(1) of this section; notwithstanding 40 C.F.R. 52.21(a)(2)(iv), as reference in 40 C.F.R. 52.21(b)(3)(i)(a), "net emissions increase" is not restricted to a significant emissions increase or significant net emissions increase within the meaning of 40 C.F.R. 52.21(b)(3), (23), and (40), or to a major stationary source; and

(B) the calculation of whether a modification requires a minor permit under (c)(3) of this section, rather than whether the modification is a major modification;

(4) "projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emission unit is projected to emit a regulated NSR pollutant in any one of the

five 12-month periods following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or the potential to emit that regulated NSR pollutant and full utilization of the unit would result in an emissions increase or a net emissions increase greater than a threshold in (c)(3) of this section. (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

**18 AAC 50.508. Minor permits requested by the owner or operator.** An owner or operator may request a minor permit from the department for

(1) repealed 7/25/2008;

(2) repealed 7/25/2008;

(3) establishing or revising a plantwide applicability limitation (PAL) for a major stationary source; the provisions of 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040, apply to a PAL established or revised under this chapter;

(4) establishing actual emission reductions from an existing stationary source if requested by that source's owner or operator to offset an increase in allowable nonattainment air pollutant emissions at a

(A) new major stationary source;

(B) major modification; or

(C) PAL major modification;

(5) establishing an owner requested limit (ORL) to avoid on or more permit classifications under AS 46.14.130 at a stationary source that will remain subject to at least one permit classification; a limitation approved under an ORL is an enforceable limitation for the purpose of determining

(A) stationary source-specific allowable emissions; and

(B) a stationary source's potential to emit; or

(6) revising or rescinding the terms and conditions of a Title I permit issued under this chapter, except as provided under 18 AAC 50.510. (Eff. 10/1/2004, Register 171; am 7/25/2008, Register 187; am 12/9/2010, Register 196)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
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AS 46.14.010  
AS 46.14.020

AS 46.14.130  
AS 46.14.140

AS 46.14.180

**18 AAC 50.509. Construction of a pollution control project without a permit.**  
Repealed. (Eff. 10/1/2004, Register 171; repealed 7/25/2008, Register 187)

**18 AAC 50.510. Minor permit – Title V permit interface.** A term or condition established in a minor permit issued under 18 AAC 50.542 and identified in the minor permit as solely necessary to meet a Title V operating permit requirements to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 C.F.R. 71.7(d), adopted by reference in 18 AAC 50.040(j), is considered a Title V permit or condition upon incorporation into a Title V permit. A subsequent revision to the term or condition may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. (Eff. 12/9/2010)

**Authority:** AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140

**18 AAC 50.540. Minor permit: application.** (a) **Application information.** An application for a stationary source-specific minor permit must provide all of the information required by this section, including all information required by the applicable listed forms, unless the department specifies that the provision of one or more specific items makes the provision of additional items unnecessary for the department's determination. Applications must be on department forms.

(b) **General information.** Each application must include the information prescribed by the *Stationary Source Identification Form*, included in the department's *Minor Permit Application Forms*, adopted by reference in 18 AAC 50.030.

(c) **Minor permit for air quality protection.** Except for a Port of Anchorage stationary source, a permit application under 18 AAC 50.502 must include

(1) the information required in the following forms, included in the department's *Minor Permit Application Forms*, adopted by reference in 18 AAC 50.030:

(A) the *Emission Unit Information Form*;

(B) the *Emission Summary Form*; and

(2) for a permit for construction, modification, or relocation of a stationary source, a demonstration in accordance with 18 AAC 50.215(b) – (e) that the proposed potential emissions from the stationary source will not interfere with the attainment or maintenance of the ambient air quality standards; the ambient demonstration must follow an approved modeling protocol if the department requests a modeling protocol for demonstrating compliance with

ambient air quality standards; unless the department has made a finding in writing that the stationary source or modification does not need an ambient analysis to determine that construction and operation will not result in a violation of an ambient air quality standard, the application must include an ambient analysis for

(A) each air pollutant for which a permit is required under 18 AAC 50.502(c)(1) or (3);

(B) sulfur dioxide, PM-10, and nitrogen dioxide for a portable oil and gas operation;

(C) sulfur dioxide for a stationary source in an sulfur dioxide special protection area established under 18 AAC 50.025(c); or

(D) an air pollutant for which the department requests an analysis for a stationary source classified under 18 AAC 50.502(b).

(d) **Carbon monoxide source or modification.** For construction that would increase carbon monoxide emissions by 100 TPY or more within 10 kilometers of a nonattainment area, an application must include a demonstration that the potential to emit carbon monoxide emissions from construction and operation of the stationary source or emissions increase from the modification will not cause or contribute to a violation of the ambient air quality standard for carbon monoxide.

(e) **Port of Anchorage.** For a Port of Anchorage stationary source, the application must include the information required in the department's *Air Quality Compliance Certification Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*, adopted by reference in 18 AAC 50.030.

(f) Repealed 7/25/2008.

(g) Repealed 7/25/2008.

(h) **Plantwide applicability limitation (PAL).** An application for a minor permit establishing or revising a plantwide applicability limitation (PAL) must include the information listed in 40 C.F.R. 52.21(aa)(3), adopted by reference in 18 AAC 50.040. As the department considers necessary to evaluate impacts on ambient air quality standards, the department will require the application to include a demonstration that emissions under the PAL will not cause or contribute to a violation of ambient air quality standards.

(i) **Offsetting emissions.** An application for a minor permit for a limitation to establish offsetting emissions must specify the physical or operational limitations necessary to provide actual emission reductions of the nonattainment air pollutant; including

(1) a calculation of the expected reduction in actual emissions; and

(2) the emission limitation representing that quantity of emission reduction.

(j) **Owner requested limits (ORLs).** An application for a minor permit establishing an owner requested limit (ORL) under 18 AAC 50.508(5) must include the information and materials required under 18 AAC 50.225(b)(2) – (6) and (8).

(k) **Revising or rescinding permit conditions.** An application for a minor permit revising or rescinding terms or conditions of a Title I permit under 18 AAC 50.508(6) must include

- (1) a copy of the Title I permit that established the permit term or condition;
- (2) an explanation of why the permit term or condition should be revised or rescinded;
- (3) the effect of revising or revoking the permit term or condition on
  - (A) emissions;
  - (B) other permit terms;
  - (C) the underlying ambient demonstration, if required under (c)(2) of this section; and
  - (D) compliance monitoring; and
- (4) for a condition that allows an owner or operator to avoid a permit classification, the information required of an applicant for that type of permit, unless the revised condition would also allow the owner or operator to avoid the classification. (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 12/9/2010, Register 196)

**Authority:** AS 46.03.020                      AS 46.14.120                      AS 46.14.170  
                  AS 46.14.010                      AS 46.14.130                      AS 46.14.180  
                  AS 46.14.020                      AS 46.14.140

**18 AAC 50.542. Minor permit: review and issuance.** (a) **Permit issuance procedure options.** The department will use either the fast-track procedures in (b) and (c) of this section, or the procedures in (d) of this section to issue a stationary source-specific minor permit. The fast-track procedures are available for a permit classification under 18 AAC 50.502 if the application qualifies under (b) and (c) of this section, unless

- (1) the stationary source is
  - (A) classified under 18 AAC 50.502(c) for carbon monoxide emissions;
  - (B) in a sulfur dioxide special protection area established under

18 AAC 50.025(c);

(C) in the Nikiski Industrial Area;

(D) on an offshore platform;

(E) in the Municipality of Anchorage;

(F) in the City of Fairbanks;

(G) within Fort Wainwright; or

(H) within Eielson Air Force Base; or

(2) a person requests a public comment period under (b)(1) of this section.

(b) **Fast-track procedures.** Fast-track procedures for minor permits under 18 AAC 50.502 are as follows:

(1) upon receiving a complete application the department will give notice using the Alaska Online Public Notice System established under AS 44.62.175, by mail or electronic mail to persons on a list maintained by the department, including any person who requests to be notified, and by other means the department finds necessary for informing the public; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail; in the notice, the department will

(A) include a summary of the information provided by the applicant, and

(B) give any person 15 days to request a 30-day public comment period under (d) of this section; if a comment period is requested, the department will make a preliminary decision and issue a public notice under (d) of this section;

(2) if required by the department, the owner or operator shall apply online;

(3) for an air pollutant for which a permit is required under 18 AAC 50.502(c), or for an air pollutant for which the department requests an analysis for a stationary source classified under 18 AAC 50.502(b), the application must include a screening ambient air quality analysis in accordance with (c) of this section, unless the department has made a finding in writing that the stationary source or modification does not need an ambient air quality analysis to determine that construction and operation will not result in a violation of an ambient air quality standard;

(4) the fast-track procedures are available only if all predicted air pollutant concentrations meet the compliance criteria in (c)(2) of this section;

(5) if the approval criteria of (f) of this section are met, the department will issue the permit within 30 days after receiving the application.

(c) **Screening ambient air quality analysis.** A screening ambient air quality analysis under (b)(3) of this section

(1) must

(A) follow a modeling protocol developed by the department or otherwise approved by the department that is suitable for fast-track permitting; the department will approve the protocol for a screening level modeling demonstration if it finds that the department would be able to adequately review the resulting modeling demonstration in the time available for fast-track permitting;

(B) use a model and screening meteorological data approved by the department for the fast-track procedure;

(2) is considered to show compliance with the ambient air quality standard for an air pollutant and averaging period if

(A) for a new stationary source or modification, the predicted ambient air concentration from the stationary source, excluding offsite or background contributions, does not exceed 2/3 of each ambient standard for PM-10, or 80 percent of each ambient standard for sulfur dioxide or nitrogen oxides;

(B) for a modification, the predicted concentration resulting from the increase is less than the significant impact levels in Table 5 in 18 AAC 50.215(d); or

(C) for a modification, if the owner or operator has completed a previous ambient analysis that adequately characterizes the stationary source as it existed before the modification and, the sum of the highest ambient air concentration from the previous analysis plus the highest predicted ambient air concentration resulting from the increase is less than the concentration described in (A) of this paragraph.

(d) **Procedures that include a public comment period.** The department will use the following procedures to issue a permit under 18 AAC 50.508 or to issue a permit under 18 AAC 50.502 for which the fast-track procedures in (b) and (c) of this section are not available:

(1) no later than 30 days after an application is determined or considered to be complete under AS 46.14.160 or additional information is submitted in accordance with AS 46.14.160(c), the department will make a preliminary decision to approve or deny the application; the department will provide notice and opportunity for public comment on the department's preliminary decision as follows:

(A) the department will provide at least 30 days for the public to submit comments;

(B) the department will give notice

(i) using the Alaska Online Public Notice System established under AS 44.62.175;



(ii) by mail or electronic mail to persons on a list maintained by the department, including any person who requests to be notified; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail; and

(iii) by other means the department finds necessary for informing the public;

(C) the department will make available for public inspection in at least one location in the affected area

(i) the information submitted by the owner or operator;

(ii) any department analysis on the effect on air quality;

(iii) the reasons for the department's preliminary approval or denial; and

(iv) if the department proposes to approve the application, a copy of the proposed permit;

(D) for a request under 18 AAC 50.508(6) to revise a construction permit issued under 18 AAC 50.306 – 18 AAC 50.316, the department will provide an opportunity for public hearing in accordance with 40 C.F.R. 51.166(q)(2)(v), adopted by reference in 18 AAC 50.040; and

(E) the department will make a preliminary decision to approve the application only if the application includes all information required by 18 AAC 50.540, and the department finds that the approval criteria of (f) of this section will be met; the department will include in a preliminary permit any conditions necessary to assure compliance with this chapter;

(2) the department will notify the applicant, and any person who commented on the department's preliminary decision, of the department's final decision to approve or deny the permit application; a person described in AS 46.14.200 may request an informal or adjudicatory hearing as prescribed in 18 AAC 15.195 – 18 AAC 15.340; in a notification of denial of an application, the department will include the reasons for denial.

(e) **Adding a minor permit to a Title V permit by administrative amendment.** An owner or operator may add the conditions of a minor permit to a Title V permit by administrative amendment if

(1) the minor permit is issued using procedures that satisfy the requirements of both this section and 18 AAC 50.326; and

(2) the permit contains terms and conditions that satisfy the requirements of both 18 AAC 50.544 and 18 AAC 50.326.

(f) **Approval criteria.** The department will

(1) deny a minor permit application for a stationary source or modification classified under 18 AAC 50.502 if the department finds that construction and operation will result in a violation of

(A) a requirement of 18 AAC 50.045 – 18 AAC 50.090; or

(B) an ambient air quality standard;

(2) deny a minor permit application for carbon monoxide emissions near a nonattainment area if the department finds that construction and operation of the stationary source will cause an ambient concentration that exceeds a carbon monoxide concentration in Table 5 in 18 AAC 50.215 at a location that does not or would not meet an ambient air quality standard for carbon monoxide;

(3) deny a minor permit for a Port of Anchorage stationary source if the department finds that construction and operation of that source will result in a violation of a requirement of 18 AAC 50.045 – 18 AAC 50.090;

(4) repealed 7/25/2008;

(5) repealed 7/25/2008;

(6) approve a minor permit for establishing or revising a PAL, if the department finds that the emission unit satisfies the criteria for a PAL in 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040, and if the department required an ambient air quality analysis, that emissions under the PAL will not cause or contribute to a violation of an ambient air quality standard;

(7) approve a minor permit for a limitation requested under 18 AAC 50.508(4) to establish offsetting emissions, if the department finds that permanent, actual emission reductions of the nonattainment air pollutant will result from the limitations proposed in the application;

(8) approve a minor permit establishing an owner requested limit under 18 AAC 50.508(5), if the department finds that

(A) the stationary source is capable of complying with the limit; and

(B) the permit conditions are adequate for determining continuous compliance with the limit; and

(9) approve a request under 18 AAC 50.508(6) to revise or rescind a Title I permit term or condition, if the department finds that the permit will still require the owner or operator to comply with all applicable requirements of this chapter.

(g) **Duration.** A minor permit issued under this section remains in effect until changed

by another Title I permit or by an action by the department under AS 46.14.280, except

(1) as provided in 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040, for a plantwide applicability limitation; and

(2) that an owner requested limit that avoids only a Title V permit remains in effect until the owner or operator requests in writing to revise or revoke the limit and, if the new limit no longer avoids the requirement for a Title V permit, obtains that permit. (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 7/25/2008, Register 187; am 12/9/2010, Register 196)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.200

**18 AAC 50.544. Minor permits: content.** (a) In each minor permit issued under 18 AAC 50.542, the department will

(1) identify the stationary source, the project, the permittee, and contact information;

(2) include the requirement to pay fees in accordance with 18 AAC 50.400 – 18 AAC 50.499;

(3) include any conditions established under 18 AAC 50.201, as applicable;

(4) include the requirements of an owner requested limit under 18 AAC 50.225 that applies to the stationary source;

(5) include the standard permit conditions in 18 AAC 50.345, as applicable;

(6) include conditions as necessary to protect ambient air quality; and

(7) include, as needed, conditions required under 40 C.F.R. Part 71, as adopted by reference in 18 AAC 50.040(j) and 18 AAC 50.326 to accommodate an owner or operator request to add the conditions of a minor permit to a Title V permit by administrative amendment under 18 AAC 50.542(e).

(b) In each minor permit under 18 AAC 50.502(b), the department will include

(1) terms and conditions as necessary to ensure that the proposed stationary source or modification will meet the requirements of AS 46.14 and this chapter, including terms and conditions under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the

department and at locations and intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions;

(2) a permit condition requiring the owner or operator to

(A) perform regular maintenance considering the manufacturer's or the operator's maintenance procedures;

(B) keep records of any maintenance that would have a significant effect on emissions; the records may be kept in an electronic format; and

(C) keep a copy of either the manufacturer's or the operator's maintenance procedures.

(c) In each minor permit under 18 AAC 50.502(c), the department will include

(1) terms and conditions as necessary to ensure that the proposed stationary source or modification will not cause or contribute to a violation of any ambient air quality standard or the standards set out in 18 AAC 50.110, or to impose a limit under 18 AAC 50.201, including terms and conditions under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations and intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions;

(2) terms and conditions requiring performance tests for emission limits under 18 AAC 50.050 – 18 AAC 50.090; and

(3) terms and conditions requiring maintenance of equipment according to the manufacturer's or operator's maintenance procedures, including requirements to keep a copy of either the manufacturer's or the operator's maintenance procedures.

(d) For each stationary source that is not subject to Title V permitting under

18 AAC 50.326, the department will include in the minor permit the requirement for a periodic affirmation, in accordance with 18 AAC 50.205, of whether the stationary source is still accurately described by the application and minor permit, and whether the owner or operator has made changes that would trigger the requirement for a new permit under this chapter. In the minor permit, the department will set out a time period between required affirmations as appropriate to the stationary source regulated by the minor permit.

(e) Repealed 7/25/2008.

(f) In a minor permit that establishes or revises a plantwide applicability limitation (PAL), the department will include

(1) the contents listed in 40 C.F.R. 52.21(aa)(7), adopted by reference in 18 AAC 50.040; and

(2) conditions as the department considers necessary to prevent emissions under the PAL from causing or contributing to a violation of an ambient air quality standard.

(g) In each minor permit under 18 AAC 50.508(4) to establish offsetting emissions, the department will include terms and conditions to ensure that the stationary source will meet the criteria in 18 AAC 50.542(f)(7), including terms and conditions imposed under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations, intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions.

(h) In each minor permit establishing an owner requested limit (ORL) under 18 AAC 50.508(5), the department will include terms and conditions that

(1) describe the ORL, including specific testing, monitoring, recordkeeping, and reporting requirements;

(2) list all equipment covered by the ORL; and

(3) describe each permit classification under AS 46.14.130 that the ORL allows the owner or operator to avoid.

(i) In each minor permit under 18 AAC 50.508(6) that revises or rescinds terms or conditions of a Title I permit, the department will include terms and conditions as necessary to

ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with this chapter. If the limit

(1) made it possible for the owner or operator to avoid any preconstruction review under this chapter, the limit remains in effect until the owner or operator obtains

(A) a new construction permit or minor permit under this chapter as if the limit had never existed; or

(B) under this section or under 18 AAC 50.508, a new limit that allows the owner or operator to continue to avoid preconstruction review; or

(2) made it possible to avoid a Title V permit, the limit remains in effect until the owner or operator obtains

(A) a new Title V permit under this chapter as if the limit had never existed; or

(B) under this section or under a permit classified in 18 AAC 50.508, a new limit that allows the owner or operator to continue to avoid the need for the permit. (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 1/29/2005, Register 173; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 12/9/2010, Register 196)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.250

**18 AAC 50.546. Minor permits: Revisions.** (a) The department will use the procedures of 18 AAC 50.540 – 18 AAC 50.544 to revise a minor permit, either at the request of the permittee or on the department's own initiative, in accordance with AS 46.14.280.

(b) Notwithstanding (a) of this section, the department may revise non-substantive elements of a minor permit without further administrative procedures. (Eff. 10/1/2004, Register 171; am 7/25/2008, Register 187)

<b>Authority:</b>	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.285

**18 AAC 50.560. General minor permits.** (a) **Criteria.** The department may issue a general minor permit to allow construction or operation of stationary sources or emission units that

- (1) require a minor permit;
- (2) involve the same or similar types of operation;
- (3) involve the same type of emissions; and

(4) are subject to similar air quality control requirements.

(b) **General minor permit issuance procedures.** To issue a general minor permit, the department will provide notice and opportunity for public comment on the department's proposed permit by

(1) posting a public notice on the Alaska Online Public Notice System established under AS 44.62.175;

(2) sending a copy of the notice by mail or electronic mail to persons on a list maintained by the department, including any person who has requested to be notified; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail;

(3) distributing the notice using other means the department finds necessary for informing the public;

(4) allowing the public at least 30 days to submit comments; and

(5) making available for public inspection in the affected area

(A) a description of the stationary sources that would qualify under the general minor permit;

(B) the results of any department analysis on the effect on air quality;

(C) the reasons for the department's proposed action;

(D) a copy of the proposed permit and of the proposed application or notification form;

(E) a description of how interested persons may comment on the proposed general minor permit, including the period during which the department will accept public comments; and

(F) the time and place of any public hearing; the department will schedule any public hearing no sooner than 30 days after the date the first notice was published.

(c) **Application or notification forms.** The department will issue an application or notification form with each general minor permit. This may include an online or electronic form. The forms will identify the information that an applicant must provide to operate under the general minor permit, including

(1) information identifying the stationary source and location of the stationary source, and contact information; as necessary to show that the stationary source meets the qualifying criteria or a term or condition of the general minor permit, the department will require

that location information required under this subsection or under (d) – (g) of this section include a map and scale drawing;

(2) any information that is necessary to determine that the stationary source qualifies for the general minor permit;

(3) identification of all equipment to be operated under the general minor permit;  
and

(4) a certification by the applicant that the stationary source is capable of complying with all permit requirements.

(d) **Applying to construct or operate under a general minor permit.** To construct or operate under a general minor permit, the owner or operator must submit the appropriate completed application or notification form for the specific stationary source type. In a general minor permit, the department will specify whether the applicant must submit a complete notification form and operate in compliance with the general minor permit, or whether the applicant must also obtain department approval under (e) of this section to operate under the general minor permit. If the general minor permit requires that the applicant get approval, the department will notify the owner or operator within 30 days after receipt of the application that

(1) the application is complete;

(2) additional information is necessary to make the application complete; or

(3) the stationary source does not qualify for the general permit.

(e) **Approval to construct or operate under a general minor permit.** Approval to construct or operate under the general minor permit is granted when the department finds the application complete. If the general minor permit does not require department approval, and if the stationary source meets all of the qualifying criteria and operates in compliance with the general minor permit, the owner or operator may construct or operate under the permit immediately after the department receives a completed notification form. The general minor permit authorizes construction or operation only for

(1) equipment identified in the application or notification; and

(2) a location identified under (c), (f), or (g) of this section.

(f) **General minor permit content.** In a general permit the department will set out

(1) criteria that must be met in order for a stationary source to qualify under the general minor permit;

(2) a requirement to notify the department of the physical location of the stationary source before commencing construction or operation under the general minor permit, if the location is not provided in the application or notification;



(3) requirements in accordance with 18 AAC 50.544;

(4) for portable stationary sources, a notification form and procedures for a change in location; and

(5) any other terms and conditions that are necessary to assure that the stationary source continues to meet the qualifying criteria of the general minor permit.

(g) **Relocation.** A portable stationary source is authorized to operate under a general minor permit at additional locations not identified in the permit application or notification if the

(1) permittee notifies the department by submitting a completed change of location form following the procedures specified in the permit; and

(2) stationary source will continue to meet all of the permit's qualifying criteria at each location. (Eff. 10/1/2004, Register 171)

<b>Authority:</b>	AS 46.03.020	AS 46.14.130	AS 46.14.180
	AS 46.14.010	AS 46.14.140	AS 46.14.211
	AS 46.14.020	AS 46.14.150	AS 46.14.250
	AS 46.14.120	AS 46.14.170	

**Article 6. (Reserved)**

## Article 7. Conformity.

### Section

- 700. Purpose of 18 AAC 50.700 – 18 AAC 50.735
- 705. Coverage of 18 AAC 50.700 - 18 AAC 50.735: obligations of responsible agency
- 710. Transportation conformity: incorporation by reference of federal regulations
- 715. Transportation conformity: interagency consultation procedures
- 720. Transportation conformity: public involvement
- 725. General conformity: incorporation by reference of federal regulations
- 730. General conformity: mitigation of air quality impacts
- 735. General conformity: frequency of conformity determinations

**18 AAC 50.700. Purpose of 18 AAC 50.700 – 18 AAC 50.735.** The purpose of 18 AAC 50.700 - 18 AAC 50.735 is to ensure that a transportation plan, program project, or federal action within a nonattainment or maintenance area, will not hinder attainment of the national ambient air quality standards in that area if

- (1) the plan, program, project, or action is federally-funded or federally-approved; or
- (2) the project is nonfederally funded but is a regionally significant project that is funded, adopted, or approved by a current or prior recipient of funds under 23 U.S.C. or 49 U.S.C. 53 (Federal Transit Act). (Eff. 1/4/95, Register 133; am 9/4/98, Register 147)

**Authority:** AS 46.03.020 AS 46.14.030

**18 AAC 50.705. Coverage of 18 AAC 50.710 - 18 AAC 50.735: obligations of responsible agency.** (a) The requirements of 18 AAC 50.710 – 18 AAC 50.720 apply to

- (1) a transportation plan, program, or project within a nonattainment or maintenance area that is funded by, or requires approval under, 23 U.S.C. or 49 U.S.C. 5301 – 5338; or
- (2) a project that is nonfederally funded, but that is a regionally significant project funded, adopted, or approved by a current or prior recipient of funds designated under 23 U.S.C. or 49 U.S.C. 53 (the Federal Transit Act)

(b) The requirements of 18 AAC 50.725 - 18 AAC 50.735 apply to all federally-funded or approved actions within a nonattainment or maintenance area not described in (a) of this section.

(c) It is the obligation of the responsible agency to meet the applicable requirements of 18 AAC 50.700 - 18 AAC 50.735. For purposes of

- (1) transportation conformity under 18 AAC 50.710 – 18 AAC 50.720, “responsible agency” means the agency that

(A) receives or manages the federal money for the transportation plan, program, or project referred to in (a) of this section;

(B) develops the transportation plan, program, or project referred to in (a) of this section; or

(C) funds, adopts, or approves a nonfederal, regionally significant project and is a current or prior recipient of funds under 23 U.S.C. or 49 U.S.C. 53;

(2) general conformity under 18 AAC 50.725 – 18 AAC 50.735, “responsible agency” means the federal agency that is responsible for the funding or for approval of the action referred to in (b) of this section. (Eff. 1/4/95, Register 133; am 9/4/98, Register 147)

**Authority:** AS 46.03.020 AS 46.14.030

**18 AAC 50.710. Transportation conformity: incorporation by reference of federal regulations.** An agency subject to 40 C.F.R. Part 93 shall comply with the following federal regulations, as revised as of July 1, 2009, adopted by reference:

- (1) 40 C.F.R. 93.100 (Purpose);
- (2) 40 C.F.R. 93.101 (Definitions);
- (3) 40 C.F.R. 93.102 (Applicability);
- (4) 40 C.F.R. 93.103 (Priority);
- (5) 40 C.F.R. 93.104 (Frequency of conformity determinations);
- (6) 40 C.F.R. 93.106 (Content of transportation plans);
- (7) 40 C.F.R. 93.107 (Relationship of transportation plan and TIP conformity with the NEPA process);
- (8) 40 C.F.R. 93.108 (Fiscal constraints for transportation plans and TIPs);
- (9) 40 C.F.R. 93.109 (Criteria and procedures for determining conformity of transportation plans, programs, and projects: General);
- (10) 40 C.F.R. 93.110 (Criteria and procedures: Latest planning assumptions);
- (11) 40 C.F.R. 93.111 (Criteria and procedures: Latest emission model);
- (12) 40 C.F.R. 93.112 (Criteria and procedures: Consultation);
- (13) 40 C.F.R. 93.113 (Criteria and procedures: Timely implementation of TCMs);

- (14) 40 C.F.R. 93.114 (Criteria and procedures: Currently conforming transportation plan and TIP);
- (15) 40 C.F.R. 93.115 (Criteria and procedures: Projects from a plan and TIP);
- (16) 40 C.F.R. 93.116 (Criteria and procedures: Localized CO, PM-10, and PM-2.5 violations (hot spots));
- (17) 40 C.F.R. 93.117 (Criteria and procedures: Compliance with PM-10 and PM-2.5 control measures);
- (18) 40 C.F.R. 93.118 (Criteria and procedures: Motor vehicle emissions budget);
- (19) 40 C.F.R. 93.119 (Criteria and procedures: Interim emissions in areas without motor vehicle emissions budgets);
- (20) 40 C.F.R. 93.120 (Consequences of control strategy implementation plan failures);
- (21) 40 C.F.R. 93.121 (Requirements for adoption or approval of projects by other recipients of funds designated under title 23 U.S.C. or 49 U.S.C. 53 (the Federal Transit Laws));
- (22) 40 C.F.R. 93.122 (Procedures for determining regional transportation-related emissions);
- (23) 40 C.F.R. 93.123 (Procedures for determining localized CO, PM-10, and PM-2.5 concentrations (hot-spot analysis));
- (24) 40 C.F.R. 93.124 (Using the motor vehicle emissions budget in the applicable implementation plan (or implementation plan submission));
- (25) 40 C.F.R. 93.125 (Enforceability of design concept and scope and project-level mitigation and control measures);
- (26) 40 C.F.R. 93.126 (Exempt projects);
- (27) 40 C.F.R. 93.127 (Projects exempt from regional emissions analyses); and
- (28) 40 C.F.R. 93.128 (Traffic signal synchronization projects). (Eff. 1/4/95, Register 133; am 9/4/98, Register 147; am 4/1/2010, Register 193)

**Authority:** AS 46.03.020                      AS 46.14.030

**Editor's note:** The regulations of the Federal Highway Administration and the Federal Transit Authority concerning fiscal constraint referred to in 18 AAC 50.710(8) may be found at 23 C.F.R. 450.216(m), 23 C.F.R. 450.322(f)(10), and 23 C.F.R. 450.324.(h).

**18 AAC 50.715. Transportation conformity: interagency consultation procedures.**

(a) Before issuing a final conformity determination under 18 AAC 50.700 - 18 AAC 50.720, the responsible agency described in 18 AAC 50.705(c)(1), shall

(1) contact the office of the local governing body to determine if that office is aware of any plans for construction of a regionally significant project that is not funded under 23 U.S.C. (Highways) or 49 U.S.C. 5301 - 5338, including any project for which alternative locations, design concept and scope, or the no-build option are still being considered;

(2) prepare a preliminary interagency discussion draft, a public review draft, and a final draft of the conformity determination through the interagency consultation process described in (b) - (g) of this section with staff of

(A) the department;

(B) the local air quality planning agency;

(C) the Alaska Department of Transportation and Public Facilities;

(D) the local transportation agency;

(E) any agency created under state law that sponsors or approves transportation projects;

(F) the United States Environmental Protection Agency;

(G) the Federal Highway Administration;

(H) the Federal Transit Administration; and

(3) make the public review draft of the conformity determination available for public review and comment as required in 18 AAC 50.720.

(b) A staff member of the responsible agency shall

(1) consult with staff of the agencies listed in (a)(2) of this section to prepare a preliminary interagency discussion draft of the conformity determination, including necessary supporting information;

(2) ensure that all documents and information relevant to the preliminary interagency discussion draft are available to staff from the participating agencies; and

(3) consider the comments of staff from participating agencies and respond in writing to those comments in a timely, substantive manner before making a final decision on the preliminary interagency discussion draft; written agency comments and written responses must be included in the record of any conformity decision or action.

(c) In preparing the preliminary interagency discussion draft, a staff member of the responsible agency shall consult with the staff of the agencies listed in (a)(2) of this section to

(1) evaluate and choose a traffic demand and regional emissions model, and associated methods and assumptions to be used in a hot-spot analysis or a regional emissions analysis;

(2) determine which minor arterials and other projects should be considered regionally significant for purposes of a regional emissions analysis, in addition to those regionally significant projects as defined in 40 CFR 93.101, adopted by reference in 18 AAC 50.710;

(3) discuss whether a project that is otherwise exempt from the requirements of 18 AAC 50.700 - 18 AAC 50.720 under 40 C.F.R. 93.126 and 40 C.F.R. 93.127, adopted by reference in 18 AAC 50.710, should be treated as nonexempt if potential regional emissions impacts or other adverse emissions impacts might exist for any reason;

(4) determine, as required by 40 C.F.R. 93.113(c)(1), adopted by reference in 18 AAC 50.710, whether past obstacles to implementation of a transportation control measure (TCM) defined in 40 C.F.R. 93.101, adopted by reference in 18 AAC 50.710, that is behind the schedule established in the state implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs; the interagency consultation process must also consider whether delays in TCM implementation necessitate a revision to the state implementation plan to remove or to substitute a TCM or other emission reduction measures;

(5) determine, as required by 40 C.F.R. 93.121, adopted by reference in 18 AAC 50.710,

(A) that a regionally significant project

(i) is included in a regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not included in the TIP for the purposes of project selection or endorsement; and

(ii) design concept and scope have not changed significantly from those included in the transportation plan, TIP, or regional emissions analysis; or

(B) that, based on the requirements for a project that is not from a conforming transportation plan and TIP, as specified in 40 C.F.R. 93.118 and 40 C.F.R. 93.119, adopted by reference in 18 AAC 50.710,

(i) there is a currently conforming transportation plan and TIP, and a new regional emissions analysis that includes the regionally significant project; and

(ii) the currently conforming transportation plan and TIP will still conform if the regionally significant project is implemented;

(6) identify, as required by 40 C.F.R. 93.123(b), adopted by reference in 18 AAC 50.710, projects located at sites

(A) within a PM-10 nonattainment area identified in 18 AAC 50.015(b)(2), or within a PM-2.5 nonattainment area, if any, identified in 18 AAC 50.015(b)(2); and

(B) that have vehicle and roadway emission and dispersion characteristics essentially identical to those at sites that have air quality violations verified by monitoring, and that, therefore, require a quantitative PM-10 or PM-2.5 hot-spot analysis; and

(7) notify staff of participating agencies of any revision or amendment to a transportation plan or TIP that merely adds or deletes an exempt project listed in 40 C.F.R. 93.126, adopted by reference in 18 AAC 50.710.

(d) In addition to the consultation described in (c) of this section, a staff member of the responsible agency shall consult with staff of the state and local agencies listed in (a)(2) of this section to

(1) evaluate events that will trigger new conformity determinations in addition to those triggering events established in 40 C.F.R. 93.104, adopted by reference in 18 AAC 50.710;

(2) consider an emissions analysis for transportation activities that extend beyond the boundaries of a local governing body, nonattainment area, or air basin; and

(3) determine the design, schedule, and funding of research and data collection efforts and regional transportation model development by the local governing body, such as household or travel transportation surveys.

(e) If the metropolitan planning area does not include the entire nonattainment or maintenance area, the interagency consultation must include staff of the local governing body and the Alaska Department of Transportation and Public Facilities to determine conformity of all projects outside the metropolitan planning area and within the nonattainment or maintenance area.

(f) After completing the interagency consultation process, the responsible agency shall prepare the public review draft of the conformity determination, based on changes made to the preliminary draft during the consultation process, and shall make the public review draft available for public review and comment as required in 18 AAC 50.720.

(g) After opportunity for public review and comment on the public review draft of the conformity determination, the responsible agency shall

(1) prepare a final draft of the conformity determination in consultation with staff of the participating agencies; and

(2) after the consultation described in (1) of this subsection, issue the final



conformity determination to the agencies listed in (a)(2) of this section and provide the supporting information upon request.

(h) The department will refer to the governor for resolution any conflict between state agencies or between state and local agencies that cannot be resolved by the heads of the involved agencies. The department will make the referral to the governor within 14 calendar days after notification or a determination that the conflict cannot be resolved. A conformity determination that is the subject of a conflict resolution under this subsection must have the governor's concurrence to be considered final. The department will provide the participating agencies with a copy of its referral to the governor. The governor may delegate the role of resolving a conflict under this subsection and deciding whether to concur in the conformity determination to a state official or agency other than the department, the Alaska Department of Transportation and Public Facilities, or a state transportation board or commission. (Eff. 1/4/95, Register 133; am 9/4/98, Register 147; am 4/1/2010, Register 193)

**Authority:** AS 46.03.020 AS 46.14.030

**18 AAC 50.720. Transportation conformity: public involvement.** (a) The responsible agency referred to in 18 AAC 50.705(c) shall establish a public involvement process to provide opportunity for public review and comment on the public review draft of the conformity determination before the agency issues a final conformity determination. As required under 40 C.F.R. 93.112, adopted by reference in 18 AAC 50.710, the public involvement process must be consistent with the requirements of 23 C.F.R. 450.316(a), 23 C.F.R. 450.322(i), and 23 C.F.R. 450.324(b), as revised as of April 1, 2009.

(b) The responsible agency shall

(1) subject to (d) of this section,

(A) receive written comments on the public review draft of the conformity determination; and

(B) hold a public hearing or meeting

(i) for a transportation plan or transportation improvement program;

(ii) for a project that is not included in a transportation plan or transportation improvement program, but that is within a designated nonattainment area listed under 18 AAC 50.015(b) or designated maintenance area listed under 18 AAC 50.015(d); or

(iii) if a written comment received under (A) of this paragraph requests a public hearing or meeting for a regionally significant project;

(2) consider all comments received and prepare a written summary analysis of significant comments; and

(3) specifically address in the summary analysis all public comments concerning known plans for a regionally significant project that may not have been properly reflected in the emissions analysis used to support a proposed conformity finding for a transportation plan or TIP, regardless of whether the regionally significant project is receiving federal funding or approval.

(c) Opportunity for public involvement under this section must include access to information, emissions data, analyses, models, and modeling assumptions used to perform a conformity determination.

(d) If a project for which the provisions of (a) – (c) of this section apply is also subject to a public involvement process under 42 U.S.C. 4321 - 4370b (National Environmental Policy Act), compliance with the public involvement process under that law constitutes compliance with (a) – (c) of this section. (Eff. 1/4/95, Register 133; am 9/4/98, Register 147; am 4/1/2010, Register 193)

**Authority:** AS 46.03.020 AS 46.14.030

**18 AAC 50.725. General conformity: incorporation by reference of federal regulations.** In addition to the other requirements of 18 AAC 50.725 - 18 AAC 50.735, a federal agency described in 40 C.F.R. 51.853(b) - (j), as amended through December 1, 1994, shall comply with the following federal regulations, as amended through December 1, 1994, which are incorporated by reference in this chapter:

- (1) 40 C.F.R. 51.850 (Prohibition);
- (2) 40 C.F.R. 51.852 (Definitions);
- (3) 40 C.F.R. 51.853(b) - (j) (Applicability);
- (4) 40 C.F.R. 51.854 (Conformity analysis);
- (5) 40 C.F.R. 51.855 (Reporting requirements);
- (6) 40 C.F.R. 51.856 (Public participation);
- (7) 40 C.F.R. 51.858 (Criteria for determining conformity of general federal actions); and
- (8) 40 C.F.R. 51.859 (Procedures for conformity determinations of general federal actions). (Eff. 1/4/95, Register 133)

**Authority:** AS 46.03.020 AS 46.14.030

**18 AAC 50.730. General conformity: mitigation of air quality impacts.** (a) The federal agency referred to in 18 AAC 50.725 shall identify in writing

(1) any measure intended to mitigate or offset the air quality impact of the federal action;

(2) the estimated emission reduction available from an identified mitigation measure; and

(3) the process for implementing a mitigation measure including, as applicable,

(A) a description of the funding source for the mitigation measure;

(B) an implementation schedule with due dates for implementing the mitigation measure; and

(C) the process for tracking emission reductions from a mitigation measure.

(b) If a mitigation measure involves a separate person or agency, the federal agency making the conformity determination shall, before determining that the proposed federal action is in conformity, obtain a written commitment from the person or agency responsible for implementing the mitigation measure. The written commitment must identify the mitigation measure in a manner consistent with (a) of this section and describe the nature of the commitment. A person or agency committing to a mitigation measure under this subsection shall comply with the written obligations stated in the commitment.

(c) If a mitigation measure is included as part of a license, permit, or similar authorization issued by the federal agency, the federal agency shall require the person or agency issued the license, permit, or authorization to fully implement the mitigation measure as a condition for continued approval of the license, permit, or authorization.

(d) A federal agency may modify a mitigation measure if that agency

(1) concludes that the proposed modification supports the conformity determination, using the procedures and criteria set out in 40 C.F.R. 51.858 and 40 C.F.R. 859, adopted by reference in 18 AAC 50.725;

(2) issues a public notice of the proposed modification, using the public participation procedures set out in 40 C.F.R. 51.856, adopted by reference in 18 AAC 50.725; and

(3) reports the modification in accordance with 40 C.F.R. 51.855, adopted by reference in 18 AAC 50.725. (Eff. 1/4/95, Register 133)

**Authority:** AS 46.03.020 AS 46.14.030

**18 AAC 50.735. General conformity: frequency of conformity determinations. (a)**

The conformity status of a federal action lapses five years after the date that a final conformity determination is reported to the department unless

(1) the federal action is completed before five years has elapsed; or

(2) the federal agency has commenced a continuous program to implement the action within a reasonable time.

(b) An ongoing federal action showing continuous progress is not considered a new action and does not require a periodic redetermination required by this section if the emissions associated with the activity are within the scope of the final conformity determination reported in accordance with 40 C.F.R. 51.855, adopted by reference in 18 AAC 50.725.

(c) If, after the final conformity determination is made, the federal action is changed so that there is an increase in the total of direct or indirect emissions above the levels set in 40 C.F.R. 51.853(b), adopted by reference in 18 AAC 50.725, the federal agency shall make a new conformity determination in accordance with 40 C.F.R. 51.854, adopted by reference in 18 AAC 50.725. (Eff. 1/4/95, Register 133)

**Authority:** AS 46.03.020 AS 46.14.030

**Article 8. (Reserved)**

**Article 9. General Provisions.**

## Section

900. Small business assistance program

910. (Repealed)

990. Definitions

**18 AAC 50.900. Small business assistance program.** (a) The purpose of the small business assistance program established under AS 46.14.300 is to help small businesses in the state comply with state and federal air quality laws. The department's *The Alaska Small Business Assistance Program*, adopted by reference in 18 AAC 50.030, describes the small business assistance program.

(b) Subject to AS 46.14.300(c) and 46.14.310, only the owner or operator of a "small business facility," as that term is defined in AS 46.14.990, is eligible to receive the services of the small business assistance program.

(c) The owner or operator of an eligible small business facility may request a change to a requirement under this chapter that

(1) is a work practice or technological method of compliance; or

(2) sets a schedule of milestones preceding a date for implementing a work practice or technological method of compliance.

(d) A change described in (c) of this section may be requested as follows:

(1) if the requested change requires an amendment of a provision of this chapter, the request must be submitted under AS 44.62.220 and must include

(A) a description of the provision of this chapter to be amended;

(B) a description of the proposed amendment to be adopted; and

(C) an explanation of the need for the proposed change and how the change can adequately substitute for or replace the requirement to be changed; or

(2) if the requested change requires a revision to a permit term or condition that is not expressly required by this chapter, the request may be submitted as an application for a minor or significant permit modification under 40 C.F.R. 71.7(e), adopted by reference in 18 AAC 50.040, and subject to 18 AAC 50.326.

(e) The department will schedule a proposed amendment to this chapter submitted under (d)(1) of this section for public hearing as provided in AS 44.62.230 if the change would not cause a violation of

(1) the Clean Air Act;

(2) a federally-enforceable requirement; or

(3) state law. (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171)

**Authority:** AS 46.03.020 AS 46.14.030 AS 46.14.300

**Editor's note:** More information on the services provided by the small business assistance program referred to in this section, including details on determining eligibility, may be obtained from the department's small business advocate, 410 Willoughby Avenue, Juneau, Alaska 99801-1795, (907) 465-5100. A copy of the program description as it appears in the state air quality control plan, adopted by reference in 18 AAC 50.030, is available from the department's central and regional offices. A copy of the state air quality control plan may be viewed at any department office or at the Office of the Lieutenant Governor.

**18 AAC 50.910. Establishing level of actual emissions.** Repealed. (Eff. 1/18/97, Register 141; repealed 10/1/2004, Register 171)

**18 AAC 50.990. Definitions.** In this chapter

(1) "actual emissions" has the meaning given in 40 C.F.R. 52.21(b)(21), adopted by reference in 18 AAC 50.040;

(2) "administrator" means the administrator of the United States Environmental Protection Agency, except as otherwise provided in 18 AAC 50.306 – 18 AAC 50.326;

(3) "air pollutant" has the meaning given in AS 46.14.990;

(4) "air curtain incinerator" means a device in which large amounts of combustible materials are burned in a rectangular containment equipped with an overfire air system;

(5) "air pollution" has the meaning given in AS 46.03.900;

(6) "air pollution control equipment" means equipment or a portion of equipment designed to reduce the emissions of an air pollutant to the ambient air;

(7) "air quality control requirement" means any obligation created by AS 46.14, this chapter, or a term or condition of a preconstruction permit issued by the department before January 18, 1997;

(8) "allowable emissions" has the meaning given in 40 C.F.R. 52.21(b), except that for the purposes of establishing or revising a plantwide applicability limitation (PAL) under 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040,

(A) "allowable emissions" means the emissions rate of an emission unit calculated considering any emission limitation that is enforceable as a practical matter on

the emission unit's potential to emit; and

(B) in the definition of "potential to emit" in 40 C.F.R. 51.166(b), the words "or enforceable as a practical matter" are added after "federally enforceable", as provided in 40 C.F.R. 51.166(w)(2)(ii)(b);

(9) "ambient air" has the meaning given in AS 46.14.990;

(10) "ambient air quality standards" has the meaning given in AS 46.14.990;

(11) "approved" means approved by the department;

(12) "asphalt plant" means a stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; "asphalt plant" includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within the stationary source;

(13) "assessable emission" has the meaning given in AS 46.14.250(h)(1);

(14) "begin actual construction" has the meaning given in 40 C.F.R. 52.21(b)(11), adopted by reference in 18 AAC 50.040;

(15) "black smoke" means smoke having the color of emissions produced by the incomplete combustion of toluene in the double wall combustion chamber of a smoke generator;

(16) "Btu" means British thermal unit;

(17) "building, structure, facility, or installation" has the meaning given in AS 46.14.990;

(18) "casting off" means the first release of a line securing a vessel to shore as part of the process of leaving berth;

(19) "Class I area," "Class II area," and "Class III area" mean an area designated in 18 AAC 50.015, Table 1, as Class I, Class II, or Class III respectively;

(20) "Clean Air Act" means 42 U.S.C. 7401 - 7671q, as amended through November 15, 1990;

(21) repealed 7/25/2008;

(22) "coal preparation plant" means a stationary source that prepares coal by breaking, crushing, screening, wet or dry cleaning, or thermal drying, and that processes more than 200 tons per day of coal; "coal preparation plant" includes any combination of thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment, breakers and crushers, coal storage systems, and coal transfer systems within the stationary source;



- (23) "commissioner" means the commissioner of environmental conservation;
- (24) "conservation vent" means a vent containing a pressure-vacuum valve designed to minimize emissions of vapors from a storage tank due to changes in temperature and pressure;
- (25) "construct" or "construction" has the meaning given to "construction" in AS 46.14.990;
- (26) "construction permit" has the meaning given in AS 46.14.990;
- (27) "delivery tank" means the tank portion of a tank truck, tank trailer, or rail tank car; "delivery tank" does not include a tank of less than 2,500 gallons used to test or certify metering devices;
- (28) "department" means the Department of Environmental Conservation;
- (29) "emission" has the meaning given in AS 46.14.990;
- (30) "emission limitation" has the meaning given in AS 46.14.990;
- (31) "emission standard" has the meaning given in AS 46.14.990;
- (32) "emission unit" has the meaning given in AS 46.14.990;
- (33) "EPA" means the United States Environmental Protection Agency;
- (34) "excess emissions" means emissions of an air pollutant in excess of any applicable emission standard or limitation;
- (35) repealed 4/1/2010;
- (36) "expected number" as that term is used in 18 AAC 50.010(1)(A), has the meaning given in 40 C.F.R. Part 50, Appendix K, sec. 2.1, adopted by reference in 18 AAC 50.035;
- (37) "federal administrator" has the meaning given in AS 46.14.990 and includes the federal administrator's designee;
- (38) "fire service" means a
- (A) fire department registered with the state fire marshal under 13 AAC 52.030; and
  - (B) wildland fire suppression organization within the Department of Natural Resources, United States Forest Service, or United States Bureau of Land

Management/Alaska Fire Service;

(39) "fuel-burning equipment" means a combustion device capable of emission; "fuel-burning equipment" includes flares; "fuel-burning equipment" does not include mobile internal combustion engines, incinerators, marine vessels, wood-fired heating devices, or backyard barbecues;

(40) "fugitive emissions" has the meaning given in AS 46.14.990;

(41) "gasoline distribution facility" means a stationary source that stores fuel including gasoline and that transfers gasoline from storage tanks to delivery tanks;

(42) "good engineering practice stack height"

(A) for stack heights exceeding 213 feet, has the meaning given in 40 C.F.R. 51.100(ii), as revised as of July 1, 2007 and adopted by reference; or

(B) for all other stack heights, means the actual physical height of the stack;

(43) "grate cleaning" means removing ash from fireboxes;

(44) "hazardous air pollutant" has the meaning given in AS 46.14.990;

(45) "hazardous air pollutant major source" has the meaning given for the term "major source" in 40 C.F.R. 63.2, adopted by reference in 18 AAC 50.040;

(46) "hazardous waste" means a waste within the scope of 18 AAC 62.020;

(47) "impairment of visibility" means any humanly perceptible change in visibility from that which would have existed under natural conditions; in this paragraph, "change in visibility" includes light extinction, atmospheric discoloration, and any other change in visual range, contrast, or coloration;

(48) "incinerator" means a device used for the thermal oxidation of garbage or other wastes, other than a wood-fired heating device, including an air curtain incinerator burning waste other than clean lumber, wood wastes, or yard wastes;

(49) "industrial process" means the extraction of raw material or the physical or chemical transformation of raw material in either composition or character;

(50) "lowest achievable emission rate" or "LAER" has the meaning given in 40 C.F.R. 51.165(a)(1)(xiii), adopted by reference in 18 AAC 50.040;

(51) "maintenance area" means a geographical area that EPA previously designated as a nonattainment area and subsequently designated as an "attainment area" under

42 U.S.C. 7407(d)(3) (Clean Air Act, sec. 107(d)(3));

(52) “major stationary source” means

(A) for the purposes of 18 AAC 50.306, a stationary source or physical change that meets the definition of “major stationary source” under 40 C.F.R. 51.166(b)(1);

(B) for the purposes of 18 AAC 50.311, a stationary source or physical change that meets the definition of “major stationary source” under 40 C.F.R. 51.165(a)(1)(iv);

(53) “major modification” means

(A) for the purposes of 18 AAC 50.306, a change that meets the definition of “major modification” under 40 C.F.R. 51.166(b)(2);

(B) for the purposes of 18 AAC 50.311, a change that meets the definition of “major modification” under 40 C.F.R. 51.165(a)(1)(v);

(54) “make fast to the shore” means to secure the last line necessary to secure a vessel in its berth;

(55) "marine vessel" means a seagoing craft, ship, or barge;

(56) “maximum achievable control technology” or “MACT” means a maximum achievable control technology emission limitation defined in 40 C.F.R. 63.51, adopted by reference in 18 AAC 50.040, for a new or existing source;

(57) "maximum true vapor pressure" means the equilibrium partial pressure exerted by a stored liquid at the local maximum monthly average temperature reported by the National Weather Service;

(58) “minor permit” means a permit issued under 18 AAC 50.502 – 18 AAC 50.560;

(59) "modification" or "modify" has the meaning given to “modification” in 42 U.S.C. 7411(a) (Clean Air Act, sec. 111(a));

(60) “Nikiski Industrial Area” means the area of the Kenai Peninsula within Sections 21, 22, 27, and 28, Township 7 North, Range 12 West, Seward Meridian;

(61) "nonattainment air pollutant" means the air pollutant for which a particular area has been designated by the federal administrator as nonattainment in 40 C.F.R. 81.302;

(62) “nonattainment area” means, for a particular air pollutant, an area designated as nonattainment for that air pollutant;

(63) "nonroad engine" has the meaning given in 40 C.F.R. 89.2, as revised as of September 18, 2007, adopted by reference;

(64) "nonroutine repair" means an immediate repair to correct an unavoidable emergency or malfunction;

(65) "open burning" means the burning of a material that results in the products of combustion being emitted directly into the ambient air without passing through a stack, flare, vent, or other opening of an emission unit from which an air pollutant could be emitted;

(66) "operator" has the meaning given in AS 46.14.990;

(67) "organic vapors" means any organic compound or mixture of compounds evaporated from volatile liquid or any organic compound or mixture of compounds in aerosols formed from volatile liquid;

(68) "ORL" means owner requested limit;

(69) "owner" has the meaning given in AS 46.14.990;

(70) "PAL major modification" has the meaning given in 40 C.F.R. 52.21(aa)(2)(viii), adopted by reference in 18 AAC 50.040;

(71) "particulate matter" means a material, except water, that is or has been airborne and exists as a liquid or solid at standard conditions;

(72) "permit" includes all of the elements described in the definitions of "construction permit" and "operating permit" in AS 46.14.990, and the same elements as they occur in a minor permit under AS 46.14.130(c);

(73) "person" has the meaning given in AS 46.14.990;

(74) "petroleum refinery" means a stationary source engaged in the distillation of petroleum or re-distillation, cracking, or reforming of unfinished petroleum derivatives;

(75) "plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for an air pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040;

(76) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers;

(77) repealed 7/25/2008;

(78) "Port of Anchorage stationary source" means a stationary source located in the Port of Anchorage that contains one or more emission units subject to a standard in

18 AAC 50.085 or 18 AAC 50.090;

(79) "potential emissions" has the meaning given to the term "potential to emit" in AS 46.14.990;

(80) "potential to emit" has the meaning given in AS 46.14.990;

(81) "ppm" means parts per million;

(82) "practical means available" means, when approving the open burning of liquid hydrocarbons produced during oil or gas well testing, that all alternative disposal methods will have been analyzed and, where an environmentally acceptable procedure exists, that procedure will be required;

(83) "project" means a physical change or change in the method of operation of an existing stationary source;

(84) "PSD" means prevention of significant deterioration;

(85) "PSD permit" means a permit required under 18 AAC 50.306;

(86) "putrescible garbage" means material capable of being decomposed with sufficient rapidity to cause nuisance or obnoxious odors;

(87) "rated capacity" means the maximum sustained capacity of the equipment based on the fuel or raw material, or combination of fuels or raw materials, that is actually used and gives the greatest capacity;

(88) "reconstruct" and "reconstruction" have the meaning given "reconstruction" in 40 C.F.R. 63.2, adopted by reference in 18 AAC 50.040, except that for purposes of 18 AAC 50.260 "reconstruction has the meaning given in 40 C.F.R. 51.301, adopted by reference in 18 AAC 50.260(a);

(89) "reduction in visibility" means the obscuring of an observer's vision;

(90) "regionally significant project" has the meaning given in 40 C.F.R. 93.101 adopted by reference in 18 AAC 50.710;

(91) "regulated air pollutant" has the meaning given in AS 46.14.990;

(92) "regulated NSR pollutant" has the meaning given in 40 C.F.R. 51.166(b)(49);

(93) "responsible official" means

(A) for a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who

performs similar policy or decision making functions for the corporation, or a duly-authorized representative of that person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under AS 46.14 or this chapter, and

(i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars; or

(ii) the delegation of authority to the representative is approved in advance by the department;

(B) for a partnership or sole proprietorship, a general partner or the proprietor, respectively; and

(C) for a public agency, a principal executive officer or ranking elected official; for the purposes of this chapter, a principal executive officer of a federal agency includes the chief executive officer with responsibility for the overall operations of a principal geographic unit in this state;

(94) "reviewing authority" means the department;

(95) "rig day" means each calendar day that a single drill rig is drilling or testing an oil or gas well in normal operation or standby service; "rig day" does not include a day when

(A) equipment is not operating; or

(B) only light plants are operating;

(96) "scheduled maintenance" means activities planned in advance designed to keep equipment in good working order;

(97) "shutdown" means performing all activities necessary to cease operation of a source;

(98) "small business facility" has the meaning given in AS 46.14.990;

(99) "smolder" means to burn and smoke without flame;

(100) "soot-blowing" means using steam or compressed air to remove carbon from a furnace or from a boiler's heat transfer surfaces;

(101) "stack" has the meaning given in AS 46.14.990;

(102) "standard conditions" means dry gas at 68° F and an absolute pressure of 760 millimeters of mercury;

(103) "startup" means

(A) for an internal combustion engine aboard a marine vessel, the point in time that emissions begin to exit from the vessel as a result of igniting the engine; and

(B) for all other sources, the setting into operation of a source for any reason;

(104) "state air quality control plan" means the plan adopted by reference in 18 AAC 50.030;

(105) "stationary source" has the meaning given in AS 46.14.990;

(106) "technology-based emission standard" means

(A) a best available control technology standard with the meaning given in 40 C.F.R. 52.21(b)(12), adopted by reference in 18 AAC 50.040;

(B) a lowest achievable emission rate (LAER) standard;

(C) a maximum achievable control technology standard established under 40 C.F.R. Part 63, Subpart B, adopted by reference in 18 AAC 50.040(c);

(D) a standard adopted by reference in 18 AAC 50.040(a) or (c); and

(E) any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors;

(107) "temporary construction activity" means construction that is completed in 24 months or less from the date construction begins; "temporary construction activity" includes any period of inactivity during that 24-month period;

(108) "thermal soil remediation unit" means a stationary source that causes petroleum contamination to be desorbed from soils by heating the soil in a kiln;

(109) "Title I permit" means a

(A) permit issued under 18 AAC 50.306, 18 AAC 50.311, 18 AAC 50.316, or 18 AAC 50.502 – 18 AAC 50.560;

(B) construction permit issued before October 1, 2004; or

(C) permit to operate issued before January 18, 1997;

(110) "Title V permit" means a permit required by AS 46.14.130(b);

(111) "Title V source" means a stationary source classified as needing a permit under AS 46.14.130(b);

(112) "TPY" has the meaning given in AS 46.14.990;

(113) "total suspended particulate" or "TSP" means particulate matter as measured by a method specified in the department's *Air Quality Assurance Manual for Ambient Air Quality Monitoring*, adopted by reference in 18 AAC 50.030;

(114) "uncontaminated fuel" means a hydrocarbon fuel, excluding propane, that does not contain used oil, crude oil, or a hazardous waste;

(115) "upset" means the sudden failure of equipment or a process to operate in a normal and usual manner.

(116) "vapor collection system" means all equipment, ducts, piping, valves, and fittings necessary to prevent organic vapors displaced at a loading rack from being emitted into the atmosphere;

(117) "vapor-laden delivery tank" means a delivery tank that is being loaded with volatile liquid or that was loaded with volatile liquid during the immediately preceding load;

(118) "volatile liquid" means a liquid compound or mixture of compounds that exerts a maximum true vapor pressure of 0.5 pounds per square inch or more;

(119) "volatile liquid loading rack" means all equipment, loading arms, piping, meters, and fittings used to fill delivery tanks with volatile liquid;

(120) "volatile liquid storage tank" means any stationary storage vessel that contains a volatile liquid;

(121) "volatile organic compound" or "VOC" has the meaning given in 40 C.F.R. 51.100(s), as revised as of July 1, 2009, and adopted by reference;

(122) "weighing anchor" means to begin heaving in the anchor with intent to retrieve it and get underway, regardless of how the chain tends when heaving in begins;

(123) "wood-fired heating device" means a device designed for wood combustion so that usable heat is derived for the interior of a building; "wood-fired heating device" includes wood-fired stoves, fireplaces, wood-fired cooking stoves, and combination fuel furnaces or boilers that burn wood; "wood-fired heating device" does not include a device that is primarily a part of an industrial process and incidentally provides usable heat for the interior of a building.

(124) "portable oil and gas operation" means an operation that moves from site to site to drill or test one or more oil or gas wells, and that uses drill rigs, equipment associated with drill rigs and drill operations, well test flares, equipment associated with well test flares, camps, or equipment associated with camps; "portable oil and gas operation" does not include well servicing activities; for the purposes of this paragraph, "test" means a test that involves the use of a flare;



(125) “well servicing activities” means the use of portable equipment for servicing existing oil and gas wells that only stays on site for short and varying periods of time; “well servicing activities” includes the use of

- (A) coiled tubing units;
- (B) well frac units;
- (C) well slickline units;
- (D) well hot oil units;
- (E) well wireline units.

(126) “PAL pollutant” means the pollutant for which a plantwide applicability limitation (PAL) is established at a major stationary source;

(127) “regional administrator” means the administrator of Region X of EPA;

(128) “PM-2.5” means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers;

(129) “ozone” means a colorless gas that has a pungent odor and the molecular form O<sub>3</sub>;

(130) “transportation improvement plan” or “TIP” has the meaning given in 40 C.F.R. 93.101, adopted by reference in 18 AAC 50.710. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 12/9/2010, Register 196)

<b>Authority:</b>	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993

**Editors note:** The July 1, 2009 version of 40 C.F.R. 51.166(b)(49) contains a printing error. The correct definition for “regulated NSR pollutant” may be found in 73 Fed. Reg. 28347 (May 16, 2008).

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### DEC SIP SUBMITTAL

Revisions to 18 AAC 50 Dated July 25, 2008; November 9, 2008; May 6, 2009; November 4, 2009; April 1, 2010; July 1, 2010; October 29, 2010; and **December 9, 2010**

All revisions prior to December 9, 2010, have already been submitted for SIP approval or do not require SIP approval.

SECTION	PART OF SIP ?		Title of Section	Current State Effective Date	EPA Approval Date	Previous State Effective Date	EPA Approval Required	Comment (Nature of change if any)
	YES	NO						
18 AAC 50.005	X		Purpose of chapter	10/1/2004	2/5/07	1/18/97	YES	No changes made
18 AAC 50.010	X		Ambient Air Quality Standards	<del>10/1/2004</del> 4/1/10	2/5/07	7/21/98	YES	<del>No changes made</del> Adoption of new and revised standards.
18 AAC 50.015	X		Air Quality Classifications	<del>10/1/2004</del> 12/9/2010	2/5/07	2/20/04	YES	Addition of PM2.5 nonattainment designation for Fairbanks and North Pole
18 AAC 50.020	X		Baseline Dates	7/25/2008	2/5/07	6/21/98	YES	Formatting corrections to 020(b)(2) and Table 3
18 AAC 50.025	X		Visibility & Special Protection	6/21/1998	1/19/99	6/21/98	NO	No changes made
18 AAC 50.030	X		State Air Quality Control Plan	11/9/2008, 5/6/09, 11/4/09, 4/1/10, and 10/29/10	2/5/07	10/1/04	YES	Amend adoption by reference date in 030(9); 030 amended to update the State Air Quality Control Plan (multiple changes) and the adoption by reference of the updated Quality Assurance Project Plan
18AAC 50.030(3)		X	Port of Anchorage Provisions	7/25/2008	2/5/07	1/18/97	NO	Updated language to 030(3); no EPA Action Required
18 AAC 50.035	X		Documents adopted by reference	7/25/2008, 11/9/2008, 4/1/10, and 12/9/2010	2/5/07	12/03/05	YES	Updated revision dates of adopted documents in 035(a) and 035(b), added 035(a)(7) and (8); updated adoption dates; updated revision date in 035(b)

SECTION	PART OF SIP ?		Title of Section	Current State Effective Date	EPA Approval Date	Previous State Effective Date	EPA Approval Required	Comment (Nature of change if any)
	YES	NO						
18 AAC 50.040	X		Adoption of federal standards	7/25/2008 and 12/9/2010	2/5/07	12/3/05	YES	Updated revision dates of adopted documents in 040(a)-(j); repealed (h)(17)-(19) and (i)(7)-(9); amended language in (h)(20), (i)(10); updated revision dates in 040(a)-(j); added 040(a)(2)(LL)-(QQ); added 040(c)(34)-(35); added 040(j)(9)
18 AAC 50.045	X		Prohibitions	10/1/2004	1/19/99	1/18/97	YES	No changes made
18 AAC 50.050	X		Incinerator emission standards	7/25/2008	2/5/07	5/3/02	YES	Formatting corrections to Table 4 in 050(b)
18 AAC 50.052	X		Repealed	10/1/2004	1/19/99	6/21/98	YES	EPA must approve repeal of previously approved section
18 AAC 50.055	X		Industrial processes & fuel burning equipment	7/25/2008 and 12/9/2010	2/5/07	10/1/04	YES	Clarifying language in 055(a)(9)(D); amended 055(a)(9)
18 AAC 50.060	X		Pulp Mills	1/18/1997	1/19/99	1/18/97	NO	No changes made
18 AAC 50.065	X		Open Burning	1/18/1997	1/19/99	1/18/97	NO	No changes made
18 AAC 50.070	X		Marine Vessel Visible Emissions	6/21/1998	1/19/99	1/18/97	NO	No changes made
18 AAC 50.075	X		Wood fired heating devices	1/18/1997 and 5/6/09	1/19/99	1/18/97	NO	No changes made Revisions to CBJ Code
18 AAC 50.080	X		Ice Fog (was 50.090)	1/18/1997	2/5/07	1/18/97	YES	No changes made
18 AAC 50.085		X	Port of Anchorage	1/18/1997	N/A		N/A	Not part of the SIP; No EPA approval or action needed
18 AAC 50.090		X	Port of Anchorage	7/25/2008	N/A	10/1/04	N/A	No EPA action needed; amended to include resting requirements
18 AAC 50.100	X		Nonroad engines	10/1/2004	2/5/07	1/18/97	YES	No changes made

SECTION	PART OF SIP ?		Title of Section	Current State Effective Date	EPA Approval Date	Previous State Effective Date	EPA Approval Required	Comment (Nature of change if any)
	YES	NO						
18 AAC 50.110	X		Air Pollution Prohibited	05/26/1972	Prior 80	5/26/72	NO	Previously approved
18 AAC 50.200	X		Information Requests	10/1/2004	2/5/07	1/18/97	YES	No changes made
18 AAC 50.201	X		Ambient Air Quality Investigation	10/1/2004	2/5/07	1/18/97	YES	No changes made
18 AAC 50.205	X		Certification	10/1/2004	2/5/07	1/18/97	YES	No changes made
18 AAC 50.215	X		Ambient analysis methods	7/25/2008, 4/1/10, 10/29/10, and 12/9/2010	2/5/07	10/1/04	YES	215(a), (c) repealed and readopted; 215(b) amended; 215(d) Table 5 repealed and readopted; 215(d) amended to add a new subsection; addition of methods and amended 215(a) to reflect adoption of new QAPP
18 AAC 50.220	X		Enforceable Test Methods	10/1/2004	2/5/07	1/18/97	YES	No changes made
18 AAC 50.225	X		Owner requested limits	7/25/2008 and 12/9/2010	2/5/07	1/29/05	YES	225(b) amended to add new subsection; amended 225(a) to add clarifying language
18 AAC 50.230	X		Pre approved emission limits	1/29/2005 and 7/1/10	2/5/07	6/21/98	YES	No changes made; 230(c)(1)(I) and 230(d)(1)(E) amended to correct cross-reference to fees
18AAC50.230(d)		X	PAEL for gasoline bulk plants	1/29/2005	N/A	6/21/98	NO	Not part of the SIP
18 AAC 50.235		X	Unavoidable emergencies etc.	10/1/2004	N/A	6/14/98	NO	No changes made
18 AAC 50.240	X		Excess Emissions	10/1/2004	1/19/99	1/18/97	YES	No changes made
18 AAC 50.245	X		Air Episodes & Advisories	10/1/2004	2/5/07	1/18/97	YES	No changes made
18 AAC 50.250	X		Revising air quality classification	10/1/2004	2/5/07	1/18/97	YES	No changes made

SECTION	PART OF SIP ?		Title of Section	Current State Effective Date	EPA Approval Date	Previous State Effective Date	EPA Approval Required	Comment (Nature of change if any)
	YES	NO						
18 AAC 50.260		X	Guidelines for BART	12/30/2007 and 7/1/10	N/A	N/A	NO	New section; no action required; 260(p) amended to correct cross-reference to fees
18 AAC 50.300	X		Repealed	10/1/2004	2/5/07	5/3/02	YES	No changes made
18 AAC 50.301	X		Permit continuity	10/1/2004	2/5/07	N/A	YES	No changes made
18 AAC 50.302	X		Construction Permits	10/1/2004 12/9/2010	2/5/07	N/A	YES	302 amended to add a new subsection (c)
18 AAC 50.305		X	Repealed	10/1/2004	N/A	1/18/97	N/A	No changes made
18 AAC 50.306	X		PSD Permits	7/25/2008 and 12/9/2010	2/5/07	10/1/04	YES	Expanded definition of "federal administrator" in 306(b)(1)(A); repealed 306(b)(2)-(3); amended leading language of 306(c); repealed and readopted 306(b) to clarify definitions
18 AAC 50.310	X		Repealed	10/1/2004	2/5/07	1/18/97	N/A	No changes made
18 AAC 50.311	X		Nonattainment & Major Source	10/1/2004	2/5/07	N/A	YES	No changes made
18 AAC 50.315		X	Repealed	10/1/2004	N/A		N/A	No changes made
18 AAC 50.316	X		HAPS Major Construction	12/1/2004	N/A		YES	No EPA action required
18 AAC 50.320		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.321		X	Case by Case MACT	12/1/2004	N/A		N/A	No action required
18 AAC 50.322		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.326		X	TV Program & Technical	12/1/2004	N/A		N/A	No action required
18 AAC 50.330		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.335		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.340		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.341		X	Repealed	10/1/2004	N/A		N/A	No action required

SECTION	PART OF SIP ?		Title of Section	Current State Effective Date	EPA Approval Date	Previous State Effective Date	EPA Approval Required	Comment (Nature of change if any)
	YES	NO						
18 AAC 50.345	X		Standard Permit Conditions	11/9/2008	2/5/07 Except 345(b), (c)(3), & (l)	10/1/04	YES	Added minor permits to list of permits that can use standard conditions; amend 345(j) to clarify certification requirements
18 AAC 50.346	X		Other permit conditions 346(a) only	11/9/2008 and 12/9/2010		10/1/04	YES	Approval required for 18 AAC 50.346(a) only (disapproved on 2/5/07); 346(b) was amended to update adoption by reference dates of revised standard conditions and adopt a new standard condition; Table 7 was updated to reflect changes; approval required for 18 AAC 50.346(a) only (disapproved on 2/5/07); 346(b) was amended to update adoption by reference dates of revised standard conditions and adopt two new standard conditions; Table 7 in 346(c) was updated to reflect changes
18 AAC 50.350		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.355		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.360		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.365		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.370		X	Repealed	10/1/2004	N/A		N/A	No action required

SECTION	PART OF SIP ?		Title of Section	Current State Effective Date	EPA Approval Date	Previous State Effective Date	EPA Approval Required	Comment (Nature of change if any)
	YES	NO						
18 AAC 50.375		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.380		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.385		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.390		X	Repealed	10/1/2004	N/A		N/A	No action required
18 AAC 50.400		X	Fees	7/25/2008 and 7/1/10	2/5/07 (see note in comment column)		NO	400(e)(3), (f) repealed; (g) amended; (h)(1) amended; (m)(6) repealed; no action required because removed from subject to SIP status, 2/5/07; 400 repealed and readopted to address changes in fees
18 AAC 50.401		X	Repealed	1/29/2005	N/A		N/A	No action required
18 AAC 50.403		X	Fees	12/3/05 and 7/1/10			NO	No changes made; do not desire these fees to be part of EPA approved SIP; 403 amended to correct cross-reference to fees
18 AAC 50.405		X	Transition Process for fees	1/29/2005			NO	No changes made; do not desire these fees to be part of EPA approved SIP
18 AAC 50.410		X	Emission Fees	6/18/09 and 7/1/10			NO	End date for fees extended; however, not being submitted and do not desire these fees to be part of EPA approved SIP; 410 amended to update fees
18 AAC 50.420		X	Billing procedures	1/29/2005 and 7/1/10	2/5/07 (see note in comment column)		NO	No changes made; removed from subject to SIP status, 2/5/07; 420 amended to correct cross-reference to fees
18 AAC 50.430		X	Appeal procedures	7/11/2002	2/5/07 (see note)		NO	Removed from subject to SIP status, 2/5/07



SECTION	PART OF SIP ?		Title of Section	Current State Effective Date	EPA Approval Date	Previous State Effective Date	EPA Approval Required	Comment (Nature of change if any)
	YES	NO						
18 AAC 50.499		X	Definitions	1/29/2005			YES	No changes made
18 AAC 50.502	X		Minor Permits	7/25/2008 and 12/9/2010	2/5/07	12/3/05	YES	500(c) amended; CU and PCP language repealed; definition revised in 502(b)(6)
18 AAC 50.508	X		Minor Permits	7/25/2008	2/5/07	10/1/04	YES	508(1) repealed; 508(5) language amended
18 AAC 50.509	X		Minor Permits	7/25/2008	2/5/07	10/1/04	YES	Repealed
18 AAC 50.510	X		Minor Permits	12/9/2010		XX/xx/2010	YES	Addition of new section 510 to address TI/TV interface
18 AAC 50.540	X		Minor Permits	7/25/2008 and 12/9/2010	2/5/07	12/3/05	YES	540(g) repealed; 540(j) amended to include new language; 540(c)(2) revised; 540(k) and 540(k)(3) revised
18 AAC 50.542	X		Minor Permits	7/25/2008 and 12/9/2010	2/5/07	12/1/04	YES	542(f)(4)-(5) repealed; (g)(1) amended to delete reference to repealed language; 542(a) amended to add additional areas to list
18 AAC 50.544	X		Minor Permits	7/25/2008, 11/9/2008, and 12/9/2010	2/5/07	1/29/05	YES	544(a) is amended to add a new paragraph; 544(c) and (h) are amended to include new language; 544(e) repealed; 544(a) amended to add additional language; 544(h)(3) amended
18 AAC 50.546	X		Minor Permits	7/25/2008	2/5/07	10/1/04	YES	546(a) is amended to add new language
18 AAC 50.560	X		Minor Permits	10/1/2004	2/5/07		YES	No changes made

SECTION	PART OF SIP ?		Title of Section	Current State Effective Date	EPA Approval Date	Previous State Effective Date	EPA Approval Required	Comment (Nature of change if any)
	YES	NO						
18 AAC 50.700	X		Conformity	9/4/1998	2/28/00	1/4/95	NO	No action required
18 AAC 50.705	X		Conformity	9/4/1998	2/28/00	1/4/95	NO	No action required
18 AAC 50.710	X		Conformity	9/4/1998 and 4/1/10	2/28/00	1/4/95	NO	No action required; Transportation Conformity
18 AAC 50.715	X		Conformity	9/4/1998	2/28/00	1/4/95	NO	No action required
18 AAC 50.720	X		Conformity	9/4/1998	2/28/00	1/4/95	NO	No action required
18 AAC 50.725	X		Conformity	1/4/1995	11/27/95	1/4/95	NO	No action required
18 AAC 50.730	X		Conformity	1/4/1995	11/27/95	1/4/95	NO	No action required
18 AAC 50.735	X		Conformity	1/4/1995	11/27/95	1/4/95	NO	No action required
18 AAC 50.900	X		Small business	10/1/2004	2/5/07	1/18/97	YES	No changes made
18 AAC 50.910		X	Repealed	10/1/2004	N/A	1/18/97	N/A	No action required
18 AAC 50.990	X		Definitions	7/25/2008, 4/1/10, and 12/9/2010	2/5/07	12/3/05	YES	Definitions (21) and (77) repealed; amended definitions( 42(A)) and (63) to include revised dates; amended definition (59) to reference definition in the CAA; added definitions (126) “PAL pollutant” and (127) “regional administrator”; new definitions (128) – (130) and repeal of (35); (101) amended to correct a typo; (121) amended to adopt updated definition date; Editor’s note added to clarify definition due to C.F.R. printing error

**40 C.F.R. Part 51 Appendix V 2.1. (e)**

**Evidence State Procedural Requirements Satisfied:**

**and**

**40 C.F.R. Part 51 Appendix V 2.1. (f)**

**Dated Evidence of Proper Public Notice:**

**and**

**40 C.F.R. Part 51 Appendix V 2.1. (g)**

**Certification that Public Hearings were Held if Applicable:**

**Affidavit of Notice of Proposed Adoption of Regulations and  
Furnishing of Additional Information signed by Rebecca Tyson Smith  
dated September 27, 2010.**

**Public Notice signed by Commissioner Larry Hartig dated June 25,  
2010.**

**Affidavit of Publication, Anchorage Daily News, dated June 28, 2010  
(affidavit signed July 7, 2010).**

**Affidavit of Publication, Fairbanks Daily News Miner, dated June 29,  
2010 (affidavit signed June 30, 2010).**

**Affidavit of Publication, Juneau Empire, dated June 29, 2010 (affidavit  
signed June 29, 2010).**

**Affidavit of Oral Hearing signed by Tom Turner dated July 29, 2010.**

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STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Rebecca Tyson Smith, Environmental Program Specialist, of the Department of Environmental Conservation, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 18 AAC 50, updating adoption by reference dates of federal rules; updating adoption by reference of revised Standard Conditions; adding a new Standard Condition for air permits and associated form; updating the air quality nonattainment designations; and adopting clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons as shown on the attached lists;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chairs of the Resources Committees of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

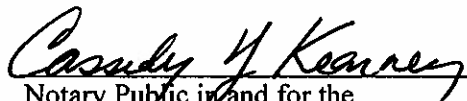
As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons as shown on the attached list and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

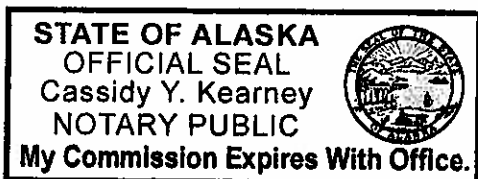
DATE: 27 Sept '10  
Juneau, Alaska

  
Rebecca Tyson Smith,  
Environmental Program Specialist

SUBSCRIBED AND SWORN TO before me this 27 day of September, 2010.

[NOTARY SEAL]

  
Notary Public in and for the  
State of Alaska  
My commission expires: with office



FirstName	LastName	Title	OrganizationName	Address	City	State	PostalCode	RegularM
Beda	Adams	Utility Clerk	Koyuk Utilities Department	P. O. Box 53090	Koyuk	AK	99753-	TRUE
Johnny	Aiken		North Slope Borough, Planning Department	P. O. Box 69	Barrow	AK	99723-	TRUE
Van	Bakel			1221 S. Bragaw	Anchorage	AK	99508-2683	TRUE
Charlie	Boddy	V.P. Governmental Relations	USIBELLI COAL MINE, INC.	100 Cushman St., Suite 210	Fairbanks	AK	99701	TRUE
Keith	Bergron	Operations Manager		PO BOX 210149	AUKE BAY	AK	99821	TRUE
Diane	Bryan	Environmental Protection Specialist	TLINGIT HAIDA REG ELECT AUTH	354 CES/CEVY, 2258 Central Ave., Ste 100	Eielson AFB	AK	99702-2299	TRUE
Doris	Cabana			P. O. Box 975	Homer	AK	99603-	TRUE
USAF	CES/CEVQ			6328 Arctic Warrior Drive	Eielson AFB	AK	99702-2299	TRUE
Larry	Evanoff	President	Chenega IRA Council	P. O. Box 8079	Chenega Bay	AK	99574-	TRUE
Margaret	French		DGC	43335 Kalifornsky Beach Road, Suite 11	Soldotna	AK	99669-	TRUE
Sharon	Fromong	Environmental Assistant	Ninichik Traditional Council Environmental Office	P. O. Box 39070	Ninichik	AK	99639	TRUE
John	Hellen	Environmental Engineer	Flint Hills Resources Alaska, LLC	1076 Ocean Dock Road	Anchorage	AK	99501	TRUE
David	Hoffman		GVEA	P. O. Box 297	Healy	AK	99743-	TRUE
Kathryn	Lamal	Environmental Officer	Golden Valley Electric Association, Inc.	P. O. Box 71249	Fairbanks	AK	99707	TRUE
Jessica S.	Leleivre	Attorney at Law	Alaska Eskimo Whaling Commission	908 King Street, Suite 200	Alexandria	VA	22314-	TRUE
Cindy	Lowry		Greenpeace	125 Christensen Drive, #2	Anchorage	AK	99501-	TRUE
Scott K	Lytle		Anchorage International Airport		Anchorage	AK	99508-	TRUE
Steve	Maitly	SR. Environmental Engineer	Agrium - Kenai Nitrogen Operations	P. O. Box 575	Kenai	AK	99611-0000	TRUE
Pamela	Millar	President	Arctic Connections	PO Box 82803	Fairbanks	AK	99708-2803	TRUE
Ben	Mitchell	CEO, Civil Engineer	Construction Engineering	103 Darwin	Fairbanks	AK	99835	TRUE
Staci	Quintan	Environmental Paralegal	Usibelli Coal Mine, Inc.	100 Cushman Street, #210	Fairbanks	AK	99701	TRUE
James	Rogers	Environmental Manager	Anchorage Sand & Gravel Co., Inc.	1040 O'Malley Road	Anchorage	AK	99515	TRUE
Trish	Rolle		Sierra Club	333 West 4th Avenue, Suite 307	Anchorage	AK	99501-	TRUE
Buster	Shepherd	Energy&Recycling Manager	Skagway Traditional Council	PO Box 1157	Skagway	Alaska	99840	TRUE
John	Spaulding		Alaska General Seafoods	6425 N. E. 175th Street	Kenmore	WA	98028-	TRUE
Hennik	Wessel	Environmental Officer	Golden Valley Electric Association	P. O. Box 71249	Fairbanks	AK	99701-	TRUE
Tech	Alaska			3105 Lakeshore Drive, Bldg A, Ste. 101	Anchorage	AK	99517	TRUE
Northern Alaska	Environmental Center			830 College Road	Fairbanks	AK	99701-1535	TRUE
Cordova Electric	Cooperative, Inc.	General Manager		P. O. Box 20	Cordova	AK	99574	TRUE
Fairbanks	North Star Borough	Chief of Staff		P. O. Box 71267	Fairbanks	AK	99707-	TRUE
US	EPA	Office of Air Quality, Region 10		1200 Sixth Avenue	Seattle	WA	98101-	TRUE
Stephanie	Gould			3010 Spinnaker Drive	Anchorage	AK	99516	TRUE
Cindy	Rapp			PO Box 2213	Palmer	AK	99645	TRUE
Kelly	Thompson	Permitting Coordinator	Alaska Interstate Construction, LLC	801 West 5th Ave., Suite 400	Anchorage	Alaska	99501	TRUE

FirstName	LastName	Clty	State	PostalCode	EmailAddress	REG	Email
Philip	Austin	Anchorage	AK	99518	hnh-paustin@gci.net	TRUE	TRUE
Joe	Banta	Anchorage	AK	99503	banla@pwsrccac.org	TRUE	TRUE
Steve	Barnard	Excelsior	MN	55331-	Stephen_Barnard@URSCorp.com	TRUE	TRUE
Jim	Baumgartner				Jim.Baumgartner@alaska.gov	TRUE	TRUE
Shelly	Bettlej				Shelly.Bettlej@alaska.gov	TRUE	TRUE
Dan	Bevington	Anchorage	AK	99501-	Dbevington@ene.com	TRUE	TRUE
Brian	Boczek	Columbus	OH	43201	boczekb@battelle.org	TRUE	TRUE
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FirstName	LastName	Title	OrganizationName	Address	City	State	PostalCode	REG	RegularM
Johnny	Aiken		North Slope Borough, Planning Department	P. O. Box 69	Barrow	AK	99723-	TRUE	TRUE
Keld	Andersen		Alaska Seafood International	6234 Air Guard Road	Anchorage	AK	99502-1935	TRUE	TRUE
Charlie	Boddy	V.P. Governmental Relations	USIBELLI COAL MINE, INC.	100 Cushman St., Suite 210	Fairbanks	AK	99701	TRUE	TRUE
Doris	Cabana			P. O. Box 975	Homer	AK	99603-	TRUE	TRUE
Marta	Czarnetzki	Air Quality Compliance Administrator	Tesoro Alaska Petroleum Company	PO 3369	Kenai	AK	99669	TRUE	TRUE
Larry	Evanoff	President	Chenega IRA Council	P. O. Box 8079	Chenega Bay	AK	99574-	TRUE	TRUE
Sharon	Fromong	Environmental Assistant	Ninichik Traditional Council Environmental Office	P.O. Box 39070	Ninichik	AK	99639	TRUE	TRUE
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Richard	Holden		Alaska Seafood International	6234 Air Guard Road	Anchorage	AK	99502-1935	TRUE	TRUE
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Scott K	Lyle		Anchorage International Airport	1836 Orchard Place	Anchorage	AK	99508-	TRUE	TRUE
Michael	Miller		Michael Miller Construction Consulting	9411 Kyle Circle	Anchorage	AK	99502	TRUE	TRUE
Ben	Mitchell	CEO, Civil Engineer	Construction Engineering	103 Darwin	Sitka	AK	99835	TRUE	TRUE
Michael	Perkins	Air Quality Meteorologist	SECOR International	4700 McMurry Drive, Suite 101	Fort Collins	CO	80525	TRUE	TRUE
Staci	Quinlan	Environmental Paralegal	Usibelli Coal Mine, Inc.	100 Cushman Street, #210	Fairbanks	AK	99701	TRUE	TRUE
Cindy	Rapp	Mrs.		PO Box 2213	Palmer	AK	99645	TRUE	TRUE
Patrick	Shea							TRUE	TRUE
John	Steigers	Vice President/Project Manager	Steigers Corporation	1510 W Canal Court Suite 1000	Littleton	CO	80120	TRUE	TRUE
			Bureau of Land Management	222 West 7th, #13, Federal Building	Anchorage	AK	99513-7599	TRUE	TRUE
			Northern Alaska Environmental Center	830 College Road	Fairbanks	AK	99701-1535	TRUE	TRUE
			US EPA Region 10	1200 Sixth Avenue	Seattle	WA	98101-	TRUE	TRUE

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## **NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED CHANGES TO ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS**

The Department of Environmental Conservation (DEC), proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code dealing with Air Quality Control, including the following:

- update adoption by reference dates of federal rules adopted in 18 AAC 50.035, 18 AAC 50.040, and 18 AAC 50.990.
- update adoption by reference of revised Standard Conditions for air permits in 18 AAC 50.346.
- add a new Standard Condition for air permits and associated form in 18 AAC 50.346.
- update the air quality nonattainment designations in 18 AAC 50.015.
- adopt clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts in 18 AAC 50.302, 18 AAC 50.311, 18 AAC 50.400, 18 AAC 50.403, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.544, 18 AAC 50.508, and 18 AAC 50.990.
- make additional changes necessary to clarify the regulations in 18 AAC 50.055, 18 AAC 50.215, 18 AAC 50.306, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, and 18 AAC 50.544.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rebecca Smith, Environmental Program Specialist, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Avenue Suite 303, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5129, or by e-mail to the Air Quality Comments Docket at [dec.aq.airdocket@alaska.gov](mailto:dec.aq.airdocket@alaska.gov). Comments must be received by **5:00 p.m., on August 3, 2010**. Comments received after this date will not be considered in final action on these rules.

Oral or written comments also may be submitted at a hearing to be held on July 29, 2010, at the DEC Building, First Floor Main Conference Room, 555 Cordova Street, Anchorage, Alaska. The hearing will be held from 10:00 – 11:30 am and might be extended to accommodate those present before 11:00 am who did not have an opportunity to comment. There will be a call-in number if you are not able to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 8123#.

If you are a person with a disability who needs a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than 20 days after publication of this notice to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Rebecca Smith, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suite 303, P.O. Box 111800, Juneau, AK 99811-1800; by phone at (907) 465-5121; by facsimile at (907) 465-5129; or go to <http://www.dec.state.ak.us/air/ap/regulati.htm>. The proposed regulations and a

Department Explanation of the Proposed Changes document are available from the DEC Air Quality web site at <http://dec.alaska.gov/air/ap/calendar.htm> and at <http://dec.alaska.gov/air/ap/regulati.htm>


After the public comment period ends on August 3, 2010, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

**Statutory Authority:** AS 44.03.710, AS 46.14.010, AS 46.14.020, AS 46.14.030

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 46.14

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

Dated: June 25, 2010  
Anchorage, Alaska



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Larry Hartig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: ADOPTION BY REFERENCE UPDATES, CORRECT, AND CLARIFY REGULATIONS.
3. Citation of regulation (may be grouped): 18 AAC 50
4. Reason for the proposed action:
  - (x) compliance with federal law
  - ( ) compliance with new or changed state statute
  - ( ) compliance with federal court order
  - ( ) development of program standards
  - ( ) other:
5. Program category and BRU affected: Air Permits Program, Air Quality
6. Cost of implementation to the state agency and available funding (in thousands of dollars)

	Initial Year FY 2011	Subsequent Years
Cost	\$ 0___	\$ 0___
General fund	\$ 0___	\$ 0___
Federal funds	\$ 0___	\$ 0___
Other funds (specify)	\$ 0___	\$ 0___

7. The name of the contact person for the regulations:

Name           Tom Turner  
 Title           Environmental Program Manager  
 Address        619 E. Ship Creek, Suite 249  
                   Anchorage Alaska 99501  
 Telephone     (907) 269-8123  
 E-mail address tom.turner@alaska.gov

8. The origin of the proposed action:

staff of state agency  
 federal government  
 general public  
 petition for regulation change  
 other (please list)

9. Date: June 25, 2010

Prepared by: \_\_\_\_\_

Name:       Rebecca Tyson Smith  
 Title:       Environmental Program Specialist  
 Telephone: (907) 465-5121

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**Anchorage Daily News  
Affidavit of Publication**

1001 Northway Drive, Anchorage, AK 99508

AD#	DATE	PO	ACCOUNT	PRICE PER DAY	OTHER CHARGES	OTHER CHARGES #2	OTHER CHARGES #3	GRAND TOTAL
785964	06/28/2010	33513910	STOF1101	\$365.20				
	06/29/2010	33513910	STOF1101	\$365.20				
				\$730.40	\$0.00	\$0.00	\$0.00	\$730.40

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Shane Drew, being first duly sworn on oath deposes and says that he is an advertising representative of the Anchorage Daily News, a daily newspaper.

That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on the above dates and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Shane Drew

Subscribed and sworn to me before this date:

7/10/10

Notary Public in and for the State of Alaska.  
Third Division. Anchorage, Alaska

MY COMMISSION EXPIRES: 12/12/13

Cynthia A. Grove



**NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED CHANGES TO ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS**

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- add a new Standard Condition for air permits and associated form in 18 AAC 50.346.
- update the air quality nonattainment designations in 18 AAC 50.015.
- adopt clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts in 18 AAC 50.302, 18 AAC 50.311, 18 AAC 50.400, 18 AAC 50.403, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.544, 18 AAC 50.508, and 18 AAC 50.990.
- make additional changes necessary to clarify the regulations in 18 AAC 50.055, 18 AAC 50.215, 18 AAC 50.306, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, and 18 AAC 50.544.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rebecca Smith, Environmental Program Specialist, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Avenue Suite 303, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5129, or by e-mail to the Air Quality Comments Docket at [dec.aq.airdocket@alaska.gov](mailto:dec.aq.airdocket@alaska.gov). Comments must be received by 5:00 p.m., on August 3, 2010. Comments received after this date will not be considered in final action on these rules.

Oral or written comments also may be submitted at a hearing to be held on July 29, 2010, at the DEC Building, First Floor Main Conference Room, 555 Cordova Street, Anchorage, Alaska. The hearing will be held from 10:00 - 11:30 am and might be extended to accommodate those present before 11:00 am who did not have an opportunity to comment. There will be a call-in number if you are not able to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 8123#.

If you are a person with a disability who needs a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than 20 days after publication of this notice to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Rebecca Smith, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suite 303, P.O. Box 111800, Juneau, AK 99811-1800; by phone at (907) 465-5121; by facsimile at (907) 465-5129; or go to <http://www.dec.state.ak.us/air/ap/regulati.htm>. The proposed regulations and a Department Explanation of the Proposed Changes document are available from the DEC Air Quality web site at <http://dec.alaska.gov/air/ap/calendar.htm> and at <http://dec.alaska.gov/air/ap/regulati.htm>

After the public comment period ends on August 3, 2010, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED. Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 44.03.710, AS 46.14.010, AS 46.14.020, AS 46.14.030

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Shane Drew, being first duly sworn on oath deposes and says that he is an advertising representative of the Anchorage Daily News, a daily newspaper.

That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on the above dates and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Shane Drew

Subscribed and sworn to me before this date:

7/07/10

Notary Public in and for the State of Alaska.  
Third Division. Anchorage, Alaska

MY COMMISSION EXPIRES: 12/12/13

Cynthia A. Grove



update adoption by reference dates of federal rules adopted in 18 AAC 50.035, 18 AAC 50.040, and 18 AAC 50.990.  
update adoption by reference of revised Standard Conditions for air permits in 18 AAC 50.346.  
add a new Standard Condition for air permits and associated form in 18 AAC 50.346.  
update the air quality nonattainment designations in 18 AAC 50.015.  
adopt clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts in 18 AAC 50.302, 18 AAC 50.311, 18 AAC 50.400, 18 AAC 50.403, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.544, 18 AAC 50.508, and 18 AAC 50.990.  
make additional changes necessary to clarify the regulations in: 18 AAC 50.055, 18 AAC 50.215, 18 AAC 50.306, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, and 18 AAC 50.544.

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if you are a person with a disability who needs a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than 20 days after publication of this notice to ensure that any necessary accommodations can be provided.

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**Statutory Authority:** AS 44.03.710, AS 46.14.010, AS 46.14.020, AS 46.14.030

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 46.14

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

Dated: June 25, 2010  
/s/ Larry Hartig, Commissioner  
Anchorage, Alaska

AC-33-5139-10  
Published: June 28 & 29, 2010



# AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA }  
STATE OF ALASKA } SS.  
FOURTH DISTRICT }

355092  
NOTICE OF PUBLIC  
COMMENT PERIOD  
ON PROPOSED  
CHANGES TO  
ALASKA  
DEPARTMENT OF  
ENVIRONMENTAL  
CONSERVATION  
REGULATIONS

The Department of Environmental Conservation (DEC), proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code dealing with Air Quality Control, including the following:

- update adoption by reference dates of federal rules adopted in 18 AAC 50.035, 18 AAC 50.040, and 18 AAC 50.990.
- update adoption by reference of revised Standard Conditions for air permits in 18 AAC 50.346.
- add a new Standard Condition for air permits and associated form in 18 AAC 50.346.
- update the air quality nonattainment designations in 18 AAC 50.015.
- adopt clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts in 18 AAC 50.302, 18 AAC 50.311, 18 AAC 50.400, 18 AAC 50.403, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.544, 18 AAC 50.508, and 18 AAC 50.990.
- make additional changes necessary to clarify the regulations in: 18 AAC 50.055, 18 AAC 50.215, 18 AAC 50.308, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, and 18 AAC 50.544.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rebecca Smith, Environmental Program Specialist, Air Permit Program, Alaska Department of Environmental Conservation. 410

Before me, the undersigned, a notary public, this day personally appeared Bonnie Keenan, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

June 29, 2010 \_\_\_\_\_

June 30, 2010 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.

Bonnie Keenan

Subscribed and sworn to before me on this 30 day  
of June, 20 10

Kangit Johnson

Notary Public in and for the State Alaska.

My commission expires 6/3/13

Suite 303, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5129, or by e-mail to the Air Quality Comments Docket at dec.aq.airdocket@alaska.gov. Comments must be received by 5:00 p.m., on August 3, 2010. Comments received after this date will not be considered in final action on these rules.

Ad#355092

# AFFIDAVIT OF PUBLICATION

Oral or written comments also may be submitted at a hearing to be held on July 29, 2010, at the DEC Building, First Floor Main Conference Room, 555 Cordova Street, Anchorage, Alaska. The hearing will be held from 10:00 - 11:30 am and might be extended to accommodate those present before 11:00 am who did not have an opportunity to comment. There will be a call-in number if you are not able to attend the meeting in person. The call-in number will be 1-800-315-8388, and the Meet Me Code will be 8123#.

AMERICA }  
 ALASKA } SS.  
 DISTRICT }

Before me, the undersigned, a notary public, this day personally appeared Bonnie Keenan, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

June 29, 2010 \_\_\_\_\_  
June 30, 2010 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If you are a person with a disability who needs a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than 20 days after publication of this notice to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Rebecca Smith, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suits 303, RO. Box 111800, Juneau, AK 99811-1800; by phone at (907) 465-5121; by facsimile at (907) 465-5129; or go to <http://www.dec.state.ak.us/air/ap/regulati.htm>. The proposed regulations and a Department of Environmental Conservation Explanation of the Proposed Changes document are available from the DEC Air Quality web site at <http://dec.alaska.gov/air/ap/calendar.htm> and at <http://dec.alaska.gov/air/ap/regulati.htm>.

After the public comment period ends on August 3, 2010, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the pro-

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.

Bonnie Keenan

Subscribed and sworn to before me on this 30 day of June, 20 10

Kangit Dolan

Notary Public in and for the State Alaska.

My commission expires 6/3/13

you are not able to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 8123#.

If you are a person with a disability who needs a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 289-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than 20 days after publication of this notice to ensure that any necessary accommodations can be provided.

Ad#355092

# FIDAVIT OF PUBLICATION

UNITED STATES

ALASKA

SS.

For a copy of the proposed regulation changes, contact Rebecca Smith, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suite 303, P.O. Box

111800, Juneau, AK 99811-1800; by phone at (907) 465-5121; by facsimile at (907) 465-5129; or go to <http://www.dec.state.ak.us/air/ap/regulat.htm>. The proposed regulations and a Department Explanation of the Proposed Changes document are available from the DEC Air Quality web site at <http://dec.alaska.gov/air/ap/calendar.htm> and at <http://dec.alaska.gov/air/ap/regulat.htm>

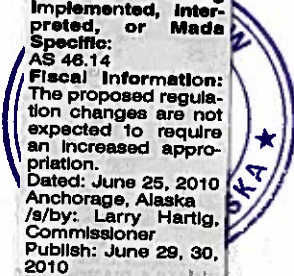
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Statutory Authority: AS 44.03.710, AS 46.14.010, AS 46.14.020, AS 46.14.030

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.14

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Dated: June 25, 2010 Anchorage, Alaska /s/by: Larry Hartig, Commissioner Publish: June 29, 30, 2010



Before me, the undersigned, a notary public, this day personally appeared Bonnie Keenan, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

June 29, 2010  
June 30, 2010  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.

Bonnie Keenan

Subscribed and sworn to before me on this 30 day of June, 20 10

Kangit Jolana  
Notary Public in and for the State Alaska.

My commission expires 6/3/13

# AFFIDAVIT OF PUBLICATION

UNITED STATES OF AMERICA }  
STATE OF ALASKA } SS.  
FOURTH DISTRICT }

355092  
 NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED CHANGES TO ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS

The Department of Environmental Conservation (DEC), proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code dealing with Air Quality Control, including the following:

- update adoption by reference dates of federal rules adopted in 18 AAC 50.035, 18 AAC 50.040, and 18 AAC 50.990.
- update adoption by reference of revised Standard Conditions for Air Permits in 18 AAC 50.542, and 18 AAC 50.544.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rebecca Smith, Environmental Program Specialist, Air Permit Program, Alaska Department of Environmental Conservation. 410

Before me, the undersigned, a notary public, this day personally appeared Bonnie Keenan, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

June 29, 2010 \_\_\_\_\_

June 30, 2010 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.

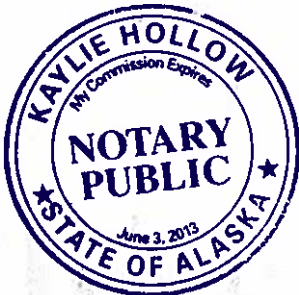
Bonnie Keenan

Subscribed and sworn to before me on this 30 day of June, 20 10

Kaylie Hollow

Notary Public in and for the State Alaska.

My commission expires 6/3/13



RECEIVED  
JUL 06 2010  
ADEC AQ

# Affidavit of Publication

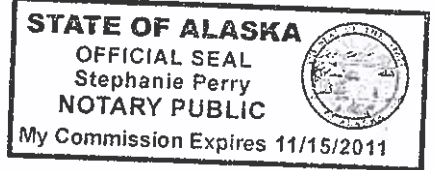
United States of America  
State of Alaska  
First Division

Ad #: 00127405  
Ref #: 70 33- 5141- 1  
Legal #: 600-040

I, Barbara Gabier, being first  
duly sworn, oath, depose, and say that I  
am the Principle Clerk of the JUNEAU  
EMPIRE, a newspaper of general  
circulation, published in the city of  
Juneau, State of Alaska; that the  
publication was published in said  
newspaper on the 29<sup>th</sup> day of  
June 2010 and thereafter for 1  
additional day(s), the last date of  
publication being June 30, 2010.

Barbara Gabier  
.....  
Subscribed and sworn to before me this  
1 day of July 2010.

Stephanie Perry  
.....  
Notary Public in and for the State of Alaska.



**NOTICE OF PUBLIC COMMENT PERIOD  
ON PROPOSED CHANGES TO  
ALASKA DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
REGULATIONS**

The Department of Environmental Conservation (DEC), proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code dealing with Air Quality Control, including the following:

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- add a new Standard Condition for air permits and associated form in 18 AAC 50.346.
- update the air quality nonattainment designations in 18 AAC 50.015.
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**Statutory Authority:** AS 44.03.710, AS 46.14.010, AS 46.14.020, AS 46.14.030

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 46.14

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

Dated: June 25, 2010

Larry Hartig, Commissioner  
Anchorage, Alaska

Publish: June 29 and 30, 2010. 600-040



STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

AFFIDAVIT OF ORAL HEARING

I, Tom Turner, Environmental Program Manager, of Department of Environmental Conservation, being sworn, state the following:

On July 29, 2010, 1030 to 1200, in Alaska Department of Environmental Conservation Building, First Floor Large Conference Room, 555 Cordova St., Anchorage, Alaska 99501, I presided over a public hearing held in accordance with AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 18 AAC 50 to:

- update adoption by reference dates of federal rules adopted in 18 AAC 50.035, 18 AAC 50.040, and 18 AAC 50.990.
- update adoption by reference of revised Standard Conditions for air permits in 18 AAC 50.346.
- add a new Standard Condition for air permits and associated form in 18 AAC 50.346.
- update the air quality nonattainment designations in 18 AAC 50.015.
- adopt clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts in 18 AAC 50.302, 18 AAC 50.311, 18 AAC 50.400, 18 AAC 50.403, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.544, 18 AAC 50.508, and 18 AAC 50.990.
- make additional changes necessary to clarify the regulations in: 18 AAC 50.055, 18 AAC 50.215, 18 AAC 50.306, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, and 18 AAC 50.544.


DATE: 7/29/2010  
Anchorage, Alaska

  
Tom Turner, Environmental Program Manager

SUBSCRIBED AND SWORN TO before me this 29 day of July, 2010

[NOTARY SEAL]



  
Notary Public in and for the  
State of Alaska  
My commission expires: Oct 15, 2013

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**40 C.F.R. Part 51 Appendix V 2.1. (h)**

**Compilation of Public Comments and the State Response to them:**

**Affidavit of Agency Record of Public Comment signed by Rebecca Tyson Smith dated September 27, 2010.**

**Response to Comments titled Regulation Changes to Title 18, Chapter 50 of the Alaska Administrative Code, Adoption by Reference Updates and Standard Conditions Rulemaking, September, 2010; Prepared by: Rebecca Smith, Alan Schuler, Zeena Siddeek, Jim Plosay, Tom Turner**

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STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Rebecca Tyson Smith, Environmental Program Specialist, of the Department of Environmental Conservation, being duly sworn, state the following:

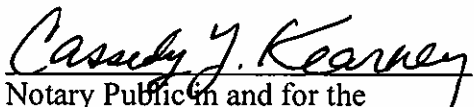
In compliance with AS 44.62.215, the Department of Environmental Conservation has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Environmental Conservation regulations on Air Quality Control, pertaining to updating dates of federal rules adopted by reference; updating the adoption by reference of revised Standard Conditions; adding a new Standard Condition for air permits and associated form; updating the air quality nonattainment designations; adopting clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts ; and making additional changes necessary to clarify the regulations.

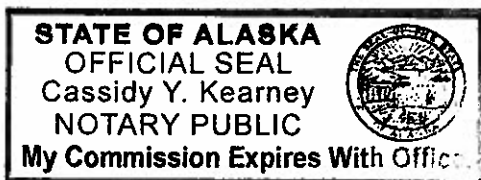
Date: 27 Sept '10  
Juneau, Alaska

  
Rebecca Tyson Smith,  
Environmental Program Specialist

SUBSCRIBED AND SWORN TO before me this 27 day of September, 2010.

[NOTARY SEAL]

  
Notary Public in and for the  
State of Alaska  
My commission expires: With Office



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**Response to Public Comments**  
**Regulation Changes to Title 18, Chapter 50 of the Alaska Administrative Code**  
**Adoption by Reference Updates and Standard Conditions Rulemaking**  
**September, 2010**

Prepared by:  
Rebecca Smith  
Alan Schuler  
Zeena Siddeek  
Jim Plosay  
Tom Turner

The department proposed regulation hygiene to the Air Quality Control regulations in 18 AAC 50 to address the following goals:

- update the dates of federal rules adopted by reference in 18 AAC 50.035, 18 AAC 50.040, and 18 AAC 50.990.
- update the adoption by reference of revised Standard Conditions for air permits in 18 AAC 50.346.
- add a new Standard Condition for air permits and associated form in 18 AAC 50.346.
- update the air quality nonattainment designations in 18 AAC 50.015.
- adopt clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts in 18 AAC 50.302, 18 AAC 50.311, 18 AAC 50.400, 18 AAC 50.403, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.544, 18 AAC 50.508, and 18 AAC 50.990.
- make additional changes necessary to clarify the regulations in 18 AAC 50.055, 18 AAC 50.215, 18 AAC 50.306, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, and 18 AAC 50.544.

**Public Comment Process:**

The department issued public notice of the proposed regulations on June 28, 2010, and accepted public comments from June 28, 2010, through August 3, 2010. The Department held a public hearing on July 29, 2010. One commentator attended the public hearing, primarily to ask for clarification on the proposed rules so he could prepare comments. He submitted one official comment as part of the public hearing. The public hearing was transcribed.

This document responds to comments received during the comment period.

**The Department received written comments from the following:**

- A) Alan Schuler, State of Alaska Department of Environmental Conservation (ADEC); July 13, 2010; e-mail with suggested language document attached. (Comments labeled Alan Schuler)
- B) Donna Celia, HMM Consulting LLC (HMM); July 30, 2010; e-mail with comment letter attached, signed by S. Phillip Austin, Timothy Burke, and Donna M. Celia. (Comments labeled HMM)
- C) Shannon Donnelly, ConocoPhillips Alaska Inc. (CPAI); August 3, 2010; e-mail with comment letter attached, signed by Brad Thomas. (Comments labeled CPAI)

- D) Alan Schuler, ADEC; August 3, 2010; e-mail with suggested language revisions. (Comments labeled Alan Schuler)
- E) Don Mark Anthony, Alyeska Pipeline Service Company (APSC); August 3, 2010; e-mail with comment letter attached, signed by Don Mark Anthony. (Comments labeled APSC)
- F) Karla Kolash, North Slope Borough (NSB); August 3, 2010; e-mail with comment letter attached, signed by Edward S. Itta, Mayor. (Comments labeled NSB)
- G) Marilyn Crockett, Alaska Oil and Gas Association (AOGA); August 3, 2010; e-mail with comment letter attached, signed by Marilyn Crockett. (Comments labeled AOGA)

**The Department received oral comments during the public hearing from the following:**  
Sims Duggins, AE Com Consulting.



### **Alan Schuler Comments:**

E-mail that accompanied Comments Alan Schuler-1 and Alan Schuler-2:

To Whom It May Concern,

The proposed changes to the owner requested limit (ORL) provisions in 18 AAC 50.508 is helpful, but it's still difficult to determine when applicants should submit an ORL under 18 AAC 50.508 and when they should submit an ORL under 18 AAC 50.225. Additional revisions to both citations are needed in order to clarify when a given provision should be used. I recommend the attached language.

Thank you for considering this request.

### **Comment Alan Schuler-1:**

18 AAC 50.225 is amended to read:

**18 AAC 50.225. Owner-requested limits.** (a) The owner or operator of an existing or proposed stationary source may request an enforceable limit on the ability to emit air pollutants **in order to avoid all permitting obligations under AS 46.14.130**. A limitation approved under this section is an enforceable limitation for the purpose of determining

### ***Response Alan Schuler-1:***

The department agrees to address this comment as a clarifying revision in response to the proposed change in 18 AAC 50.508(3) found in Comment Alan Schuler-2.

### ***Response Alan Schuler-1: Revised Regulations—***

The regulations have been revised to reflect this change, with the deletion of the words “in order”.

### **Comment Alan Schuler-2:**

18 AAC 50.508(3) – as numbered and worded in the June 25, 2010 proposal – should read:

(3) establishing an owner requested limit (ORL) at a stationary source **that requires a permit under AS 46.14.130** to avoid **an additional** permit classification under AS 46.14.130; if the department approves an owner requested limit on the source's ability to emit air pollutants, a limitation approved under an ORL is an enforceable limitation for purposes of determining

### ***Response Alan Schuler-2:***

The department agrees that the intent of an owner requested limit under this section is to avoid a classification at a source which will continue to require a permit under other classifications in spite of the owner requested limit. The language proposed by the commentator is somewhat awkward, and the department has revised the proposed regulations to meet the intent of the comment more clearly. Because the department has decided not to renumber section 18 AAC 50.508 as originally proposed (see Response Alan Schuler-3) this paragraph will remain 18 AAC 50.508(5).

***Response Alan Schuler-2: Revised Regulations—***

18 AAC 50.508(5) now reads:

(5) establishing an owner requested limit (ORL) to avoid one or more permit classifications under AS 46.14.130 at a stationary source that will remain subject to at least one permit classification; a limitation approved under an ORL is an enforceable limitation for purposes of determining...

***Comment Alan Schuler-3:***

To Whom It May Concern,

The Air Permits Program Title I group fears that the proposed renumbering of 18 AAC 50.508 will create confusion for both industry and staff. We have numerous permit decisions that reference the existing sub-sections. These references will become erroneous if the proposed changes become effective, which will create confusion and potential misunderstandings as to the basis of our past permit decisions.

The Title I group understands that the renumbering was partly developed to accommodate the Title I – Title V permit interface proposed as 18 AAC 50.508(b). The permit interface is needed. However, is there a way to adopt this interface without renumbering the 18 AAC 50.508 sub-sections? Could the permit interface be established under a new section, for example 18 AAC 50.510?

***Response Alan Schuler-3:***

The department agrees with this comment and recognizes that the proposed renumbering of 18 AAC 50.508 would result in confusion for currently permitted sources. Therefore the addition of 18 AAC 50.508(b) will be moved to a new section of the regulations and the numbering of the remaining subsections of 18 AAC 50.508 will revert to the current format.

***Response Alan Schuler-3: Revised Regulations—***

The proposed change to 18 AAC 50.508 has been moved to a new section, 18 AAC 50.510, and the rest of 18 AAC 50.508 has been renumbered. Additionally, references that were changed as a result of the proposed change have been corrected back to the current correct reference and as a result will not appear in the final regulations revisions package. See also Response AOGA-8 for 18 AAC 50.510 rewording.

## **HMH Consultants Comments:**

**Comment HMH-1:** Spelling correction.  
SC IX, Page 5, Condition 3.1(d)(i)

“Within twelve months after the preceding ~~observations~~ observation;

### ***Response HMH-1:***

This comment was addressed as part of Response AOGA-33.

### ***Response HMH-1: Revised Regulations—***

The change has been made to the SC as part of Response AOGA-33.

**Comment HMH-2:** Unclear sentence; consider revising.  
SC IX, Page 5, Condition 3.1(d)(ii)

As written, this sentence is very confusing. We suggest changing the language to read, “For an emission unit with intermittent operations, during the next scheduled operation or once every twelve months, whichever is greater.” We believe that this modification conveys the same meaning more clearly than the language in the draft regulation.

### ***Response HMH-2:***

This comment was addressed as part of Response AOGA-33.

**Comment HMH-3:** Contest to renumbering of subparts to 18AAC50.508.  
Air Quality Control Regulations, Page 13, 50.508

The Department has proposed removing 508.1 and 508.2, both of which were repealed in 2008. This causes the remaining subparts to be re-numbered in consecutive order from 1 to 4. There are many facilities that currently hold ORLs that were issued under 508.5. These documents do not expire. When the regulations are modified in such a way that it causes the subparts to be renumbered, it will mean that regulatory citations within the ORL documents already issued will be incorrect. As time goes on, fewer and fewer people presently engaged in the decision to modify the regulations will be present at the Department to explain the inconsistency.

Federal regulations regularly change. Subparts and portions of rules get permanently removed; however, the numbered section remains within the document, often signified with the word *[Reserved.]*. This prevents inconsistency between regulatory citations in various documents produced over time by the EPA. Furthermore, in the event that regulatory additions are made, place holders offer space for insertion of additional rules and language—without causing renumbering throughout the whole document. The DEC should reconsider removing 508.1 and 508.2.

### ***Response HMH-3:***

Please see Response Alan Schuler-3.

**Response HMM-3: Revised Regulations—**

Please see Response Alan Schuler-3: Revised Regulations.

**Comment HMM-4: Re-iteration of Emission Standards**  
Standard Operating Permit Condition V, Page 4

The Department has added Conditions 1.1 through 1.3 in order to incorporate the enforcement of the emission standards for insignificant units into the body of the permit. It does, however, re-iterate language *verbatim* that will have already been used in the state requirements section of the permit—a redundancy that can be avoided without losing the enforceability or the meaning. We suggest removing sub-conditions 1.1 through 1.3, and modifying Condition 1 to read:

“...and for emission units at the stationary source that are insignificant as defined in 18 AAC 50.326(d)-(i) that are not listed in this permit, the Emission Standards provided in Conditions <reference State Requirement conditions for visible emissions, particulate matter, and sulfur>.

**Response HMM-4:**

The changes proposed to Standard Permit Condition V combine all of the applicable State requirements for fuel burning equipment and industrial process insignificant emission units (IEUs) into a single condition for ease of understanding, compactness, and logical order. Previously each State requirement applicable to IEUs was spelled out in a separate permit condition with an associated condition for monitoring, record keeping and reporting (MR&R). The commenter makes the suggestion that the State standards in sub-conditions 1.1 through 1.3 be removed as they are redundant with State requirements typically spelled out elsewhere in the State emission standard section of an operating permit.

Not all operating permits include these referenced redundant state emission standards. For example, the Tesoro Nikiski Terminal does not contain significant emission units that are also fuel burning equipment or industrial processes. For ease of application, the department decided to include both emission standards and obligations for certification in lieu of specific monitoring, recordkeeping and reporting in this standard condition.

For the reasons stated, the department does not adopt this suggested modification.

**Response HMM-4: Revised Regulations—**

The regulations will not be revised.

**Comment HMM-5: Minor correction**  
Standard Condition, Condition IX, Page 15

The last sentence of the second paragraph should read: “If a client conducts an emission unit surveillance at any time, that surveillance can re-set the date for which the next periodic surveillance **is** due.

**Response HMM-5:**

This comment mirrors Comment AOGA-54. The department agrees to use the corrected text as proposed.

***Response HMM-5: Revised Regulations—***

The language in SC IX has been revised.

**Comment HMM-6: Availability of complete Standard Conditions to the public**  
General Comment

The department reinforces its ability to use conditions other than the Standard Conditions at by inserting the following phrase into each Standard Condition:

“The department will use standard permit condition III in each construction or operating permit unless the department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.”

This policy is clarified in the introduction to several of the Standard Conditions with a description of circumstances where emission unit or stationary source specific conditions more adequately meet 18 AAC 50. In the past, minor modifications, as well as major ones, have been made to the Standard Conditions. The facility operator should be able to identify the ways in which the conditions of the permit differ from the Standard, and he should be able to understand and concur with the determination that his facility requires such a condition. For this reason, HMM Consulting suggests making a complete copy of the Standard Conditions available on the Department website.

***Response HMM-6:***

The Standard Conditions are all available on the Division’s website at <http://dec.alaska.gov/air/ap/stdreg.htm>. The department updates the page when new standard conditions are adopted.

***Response HMM-6: Revised Regulations—***

No changes required.

## **North Slope Borough Comments:**

### **Comment NSB-1:**

#### **Adoption by Reference Update - Sections 18 AAC 50.035(b) and 18 AAC 50.040**

The North Slope Borough (NSB) supports the adoption by reference of updated Prevention of Significant Deterioration, New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) requirements, including the Greenhouse House Gas (GHG) Tailoring Rule.

### **Response NSB-1:**

The department acknowledges the comments from the NSB.

### **Response NSB-1: Revised Regulations—**

No change required.

### **Comment NSB-2:**

#### **Addition of Section 18 AAC 50.215(f) and Revision of Section 50.540(c)(2)(B)**

The addition of section 18 AAC 215(f) to "clarify modeling requirements" allows DEC to grant approval to applicants to use alternative modeling procedures and demonstration thresholds "at [the DEC's] discretion". The NSB does not support the use of discretionary provisions in the regulations that allow DEC unlimited authority to approve alternative modeling practices. DEC must clearly specify under what exact circumstances DEC will grant approval for the use of alternative modeling practices. Without more specific criteria it is impossible to assure consistency and ensure all applicable modeling requirements are met. The provision, as proposed, allows for unconstrained discretion on the part of DEC and must be more clearly defined in the codified rules.

Similarly, the proposed revision to Section 18 AAC 50.540(c)(2)(B) allows for the exclusion of an ambient analysis of sulfur dioxide from portable oil and gas operations if DEC grants such an exclusion, in writing. The NSB does not support this discretionary provision allowing sources to avoid demonstrating attainment of the air quality standards for S02 without further details specifying how DEC will evaluate which sources are exempt from such a requirement. Without this information, NSB cannot be assured that DEC will be ensuring adequate protection of the air quality standards.

In general, the NSB does not support the use of discretionary measures in the state rules that allow DEC sole discretion to grant a variance from certain requirements. DEC must clearly specify the criteria that will be used to determine which sources will be allowed under alternative provisions. Only with this level of specificity can the NSB properly evaluate the allowances that are proposed with these two regulatory changes.

### **Response NSB-2:**

The department disagrees that the proposed regulatory provisions grant the department "unlimited authority" in regards to modeling practices. While the provisions grant the department discretion, that discretion is bounded by 18 AAC 50.215(b), (c), and (e). The department nevertheless agrees that revisions are warranted. The department will specifically address each citation separately.

### 18 AAC 50.215(f)

In addition to the general modeling constraints listed in 18 AAC 50.215(b), (c), and (e), the proposed language in 18 AAC 50.215(f) is further limited to:

- 1) An ambient demonstration conducted in support of a *minor permit* application under 18 AAC 50.540(c)(2);
- 2) A screening-level analysis, per 18 AAC 50.542(c); and
- 3) The geographic areas not precluded under 18 AAC 50.542(a)(1).

“Screening” techniques are discussed in Section 2.2 and 4.2.1 of the *Guideline on Air Quality Models* (Guideline), which the department has adopted by reference in 18 AAC 50.040(f). Screening-level assessments regard “relatively simple estimation techniques that generally use preset, worst-case meteorological conditions to provide conservative estimates of the air quality impact of a specific source, or source category.” The very nature of a screening assessment generally precludes their use in a complex (e.g., multi- emission unit) analysis. Applying these techniques in a multi-unit analysis can be difficult, and the compounding effects of summing multiple conservative results typically leads to gross overestimates of the ambient impact – which typically do not demonstrate compliance with the given standard. The technique in 18 AAC 50.542(c)(2) is, therefore, essentially limited to fairly simple assessments.

While 18 AAC 50.542(c) is limited to screening-level assessments, this limitation could be high-lighted in 18 AAC 50.215(f). 18 AAC 50.542(c) includes language in sub-paragraph (1)(B) that further clarifies the screening-level nature of these assessments. The sub-paragraph states a screening ambient air quality analysis must “use a model and *screening meteorological data* approved by the department...” (emphasis added). The proposed version of 18 AAC 50.215(f) did not include this citation or clarification. The department has therefore included similar language in the adopted version of 18 AAC 50.215(f).

An analysis conducted under 18 AAC 50.215(f) must also demonstrate compliance with either the thresholds established in 18 AAC 50.542(c)(2)(A) or the significant impact levels established in Table 5 of 18 AAC 50.215(d). The department does *not* have discretionary authority to revise these thresholds or to establish alternative significant impact levels.

The department included the phrase, “at [the department’s] discretion” to clarify that the department has the final say in determining whether this screening-level approach may be used, not the applicant. The use of professional judgment by the reviewing authority is consistent with the Guideline (e.g., see Section 1.0c, 8.2.3b, and 8.2.3d). Under no circumstance though, would the use of department discretion trump the public’s ability to comment on a preliminary decision issued under 18 AAC 50.542(d).

### 18 AAC 50.540(c)(2)(B)

In reviewing the NSB’s comments, the department realized that the proposed revision to sub-paragraph 18 AAC 50.540(c)(2)(B) is redundant with the language in 18 AAC 50.540(c)(2). 18 AAC 50.540(c)(2) already grants the department authority to make a finding in writing that the stationary source or modification does not need an ambient analysis. Therefore, there is no need to repeat this provision for a given pollutant in a sub-paragraph.

***Response NSB-2: Revised Regulations—***

18 AAC 50.215(f) now reads: A person conducting a **screening-level** modeling analysis under 18 AAC 50.540(c)(2) for a non fast-track minor permit application may seek department approval to use the procedures and demonstration thresholds described in 18 AAC 50.542(c)(2), except when modeling a stationary source subject to 18 AAC 50.542(a)(1). **The analysis would need to use a model and screening meteorological data approved by the department.** The department may grant approval to use such procedures and demonstration thresholds at its discretion.

The department has removed the proposed changes to 18 AAC 50.540(c)(2)(B) from the revision package.

**Comment NSB-3**

**Proposed Revisions to Standard Condition IX - Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Sources**

DEC is proposing changes to Standard Condition IX to "clarify requirements" for Method 9 observations for sources. These changes will *reduce* periodic monitoring requirements. The NSB does not support the relaxation of these periodic monitoring requirements without assurance that the proposed revisions will not adversely affect the ability to demonstrate compliance for these sources. These provisions are meant to provide for increased flexibility for permit holders but DEC must provide an analysis of how these changes will impact its ability to monitor compliance for these sources. As proposed, these changes allow for less frequent monitoring and longer timeframes for completing monitoring. DEC must determine whether a decrease in compliance assurance may result from the proposed increase in flexibility for sources.

***Response NSB-3:***

The department proposes to clarify terms and language used in SPC IX only to the extent that the original terms were unclear, required typographical correction, or where monitoring, record-keeping or reporting terms appeared to contradict department rules, regulations or policy guidance. The department makes every effort to provide SPC's that are clear, concise, and fulfill the requirement of regulation. The department does acknowledge that it reduces periodic monitoring in the event a dual fuel unit burns liquid fuel and for intermittently operated emission units. The "one-size fits all" approach in IX for periodic monitoring in the prior version of SPC IX required substantially more monitoring per hour of operation of an intermittent unit infrequently operated and for a dual fuel unit that infrequently uses liquid fuels. Although the NSB's assertions are laudable, the department accepts that a decrease in compliance assurance activities is warranted based on the limited use designation of the unit.

To avoid ambiguity regarding what constitutes and intermittently used unit, the department has added a definition to distinguish that universe of fuel burning equipment.

***Response NSB-3: Revised Regulations—***

The language in SC IX has been revised to include a definition to distinguish that universe of fuel burning equipment.



### **CPAI and APSC Comments:**

CPAI and APSC submitted comments that were substantively the same; only the lead-in letter language differed. Therefore they were responded to together.

### **CPAI Letter:**

CPAI has reviewed the comments being submitted by AOGA and we fully support and endorse the AOGA comments on needed changes to the proposed regulations.

CPAI also respectfully submits the following comments that apply to the regulations and Standard Permit Conditions. Some of our comments are not necessarily directly associated with the June 25, 2010 proposed revisions. However, we have carefully reviewed 18 MC 50 in its entirety and we wish to take this opportunity to comment on additional revisions to 18 MC 50 that we consider to be important. Of note, we have included comments regarding Standard Permit Conditions XI and XIV, which the Department has not proposed to be updated.

### **APSC Letter:**

Please consider the following comments regarding the June 25, 2010 proposed changes to 18 AAC 50 Alaska Air Quality Control Regulations and updates to the Standard Permit Conditions under 18 AAC 50. These comments mirror the comments provided by ConocoPhillips Alaska, Inc. (CPAI). As noted by CPAI, some of the comments address several sections of 18 AAC 50 including standard permit conditions which are not being proposed for revision at this time. However, due their significance, Alyeska concurs with the importance of supporting the comments for consideration by the Department in this rulemaking. If the Department is limited by their ability to incorporate the changes at this time, Alyeska requests a subsequent rulemaking that addresses the revision requests.

In addition to these comments, Alyeska fully supports the comments submitted by the Alaska Oil and Gas Association (AOGA) as they apply to the proposed regulations and standard permit conditions.

### **Comment CPAI-1/APSC-1:**

Delete (repeal) 18 MC 50.015(b)(2)(A).

*Basis:* The Mendenhall Valley area of Juneau is no longer designated by the federal administrator as "nonattainment" for PM-10. See 75 FR 41379 - 41381, dated July 16, 2010.

### **Comment Duggins-1:**

From transcript, page 5: "...So at this—in this form, I do have one comment. I guess that I would make, and then some questions. The comment that I have would be related to section 18 AAC 50.015(b). And this is not a proposed change to the rules. But I note that under (b)(2), it states that PM10 Mendenhall Valley in Juneau is a nonattainment area. But very recently, in fact since—probably before—since after these rules were issued for public comment, the EPA has determined that the Mena Hall Valley of Juneau is no longer a nonattainment for PM10. So the question that I have is, is it appropriate to comment to remove that now because it is a little bit

outside of the scope I guess, of the proposed changes? If so then I guess I am making the comment now. There was a Federal Register published on July 16, 2010, that changed the designation of Mendenhall Valley for nonattainment to attainment....”

***Response CPAI-1/APSC-1/Duggins-1:***

The department does not agree with the proposed repeal. Although the Mendenhall Valley has monitored attainment for the PM<sub>10</sub> standard, it has not yet been reclassified from non-attainment to a maintenance area by EPA. Therefore it is premature to repeal the designation at this time. When EPA has reviewed, reclassified, and published notice of the change of designation, the department will revise 18 AAC 50.015(b)(2)(A) accordingly.

***Response CPAI-1/APSC-1/Duggins-1: Revised Regulations—***

The regulations will not be revised.

***Comment CPAI-2/APSC-2:***

The Department included in the proposed June 25, 2010 revisions to the rules corrections to some typographical errors found in the regulations. The following are additional corrections to typographical errors in 18 MC 50 that we have identified -

- a) **18 AAC 50.035(c)(2)** - "ASTM D 1266-98, Standard Test Method for Sulfur in Petroleum Products (Lamp Method)"
- b) **18 AAC 50.220(c)(3)** - "standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific ~~source~~ emission unit type, corrected to standard conditions"
- c) **18 AAC 50.326(i)** - "Applications - insignificant emission units: administratively insignificant ~~sources~~ emission units....”
- d) **18 AAC 50.345(m)** - "before conducting any source tests, the permittee shall submit a plan to the department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance and must specify how the ~~source~~ emission unit will operate during the test and how the permittee will document that operation...."  
"
- e) **18 AAC 50.502(b)** - "If a stationary source or modification ~~may require~~ requires permits under more than one section in this chapter, the owner or operator may file a single permit application...”
- f) **18 AAC 50.502(e)** - "For the purposes of (c)(3)(**B**) of this section... ”
- g) **18 AAC 50.502(h)(3)(A)** - " ... net emissions increase within the meaning of 40 C.F.R. 52.21 (b)(3), (23), and (40), or to a major stationary source;... ”

*Basis:* In addition to the typographical errors, the term "source" should be changed to "emission unit" where appropriate based on the rule changes that occurred on 10/1/04.

***Response CPAI-2/APSC-2:***

The suggested corrections in Comments CPAI-2 a) – e) and g)/APSC-2 a) – e) and g) address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package. Additionally, the typos in comments 2 a) and 2 g) are not found in the official version of the regulations found at

[http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=\[group+title18chap50!3A\]/doc/{t72382}/hits\\_only](http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[group+title18chap50!3A]/doc/{t72382}/hits_only) which is the official version of the regulations. Therefore it is unnecessary for them to be corrected.

The department agrees that Comment CPAI-2 f)/APSC-2 f) is a typo that can be corrected to clarify the regulations.

***Response CPAI-2/APSC-2: Revised Regulations—***

The typo in Comment CPAI-2 f)/APSC-2 f) has been corrected in the regulations. No other changes will be made to the regulations as a result of these comments.

***Comment CPAI-3/APSC-3:***

**PM-10 standard in 18 AAC 50.010(1)(A)** - we note that the PM<sub>2.5</sub> standards added to the Alaska Air Quality Regulations under 18 AAC 50.010(1)(8) on April 1 include a reference to 40 CFR 50, Appendix N, "Interpretation of the National Ambient Air Quality Standards for PM<sub>2.5</sub>". We suggest that the Department do the same for the PM-10 standard to aid in interpretation of how to determine if the "expected number of days in a calendar year with a 24-hour average concentration above 150 micrograms per cubic meter is less than or equal to one day" by citing 40 CFR 50, Appendix K, "Interpretation of the National Ambient Air Quality Standards for Particulate Matter", adopted by reference in 18 AAC 50.035(b). Compare, for example, the language of the PM-10 24-hr standard in 40 CFR 50.6 to the standard as stated in 18 AAC 50.010(1)(A). We base this comment on the assumption that the State's intention is to establish the PM-10 24-hr standard to be equivalent to the National Ambient Air Quality Standard for PM-10 in 40 CFR 50.6.

*Basis:* This change should make it less likely that a reader who is unfamiliar with the rules would not understand that additional information regarding compliance with the standard is found in an appendix of 40 CFR 50 that otherwise is not readily obvious should be reviewed. For example, Appendix K of 40 CFR 50 includes a provision that states that the PM-10 24-hr standard of 150 micrograms per cubic meter is not to be exceeded more than once per year on average over 3 years. See also footnote 5 to the table found at <http://www.epa.gov/air/criteria.html#5>.

***Response CPAI-3/APSC-3:***

The suggested correction in Comment CPAI-3/APSC-3 addresses topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-3/APSC-3: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-4/APSC-4:**

The regulations typically include documentation of a subsection that has been repealed. See, for example, 18 AAC 50.322. However, such is not the case for 18 AAC 50.325, which was repealed in 2004, but there is no record of the change in the regulations. We believe that the following text should be inserted into the regulations at 18 AAC 50.325 –

**"18 AAC 50.325. Operating Permits: Classifications.** Repealed.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; repealed 10/1/2004, Register 171)"

*Basis:* We gathered the citation information for this comment from 18 AAC 50, dated 5/3/2002 and note that 50.325 was repealed with the regulations published 10/1/2004.

**Response CPAI-4/APSC-4:**

The suggested correction in Comment CPAI-4/APSC-4 addresses a topic that was not proposed in the regulation package under consideration. Additionally, the omission noted in this comment is not found in the official version of the regulations found at [http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=\[group+title18chap50!3A\]/doc/{t72382}/hits\\_only?](http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[group+title18chap50!3A]/doc/{t72382}/hits_only?) which is the official version of the regulations. Therefore it is unnecessary for it to be corrected.

**Response CPAI-4/APSC-4: Revised Regulations—**

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-5/APSC-5:**

**18 AAC 50.326(g) and 50.326(h)** - The first two sentences under 18 AAC 50.326(h) state the following - "This subsection lists emission units or activities that may be insignificant *on the basis of size or production rate*. Insignificant emission units and activities listed in this subsection that are subject to a standard under 18 AAC 50.050 - 18 MC 50.090 must be listed on the permit application." (emphasis added) Note the following –

- **18 AAC 50.326(h)** addresses insignificant emission units (IEUs) classified on a case-by-case basis, not on the basis of size or production rate.
- **18 AAC 50.326(g)** addresses IEUs on the basis of *size or production rate*.
- The emission unit types listed in 18 AAC 50.326(h) for consideration as insignificant on a case-by-case basis (i.e., certain ponds and lagoons, and coffee roasters) would never be subject to a standard under 18 AAC 50.050 - 50.090, but emission unit types under 18 AAC 50.326(g) are potentially subject to these standards.

Based on these facts, it is clear that the two sentences at the beginning of 18 AAC 50.326(h) should be deleted and moved to the beginning of 18 AAC 50.326(g).

**Response CPAI-5/APSC-5:**

The suggested correction in Comment CPAI-5/APSC-5 addresses topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-5/APSC-5: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-6/APSC-6:**

18 AAC 50.346(a) & (b) -In considering the a) and b), below, recall that types of construction permits are listed under 18 AAC 50.302. Construction permits under 18 AAC 50.302 and minor permits under 18 AAC 50.502 and 50.508 are considered Title I permits as defined in 18 AAC 50.990, but 18 AAC 50.345 and 50.346 do not use the term "Title I".

- a) The language of this subsection (18 AAC 50.346) states that the permit conditions presented in the subsection apply to "a construction permit or Title V permit". By contrast, the language in 18 AAC 50.345 states that the permit conditions presented in that subsection apply to "construction, *minor* and operating permits" (emphasis added). This implies that the "other permit conditions" found in 18 AAC 50.346 are not intended for use in minor permits; however, the Department also uses the conditions in 18 AAC 50.346 in minor permits. Was there an original intent to not include the conditions of 18 AAC 50.346 in minor permits? If so, then the language in 18 AAC 50.346 should be clarified to state that the conditions in 18 AAC 50.346 will not be used by the Department in minor permits. Compare the presentation of 18 AAC 50.345(a) to that of 18 AAC 50.346(a). Also, note that 18 AAC 50.544(a)(5) (Minor Permits: content) states that the Department will include in each minor permit issued under 18 AAC 50.542, "the standard permit conditions in 18 AAC 50.345, as applicable", but does not indicate that the conditions in 18 AAC 50.346 will be included in a minor permit.
- b) The titles of the permit conditions in this subsection (18 AAC 50.346) are inconsistent. Some are called "Standard Permit Conditions" while others are called "Standard *Operating* Permit Conditions" (emphasis added). This implies that conditions that do not include the word "Operating" in the title are intended only to be included in construction permits and that conditions that do include the word "Operating" in the title are intended only to be included in Title V permits. If this was not the original intent of the rule, then the titles for the conditions outlined in 18 AAC 50.346 should be corrected to be consistently called "Standard Permit Conditions". Again, it has been our experience that the Department includes conditions labeled as "Standard Operating Permit Conditions" in construction permits as well as Title V permits.

***Response CPAI-6/APSC-6:***

The department acknowledges that there is a lack of clarity in the language in 18 AAC 50.346. However, addressing the comments would require potential revisions to the regulations that are beyond the scope of the current proposed regulations and would require additional public comment period. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-6/APSC-6: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

***Comment CPAI-7/APSC-7:***

18 AAC 50.540(k) - We suggest that the following change be made to this subsection in order to provide additional clarity in the same vein as 18 AAC 50.540(j)

"An application for a minor permit revising or rescinding terms or conditions of a Title I permit under 18 AAC 50.508(a)(4) must include ... "

***Response CPAI-7/APSC-7:***

The department agrees with the comment and considers this a clarifying revision to 18 AAC 50.540(k).

***Response CPAI-7/APSC-7: Revised Regulations—***

The regulations have been revised to include the proposed change, pursuant to the additional numbering change made as a result of Response Alan Schuler-3.

***Comment CPAI-8/APSC-8:***

**18 AAC 50.990(42)** - The definition for **Good Engineering Practice (GEP) Stack Height** presented here states that for stacks with a height of 213 feet or less, the GEP height is the "actual physical height of the stack". Typically, "GEP Stack Height" is used to define the limit of the maximum height of a flue gas stack and, in the case of existing flue gas stacks that exceed the GEP stack height, any air pollution dispersion modeling studies for such stacks must use the GEP stack height rather than the actual stack height. Determination of the GEP height is based on a number of factors as described in 40 CFR 51.100(ii), none of which is associated with the actual physical height of the stack. Section 6.2.2 of 40 CFR 51 Appendix W, adopted by reference in 18 AAC 50.040(f), describes how air quality impacts associated with cavity or wake effects due to the nearby building structures should be determined for stacks found to be "less than GEP height". Using the "actual physical height of the stack" to define GEP height does not make sense in this context since the physical height of the stack is to be compared to the GEP height, not treated as the GEP stack height. Further, we do not see any purpose for the state regulations to define GEP height to be any different than the height defined by federal regulation under 40 CFR 51.100(ii). As such we propose that the definition found in 18 AAC 50.990(42) be changed as follows:

"(42) "good engineering practice stack height"

- (A) for stack heights exceeding 213 feet, has the meaning given in 40 C.F.R. 51.100(ii), as revised as of July 1, 2007 and adopted by reference; ~~or~~
- (B) for all other stack heights, means the actual physical height of the stack;"

***Response CPAI-8/APSC-8:***

The suggested corrections in Comment CPAI-8/APSC-8 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-8/APSC-8: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-9/APSC-9:**

**Standard Permit Condition IX - Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units**

**Standard Permit Condition (SPC) IX.4.1a** prescribes specific information to be reported on the Visible Emissions Field Data Sheet (reporting form) regarding visible emissions. These items should be included on the reporting form as designated fields. Failing to include these fields introduces another potential for a Permittee to miss a minor detail for reporting. We request that the reporting form be updated to include all relevant and required information and that the Department add the Visible Emissions Field Data Sheet and the Visible Emissions Observation Record to SPC IX. We believe the forms attached to this letter include the appropriate information that matches SPC IX.4.1 a.

***Response CPAI-9/APSC-9:***

The department agrees that the editorial change adds clarity and has accepted this comment as proposed and will include the following replacement reporting form inserted as department-provided VE forms:

## VISIBLE EMISSION OBSERVATION FORM

This form is designed to be used in conjunction with EPA Method 9, "Visual Determination of the Opacity of Emissions from Stationary Sources." Temporal changes in emission color, plume water droplet content, background color, sky conditions, observer position, etc. should be noted in the comments section adjacent to each minute of readings. Any information not dealt with elsewhere on the form should be noted under additional information. Following are brief descriptions of the type of information that needs to be entered on the form: for a more detailed discussion of each part of the form, refer to "Instructions for Use of Visible Emission Observation Form."

Note: items marked ● are required by Reference 9; other items recommended.

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- Stationary Source Name: full company name, parent company or division or subsidiary information, if necessary.
  - Address: street (not mailing or home office) address of facility where VE observation is being made.  
Phone (Key Contact): number for appropriate contact.  
Source ID Number: number from agency files, etc.
  - Process Equipment, Operating Mode: brief description of process equipment (include type of facility) and operating rate, % capacity, and/or mode (e.g. charging, tapping, shutdown).
  - Control Equipment, Operating Mode: specify type of control device(s) and % utilization, control efficiency.
  - Describe Emission Point: for identification purposes, stack or emission point appearance, location, and geometry; and whether emissions are confined (have a specifically designed outlet) or unconfined (fugitive).
  - Height Above Ground Level: stack or emission point height relative to ground level; can use engineering drawings, Abney level, or clinometer.
  - Height Relative to Observer: indicate height of emission point relative to the observation point.
  - Distance from Observer: distance to emission point; can use rangefinder or map.
  - Direction from Observer: direction plume is traveling from observer.
  - Describe Emissions and Color: include physical characteristics, plume behavior (e.g., looping, lacy, condensing, fumigating, secondary particle formation, distance plume visible, etc.), and color of emissions (gray, brown, white, red, black, etc.). Note color changes in comments section.
  - Visible Water Vapor Present?: check "yes" if visible water vapor is present.
  - If Present, is Plume...: check "attached" if water droplet plume forms prior to exiting stack, and "detached" if water droplet plume forms after exiting stack.
  - Point in Plume at Which Opacity was Determined: describe physical location in plume where readings were made (e.g., 1 ft above stack exit or 10 ft. after dissipation of water plume).
  - Describe Plume Background: object plume is read against, include texture and atmospheric conditions (e.g., hazy).
  - Background Color: sky blue, gray-white, new leaf green, etc.
  - Sky Conditions: indicate cloud cover by percentage or by description (clear, scattered, broken, overcast).
  - Wind Speed: record wind speed; can use Beaufort wind scale or hand-held anemometer to estimate.
  - Wind Direction From: direction from which wind is blowing; can use compass to estimate to eight points.
  - Ambient Temperature: in degrees Fahrenheit or Celsius.  
Wet Bulb Temperature: can be measured using a sling psychrometer  
RH Percent: relative humidity measured using a sling psychrometer; use local US Weather Bureau measurements only if nearby.
  - Source Layout Sketch: include wind direction, sun position, associated stacks, roads, and other landmarks to fully identify location of emission point and observer position.  
Draw North Arrow: to determine, point line of sight in direction of emission point, place compass beside circle, and draw in arrow parallel to compass needle.  
Sun's Location: point line of sight in direction of emission point, move pen upright along sun location line, mark location of sun when pen's shadow crosses the observer's position.
  - Observation Date: date observations conducted.
  - Start Time, End Time: beginning and end times of observation period (e.g., 1635 or 4:35 p.m.).
  - Data Set: percent opacity to nearest 5%; enter from left to right starting in left column. Use a second (third, etc.) form, if readings continue beyond 30 minutes. Use dash (-) for readings not made; explain in adjacent comments section.
- Comments: note changing observation conditions, plume characteristics, and/or reasons for missed readings.  
Range of Opacity: note highest and lowest opacity number.
- Observer's Name: print in full.
- Observer's Signature, Date: sign and date after performing VE observation.
- Organization: observer's employer.
  - Certified By, Date: name of "smoke school" certifying observer and date of most recent certification.



**ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AIR QUALITY/AIR PERMITS PROGRAM - VISIBLE EMISSIONS OBSERVATION FORM**

Page No. \_\_\_\_\_

Stationary Source Name		Type of Source		Observation Date		Start Time		End Time	
Address		City		State		Zip		Comments	
Phone # (Key Contact)		Source ID Number		Process Equipment		Operating Mode		Control Equipment	
Describe Emission Point		Height above ground level		Height relative to observer		Inclinometer Reading		Distance From Observer	
Describe Emissions & Color		Background Color		Sky Conditions: Start		End		Wind Speed	
Visible Water Vapor Present? If yes, determine approximate distance from the stack exit to where the plume was read		Point in Plume at Which Opacity Was Determined		Ambient Temperature		Wet Bulb Temp		RH percent	
Notes: 1 Stack or Point Being Read 2 Wind Direction From		3 Observer Location 4 Sun Location 5 North Arrow 6 Other Stacks		Range of Opacity		Minimum		Maximum	
I have received a copy of these opacity observations		Print Observer's Name		Observer's Signature		Date		Organization	
Signature:		Date		Certified By:		Date			

***Response CPAI-9/APSC-9: Revised Regulations—***

The listed forms will be included in SPC IX.

**Comment CPAI-10/APSC-10:**

Revise **SPC XI.1** as follows:

**"1. Sulfur Compound Emissions.** ~~In accordance with 18 AAC 50.055(c),~~ †The permittee shall not cause or allow sulfur compound emissions, expressed as SO<sub>2</sub>, from EU ID(s) *<insert identification of emission units>* to exceed 500 ppm averaged over three hours."

*Basis:* We propose to delete the reference to 18 AAC 50.055(c) from the standard condition since the permit condition includes a citation below the condition making the reference in the condition unnecessary.

***Response CPAI-10/APSC-10:***

The suggested corrections in Comment CPAI-10/APSC-10 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-10/APSC-10: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-11/APSC-11:**

11) Add a new condition **SPC XI.2** as follows that applies to sources that burn distillate fuels. We have provided two versions of the new condition. We request that each version be added to SPC XI.

**The intent of this first version of the condition is that it would be used for Permittees that prefer to simplify the condition and who will rely on continuous use of distillate fuel for the diesel/liquid fired emission units. For this option, existing Conditions 2 through 4 would not be included in a permit.**

**"2. Sulfur Compound Emissions - Distillate Fuel (exclusively).** The permittee shall certify annually under *<insert annual compliance certification condition>* that only distillate fuel was combusted at the stationary source. Such fuels include No.1 and No.2 diesel fuel and blends, arctic grade diesel fuel, low sulfur diesel fuel, ultra low sulfur diesel fuel, jet fuel, and kerosene."

**The intent of this second version of the condition is that it would be used as an option in conjunction with the existing MR&R conditions for Permittees that prefer to have more than one compliance option. For this option, new Condition 2 would be included along with existing Conditions 2 through 4.**

**"2. Sulfur Compound Emissions - Distillate Fuel (with other options).** In lieu of complying with the monitoring, recordkeeping, and reporting requirements of conditions 2 and 3, or 4 [**See note below**], the permittee may certify annually under *<insert annual compliance certification condition>* that only distillate fuel was combusted at the stationary source. Such fuels include No.1 and No.2 diesel fuel and blends, arctic grade diesel fuel, low sulfur diesel fuel, ultra low sulfur diesel fuel, jet fuel, and kerosene."

*Basis:* Compliance with the sulfur compound emission limit of 18 AAC 50.055(c) is assured when the sulfur content of diesel/liquid fuel is less than 0.75 percent by weight and distillate fuels all have less than 0.5 wt% sulfur. Our proposed change is also consistent with the move to low sulfur diesel (LSD) and ultra low sulfur diesel (ULSD) by the entire country. (**NOTE:** The numbers we reference in the proposed second version of the condition above are the current condition numbers, not the resulting numbers after the addition of a new condition.)

***Response CPAI-11/APSC-11:***

The suggested corrections in Comment CPAI-11/APSC-11 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-11/APSC-11: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

***Comment CPAI-12/APSC-12:***

12) Combine a revised version of **SPC XI.2.2** with **SPC XI.2.1 b(i)** as shown below and delete **SPC XI.2.2**. Proposed changes to the version of SPC XI.2.2 that we suggest be incorporated into SPC XI.2.1 b(i) are shown with double underline (inserts) and strikeout.

"(i) test the fuel for sulfur content using an appropriate method listed in 18 AAC 50.035(b)-(c) or 40 C.F.R. 60.17 incorporated by reference in 18 AAC 50.040(a)(1) ~~or another method approved in writing by the department; or~~"

*Basis:* 1) Combining these two conditions will help to improve the clarity and flow of the permits.

2) It is our understanding that EPA indicated to the Department in their review of the Alaska Title V program that phrases such as "or another method approved in writing by the department" cannot be included in Title V permits. Our proposed revision is based on language that the Department has been using in Title V permits, except that we have suggested that the language allow for the use of any method listed in 18 AAC 50.035 or 40 CFR 60.17 in contrast to the language that the Department has been including in Title V permits that requires a method to be listed in 18 AAC 50.035 and 40 CFR 60.17. We do not agree that an approved testing method should have to be included in both citations to make it acceptable for use.

***Response CPAI-12/APSC-12:***

The suggested corrections in Comment CPAI-12/APSC-12 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-12/APSC-12: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-13/APSC-13:**

13) Revise **SPC XI.2.3** as follows:

"2.3 If a shipment load of fuel contains greater than 0.75% sulfur by weight, the permittee shall calculate SO<sub>2</sub> emissions in PPM using either ~~condition~~ the Material Balance Calculation shown in Section *<insert cross reference to standard permit condition XII - SO<sub>2</sub> material balance calculation>* or Method 19 of 40 C.F.R. 60, Appendix A-7, adopted by reference in 18 AAC 50.040(a)."

*Basis:* 1) We believe it is appropriate to use the term "shipment" instead of "load" in this condition since SPC XI.2.1 and XI.3.2.b use the term "shipment". Further, we assume it is not the Department's intent to require that if a shipment of fuel includes more than one truckload of fuel that the fuel in each truck would have to be tested before it is delivered to a holding tank.

2) The Department includes SPC XII as a standalone section of Title V permits. Our proposed change is to incorporate the language that is used in the Title V permits to cross reference SPC XII instead of the reference to a permit condition number.

***Response CPAI-13/APSC-13:***

The suggested corrections in Comment CPAI-13/APSC-13 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-13/APSC-13: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-14/APSC-14:**

14) Revise **SPC XI.3** as follows:

"3. **Sulfur Compound Emissions - Reporting.** The Permittee shall report ~~in accordance with this condition XI.3.~~ as follows:

3.1 If SO<sub>2</sub> emissions are calculated under condition XI.2.3 to exceed 500 ppm, the permittee shall report under condition *<insert cross reference to standard permit condition III- Excess Emissions and Permit Deviation Reports>*. Include the calculation performed under condition XI.2.3 in the report. ~~When reporting under this~~

~~condition XI. 3.1, include the calculation under condition *<insert cross reference to standard permit condition XII—SO<sub>2</sub> material balance calculation>*.~~

3.2 The Permittee shall include in the operating report required by condition *<insert cross reference to standard permit condition VII - operating reports>*  
< >

c. ~~for fuel with a sulfur content greater than 0.75%, the calculated the~~ SO<sub>2</sub> emissions in PPM calculated under condition X1.2.3, if applicable."

*Basis:* These revisions are proposed as suggestions to improve the clarity of these conditions.

***Response CPAI-14/APSC-14:***

The suggested corrections in Comment CPAI-14/APSC-14 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-14/APSC-14: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-15/APSC-15:**

15) Delete **SPC X1.4.1** and **X1.4.2** and replace them in their entirety as follows:

**"4. Sulfur Compound Emissions - North Slope - Monitoring, Record Keeping, and Reporting.** For liquid fuel from a North Slope topping plant, the permittee shall obtain from the topping plant the results of a monthly fuel sulfur analysis.

~~4.1 The permittee shall include in the operating report required by condition *<insert cross reference to standard permit condition VII—operating reports>* a list of the sulfur content measured for each month covered by the report.~~

~~4.2 The permittee shall report under condition *<insert cross reference to standard permit condition III—excess emissions and permit deviation reports>* if the sulfur content for any month exceeds 0.75%.~~

4.1 If the fuel contains greater than 0.75% sulfur by weight, the permittee shall calculate SO<sub>2</sub> emissions in PPM using either the Material Balance Calculation shown in Section *<insert cross reference to standard permit condition XII - SO<sub>2</sub> material balance calculation>* or Method 19 of 40 C.F.R. 60, Appendix A-7, adopted by reference in 18 AAC 50.040(a).

4.2 The permittee shall report as follows:

a. If SO<sub>2</sub> emissions are calculated under condition XI.4.1 to exceed 500 ppm, the permittee shall report under condition *<insert cross reference to standard permit*

condition III - excess emissions and permit deviation reports>. Include the calculation performed under condition XI.4.1 in the report.

b. Include in the operating report required by condition <insert cross reference to standard permit condition VII – operating reports>:

(A) a list of the sulfur content measured for each month covered by the report; and

(B) the SO<sub>2</sub> emissions in PPM calculated under condition XI.4.1, if applicable."

*Basis:* We propose to revise and enhance these conditions to match the recordkeeping and reporting requirements of SPCs X1.2.3 and X1.3 for fuel supplied by a third-party vendor. The current condition language for fuel from a North Slope topping plant implies that an excess emission has occurred if the fuel sulfur content exceeds 0.75 percent. A fuel sulfur value greater than 0.75 percent does not, by itself, necessarily constitute an excess emission. This fact is reflected in the requirements of SPCs X1.2.3 and X1.3. The limit is 500 ppm SO<sub>2</sub> in the exhaust of an emission unit, not 0.75 percent sulfur in the fuel. With our proposed edits, if an excess emission has not occurred because the calculated SO<sub>2</sub> emissions do not exceed 500 ppm even with a fuel sulfur content of greater than 0.75 percent, the Department will still be provided information in the operating report to justify the fact that there was no excess emission.

***Response CPAI-15/APSC-15:***

The suggested corrections in Comment CPAI-15/APSC-15 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-15/APSC-15: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

**Comment CPAI-16/APSC-16:**

16) Revise the citation to SPC XIV.1 as follows:

"[18 AAC 50.040(j)(7), 18 AAC 50.326(b),~~12/1/04~~]  
[18 AAC 50.346(b)(7)]  
[40 CFR 71.10(d)(1),~~7/1/04~~]"

*Basis:* 1) Remove the dates from the citation for consistency with the current practice by the Department's Operating Permits Division to exclude the dates from the permit condition citations. If the Department feels that it is appropriate to retain the dates, then they should be updated to match the current adoption dates of the regulations included in these citations.

2) Add the citation to 18 AAC 50.346(b)(7) which specifically lists the standard permit conditions prepared by the Department and adopted by reference.

***Response CPAI-16/APSC-16:***

The suggested corrections in Comment CPAI-16/APSC-16 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response CPAI-16/APSC-16: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

## **AOGA Comments:**

### **Comment AOGA-1:**

- 1) 18 AAC 50.040(c) – Consider changing the date of 40 C.F.R. Part 63 that is adopted by reference from **75 Fed Reg. 9648 (March 3, 2010)** to **75 Fed. Reg. 37732 (June 30, 2010)**. This is the date that recent corrections to 40 CFR 63 Subpart ZZZZ were published in the Federal Register.

### **Response AOGA-1:**

The department agrees with this comment. The regulations will reference the Federal Register publication date of the correction to 40 CFR 63 Subpart ZZZZ.

### **Response AOGA-1: Revised Regulations—**

The regulations have been changed to reflect the publication date of the correction to 40 CFR 63 Subpart ZZZZ.

### **Comment AOGA-2:**

- 2) **18 AAC 50.240(c) Excess Emissions** – revise the second sentence of this rule to include a “discovery provision” as follows:

“(c) ...other excess emissions must be reported within 30 days after the end of the month during which the emissions occurred or were discovered ~~or as part of the next routine emission monitoring report~~, whichever is sooner.”

*Basis:* 1) A “discovery provision” is included 18 AAC 50.235(a)(2) for unavoidable emissions in excess of a technology-based emission standard. Regarding excess emissions that present a potential threat to human health or safety, 18 AAC 50.240(c) includes neither a discovery or occurrence provision. The rule simply states a requirement to report these types of excess emissions “as soon as possible”. However, Standard Permit Condition (SPC) III.1.1a includes both a discovery and occurrence provision for these types of excess emissions – requiring reporting “as soon as possible *after the event commenced or is discovered*” (emphasis added). We believe the clarifying language of SPC III is appropriate and necessary, because “as soon as possible” must, by necessity, account for discovery of an event. Reporting cannot possibly be expected to be sooner than sometime after excess emissions that present a potential threat to human health or safety are discovered.

We assert that reporting any type of excess emissions (i.e., in addition to those that present a potential threat to human health and safety or are unavoidable) that have not been discovered is also impossible. The Department has stated in the past that Part 70 requires “prompt” reporting of permit deviations. We do not refute this, but it is not possible to be prompt (defined as “to act quickly as occasion demands”) if the need to act quickly has not been ascertained due to an undiscovered permit deviation. It is not reasonable or practical to assume, and it



should not be expected, that a permit deviation, including excess emissions, will always be discovered within days of its occurrence.

Therefore, we suggest that it was a simple oversight to not include a discovery provision in the second sentence of 18 AAC 50.240(c) when it was originally written and we request that it be added as part of this rulemaking in association with the Department's proposed revisions to SPC III. See also basis #1) to our comment 12).

2) The term "emission monitoring report" is not used anywhere else in the rules. Based on the language in 18 AAC 50.345(j), which requires certification of excess emissions reports "either upon submittal or with an operating report", we believe that the intention of the rule is for submittal to be done with an "operating report". However, although reporting an excess emission as part of the next routine emissions monitoring report (assumed to mean next routine "operating report") might seem reasonable at first glance, including this requirement could be unreasonable based strictly on when an excess emission occurs and is discovered. If it is discovered near the deadline for submittal of an operating report, the time allowed by this provision could be very short. Further, it seems that the deadline of "30 days after the end of the month during which the emissions occurred" was included in the rule with the intent of providing a minimum of 30 days to report "other excess emissions". The secondary deadline in the rule negates this intent and should be removed.

***Response AOGA-2:***

The suggested corrections in Comment AOGA-2 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response AOGA-2: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

***Comment AOGA-3:***

3) **New 18 AAC 50.302(c)** – Revise this new subsection as follows:

“(c) Terms and conditions ~~initially~~ established in a PSD permit described under 18 AAC 50.302(a)(1) and identified in the PSD permit as solely necessary to meet a Title V requirement associated with an integrated review conducted under 18 AAC 50.306(c)(3) are considered Title V terms and conditions upon incorporation into a Title V permit. Subsequent revisions to such terms and conditions may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. ~~incorporation of those terms and conditions into a Title V permit. Subsequent changes to such terms and conditions will therefore only need to be made within the Title V permit, not the PSD permit. The mechanism for requesting~~

~~such changes shall be through the applicable Title V operating permit modification or amendment provisions of 18 AAC 50.326 rather than the +Minor Permit Title I revision provisions of 18 AAC 50.508(6)508(a)(4).”~~

*Basis:* We found the proposed language to be unclear and repetitive to some extent. We have proposed a condensed version of the language that we believe meets the intent of the rule.

However, if the Department disagrees with our proposed revisions, or elects to make additional or other changes to the language we wish to point out the corrections highlighted on the last line of the originally proposed language shown above. The context of this paragraph pertains to revisions that are not required for PSD permits, but can instead be made to Title V permits.

However, the concluding sentence appears to inadvertently cite the “Minor Permit provisions of 18 AAC 50.508(6)” instead of the Title I (PSD in this case) permit revision provisions, which are the subject of this new subsection, and which are now found in 18 AAC 50.508(a)(4) under the proposed new rules.

See also our related comments 4) and 8).

### ***Response AOGA-3:***

The department addresses the first part of the comment in Response AOGA-4. The department agrees with the proposed change for the last section of 18 AAC 50.302(c) and will make the change.

### ***Response AOGA-3: Revised Regulations—***

The regulations have been changed in accordance with Response AOGA-4 and Response AOGA-3.

### ***Comment AOGA-4:***

- 4) In reviewing the proposed new subsection under 18 AAC 50.302(c), we considered suggesting that the Department revise the language of 50.302(c) to include all types of construction permits under 18 AAC 50.302(a)(1) – (3) (i.e., in addition to PSD permits under 18 AAC 50.306, also refer to other types of construction permits under 50.311 (new source review/ nonattainment area) and 50.316 (major source of hazardous air pollutants), as cited under 50.302(a)(1) – (3)). However, in considering the possibility for this change, we determined that 50.311 and 50.316 are not currently written to allow integrated review of a 50.311 or 50.316 construction permit with a 50.326 (Title V) permit. That is, a provision similar to that found in 50.306(c)(3) for PSD permits is not found under 50.311 or 50.316.

We suggest and request that the Department consider adding a construction permit/Title V permit integrated review provision to 50.311 and 50.316 in a future rulemaking action. In addition, we suggest that if these integrated review provisions are added, that the Department also amend the new language in 18 AAC 50.302(c) to reference all

construction permits listed in 50.302(a)(1) – (3) and not just the PSD construction permits under 50.302(a)(1).

***Response AOGA-4:***

The commentator has correctly pointed out that the proposed language for 18 AAC 50.502(c), in the regulation changes is specific to PSD permits. The department recognizes that the language should include non attainment area major source permits (18 AAC 50.311) and hazardous air pollutants major source permits (18 AAC 50.316). Therefore, the department will replace the reference to ‘PSD permit’ with ‘Permit listed in 50.302(a)(1)-(3)’ in 18 AAC 50.302(c) to include all permits listed under 18 AAC 50.302. However, this change does not address the provision for integrated review for permits other than PSD permits because our current regulations do not have language similar to 18 AAC 50.306(c)(3) for permits under 50.311 and 50.316. The department recognizes that it is a deficiency in the current regulations. However, adding new language to 18 AAC 50.311 and 18 AAC 50.316, similar to 18 AAC 50.306(c)(3), is not part of the proposed regulation changes, the department will differ this to a future regulation revision.

***Response AOGA-4: Revised Regulations—***

The regulations in 18 AAC 50.302(c) have been changed to reflect “a permit listed in 18 AAC 50.302(a)(1)-(3)” instead of “PSD permit”. Additional regulations changes will not be made at this time.

***Comment AOGA-5:***

- 5) **18 AAC 50.306(b)(3)** – The proposed rule states that the owner or operator must comply with 40 C.F.R. 52.21(b)(50)(vi) with revisions as noted. However, 18 AAC 50.040(h)(4)(C)(i) states that §52.21(b)(50) is not adopted. It appears that 18 AAC 50.040(h)(4)(C)(i) should be revised to adopt §52.21(b)(50) as revised in 75 FR 31514 per proposed 18 AAC 50.040(h).

***Response AOGA-5:***

AOGA correctly noted that 40 C.F.R. 52.21(b)(50) is not adopted by reference and therefore, should not be referred to in 18 AAC 50.306(b)(3). The department examined several potential solutions, but ultimately decided to drop the proposed language in 18 AAC 50.306(b)(3). The department originally proposed sub-paragraph (3) to eliminate a forward regulation phrase in the federal language. However, the forward regulation phrase only pertains to rulemakings prior to January 1, 2011. Since this window will soon be past, the concern will soon be moot.

***Response AOGA-5: Revised Regulations—***

The department has dropped the proposed changes to 18 AAC 50.306(b)(3) and has renumbered the remaining provisions.

***Comment AOGA-6:***

- 6) **18 AAC 50.326(e)** – 18 AAC 50.326(e)(15) states that the insignificant emission unit threshold for a regulated air pollutant not listed in (e)(1) through (14) is 0.5 tpy. CO<sub>2</sub>e becomes a regulated air pollutant on January 2, 2011 under the “PSD Tailoring Rule”. An insignificant emission threshold of 0.5 tpy would be extremely low for CO<sub>2</sub>e. Unless the Department makes changes to the regulations to include a new threshold for CO<sub>2</sub>e, Permittees could be preparing a large number of off permit change notifications.

***Response AOGA-6:***

The suggested corrections in Comment AOGA-2 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

***Response AOGA-6: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

***Comment AOGA-7:***

- 7) We suggest that citations in the regulations that point to the definitions found in 18 AAC 50.990 not list the specific definition citation. For example, under **18 AAC 50.502(b)(6)**, instead of citing the definition for “a Port of Anchorage stationary source” found in 18 AAC 50.990(78), we suggest that the citation simply state “as defined in 18 AAC 50.990”. In so doing, it would allow the Department to add new definitions to 18 AAC 50.990 in alphabetical order instead of adding new definitions to the end of the subsection. See also our comment 11).

***Response AOGA-7:***

The department does not agree with the proposed change. Adding new definitions at the end of the definitions section is proper per the Department of Law Regulations Drafting manual.

***Response AOGA-7: Revised Regulations—***

No changes will be made to the regulations as a result of these comments.

***Comment AOGA-8:***

- 8) **18 AAC 50.508(b)** - Revise this new subsection as follows:

“(b) Terms and conditions ~~initially~~ established in a ~~Title I~~ minor permit described under 18 AAC 50.502(b) – (f) or 18 AAC 50.508(a) and identified in the ~~Title I~~ minor permit as solely necessary to meet a Title V operating permit requirement to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 CFR 71.7(d) incorporated by reference under 18 AAC 50.040(j)(5) are considered Title V terms and conditions upon incorporation into a Title V permit. Subsequent revisions to such terms and conditions may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. ~~incorporation of those terms and conditions into a Title V permit. Subsequent~~

~~changes to such terms and conditions will therefore only need to be made within the Title V permit, not the original Title I permit. The mechanism for requesting such changes shall be through the applicable Title V operating permit modification or amendment provisions of 40 C.F.R. 71.7 as incorporated by reference under 18 AAC 50.040(j)(5) rather than the Title I revision provisions of 18 AAC 50.508(6)508(a)(4)."~~

*Basis:* 1) See the basis to our comment 2).

2) Also, we believe it is more appropriate for this rule to refer to “minor permits” under 50.502 and 50.508 instead of “Title I permits” because the context of this new subsection to 18 AAC 50.508 is minor permits. Minor permits are a subset of the various types of “Title I permits”, as defined in 18 AAC 50.990. See also our comment 4) as it relates to other types of Title I permits that should potentially be addressed through a future rulemaking under the similar new provision found in 18 AAC 50.302(c).

***Response AOGA-8:***

The department agrees with the comment. However, the department will further clarify the language further by referencing minor permits issued under 18 AAC 50.542.

***Response AOGA-8: Revised Regulations—***

The regulations have been revised as follows, pursuant to the additional numbering change noted in Response Alan Schuler-3:

**18 AAC 50.510** Terms and conditions established in a minor permit issued under 18 AAC 50.542 and identified in the minor permit as solely necessary to meet a Title V operating permit requirement to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 C.F.R. 71.7(d) incorporated by reference under 18 AAC 50.040(j)(5) are considered Title V terms and conditions upon incorporation into a Title V permit. Subsequent revisions to such terms and conditions may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326.

***Comment AOGA-9:***

9) **18 AAC 50.542(a)(1)(C)** – the citation here should be changed to “18 AAC 50.990(60)” or to “18 AAC 50.990”, per our comment 7).

***Response AOGA-9:***

The department agrees to fix the typo in the citation in 18 AAC 50.542(a)(1)(C). However, the department does not agree with the proposed change to re-alphabetize the definitions in 18 AAC 50.990. See Response AOGA-7.

***Response AOGA-9: Revised Regulations—***

The regulations are revised to correct the typo. No change will be made to the definitions numbering in 18 AAC 50.990.

**Comment AOGA-10:**

10) **18 AAC 50.544(a)(4)** – the period at the end of the sentence here should be changed to a semi-colon. This change will be identical to the change proposed by the Department for 18 AAC 50.544(a)(5).

**Response AOGA-10:**

The department agrees with the proposed change. The correction will be made.

**Response AOGA-10: Revised Regulations—**

The regulations have been corrected.

**Comment AOGA-11:**

11) **18 AAC 50.990** – We suggest that the definitions found in this section be reorganized to maintain an alphabetical listing in the subsection. As currently drafted, the definitions are in alphabetic order through 50.990(123). It would be less confusing to the general reader if the definitions now found in (124) through (130) were inserted into the list of definitions in alphabetical order. However, in order to make this feasible, the air regulations would have to be revised so that any citation to the definitions in 18 AAC 50.990 would not include the specific list number in the citation. See, for example, our proposed edit presented in comment 7).

**Response AOGA-11:**

The department does not agree with the proposed change. See Response AOGA-7.

**Response AOGA-11: Revised Regulations—**

No changes will be made to the regulations as a result of these comments.

**Comments AOGA-12—AOGA-15 (Standard Permit Condition III – Excess Emissions and Permit Deviation Reports):**

**Comment AOGA-12:**

12) Revise **Standard Permit Condition (SPC) III.1.1** and create a **new SPC III.1.2** to read as follows:

“1.1 **Excess Emissions**. Except as provided...

<...>

c. report all other excess emissions ~~and permit deviations~~

(i) within 30 days ~~of~~after the end of the month ~~in~~during which the emissions occurred **or were discovered**, ~~or; except as provided in condition III.1.1e(iv); or~~

(ii) ~~for a permit deviation not classified as also resulting in also defined as excess emissions under III.1.1(a) 18 AAC 50.990, then report the earlier of:~~

~~(A) within 30 days of after the end of the month in during which the deviation is discovered; or~~

~~(B) no later than the date required by for submittal of the next Annual Compliance Certification, Condition <insert cross link to ACC reporting date condition>; or~~

~~(iii) Or, if a continuous or recurring excess emissions is not corrected within 48 hours of discovery, within 72 hours of discovery unless the department provides written permission to report under condition III.1.1c(i); and~~

~~(iv) for failure to monitor, as required in other applicable conditions of this permit.~~

1.2 **Permit Deviations.** For a permit deviation not classified as also resulting in also defined as excess emissions under III.1.1(a)18 AAC 50.990, then report the earlier of:

a. according to the required deadline for failure to monitor, as specified in conditions <insert cross link to standard permit condition IX.5.2b and/or IX.11.1b, as applicable>; or

b. no later than 30 days after the end of the month during which the deviation is discovered, or the date for submittal of the next Annual Compliance Certification, Condition <insert cross link to ACC reporting date condition>, covering the period when the event occurred, whichever is sooner.”

Basis: 1) We request that the language in SPC III.1.1c(i) match the language found in the rules under 18 AAC 50.240 (including the requested revision to 50.240 to include a discovery provision per our comment 2). Please note that the Department has also included a discovery provision in SPC III.1.1c(iii) for continuous or recurring excess emissions. We believe this further justifies our assumption that exclusion of a discovery provision from 18 AAC 50.240 was an oversight when the rule was written per our comment 2).

2) We agree with the concept that the Department has proposed for revisions to SPC III.1.1c. We propose to take the same general concept and break the condition into two conditions, the first addressing the reporting requirements for “other” excess emissions, and the second to address the reporting requirements for permit deviations that are not excess emissions. In our proposed edits above, we have shown how we propose to reorganize the Department’s proposed language and we have also shown where we propose to edit the language after splitting it into two conditions using double underlines.

3) We believe it is appropriate for the new SPC III.1.2 (originally SPC III.1.1c(ii)) to clarify that permit deviations that are not also considered to be any type of “excess emissions” are allowed to be reported under this

provision (e.g., late, missing, or incomplete reports, etc.). We suggest citing the definition in 18 AAC 50.990(34) as part of the permit condition.

4) Spelling out which conditions of the permit are subject to the requirement of our proposed SPC III.1.2a (originally SPC III.1.1c(iv)) provides greater clarity for the Permittee and a permit that is more enforceable. We believe that the conditions that the Department is referring to that have non-standard reporting deadlines are those found in Standard Operating Permit Condition IX for Visible Emissions and Particulate Matter Monitoring as identified in our comment above.

5) The provision in our proposed condition III.1.2b (originally III.1.1c(ii)(B)) that requires that a permit deviation is to be potentially reported as part of the annual compliance certification report should be revised to state that this applies to deviations that are discovered during the compliance review and that occurred during the period covered by the compliance certification. The deadline associated with an annual compliance review should only pertain to a deviation that is discovered during the review. For example, if a deviation is discovered in March of a certain year that follows the period covered by an annual compliance certification, it should be subject to the regular “30-day” deadline, not the certification report deadline since it would not have occurred during the period covered by the certification report.

6) The remainder of our proposed edits are to provide additional clarity to the condition.

***Response AOGA-12:***

The department followed the guidance of 18 AAC 50.240 when developing the original SPC III, and thus lays out the development of the condition:

(a) 18 AAC 50.240(c) requires that the owner, operator or permittee report excess emissions that present a potential threat to human health or safety or that the owner, operator or permittee believes to be unavoidable must be reported as soon as possible. This is presented as conditional language in SPC III.1.1(a)(i)-(ii).

(b) In the case of a technology-based emission standard, excess emissions are to be reported within two working days after the event occurred or was discovered, consistent with 18 AAC 50.240(a) as set forth in SPC III.1.1(b).

And finally (c), 18 AAC 50.240(c) defines “other” excess emissions which must be reported within 30 days after the end of the month during which the emissions occurred or as part of the next routine emission monitoring report, whichever is sooner.

The department agrees with the editorial changes suggested to SPC III.1.1(c) to replace “of” with “after” and “in” with “during” as the exact text of the rule in 18 AAC 50.240 is thus brought into the condition text. The department accepts these edits and will make the suggested change.



As discussed below, the department does not agree to add a discovery provision as presented by the commenter in SPC III.1.1(c) by adding the text “or were discovered” as that change would conflict with 18 AAC 50.240(c). The rule contains the requirement to notify “within 30 days after the end of the month during which the emission occurred.”

The proposed discovery clause is inconsistent with the regulation. Making substantive changes to 18 AAC 50.240 are outside the scope of this proposed rulemaking and would require due process to promulgate as a separate regulation package. The department cannot, in good faith promulgate a standard condition revision at further variance from the plain language of the underlying regulatory provisions.

Although the department proposed to add a discovery clause for permit deviations, the department has decided to remove this clause. As explained below, relaxing the notification timeframe for permit deviations can be construed as a relaxation of prompt beyond the minimum required for Federal approvability of the State’s operating permit program. Further, having divergent notice deadlines for certain additional types of events adds unnecessary complexity to this permit element.

### **Background**

Permit deviations, including excess emissions are required to be reported within a “prompt” timeframe as set forth in 40 CFR 71.6(a)(3)(iii)(B) (adopted by reference in 18 AAC 50.040(j)(4) except for those provisions in 40 CFR 71.6(a)(3)(iii)(B)(1)-(4) which are replaced by this SPC) and the department lays out the underlying definition of “prompt” to be within 30 days of the end of the month in which the deviation occurred. The responsibility is thus on the owner, operator or permittee to conduct sufficient reasonable inquiry and due diligence to discover other excess emissions within this stipulated timeframe defined as prompt.

Since the permitting program places the Air Quality Control responsibilities upon the emitter (permittee), it is incumbent for each permittee to know the compliance status of their activities and to provide prompt notice. Further the department is authorized to run an operating permit program no less stringent of that set out in 40 CFR 70 for EPA’s approval of Alaska’s Operating Permit Program. Although EPA allows for other types of permit deviations to be reported up to six months after the occurrence, EPA does not base that notification upon discovery in 40 CFR 71.6(a)(3)(iii), but instead upon occurrence.

For an approvable operating permit program, EPA does provide latitude for each agency to define “prompt” for permit deviation notification. As discussed above, the department elected to define prompt as 30 days after the month in which the event occurred. Notwithstanding that latitude, the greatest duration allowed for an approvable program is up to six months after the occurrence of the permit deviation. See 40 CFR 70.6(a)(3)(iii). In the real world, in the event where a client has not exercised the degree of diligence necessary, discovery occurs months or years after the occurrence. For such a scenario, the suggested change would create a permit content defect that fails to meet the minimum federal program requirements. This provides further basis to reject the commentator’s requested change to add a clause for notification after discovery.

Although the department acknowledges the apparent inconsistencies between 18 AAC 50.235 and 240 discovery clauses and EPA's expectation for prompt notification, as mentioned above, changes to the underlying regulations are outside the scope of this standard permit condition rulemaking.

In the event a client discovers a permit deviation after the notification due date, the department intends to continue its historical practice to consider the circumstances of the event in order to select the proper course of action.

The commenter also proposed a general re-arrangement of excess emissions and permit deviations in SPC III.1.1(c)(ii)-(iv) to separate the two applicable requirements into separate terms. The department acknowledges the improved clarity provided by this general re-arrangement and agrees to make the change as proposed in the strike-out terms, and addition of new condition SPC III.1.1.2 and re-numbering of the additional subparagraphs. In addition, the department agrees to add the excess emission definition of 18 AAC 50.990(34) to the citations box for the excess emission notification term.

**Comment AOGA-13:**

13) Revise the notes to **SPC III.1** as follows:

- “1. The permit will include condition ~~III.1.1e(iii)~~**III.1.2a** only if the permit also contains another condition which has an emission unit specific schedule for reporting the failure to monitor emissions.
2. Construction permits will not include ~~condition III.1.2~~the phrase “and permit deviations” in condition ~~III.1.1e~~, but where necessary will use stationary source specific conditions for reporting failure to test or monitor.”

*Basis:* 1) Our proposed change to Note 1 is simply to point out the need to update the permit condition number in the note.

2) Note 2 should be revised to clarify for the permit writers that since construction permits do not include the phrase “and permit deviations”, the standard conditions that specifically address the permit deviation reporting requirements (i.e., proposed SPC III.1.1c(ii) and (iv) or SPC III.1.2 as proposed above) are also not applicable to construction permits. (Note: we believe that missing a deadline for reporting like the one found in original SPC III.1.1c(iv) or SPC III.1.2a proposed above is a permit deviation, not an excess emission.)

**Response AOGA-13:**

The department agrees that the text change above clarifies the intent of the condition and will make the suggested change.

**Comment AOGA-14:**  
**Statement of Basis for SPC III.1**

- 14) Delete the proposed new version of the **Factual Basis for SPC III.1** and reinsert the version revised as of August 20, 2008, with a few edits as follows:

**“Factual Basis: <...>**

In accordance with 40 CFR 71.6(a)(3)(iii)(C), a deviation means any situation in which an emission unit fails to meet a permit term or condition. **Aa** deviation is not always a violation. For a situation lasting more than 24 hours, which constitutes a deviation, each 24-hour period is considered a separate deviation. “Deviation” as defined in 40 CFR 71 means both “excess emission” and “permit deviation” as used in this permit, which includes:

1. a situation where emissions exceed an emission limitation or standard;
2. a situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
3. a situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit (including indicators of compliance revealed through parameter monitoring);
4. a situation in which any testing, monitoring, recordkeeping or reporting required by this permit is not performed or not performed as required;
5. a situation in which an exceedance or an excursion, as defined in 40 CFR Part 64, occurs; and,
6. failure to comply with a permit term that requires submittal of a report.

In accordance with 18 AAC 50.990(34) “excess emissions” means “emissions of an air pollutant in excess of any applicable emission standard or limitation”, which is the situation described in item 1 above in the definitions from 40 CFR 71. These definitions shall ~~shall~~ should be considered in determining an “excess emissions” or “permit deviation” when reporting an occurrence using the ADEC notification form.

The reports themselves and the other monitoring records required under this permit provide monitoring of whether the Permittee has complied with the condition. Please note that there may be additional federally required excess emission reporting requirements.

~~<Insert section cross reference>, Notification Form~~

~~The department modified the notification form, deviating from standard permit condition IV, to more adequately meet the requirements of Chapter 50, Air Quality Control. The modification consisted of updating the current Department e-mail address in the report form used for submission of this form due to recent changes at the Department.”~~

*Basis:* We believe the information regarding the definitions of permit deviations and excess emissions included in the existing SPC III Statement of Basis is useful and pertinent to the context of the factual basis for a Statement of Basis. The list provides some direction as to what defines a permit deviation versus excess emissions and other important reminders and statements are also included in the 2008 version of the text (e.g., a continuous deviation lasting more than 24-hours is a separate deviation for each 24 hours that it continues). In addition, 18 AAC 50 does not include a definition of a permit “deviation” other than that stated in 40 CFR 71.6(a)(3)(iii)(C), so it is useful to include that information here as well as the citation to the definition of “excess emissions” found in 18 AAC 50.990.

Regarding our proposed deletion of the paragraph that addresses the Notification Form, please see basis #1) to our comment 15), below.

We understand that the Department has deleted the language found in the August 20, 2008 version of the Statement of Basis for Standard Permit Condition III on the basis that 40 CFR 71.6(a)(3)(iii)(C) has not been adopted by state regulation. Based on our reading of 18 AAC 50,

- 40 CFR 71.6(a) is adopted by reference under 18 AAC 50.040(j)(4) “except as provided in 18 AAC 50.326”.
- 18 AAC 50.326(j)(3) states that “prompt reporting of permit deviations is subject to the department’s Standard Permit Condition III, adopted by reference in 18 AAC 50.346, instead of 40 C.F.R. 71.6(a)(3)(iii)(B)(1) – (B)(4); the provisions of 40 C.F.R. 71.6(a)(5) – (7) are replaced by the standard permit conditions of 18 AAC 50.345.” Here, 40 CFR 71.6(a)(3)(iii)(B)(1) – (B)(4) are to be replaced by other provisions of the rules, but we have not identified language here or anywhere else in 18 AAC 50.326 that excludes or replaces 40 CFR 71.6(a)(3)(iii)(C). However, 40 CFR 71.6(a)(3)(iii)(C) begins with the phrase “For purposes of paragraph (a)(3)(iii)(B)...” We assert that this phrase by itself does not exclude 40 CFR 71.6(a)(3)(iii)(C) on the basis that 50.326(j)(3) includes instructions to replace §71.6(a)(3)(iii)(B) with a standard permit condition. Instead, it means that the introductory phrase “For purposes of paragraph (a)(3)(iii)(B)...” in §71.6(a)(3)(iii)(C) would indirectly be read to mean “For purposes of the standard permit conditions of 18 AAC 50.345...”.

Finally, we do not believe that the language in the 2008 version of the Statement of Basis is in conflict with the requirement in AS 46.14.120(c) to “comply with the terms and conditions of a permit”. The Department has expressed concern that this requirement is in conflict with the statement in 40 CFR 71.6(a)(3)(iii)(C) that “a deviation is not always a violation”. We point out that the full context of the statement in 40 CFR 71.6(a)(3)(iii)(C) is as follows – “...deviation means *any situation* in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation.” (emphasis added) Therefore, we have proposed to edit the Statement of Basis language to include the full context from

40 CFR 71.6(a)(3)(iii)(C). In this context, the definition seems to be stating that a violation is always a permit deviation, but a deviation can also occur in situations that are not permit violations, and is not in conflict with AS 46.14.120(c).

**Response AOGA-14:**

The department does not agree with the commenters suggested edit to revert to an older version of the Statement of Basis for this SPC. The department has not asserted that 18 AAC 50.040(j)(3) does not adopt 40 CFR 71.6(a)(3)(iii)(C) anywhere in this proposed change. Since this federal text conflicts with Alaska Statute, the department elected to delete the prior text to avoid misleading permittees regarding permit deviations and violations under Alaska Law. Under AS 46.14.120(c) and 18 AAC 50.345(c) the permittee is required to comply with the terms and conditions of a permit or modifying order. Thus every deviation is a violation under State rules. The older version of the Statement of Basis erred in this description, which is why it was replaced with the current version. Based upon the above rationale, the department will not adopt any of the proposed edits.

**Comment AOGA-15:**

- 15) If the Department does not agree that the requested revisions in comment 14) can be done, then please make the following edits to the **Factual Basis for SPC III.1**. If the Department agrees to make the revisions requested in comment 14), but intends to include additional text such as that proposed in the June 25, 2010 rules amendment package, then please revise the **Factual Basis for SPC III.1** in conjunction with our previous comment, as follows:

~~“...The Department adopted this condition as Standard Permit Condition III under 18 AAC 50.346(c) pursuant to AS 46.14.010(e). The Department made a correction to the Standard Operating Permit Condition III to allow identical reporting methodology for both Excess Emissions and Permit Deviations reports which use identical forms and should have identical submissions methods. The Department also made an allowance to submit permit deviations not classified as excess emissions within 30 days of the end of the month that the deviation is discovered since the deviation cannot be reported absent discovery, or no later than the next ACC report since reasonable inquiry should lead to a discovery of any permit deviations. Beyond as noted above, the The Department has previously determined that the standard conditions adequately meetmeets the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate thethat unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meets the requirements of 40 C.F.R. 71.6(a)(3).~~

~~<Insert section cross reference>, Notification Form~~

~~The Department modified the notification form contained in Standard Permit Condition IV in a revised rulemaking dated August 20, 2008 to more adequately meet the requirements of Chapter 50, Air Quality Control. The rulemaking for these changes took effect November 9, 2008. The modification consisted of correcting~~

~~types and moving “Failure to Monitor/Report” and “Recordkeeping Failure” to Section 2—permit deviations. The department modified the standard condition to allow both excess emissions and permit deviations to be reported online via the Departmental online submission system.~~

*Basis:* 1) Discussions in a Statement of Basis regarding what has been changed relative to the SPC language should be reserved for a Title V permit template developed by the Department and not used as standard language in the Statement of Basis for the SPC. For example, the language we have struck out above for the second and third paragraphs of the factual basis of the Statement of Basis for SPC III is no longer pertinent because SPC III is being modified as part of this rules amendment package to address the very changes that the struck out language states the Department changed in an issued Title V permit compared to the SPC language. In other words, the conditions in a Title V permit issued by the Department will no longer be different from the language found in this revised SPC III in the way that is stated in the proposed text for the factual basis of the “standard” Statement of Basis language.

2) Use of the phrase “previously determined” implies to us that the Department has already made up its mind that a stationary source-specific condition could not possibly be better suited to meet the requirements of 18 AAC 50. We request that the language in the Statement of Basis simply state that a determination has been made for the stationary source’s permit that the Standard Permit Condition meets the requirements of 18 AAC 50 and that a stationary source-specific condition was not developed for the permit. In addition, in stating this conclusion the phrase “as modified” should not be used as the SPC itself is now modified by these updates.

***Response AOGA-15:***

The department agrees that the text change above clarifies the intent of the revised SPC statement of basis and will make the suggested change. The text to be deleted was inserted in an interim change to the SPC to highlight those temporary edits which needed to be explained with regards to the interim change to the SPC and can now be deleted.

***Response AOGA-12—AOGA-15: Revised Regulations—***

The discussed and agreed to changes have been made to Standard Permit Condition III – Excess Emissions and Permit Deviation Reports.

**Comments AOGA-16—AOGA-19 (Standard Operating Permit Condition V – Insignificant Emission Units):**

**Comment AOGA-16:**

16) Revise **SPC V.1** as follows:

1. For EU ID(s) < *include emission unit identification for any insignificant emission units listed in the permit that qualify for this condition* > listed in

Table A that have actual or potential emissions less than the significance thresholds in 18 AAC 50.326(e) or have a size or production rate less than the thresholds in 18 AAC 50.326(g), and for emission units at the stationary source that are insignificant as defined in 18 AAC 50.326(d)-(i) that are not listed in this permit, the following apply:

*Basis:* SPC V.1.4.d refers to EU that are subject to operating limits in the permit. Such EU cannot be insignificant “as defined in 18 AAC 50.326(d)-(i)” as indicated in 50.326(d)(1)(B). The suggested change is intended to clarify the intent of the standard condition to allow such units to be treated as insignificant EU, while not contradicting 50.326(d)(1)(B).

***Response AOGA-16:***

The suggested change advanced in the comment would allow emission units listed in the permit in Table A that have “actual or potential” emissions less than either of the emission rate basis (18 AAC 50.326(e)) or size/production rate basis (18 AAC 50.326(g)) to be treated in a streamlined fashion as other IEUs. The commentator claims that the additional text clarifies the condition to set forth the streamlined MR&R, while not contradicting 18 AAC50.326(d)(1)(B).

Title V permits developed by the department include all emission units in Table A that:

- are significant,
- have Federal requirements (18 AAC 50.326(d)(1)(A),
- have emission unit-specific requirements developed under certain specific permitting criteria (18 AAC 50.326(d)(1)(B); or
- that have stationary source or emission unit specific emission limitations (18 AAC 50.326(d)(1)(C)).

No emission unit having applicable requirements under those regulations can be considered insignificant, regardless of actual or potential emissions, or regardless of size or production rates.

Our basis for developing SPC V was to address those IEUs that are categorically insignificant and not to extend the umbrella of reduced MR&R to significant emission units that may not have sufficient operations to emit beyond the emission rate or category basis. The designation of an IEU should be made at the time of application, and an emission unit should not change category during the life of the permit except as set forth under proposed condition SPC V.1.4(c) which is brought forward from the previous MR&R condition.

Not advanced in the proposal by the commenter is the need to thus track changes in emission unit status for IEUs under SPC V.1.4(c) which as proposed by the department only requires reporting of a change in status. The proposal would require development of MR&R suitable for a significant emission unit, such as an emergency generator, that may change status during the term of a permit due to increased operations.

Rather than overly-complicate the IEU standard permit condition to umbrella other unit types, these exceptions are better handled case-by-case. In recent Title V permits, using BPXA SIPE (AQ0170TVP02) as an example, the department has allowed reduced MR&R for

significant emission units in the State standard section (e.g. AQ0170TVP02 Visible Emissions Condition 1.3) while retaining the designation of that unit as a significant emissions unit, so as not to confuse the issue with respect to compliance, monitoring and reporting. The department believes that this permit-specific modification of the significant emission unit terms is a more appropriate location to address the MR&R streamlining envisioned under the guidelines of Topic #3 of ADEC Policy and Procedure 04.02.103 of October 8, 2004.

For the reasons delineated above, the department does not accept this proposed change as advanced by the commenter.

**Comment AOGA-17:**

17) Revise **SPC V.1.4c** to clarify the language as follows:

“c. The Permittee shall report in the operating report required by Condition *<insert cross reference to Operating Reports standard permit condition>* if an emission unit ~~is~~ has historically been classified as insignificant because of actual emissions less than the thresholds of 18 AAC 50.326(e) and current actual emissions become greater than any of those thresholds;”

*Basis:* A change in the status of an emission unit from IEU to non-IEU is based on a change in the actual emissions of a unit comparing current actual emissions to the thresholds in 18 AAC 50.326(e) despite what historical actual emissions may have been. We believe that adding the words “historical” and “current” help to clarify the time period for the actual emissions being considered when making the determination of a change in IEU status. We also believe this language more adequately meets the requirements of 18 AAC 50 than the language found in Standard Permit Condition V under 18 AAC 50.346(b)(4).

**Response AOGA-17:**

The department agrees with the commenter that the text adds clarity. The department will edit the SPC V consistent with the suggested change as advanced in the comment.

**Comment AOGA-18:**

18) Revise **SPC V.1.4d** to clarify the appropriate condition references to be inserted into this condition as follows:

“d. No other monitoring, recordkeeping or reporting is required, except as provided in Conditions *<refer to condition(s) that state the MR&R required for EU(s) subject to operating limits>*.

**Response AOGA-18:**

The department uses the SPCs as the basis for developing Title V and other permits as set forth in 18 AAC 50.346. As such, the italicized text in the SPC is used in each permit to cross-link additional conditions specific to an individual permit requiring additional MR&R for IEUs. As such, the text proposed by the commenter will help clarify for the permit staff which



additional conditions are to be cross-linked and the department has adopted the suggested change.

**Comment AOGA-19:**

**Statement of Basis for SPC V**

- 19) Revise the second grouping of **Optional Text for the Statement of Basis for SPC V**, as follows:

*“(Optional text) Condition V1.4(a) requires certification .... For EU ID(s) <>, as long as they do not exceed the operational limits ~~of their hours of operation~~ as stated in Condition <refer to condition(s) that state pertinent operational limits>, they are considered insignificant emission units and no monitoring is required in accordance with Department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04 for ~~standby~~ small emission units subject to operating limits”.*

*Basis:* We have made corrections that apply to the subject/title of “Topic #3” of the 10/8/04 policy and procedure document referenced by the text, additional clarifications, including instructions for permit writers, and a change to refer to the more general term of “operational limits” as this language could refer to emission units subject to limits other than just a limit on the hours of operation (e.g., a fuel consumption limit, etc.).

**Response AOGA-19:**

The department agrees with the commenter and the suggested change as advanced in the comment and will make the edit to the revised SPC V.

**Response AOGA-16—AOGA-19: Revised Regulations—**

The discussed and agreed to changes have been made to Standard Operating Permit Condition V – Insignificant Emission Units.

**Comments AOGA-20—AOGA-26 (Standard Operating Permit Condition VII – Operating Reports):**

**Comment AOGA-20:**

- 20) Revise **SPC VII.1** as follows:

**“1. Operating Reports.** During the life of this permit<sup>1</sup>, the permittee shall submit an original and ~~two copies~~ one copy of an operating report by August 1 for the period January 1 to June 30 of the current year and by February 1 for the period July 1 to December 31 of the previous year ~~<or as in the case of BPXA or other applicants, a revised (e.g. quarterly) schedule may be implemented at the request of the applicant>~~.

- Basis:* 1) We understand from communication we have had with the Department that only one copy of each operating report is needed in addition to an original report.
- 2) It does not seem necessary or appropriate to name specific permittees in the Standard Permit Conditions. Please use more generic language as proposed.
- 3) In addition, the instructions found in the italicized text added to the SPC are already included in Note 2 of the SPC (under “the following applies to this standard permit condition” at the end of the SPC) directing the permit writer that “The reporting schedule may be modified to allow for quarterly reporting as a permittee-specific condition.” As such, it may not be necessary to include the new italicized text in the condition.

***Response AOGA-20:***

The department agrees with the suggested change for comment 20(1) and will make that change. One copy as well as one original shall be provided to the department.

The text in the SPC which appears in reference to comment 20(2) and 20(3) are both guidance for the permit writer, as it can be overlooked that one ADEC permittee has requested that all permits include quarterly reporting, a fact which can be easily overlooked without specific notification. The department must balance the needs of new staff or contractor support unfamiliar with the specific unique process requirements of individual permittees versus the appropriateness of naming an individual permittee in a SPC.

To balance these opposing requirements, the department will accept the removal of the text in comment 20(2) but leave the remainder of the guidance in the condition despite the further guidance contained below in the SPC as commented in comment 20(3).

**Comment AOGA-21:**

21) Revise **SPC VII.1.1** as follows:

“1.1 The operating report must include..., for the period covered by ~~this~~ the report.”

***Response AOGA-21:***

This comment being solely editorial in nature was accepted by the department, and the change has been made.

**Comment AOGA-22:**

22) Please revise **SPC VII.1.2** to clarify the context of the condition. The condition begins with a conditional statement “if...not reported...either” then goes on with the apparent intent to provide two options to the permittee as to what to do “if...not reported”. However, the second option under VII.1.2b is confusing because it states “when...already reported”. This is contrast to the opening conditional statement about information not

reported. Although the intent of the condition is unclear, we propose here an alternative that may make sense if it meets the intent of the Department.

“1.2 ~~If~~ When excess emissions or permit deviations that occurred during the reporting period are not ~~reported~~ included with the operating report under condition VII.1.1, ~~either the permittee shall identify~~

~~a. the permittee shall identify~~

~~a.(i)~~ the date of the deviation (etc.)

~~<...>~~

1.3~~b~~. When excess emissions...have already been reported..., the permittee shall cite the date...”

*Basis:* In addition to the basis provided in the comment above, SPC VII.1.1 requires that the operating report include all information required to be in operating reports. Some conditions, but not all, in Title V permits that address submittal of excess emissions and permit deviations (EE/PD) reports include a requirement to include a copy of the EE/PD report with the operating report. The apparent intent of SPC VII.1.2 is to capture those conditions that do not have a requirement to include a copy of the EE/PD reports with the operating report. We propose the language change above to clarify this intent.

***Response AOGA-22:***

The department agrees that the text change above clarifies the intent of the condition and will make the suggested change.

**Comment AOGA-23:**

23) Revise **SPC VII.1.3** as follows:

“1.3 The operating report must include, for the period covered by ~~this~~ the report...”

***Response AOGA-23:***

This comment being solely editorial in nature was accepted by the department, and the change has been made.

**Comment AOGA-24:**

24) Revise **SPC VII.1.4** to set the font to bold for the introductory text “Transition from expired to renewed permit”. The Department generally uses this method to set apart the introductory text making the condition easier to read.

***Response AOGA-24:***

This comment being solely editorial in nature was accepted by the department, and the change has been made.

**Comment AOGA-25:**

25) Add the following instruction to **the Notes at the end of SPC VII:**

“3. Condition VII.1.4 should not be used for initial Title V permits.”

*Basis:* This instruction is currently found in the proposed changes to the Factual Basis for SPC VII. Because it is an instruction to permit writers, we believe it is better suited for the notes at the end of the SPC. See also our comment 26).

**Response AOGA-25:**

This comment being primarily editorial in nature was accepted by the department as it provides additional clarity to the permit writer, and the change has been made.

**Comment AOGA-26:  
Statement of Basis for SPC VII**

26) Revise the **Factual Basis for SPC VII** as follows:

~~“... For initial Title V permits, Condition VII.1.4 should be deleted. <Include the following paragraph in the Statement of Basis for renewal Title V permits only.> For subsequent renewal permits, the condition specifies...~~

<...>

~~This condition was further modified to delete the provision for electronic records consultation with the ADEC Compliance Technician because that provision is already allowed in the Submittals Condition of the general Recordkeeping and reporting Section. This change more adequately meets the requirements of 18 AAC 50 streamlines the permit to remove redundant conditions.~~

*Basis:* 1) The instruction to delete Condition VII.1.4 would be better located in the permit writer notes found in the SPC below Condition VII.1.4 per our comment 24). However, an instruction to permit writers regarding the use of the subject paragraph in a permit Statement of Basis is appropriate and should be included with the <appropriate formatting>, as shown here.

2) Delete the word “subsequent” for clarity. The proposed Statement of Basis language applies to all renewal permits, not just subsequent renewal permits.

3) See basis #1 to our comment 14) as it pertains to our requested removal of the last paragraph of the Statement of Basis for SPC VII.

**Response AOGA-26:**

This comment being primarily editorial in nature was accepted by the department as it provides additional clarity to the permit writer and the change has been made.

**Response AOGA-20—AOGA-26: Revised Regulations—**

The discussed and agreed to changes have been made to Standard Operating Permit Condition VII – Operating Reports.

**Comments AOGA-27—AOGA-57 (Standard Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units):**

**Comment AOGA-27:**

27) Revise the **title page of SPC IX** as follows or, preferably, promulgate a new SPC that addresses flares separately per our comment 42):

“Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units and Flares”

*Basis:* This SPC addresses flares as well as liquid fired emission units.

**Response AOGA-27:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-28:**

28) **Bold** the **introductory text to SPC IX.1** and revise as follows:

“1. **Industrial Process and Fuel-Burning Equipment Visible Emissions.** The Permittee shall ~~comply with the following:~~ not cause or allow visible emissions, excluding condensed water vapor, emitted from EU ID(s) <insert EU ID numbers> listed in Table <insert Table of Emission Units designation> to reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes.

1.1 ~~Do not cause or allow visible emissions, excluding condensed water vapor, emitted from EU ID(s) <insert EU ID numbers> listed in Table <insert Table of Emission Units designation> to reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes.~~

1.2 ~~For EU ID(s) <insert EU ID numbers>, monitor, record, and report in accordance with Conditions 3–5.~~

1.13 For EU ID(s) <insert EU ID numbers>, burn only gas as fuel. Monitoring for these emission unit(s) shall consist of a ~~certification~~ statement in each operating report under Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas during the period covered by the report. Report under Condition <refer to excess emission/permit deviations condition number> if any fuel is burned other than gas.

- 1.2 For any of EU ID(s) <insert EU ID numbers> that has actual emissions less than the thresholds in 18 AAC 50.326(e), monitor, record and report in accordance with Condition <refer to condition number for Standard Permit Condition V.1.4>. Otherwise, monitor, record, and report in accordance with Conditions 3 through 5.
- 1.34 For each of EU ID(s) <insert EU ID numbers>, as long as ~~they do~~ the emission unit does not exceed the limits in Condition(s) <insert number(s) of Condition(s) that state EU(s) operating limits>, monitoring shall consist of an annual compliance certification under Condition <refer to Annual Compliance Certification condition number> with the ~~opacity~~ visible emissions standard in accordance with <refer to the condition in the permit that incorporates Standard Permit Condition V.1.4.a>. Otherwise, determine if actual emissions for that unit are below the thresholds in 18 AAC 50.326(e) and comply with Condition 1.2.
- 1.45 For EU ID(s) <insert EU ID numbers>, use **only** gas as primary fuel. Monitoring for these emission unit(s) shall consist of a ~~certification statement~~ statement in each operating report required in Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired ~~only~~ gas as the primary fuel during the period covered by the report. If ~~operating operation~~ operating operation on a back-up liquid fuel occurred during the period covered by the report, the Permittee shall monitor, record, and report according to Condition 15.
- 1.56 For EU ID(s) <insert EU ID numbers>, monitor, record, and report in accordance with Condition 6.”

*Basis:* 1) We propose that SPC IX.1 be revised to state the applicable limit that applies to the source, in the same manner that is done in SPC IX.7 to simplify the condition. This change results in a subsequent renumbering of all subconditions under SPC IX.1.

**NOTE: References to condition numbers in the basis statements below and in edits to condition IX.3 further below are intended to be to the original condition numbers, not the new condition numbers that will result from the deletion of conditions, except as noted.**

2) Delete Condition IX.1.2 and replace it with a revised version of the condition in proposed new Condition IX.1.2 shown above. See basis #4) below for additional information.

3) (Conditions IX.1.3 and IX.1.5) - The Department’s compliance inspectors have commented to Permittees about permit conditions that include language that requires a Permittee to certify compliance with a permit limit or operating requirement. The conundrum that such language raises is that if a deviation from the limit or operating requirement has occurred, then the permit condition forces a Permittee to either improperly certify compliance per the required permit

condition, or to further deviate from the requirement of the permit by not certifying compliance with the limit or requirement. For example, in the extremely unlikely event that any fuel other than gas is burned in emission units that are identified in a permit as gas-fired units only, a Permittee would be unable to include a “certification” in the operating report that only fuel gas had been fired, although this is a requirement of the permit condition. Our proposed language provides the information needed to determine compliance with the requirement to burn only gas as fuel by requiring that the operating report include a statement as to whether or not fuel gas was used exclusively by the Permittee during the reporting period for the affected emission units. The “certification” portion that is desirable to the Department is required by other conditions in the Title V permits that incorporate the requirements of 18 AAC 50.205 and 18 AAC 50.326(j). These rules require that a Permittee certify “that the statements and information in and attached to (a report submitted to the Department) are true, accurate, and complete.” (emphasis added).

4) (Proposed new subCondition IX.1.2, as a revision to the original subCondition IX.1.2, but moved to a new location) - This subcondition should be revised to specifically address any emission units that typically have actual emissions based on a small number of annual operating hours, that are subject to an operating limit, but which have an operating time threshold above which they are no longer an IEU that is less than the operating time limit. This is an appropriate supplement to the condition since the existence of operational limits does not necessarily mean an emission unit is an IEU in all cases, as presumed under Condition IX.1.4. For example, a 1500 hp emergency generator that has an annual operating time limit of 200 hours is an IEU based on actual emissions (and using AP-42 emission factors) only if it operates 110 hours or less in a year, which is less than the operating time limit.

5) (Condition IX.1.4) - We believe that our proposed changes to this condition clarify that the operating time limit triggers for additional MR&R apply to each individual emission unit, not to the sum of the operating hours of all of the emission units referenced by the condition.

6) (Condition IX.1.4) - This condition applies to emission units that are subject to operating limits, but which otherwise would be classified as insignificant. We believe that the sentence in the condition pertaining to the required certification for MR&R should refer to the certification requirement found in SPC V.1.4.a that applies to the emission units addressed by the condition when they are classified as insignificant emission units (IEUs). The cross reference should be specifically made to SPC V.1.4.a and not SPC V.1.4 since SPC V.1.4.a specifically states the certification requirement.

7) (Condition IX.1.4) - We request that this condition [and Condition IX.7.3 per our comment 43)] include an alternate compliance method if the affected emission units exceed any annual operating limits. We believe this is an oversight

of Standard Permit Condition IX. We have added our proposed alternative, which is to comply with Condition IX.1.2 since exceedance with an operational limit does not necessarily mean that actual emissions are above the IEU thresholds. Actual emissions are the test that is used to determine IEU status under 18 AAC 50.326(e), not potential emissions. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the proposed standard permit condition language.

8) (Condition IX.1.4) –The correct title of the standard that applies to Permittees is “visible emissions standard”, not “opacity standard”. The opacity is the measured parameter used to assess compliance with the visible emissions standard.

9) (Condition IX.1.5) – in addition to basis #3) above, the additional proposed edits to this condition help to clarify the language of the condition.

**Responses AOGA-28:**

**Response to AOGA-28 Basis 1):** The department agrees to merge the standard into SPC IX.1 instead of a subparagraph 1.1.

**Response to AOGA-28 Basis 2):** The department rejects the revision. Regarding IEUs vs. listed emission units, the department finds the language redundant with the IEU SPC. The residual is fundamentally the same as the original Condition IX.1.2 (now 1.1). Stylistically, it makes more sense to list the most prevalent and important of the periodic MR&R approaches at the top of the subparagraph list, so the department retained the Condition as new condition IX.1.1.

**Response to AOGA-28 Basis 3):** The department recognizes and appreciates the confusion regarding semantics and agrees to update the reporting statement text.

**Response to AOGA-28 Basis 4):** This proposed text is inconsistent with the IEU SPC condition and confuses the compliance status absent an ever changing actual emission bank. Rather than develop potentially conflicting provisions, it is far superior for the department to rely upon the IEU designations provided in the application and impose periodic MR&R under SPC IX than to create a logistical log-jam for intermittently operated units. To avoid further complicating a challenging set up “what-if” scenarios, the department rejects adding a new category of possibly IEUs with concomitant monitoring scheme complications. If necessary, such scenarios can and should continue to be worked out case-by-case depending upon the actual emission history of the unit in question.

**Response to AOGA-28 Basis 5):** The department agrees the trigger is unit specific, not based upon the sum of all units, and has changed the provision accordingly.

**Response to AOGA-28 Bases 6) - 8):** With regards to Basis 8, the department agrees that the editorial changes add clarity and has accepted these editorial streamlining and general comments as proposed.



With regards to Basis 7, the department does not agree with the proposed modification to SPC IX.1.4 as the EUs with operating limits are not allowed to exceed those limits (18 AAC 50.345(c)). In practice these operating limits normally stem from either (e.g.) an ambient condition, or an owner-requested limit to cap emissions. Providing a method to allow a unit to violate an operational limitation imposed in construction or minor permitting is not supported by the department. The department accepts the editorial-only changes to Condition SPC IX.1.4 but rejects the edits including and after “Otherwise, determine if actual emissions...”

**Response to AOGA-28 Basis 9):** The department agrees that the editorial changes add clarity and accepted the edits.

**Comment AOGA-29:**

29) Bold the introductory text to **SPC IX.2** and revise as follows:

“**2. Incinerator Visible Emissions.** The Permittee shall not cause or allow visible emissions, excluding condensed water vapor, through the exhaust of EU ID(s) <insert EU ID numbers>, to reduce visibility by more than 20 percent averaged over any six consecutive minutes. ~~comply with the following:~~”

~~2.1 Do not cause or allow visible emissions, excluding condensed water vapor, through the exhaust of EU ID(s) <insert EU ID numbers>, to reduce visibility by more than 20 percent averaged over any six consecutive minutes.~~

2.**12** Use Stationary Source-specific VE MR&R for incinerators.)”

*Basis:* We propose that SPC IX.2 be revised to state the applicable limit that applies to the source, in the same manner that is done in SPC IX.7 to simplify the condition. This change results in a subsequent renumbering of all subconditions under SPC IX.2.

**Response AOGA-29:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-30:**

30) Revise the title just before **SPC IX.3** as follows:

“*Liquid Fuel-fired Emission Units Sources (EU IDs <insert EU ID numbers>)*”

*Basis:* Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions.

**Response AOGA-30:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-31:**

31) Revise **SPC.IX.3** as follows:

- “3. **Visible Emissions Monitoring.** When required by any of conditions 1.1 through 1.3, or in the event of replacement during the permit term, the ~~The~~ Permittee shall observe the exhaust of EU ID(s) *<insert EU ID numbers>* for visible emissions using either the Method 9 Plan under Condition 3.1 or the Smoke/No-Smoke Plan under Condition 3.2. The Permittee may change visible-emissions plans for an emission unit at any time unless prohibited from doing so by Condition 3.3.

*Basis:* The intent of our proposed revision to this condition is to clarify that the requirements of condition 3 are triggered by any of conditions 1.1 through 1.3 (numbering based on our proposed revisions in our comment 28). Otherwise, this condition does not apply.

**Response AOGA-31:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-32:**

32) Revise **SPC IX.3.1.a(i) and (ii)** as follows:

- “(i) For any significant liquid fuel-fired emission units replaced during the term of this permit, observe the exhaust of the replacement unit for 18 minutes within 30 days of startup.
- (ii) For each existing emission unit ~~that exceeds the operational threshold in~~ triggers visible emissions monitoring under Condition ~~IX.1.4~~ 1.2 or 1.3 **[these are the new subcondition numbers per our proposed revisions stated in our comment 28), above]**, observe ...”

*Basis:* 1) Our proposed edits to condition IX.3.1.a(i) are intended to clarify the language by stating that initial testing after replacement of an emission unit is limited to significant emission units that fire liquid fuel. Gas-fired emission units are not subject to the MR&R found in conditions IX.3 through IX.5.

2) For condition IX.3.1.a(ii), see our comment 28) where we propose to create a new version of condition IX.1.2, which would also be appropriately referenced by this condition. Consequently, this condition would also need to be changed to

more generically refer to emission units that trigger a requirement to conduct MR&R under conditions IX.3 through IX.5.

**Response AOGA-32:**

The department agrees that the editorial change regarding liquid fuel fired emission units adds clarity and has accepted this comment as proposed. Regarding IEU and significant emission units, the applicant is responsible to sort out the universe of insignificant emission units from all other activities. Those flares and liquid fuel fired fuel burning equipment classified as significant become subject to SPC IX and those liquid fuel fired fuel burning equipment classified as IEUs are subject to SPC V. The suggested edits proposed blur this distinction and confuse which SPC applies to an IEU. Therefore, the department rejects the “significant” clause proposed.

**Comment AOGA-33:**

33) Revise **SPC IX.3.1a, c and d** and create a new **SPC IX.3.1e** as follows:

- “a. First Method 9 Observation. Except as provided in Conditions 3.1e and 3.4, for EU ID(s)...
- b. Monthly Method 9 Observations. <...>
- c. Semiannual Method 9 Observations. After observing emissions for three consecutive operating months under Condition 3.1a(i), unless a six-minute average is greater than 15 percent and one or more observations are greater than 20 percent, perform 18-minute observations within six months after the preceding observation.
  - ~~(i) within six months after the preceding observation; or~~
  - ~~(ii) for an emission unit with intermittent operations, during the next scheduled operation immediately following six months after the preceding observation.~~
- d. Annual Method 9 Observations. After at least two semiannual 18-minute observations, unless a six-minute average is greater than 15 percent and one or more individual observations are greater than 20 percent, perform 18-minute observations within twelve months after the preceding observation.
  - ~~(i) Within twelve months after the preceding observations; or~~
  - ~~(ii) For an emission unit with intermittent operations, during the next scheduled operation immediately following twelve months after the preceding observation.~~
- e. For intermittently operated emission units <insert EU ID numbers>, the permittee may perform 18-minute observations within twelve months after the preceding observation, or during the next scheduled operation if the scheduled operation is not within 12 months after the preceding observation, and Conditions 3.1a - 3.1d do not apply.

*Basis:* The intent of these proposed edits is to remove the tiered monitoring requirements for liquid fuel fired emission units that operate intermittently. We find keeping track of intermittent engine monitoring schedules established by the tiered monitoring approach found in the current condition to cause an unnecessary risk of noncompliance, without a meaningful effect on air quality or compliance with the underlying standard. The Department has agreed to include a condition similar to our proposed condition SPC IX.3.1e in Title V permits issued to Alyeska Pipeline Service Company (see, for example, permit no. AQ0072TVP02 for Pump Station 1).

***Response AOGA-33:***

The department agrees that the editorial change adds clarity and has accepted this comment as proposed, although the department replaced the word “may” with the word “shall” and other minor edits as in “... the permittee ~~shall may~~ perform an 18-minute observations within twelve months...” in sub-paragraph (e). In addition, for intermittently operated emission units, the periodic MR&R exception clause in 3.1(e) was modified for conditions 3.1(b)-(d) instead of 3.1(a)-(d). Justification--the initial observation applies irrespective of whether the listed unit is intermittently operated. In the same spirit, the 3.1(e) exception was removed from the Condition 3.1(a) proposal.

***Comment AOGA-34:***

34) Revise **SPC IX.3.1e** as follows for clarity and to correct the condition reference:

“fe. ... then increase or maintain the 18-minute observation frequency for that emission unit to ~~at least monthly intervals~~ a monthly interval as described in Condition 3.1b, until the criteria in Condition ~~3.1b~~ 3.1c for semiannual monitoring are met.

*Basis:* We believe it is the Department’s intent to require monthly observations for engines that would normally operate during the month, as indicated in the language of SPC IX.3.1b which includes a provision for monthly monitoring only if the engine operates in a given month. As written in the standard permit language, SPC IX.3.1e requires the Permittee to revert back to at least monthly Method 9 observations but does not include the “if operated” provision. By making the change we have proposed, SPC IX.3.1e now refers back to Condition 3.1b to redefine the monthly monitoring requirement (just as it also refers to Condition 3.1c to redefine the semiannual monitoring) thereby maintaining consistency in the requirements of Conditions 3.1b and 3.1e. We believe that these changes more adequately meet the requirements of 18 AAC 50 than does the current standard permit condition language.

***Response AOGA-34:***

The department agrees that the editorial change adds clarity and has accepted this comment except the department retained the “**at least** monthly intervals” clause.

**Comment AOGA-35:**

35) Revise **SPC IX.3.4** as follows:

“3.4 In the case of renewal permits, the permittee shall ~~have the option to continue an established monitoring frequency rather than re-starting the cycle of monitoring from the beginning as in Condition 3.1 a. The permittee shall state the intention of using~~ make note of this option in the first Operating Report...” [**DELETE ENTIRE SENTENCE**].

*Basis* The requirement to document the intent to continue using the previously established monitoring frequency is no longer needed if the language is changed as proposed to make it a requirement to continue using the established frequency instead of an option. We are confident that Permittees not want to restart the monitoring cycle with each permit renewal.

**Response AOGA-35:**

The department does not agree to make the change as shown in the commenter’s edits. Instead, the department added the following editorial change to the end of Condition IX.3 as “The Permittee may, for each unit, elect to continue the visible emission monitoring schedule in effect from the previous permit at the time a renewed permit is issued, if applicable.” This change more adequately reflects the department’s intent to allow a Permittee to continue an established monitoring schedule “if applicable”. The department agrees that “We are confident that Permittees will not want to restart the monitoring cycle with each permit renewal.” however not all Permittee activities are applicable to continue an existing tier of monitoring as would be the case with new EUs added in the renewal cycle. The placement of the added text at the end of Condition IX.3 more closely meets the intent of the department’s proposed change and is the location of this text in most recently-issued ADEC permits including AQ0209TVP03, AQ0208TVP03, AQ0170TVP02, AQ0066TVP02, among others.

**Comment AOGA-36:**

36) Remove the bold formatting from the following highlighted text in **SPC IX.4**. In addition, revise **SPC IX.4** as shown.

“4. **Visible Emissions Recordkeeping.** When required by any of conditions 1.1 through 1.4, or in the event of replacement of any of EU ID(s) <insert EU ID numbers> during the permit term, the**The Permittee shall keep records as follows:**”

*Basis:* The intent of our proposed revision to this condition is to clarify that the requirements of condition 4 are triggered by any of conditions 1.1 through 1.4. Otherwise, this condition does not apply.

**Response AOGA-36:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-37:**

37) Revise **SPC IX.4.1** as follows:

- “a The observer shall record:
- (i) the name of the stationary source, emission unit and location, ~~stationary source~~ emission unit type, observer's name and affiliation, and the date on the Visible Emissions Field Data Sheet in <insert Visible Emissions Field Data Sheet Section number>;
  - (ii) the time, estimated distance to the emissions location, sun location, approximate wind direction, estimated wind speed, description of the sky Condition (presence and color of clouds), and plume background, ~~and operating rate (load or fuel consumption rate or best estimate if unknown)~~ on the sheet at the time opacity observations are initiated and completed;
- <...>
- (v) the minimum number of observations required by the permit; each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15-second period.
- b. To ~~to~~ determine...
- c. eCalculate and record the highest 6-minute and 18-minute consecutive-minute averages observed.”

*Basis:* 1) Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions. It seems more relevant to us to record the emission unit type than the stationary source type on the visible emissions field data sheet if the person reviewing the submitted form does not have the permit readily available to determine the type of emission unit observed and 2) it is an emission unit whose emissions are observed, not the entire stationary source. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the current standard permit condition language.

2) The production/operating rate entry is not a requirement of Reference Method 9, and should not be included in the permit language or on the Visible Emission Observation form. This information is not critical to the outcome or interpretation of a Method 9 or smoke/no-smoke observation since the visible emissions standard applies regardless of the production/operating rate of an emission unit.

3) The six-minute observation results are used to determine if the Method 9 monitoring frequency can be reduced (see, for example, SPC IX.3.1c, 3.1d, and 3.1e). Therefore, the six-minute average should also be recorded. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the current standard permit condition language.

- 4) Our other proposed changes are punctuation changes to make the conditions easier to understand.

**Response AOGA-37:**

The department agrees to the editorial changes which add clarity and has accepted these editorial changes as proposed, but it does not accept the request to remove the requirement to annotate the "...operating rate (load or fuel consumption rate or best estimate if unknown)" as this data element is essential for the compliance inspector or VE observer to compare the operating condition of the EU under observation with regards to characterizing the actual discharge into ambient air (18 AAC 50.220(b)). The department (and permittee) needs to be able to note that an EU was online in a normal operational mode that characterizes actual operations at the stationary source and not (for example) idling offline with no load applied which would not be a true representation of the EU's visible emissions characteristics.

**Comment AOGA-38:**

- 38) Delete **SPC IX.4.2.g**.

*Basis:* The operating rate (load or fuel consumption) is not pertinent to the outcome or interpretation of a Method 9 or smoke/no-smoke observation since the visible emissions standard applies regardless of the production/operating rate of an emission unit.

**Response AOGA-38:**

The department does not agree to the editorial change as proposed for the reason set forth in response to Comment AOGA-37. For example, the actual operating rate or load is a necessary element of understanding compliance with the VE standards of 18 AAC 50.070. For this reason and those cited above, the department will not make this change.

**Comment AOGA-39:**

- 39) Remove the bold formatting from the following highlighted text in **SPC IX.5**. In addition, revise **SPC IX.5** as shown.

"**5. Visible Emissions Reporting.** When required by any of conditions 1.1 through 1.4, or in the event of replacement of any of EU ID(s) <insert EU ID numbers> during the permit term, the**The Permittee shall report visible emissions as follows:**"

*Basis:* The intent of our proposed revision to this condition is to clarify that the requirements of condition 5 are triggered by any of conditions 1.1 through 1.4. Otherwise, this condition does not apply.

**Response AOGA-39:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-40:**

- 40) **SPC IX.5.1, SPC IX.11.3, and SPC IX.14.1** - Please use a consistent term to describe the Operating Report in the standard permit conditions. In these three conditions it is called the “Stationary Source Operating Report”. The SPC VII uses the term “Operating Report.” We suggest that the same term be used throughout SPC IX.

**Response AOGA-40:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed. The department will adopt the consistent term “operating report” for the purposes of these conditions.

**Comment AOGA-41:**

- 41) **SPC IX.5.2b and SPC IX.11.1b** are examples of conditions that require a non-standard reporting deadline for a “failure to monitor.” Please include a reference to these conditions, and any other such conditions, if applicable to the stationary source, in SPC III.1.1c(iv) per our comment 12).

**Response AOGA-41:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-42:**

- 42) Delete **SPC IX.6** regarding visible emissions observations for flares.

*Basis:* The various members of our organization were unable to come to a consensus on the definition of a “qualifying flare event” that is workable for each company. There is simply no uniformity of the various situations as they apply to flare operations by the companies. Therefore, we believe it is not appropriate to include a “Standard Permit Condition” for flare visible emissions and request instead that each Permittee subject to a requirement to monitor flares for visible emissions be allowed to work with the Department to develop a source-specific (or Permittee-specific) condition that will be used in the permits for that Permittee. This should not be overly burdensome for the Department as there are a relatively small number of Permittees that are required to include a flare Method 9 provision in their permits, much smaller than the number of Permittees affected by the more general requirement to monitor liquid fuel fired units for visible emissions.

**Response AOGA-42:**

The SPC provides a boilerplate starting point for inclusion of VE MR&R for flares in permits where such a condition is applicable to an EU. The department already allows individual permittees to propose terms to the department under 18 AAC 50.346, “...*unless the department determines that emission unit-specific or stationary source-specific conditions more adequately*



meet the requirements of this chapter or that no comparable condition is appropriate for the stationary source or emission unit". To remove the option of flare SPC will do a disservice to those clients who prefer to accept the generic approach and add to the time necessary to negotiate site specific terms for every source with flaring activities. Absent a compelling argument why the general SPC is not applicable to a specific emission unit at an individual stationary source, the department will continue to use SPC IX.6. Thus, the department does not agree that the change adds clarity and has not accepted this proposal.

**Comment AOGA-43:**

43) Revise **SPC IX.7** as follows:

~~"7.1 For EU ID(s) <insert EU ID numbers>, monitor, record and report in accordance with Condition 9—11.~~

7.1~~2~~ For EU ID(s) <insert EU ID numbers>, burn only gas as fuel. Monitoring for these emission unit(s) shall consist of a certification statement in each operating report under Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas during the period covered by the report. Report under Condition <refer to excess emission/permit deviations condition number> if any fuel is burned other than gas.

7.2 For any of EU ID(s) <insert EU ID numbers> that has actual emissions less than the thresholds in 18 AAC 50.326(e), monitor, record and report in accordance with Condition <refer to condition number for Standard Permit Condition V.1.4>. Otherwise, monitor, record, and report in accordance with Conditions 9 through 11.

7.3 For each of EU ID(s) <insert EU ID numbers>, as long as ~~they do the~~ emission unit does not exceed the limits in Condition(s) <insert number(s) of Condition(s) that state EU(s) operating limits>, monitoring shall consist of an annual compliance certification under Condition <insert Annual Compliance Certification condition number> with the particulate matter standard in accordance with <refer to the condition in the permit that incorporates Standard Permit Condition V.1.4.a>. Otherwise, determine if actual emissions for that unit are below the thresholds in 18 AAC 50.326(e) and comply with Condition 7.2.

7.4 <...>

7.5 For EU ID(s) <insert EU ID numbers>, use **only** gas as primary fuel. Monitoring for these emission unit(s) shall consist of a certification statement in each operating report required in Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas as the primary fuel during the period covered by the report. If operating operation on a back-up liquid fuel occurred during the period covered by the report, the Permittee shall monitor, record, and report according to Condition 15 <insert VE & PM MR&R for Dual Fuel-Fired Sources condition number>."

*Basis:* See various bases to our comment 28).

**Response AOGA-43:**

See responses to each basis listed for Comment 28. The department agrees to analogous changes to SPC IX Condition 7 as agreed to for SPC IX Condition 1. The department agrees with the editorial-only changes which add clarity and has accepted these editorial-only comments as proposed. The department does not agree to delete condition SPC IX.7.1 and append it to the end of the new Condition SPC IX.7.2 proposed above as the condition loses visibility for what are the significant EUs subject to the PM standard. A better reorganization would be as follows:

“7.1 For EU ID(s) <insert EU ID numbers>, monitor, record and report in accordance with Condition 9 – 11. For any of EU ID(s) <insert EU ID numbers> that has actual emissions less than the thresholds in 18 AAC 50.326(e) except as provided in 18 AAC 50.326(d), monitor, record and report in accordance with Condition <refer to condition number for Standard Permit Condition V.1.4>.”

Further, the department does not agree with the proposed modification to SPC IX.7.3 as the EUs with operating limits are not allowed to exceed those limits (18 AAC 50.345(c)). In practice these operating limits normally stem from either (e.g.) an ambient condition, or an owner-requested limit to cap emissions to avoid threshold based standards or pre-construction review. Providing a method to allow a unit to violate an operational limitation imposed in an owner requested limit, construction or minor permitting is not supported by the department. As mentioned above under response to Comment AOGA-32, the department has elected in general not to have duplicate language or inconsistent language regarding IEUs and IEU classification. SPC V covers IEUs, visible emissions and particulate matter. All other liquid fuel burning equipment activities and flares will be covered under SPC IX.

**Comment AOGA-44:**

44) Revise the title just before **SPC IX.9** as follows:

“*Liquid Fuel-fired Emission Units Sources* (EU IDs <insert EU ID numbers>)”

*Basis:* Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit condition.

**Response AOGA-44:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-45:**

45) Revise **SPC IX.9, SPC IX.9.1, and SPC IX.9.2b** as follows:

“9. The Permittee shall conduct source tests on diesel engines and liquid-fired turbines, <identify emission units>, to determine the concentration of particulate matter (PM) in the exhaust of a source an emission unit as follows: in accordance with Condition 9.”

- 9.1 Except as allowed under Condition 9.4, within ~~Within~~ six months...
- 9.2 <...>
- a. <...>
- b. for ~~a source~~ an emission unit with an exhaust..."

- Basis:* 1) Please use the term "emission unit" instead of "source" as appropriate throughout the standard permit condition.
- 2) Other changes to SPC IX.9 are proposed for clarity and consistency.
- 3) The exception stated in SPC IX.9.4 should be identified in SPC IX.9.1 to make the reader immediately aware of the exception that applies.

***Response AOGA-45:***

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

***Comment AOGA-46:***

46) Revise **SPC IX.9.4** as follows (grammatical):

"9.4 The automate PM source test requirements in Conditions 9.1 and 9.2 **isare** waived for ..."

***Response AOGA-46:***

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

***Comment AOGA-47:***

47) Bold the introductory text to **SPC IX.11** as follows:

**"11. Particulate Matter Reporting for Diesel Engines and Liquid-Fired Turbines. The Permittee shall report..."**

***Response AOGA-47:***

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

***Comment AOGA-48:***

48) Revise **SPC IX.12** as follows:

a) **"12. Particulate Matter Monitoring for Liquid Fuel-Fired Boilers and Heaters. ..."**

12.1 Except as allowed under Condition 12.3, cConduct a PM source test according to the requirements set out in *<insert Standard Source Test Section>* no later than ...”

- Basis:* 1) Our proposed edit to SPC IX.12 will help to further clarify the type of emission units that the condition applies to, as is done in SPC IX.9.
- 2) The exception stated in SPC IX.12.3 should be identified in SPC IX.12.1 to make the reader immediately aware of the exception that applies.

b) “12.2 During each one-hour PM source test run, observe the exhaust for 60 minutes in accordance with Method 9 and calculate the average opacity measured during each one-hour test run. Submit a copy of these observations with the source test report.”

*Basis:* Change proposed for consistency with SPC IX.9.3. It does seem appropriate to include a copy of the Method 9 observations conducted during a PM source test.

- c) “12.3 The PM source test requirement in Condition ~~12~~ 12.1 is waived for an emission unit if:
- a. a PM source test on that unit during the most recent semiannual reporting period on that unit shows has shown compliance with the PM standard during this permit termsince permit issuance, or
  - b. ~~if a follow-up visible emission observation conducted using Method 9 during the 90 days shows~~ take corrective action and conduct two 18-minute visible emissions observations in a consecutive six-month period to show that the excess visible emissions described in Condition ~~3.1e-12.1~~ no longer occur.”

*Basis:* 1) The source test requirement is stated in SPC IX.12.1, not SPC IX.12. We suggest that the cross-reference link be corrected in condition 12.3.

2) We do not understand the reference in SPC IX.12.3a to a PM source test conducted “during the most recent semiannual reporting period” with an indication that such a test could show compliance since permit issuance. Further, it appears that this condition makes reference to operating reports submitted semi-annually. We believe that the operating reports are not intended to show compliance retroactively back to the date that the permit was issued. Our proposed edit is to make the language of this condition consistent with the language of SPC IX.9.4.

3) SPC IX.12.3.b is confusing and inconsistent as currently written. We believe that the condition should refer to the six-month corrective maintenance period and the excess visible emissions threshold described in SPC IX.12.1. Furthermore, SPC IX.3.1e referenced in the condition as currently written does

not describe “excess visible emissions”. Again, it seems more logical to refer to Condition 12.1 here.

**Response AOGA-48:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-49:**

49) Revise **SPC IX.13** as follows:

“**13. Particulate Matter Recordkeeping for Liquid Fuel-Fired Boilers and Heaters.** The Permittee shall report as follows:”

*Basis:* Our proposed edit to SPC IX.13 will help to further clarify the type of emission units that the condition applies to, as is done in SPC IX.9.

**Response AOGA-49:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-50:**

50) Revise **SPC IX.14.1** as follows:

“14.1 In each ~~stationary source~~ operating report required by Condition *<insert Operating Report condition number>*, include for the period covered by the report”

*Basis:* 1) Please use a consistent term to describe the Operating Report in the permit language per our comment 40).

2) We request that all conditions describing the required contents of the operating report specifically state that the data to be reported is only that recorded during the reporting period. The Department typically has included the requested language in other conditions, but not this one.

**Response AOGA-50:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-51:**

51) Change the reference to Condition 3.1e in **SPC IX.14.1.a** to instead reference Condition 12.1. As described in basis #3 to comment 48)c), it appears that Condition 12.1 should be referenced here, not Condition 3.1e.

**Response AOGA-51:**

The department agrees to correct the typographical error referencing observations and has accepted this comment as proposed.

**Comment AOGA-52:**

52) Revise the title just before **SPC IX.15** as follows:

**“VE and PM MR&R for dual Fuel-Fired Emission Units Sources EU IDs \_\_\_\_”**

*Basis:* Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions.

**Response AOGA-52:**

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

**Comment AOGA-53:**

53) Revise **SPC IX.15** as follows:

“15. The Permittee shall monitor, record and report the monthly hours of operation when operating on a back-up liquid fuel.

15.1 ~~If~~For any of EU ID(s) *<insert EU ID numbers>* ~~do that does~~ not exceed 400 hours of operations per calendar year ~~per source~~ on a back-up liquid fuel, monitoring of compliance for visible emissions and particulate matter is not required for that emission unit and m. Monitoring shall consist of an annual ~~compliance~~ certification of compliance with Conditions 1 and 7 under Condition *<insert Annual Compliance Certification condition number>* ~~with Conditions 1.1 and 7.~~

15.2 For any of EU ID(s) *<insert EU ID numbers >*, notify the Department and begin monitoring the affected emission unit according to Condition 15.3 no later than 15 days after the end of a calendar month in which the cumulative hours of operation for the calendar year exceed any multiple of 400 hours on back-up liquid fuel. If the observation exceeds the limit in Condition 1, monitor as described in Condition 9 or 12, as applicable by type of emission unit. If the observation does not exceed the limit in Condition 1, no additional monitoring is required until the cumulative hours of operation exceed each subsequent multiple of 400 hours on back-up liquid fuel during a calendar year <sup>*<new footnote 1>*</sup> ~~EU ID(s) *<insert EU ID numbers>* are subject to the liquid fuel monitoring requirements described in Conditions 3 and 9 if operations exceed 400 hours per calendar year per emission unit on a back-up liquid fuel.~~

- 15.3 When required to do so by Condition 15.2, observe the exhaust, following 40 C.F.R. 60, Appendix A-4, Method 9, adopted by reference in 18 AAC 50.040(a), for 18 minutes to obtain 72 consecutive 15-second opacity observations. The Permittee must notify the department and begin monitoring the affected emission unit according to Conditions 3 and 9 no later than 15 days after the end of a calendar month in which the cumulative hours of operation for the calendar year exceed 400 hours on a back-up liquid fuel.
- 15.4 Keep records and report in accordance with Conditions 4, 5, 10, 11, 13 and 14, as applicable by type of emission unit.
- 15.54 Report under Condition *<insert Excess Emissions and Permit Deviations condition number>* if the Permittee fails to comply with Conditions 15.2, 15.3, or 15.4.

<New footnote 1 to Condition 15.2> “If the requirement to monitor is triggered more than once in a calendar month, only one Method 9 observation is required to be conducted by the stated deadline for that month.”

*Basis:* 1) This condition implements the requirement to conduct Method 9 observations (with the potential for PM source tests) as stated in the Department’s Policy and Procedure no. 04.02.103, Topic #2, wherein permit staff are to clarify in permits that emission units using liquid fuel as a backup fuel to replace gas fuel are not subject to the liquid fuel monitoring requirements of the standard permit condition until annual operations of the emission unit exceed 400 hours per calendar year on liquid fuel. At issue here is that the Standard Permit Condition requires periodic (i.e., ongoing monthly, semi-annual, and annual) monitoring per the standard protocol found in Condition 3.1 for an emission unit that typically does not operate on backup liquid fuel. Only under very unusual circumstances would such an emission unit continue to operate regularly on backup liquid fuel such that it would be operating at times that would be required under the standard protocol.

We propose that for dual fuel fired equipment that operate on liquid fuel as a backup that monitoring be triggered only with each subsequent 400 hours of operation on backup fuel. Thus, the monitoring requirement for such emission units should be kept separate from the standard period protocol found in condition 3.1 of the Standard Permit Condition.

2) We have proposed revisions to SPC IX.15.1 with the intent of making the condition more specific to each individually affected emission unit and to otherwise clarify the language.

3) We have combined the text in current SPC IX.15.2. and 15.3 into a single condition 15.2 with references to the appropriate particulate matter monitoring that could apply under SPC IX.9 or 12, and separated out the visible emissions monitoring requirements into a new version of SPC IX.15.3 that does not include the periodic monitoring schedule found in SPC IX.3, which we do not believe is

applicable to dual fuel-fired emission units as stated in basis #1) above. We believe the periodic monitoring language in Condition 3 would be difficult to implement as written under either the Method 9 or smoke/no-smoke plans. As such, we believe it is appropriate to simply require a single Method 9 observations as described under the new version of Condition 15.3 proposed above each time the 400 hour operating time threshold has been exceeded on back-up liquid fuel.

4) We have also proposed a new Condition 15.4 so clarify the applicable recordkeeping and reporting requirements that apply to dual fuel-fired emission units for visible emissions and particulate matter emissions.

5) Finally, our proposed new footnote to SPC IX.15.2 is intended to make it clear that the monitoring for dual fuel-fired emission units need only be completed once per month. With the triggers that apply to each multiple of 400 hours of operation in a calendar year as proposed in Condition 15.2 above, if a dual fired emission unit happens to operate for 1200 consecutive hours on backup fuel (unlikely, but possible), then the second multiple of 400 hours (i.e., 800 hours) and the third multiple of 400 hours (i.e., 1200 hours) will each occur during the second month of operation. During such a month, the footnote would allow the Permittee to conduct just one Method 9 observation during the second month, instead of two.

***Response AOGA-53:***

The department agrees that the multiples of 400 hours per calendar year better suit emission units the infrequently and intermittently use liquid fuels as back-up. Due to the unique nature of these dual fuel units, the department has accepted this proposal.

**Comment AOGA-54:**

54) Revise the **2nd paragraph of page 15 of SPC IX** as follows:

“...If a ~~client~~ Permittee conducts an emission unit surveillance at any time, that surveillance can re-set the date for which the next periodic surveillance **is** due.

***Response AOGA-54:***

The department accepts the correction of the typographical error that the commentator proposed.

**Statement of Basis for SPC IX**

**Comment AOGA-55:**

55) Revise the **Factual Basis of Conditions 1 and 3-5, 6 & 15** as follows:

“**Factual Basis basis: ~~Factual basis:~~** Condition 1 prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.055(a)(1).



Condition ~~2~~ **Error! Reference source not found.** prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.050(a).

MR&R requirements are listed in Conditions 3 through 5, 6, and 15 of the permit.

These conditions have been adopted into regulation as Standard Conditions. ~~The department added a provision that clarifies the option to continue an established monitoring frequency for renewal permits.~~

<...>

These conditions detail a stepwise process for monitoring compliance with the State's visible emissions and particulate matter standards for liquid and gas fired emission units ~~sources~~....

Reasonable action thresholds are established in these conditions that require the Permittee to progressively address potential visible emission problems from ~~sources~~ emission units either through maintenance programs and/or more rigorous tests that will quantify whether a specific emission standard has been exceeded.

**[NOTE: Delete the following four paragraphs which describe the requirements that apply to flares, per our comment 42). The Statement of Basis language for flare visible emissions monitoring should be customized according to the applicable requirements that result from the Permittee-specific conditions developed that are acceptable to the Permittee and the Department. See our proposed edits, below, to the language that immediately follow the “Flare” heading in the Statement of Basis text.]**

~~Condition 6 ... Thus, the Condition sets out a protocol to collect actual field data to determine compliance with the 20 percent opacity standard for flares.~~

~~A recent department analysis of industry flaring operations indicates that 49 percent of the gas flared (by volume) is for pilot/purge, 25 percent is for flaring less than one hour, and 26 percent is for flaring that lasts more than one hour. Pilot/purge flaring constitutes half of all flaring by volume and is continuous in nature and can be observed at any time. This type of flaring has not caused violations of the opacity standard in the past and can be checked at any time by agency inspectors. The remaining half of the flaring volume is split evenly between less than and greater than a one-hour duration. Therefore, the monitoring scheme in this condition addresses the half of the non-continuous flaring operations that are scheduled and for which a certified observer can reasonably be located onsite.~~

~~Since it is impractical to require facilities to have a certified Method 9 opacity reader on site for unpredictable emergency flaring, the monitoring protocol requires Method 9 readings only during scheduled flare events. Scheduled events such as those generated by maintenance activities and well testing of greater than~~

~~one hour in duration will be observed. These one hour events are currently quantified and reported to the Alaska Oil and Gas Conservation Commission for other reasons and thus provides a confirming information record of the occurrence of these events. Only those events as defined in the Condition need to be monitored. If no events meeting this definition occur during the life of the permit then no monitoring is required.~~

~~Since only flaring that is scheduled and exceeds one hour is required to be observed, operators will have time to provide certified Method 9 readers onsite. Most oil and gas production facilities in Alaska are located at remote sites, so it is not reasonable to self-monitor all or even a large sample of the flaring that occurs. Data collected from planned events will help the department refine this monitoring scheme during future permit cycles. Process upsets and emergency events that may or may not exceed one hour occur randomly and do not lend themselves easily to periodic monitoring. At this time, the department will rely on stationary source excess emission reports, citizen complaints, and agency inspections for information concerning these short term and emergency events.~~

### **Gas Fired:**

Monitoring – The monitoring of gas fired ~~sources~~ emission units for visible emissions is waived, i.e. no source testing will be required. The department has found that natural gas fired equipment inherently has negligible PM emissions. However, the department can request a source test for PM emissions from any smoking equipment.

Reporting – The Permittee must ~~annually certify that only gaseous fuels are used in the equipment.~~ state in each operating report whether only gaseous fuels were used in the equipment during the reporting period.

### **Liquid Fired:**

<...>

Reporting - The Permittee is required to report: 1) emissions in excess of the federal and the ~~s~~State visible emissions standard and 2) deviations from permit Conditions. The Permittee is required to include copies of the results of all visible emission observations with the ~~stationary source~~ operating report.

### **Dual Fuel-Fired Emission Units ~~Sources~~:**

For EU ID(s) <insert EU ID numbers>, as long as they operate only on gas, monitoring consists of ~~an annual certification~~ a statement in each operating report to indicate whether that only gaseous fuels were used in the equipment during the reporting period. When any of these ~~sources~~ emission units operates on a backup liquid fuel for more than 400 hours in a calendar year, monitoring as detailed in Condition 15 is required for that ~~sources~~ emission unit in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 2, 10/8/04. When any of these ~~sources~~ emission units operates on a backup liquid fuel for ~~less than~~ 400 hours or less in a calendar year, monitoring for that ~~sources~~ emission unit consists of an annual certification of compliance with the opacity standard. The

400-hour trigger for additional monitoring applies to each individual unit and not as a combined total for all units.

**Insignificant Sources Emission Units Subject to Operating Limits:**

For EU ID(s) *<insert EU ID numbers>* no visible emissions monitoring is required because when these sources emission units are insignificant sources emission units based on actual potential emissions and have due to permit Condition(s) *<insert Condition numbers>* that limit either their hours of operation or fuel consumption. As long as the sources emission units do not exceed these limits, they are insignificant by emissions rate as specified in 18 AAC 50.326(e) and no monitoring is required in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04. The Permittee must annually certify compliance under Condition *<insert Annual Compliance Certificate Condition>* with the ~~opacity~~ visible emissions standard. If the emission units exceed the limit(s), the Permittee must comply with condition *<insert the condition that requires the Permittee to confirm that actual emissions are below the IEU thresholds>*.

**Insignificant Emission Units Based on Actual Emissions:**

For EU ID(s) *<insert EU ID numbers>* no visible emissions monitoring is required if these emission units are insignificant based on actual emissions below the insignificant emission unit thresholds of 18 AAC 50.326(e). For such units, the Permittee must comply with the MR&R requirements for insignificant emission units under *<insert a link to insignificant emission units standard condition V.1.4>*

**Flares:**

Monitoring for flares (EU ID(s) *<insert EU ID numbers>*) *<insert language here that states the applicable requirements of the Permittee-specific condition for flare visible emissions monitoring.>*~~requires Method 9 observations of scheduled flaring events lasting more than one hour.~~ The Permittee must report the results of these observations to the department.”

- Basis:* 1) In general, the changes that we have proposed for the Statement of Basis that corresponds to SPC IX are necessary to make the Statement of Basis consistent with the SPC requirements either as proposed by the Department and/or in accordance with the proposed changes we have requested for SPC IX. We have also requested higher level changes such as corrections to terms such as “sources” to “emission units”, “opacity standard” to “visible emissions standard”, “stationary source operating report” to “operating report”, etc., as discussed in other comments found in this document. Other important points of our comments on the Statement of Basis to SPC IX are presented in the following list of bases.
- 2) The language discussing provisions added or changed in the permits compared to the standard permit condition is no longer necessary due to the modifications that the Department has made with these revisions to the standard permit conditions.

- 3) For gas fired units and the dual fuel-fired units, the Statement of Basis proposed by the Department for “reporting” states that the Permittee must annually certify that only gaseous fuels are used. However, the Department has changed the requirement so the Statement of Basis language needs to also be changed to match the reporting requirement of SPC IX.1.3 (1.2 now). We have also commented to change the text to remove the “certify” language per basis #2) of our comment 28).
- 4) The visible emissions standard is a State requirement, not a federal requirement.
- 5) For the dual fuel-fired units, the Statement of Basis refers to “Topic #2 of the Policy and Procedure” document and then describes the operating hour range when no monitoring is required as being “less than 400 hours”. According to the procedure document, the correct range is “400 hours or less”.
- 6) For the insignificant emission units subject to operating limits, one of the changes we proposed was to change the phrase “are insignificant emission units based on actual emissions due to (operational limits)” by replacing the word “actual” to “potential” because the operating limits establish the potential emissions at a level below the IEU threshold for units that fit the description provided in the Statement of Basis. In addition, Topic #3 of the department Policy and Procedure No. AWQ 04.02.103 uses the term “potential emissions”.

***Response AOGA-55:***

The department has made several changes to the Statement of Basis text in this section to remain consistent with changes agreed to or as modified in response to comments AOGA-28 through AOGA-53. Regarding editorial changes that add clarity for unchanged text, the department has accepted these edits as proposed. Since the department did not concur to delete the flare SPC text, the department does not accept the edit to delete the basis discussion for flares. See the department’s response to Comment AOGA-42.

***Comment AOGA-56:***

- 56) Revise the **last sentence of the Factual Basis for SPC IX.2** to correct the reference as follows:

“The Permittee is required to monitor, record, and report according to Condition ~~2-2~~  
2.1.”

*Basis:* The correction is a fallout from our proposed change to Condition 2, as stated in our comment 29).

***Response AOGA-56:***

The department agrees to correct the reference as proposed.

**Comment AOGA-57:**

57) Revise the **Factual Basis of SPCs IX.7 and IX.9-11, 12-14 & 15** as follows:

“**Factual Basis:** Condition 7 requires the Permittee to comply with the sState PM (also called grain loading) standard applicable to fuel-burning equipment. The Permittee shall not cause or allow fuel-burning equipment to violate this standard.

<...>

The Permittee must establish by actual visual observations, which ~~must~~ may be supplemented by other means, such as a defined Stationary Source Operation and Maintenance Program that the stationary source is in continuous compliance with the State's emission standards for particulate matter.

These conditions detail a stepwise process for monitoring compliance with the State's particulate matter standards for liquid- and gas-fired ~~sources~~ emission units.

Equipment types covered by these conditions are internal combustion engines, turbines, heaters, and boilers. Initial monitoring frequency schedules are established along with subsequent reductions or increases in frequency depending on the results of the self-monitoring program.

**Gas Fired:**

Monitoring – The monitoring of gas-fired ~~sources~~ emission units for particulate matter is waived, i.e. no source testing will be required. The department has found that natural gas-fired equipment inherently has negligible PM emissions. However, the department can request a source test for PM emissions from any smoking equipment.

Reporting – The Permittee must state in each operating report whether ~~certify annually that~~ only gaseous fuels ~~are~~ were used in the equipment during the reporting period.

**Liquid Fired:**

<...>

Reporting - The Permittee is required to report: 1) incidents when emissions in excess of the opacity threshold values have been observed, 2) and results of PM source tests. The Permittee is required to include copies of the results of all visible emission observations with the ~~stationary source~~ operating report.

**Dual Fuel-Fired Emission Units ~~Sources~~:**

For EU ID(s) *<insert EU ID numbers>*, as long as they operate only on gas, monitoring consists of ~~an annual certification~~ a statement in the operating report to indicate whether ~~that~~ only gaseous fuels were used in the equipment during the reporting period. When any of these ~~sources~~ emission units operates on a backup liquid fuel for more than 400 hours in a calendar year, monitoring as detailed in Conditions 9 and 12 is required for that ~~source~~ emission unit in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 2, 10/8/04. When

any of these ~~sources~~ emission units operates on a backup liquid fuel for ~~less than~~ 400 hours or less in a calendar year, monitoring for that ~~source~~ emission unit consists of an annual certification of compliance with the particulate matter standard. The 400-hour trigger for additional monitoring applies to each individual unit and not as a combined total for all units.

**Insignificant ~~Sources~~ Emission Units Subject to Operating Limits:**

For EU ID(s) *<insert EU ID numbers>*, no monitoring is required because these ~~sources~~ emission units are insignificant ~~sources~~ emission units based on potential actual emissions. EU ID(s) *<insert EU ID numbers>* must not exceed operational ~~hour~~ limit(s) as required by Condition(s) *<insert Conditions that apply>*. As long as they operate within these limits, they are considered insignificant ~~sources~~ by emissions as specified in 18 AAC 50.326(e) and no monitoring is required in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04. The Permittee must annually certify compliance under Condition *<insert condition reference to Annual Compliance Certification condition number>* with the particulate matter standard. If the emission units exceed the limit(s), the Permittee must comply with condition *<insert the condition that requires the Permittee to confirm that actual emissions are below the IEU thresholds>*.

**Insignificant Emission Units Based on Actual Emissions:**

For EU ID(s) *<insert EU ID numbers>* no monitoring is required if these emission units are insignificant based on actual emissions below the insignificant emission unit thresholds of 18 AAC 50.326(e). For such units, the Permittee must comply with the MR&R requirements for insignificant emission units under *<insert a link to insignificant emission units standard condition V.1.4>*.

*<...>*

*Basis:* 1) See basis #1, #3, #4, and #6 to our comment 55).

2) The proposed change to the third paragraph of the factual basis (changing “must be supplemented” to “may be supplemented”) is based on the similar language used in the fourth paragraph of the factual basis for conditions 1, 3 - 5, 6, and 15. Use of supplemental means for establishing that a stationary source is in continuous compliance with the emissions standards for visible emissions and particulate matter is optional, and not a requirement of the permits.

***Response AOGA-57:***

The department has made several changes to the Statement of Basis text in this section to remain consistent with changes agreed to or as modified in response to comments AOGA-28 through AOGA-53. Regarding editorial changes that add clarity for unchanged text, the department has accepted these edits as proposed. Since the department did not concur to delete the flare SPC text, the department does not accept the edit to delete the basis discussion for flares. See also the Department’s response to Comments AOGA-28, AOGA-43, and AOGA-55.

***Response AOGA-27—AOGA-57: Revised Regulations—***

The discussed and agreed to changes have been made to Standard Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units.

**Comment AOGA-58 (Standard Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust):**

58) Revise **item “i.” of the list on page 2 stating the types of emission units and stationary sources that the condition applies to** as follows:

“i. ~~unpaved~~ dirt roads under the control of the operator...”

*Basis:* The regulations specifically state that “dirt” roads are subject to the requirements of this condition. Refer to Table 7 under 18 AAC 50.346(c). We agree that *dirt* roads are likely to generate fugitive dust. However, other types of unpaved roads should not necessarily be globally categorized as such (e.g., ice roads/pads on the North Slope that are “unpaved” but do not generate fugitive dust). We believe it is appropriate for the Department to make a case-by-case determination of the potential for fugitive dust from unpaved roads other than dirt roads, as provided under the provisions of item “j” of the list, which states that the condition applies to “other emission units the department finds are likely to generate fugitive dust.”

**Response AOGA-58:**

ADEC’s intent was to modify the list of “i.” in SPC X as adopted in 18 AAC 50.346(c) to include those roads likely to generate fugitive dust. Certainly no one would disagree that “dirt” roads can be a source of fugitive dust, but the department will not attempt to advance the same determination to an “ice road.” Instead the department will more specifically categorize those types of unpaved roads of concern.

Numerous gravel roads throughout the State under the control of the operator can also be a source of fugitive dust and in some noted cases, a serious source of public complaint. For example, the Delong Mountain Transportation System and permanent roads within the North Slope oil field are surfaced with gravel. Notwithstanding their potential to emit fugitive dust, clients were willing to argue that gravel roads were outside the scope of this standard condition. To forestall such posturing, the department intended to expand the scope for this condition to cover other unpaved roads as potential sources of fugitive dust.

For that reason, and to incorporate the true intent of the change to the SPC X, the department will modify the condition to refer to as follows:

“i. dirt or gravel roads under the control of the operator...”

To avoid the confusion regarding inconsistent terminology of Table 7 with the SPC X as modified, the department will also modify Table 7 text to match that of item “i.”

Thus for the reasons delineated above, the department does not accept the proposed change but does modify the Condition as noted above.

**Comments AOGA-59—AOGA-65 (Standard Permit Conditions XV – Emission Inventory Reporting):**

**Comment AOGA-59:**

59) Delete **SPC XV and 18 AAC 50.346(8)**.

*Basis:* The requirements of 40 CFR 51 Subpart A are not Part 71 applicable requirements as defined in 40 CFR 71.2. The air emissions reporting requirements under Part 51 Subpart A apply to States, not emissions units at a Part 71 source. See 40 CFR 51.1 and 51.321.

If, through legal review, the Department can document an adequate legal basis for including SPC XV as a Title V permit condition, then we request that the Department address comments 60) through 65), below, before adopting this SPC into regulation.

**Response AOGA-59:**

The department recognizes that the air emissions reporting requirements under 40 CFR Part 51 Subpart A apply to States; however, States rely on information provided by point sources to meet the reporting requirements of Part 51 Subpart A. In the past, the department has made information requests to point sources, to which the point source is obligated to reply under 18 AAC 50.200. The information requests occur on a routine basis as established by Part 51 Subpart A and consume significant staff resources. To increase governmental efficiency and reduce costs associated with information requests that occur on a routine basis, it has been determined that a standard permit condition best fulfills the need to gather the information needed to satisfy the requirements of Part 51 Subpart A.

The department will revise the language in the Statement of Basis for the Permit Conditions to remove the inference that the Part 51 Subpart A reporting requirements are applicable to the point source and instead will reference 18 AAC 50.200. The department will address AOGA comments 60) through 65) before adopting this Standard Permit condition into regulation.

**Comment AOGA-60:**

60) **SPC XV** implements a reporting procedure for emission unit identification, including emissions data, that state agencies are required to report to EPA under 40 CFR 51, Subpart Q and according to the reporting requirements of 40 CFR 51, Subpart A, which was amended as recently as December 17, 2008 (see 73 FR 76552). In this change, the reporting requirements in Table 2a of Appendix A to Subpart A of 40 CFR 51 was revised to include additional and revised reporting requirements. We ask that the Department clarify in SPC XV and/or SPC XVI under which version of 40 CFR 51, Subpart A Permittees are required to report.

**Response AOGA-60:**



We agree that clarification is needed. The department will clarify to which version of 40 CFR 51, Subpart A Permittees are required to report.

**Comment AOGA-61:**

- 61) It would be appropriate that the rules under 18 AAC 50.040 be revised to include a new provision to document which version of 40 CFR 51, Subpart A is adopted by reference. This adoption may need to be specific to the relevant portions of 40 CFR 51 pertaining to air emissions reporting requirements as the rules already include in 18 AAC 50.040(h) and (i) the adopted versions of 40 CFR 51.166 and 40 CFR 51.165, respectively, which are part of 40 CFR 51 Subpart I.

**Response AOGA-61:**

The objectives of Standard Permit Conditions XV and XVI are to ensure complete reporting of Air Emissions Inventory Information. The department agrees to document the version of 40 CFR 51, Subpart A to be utilized when providing the data elements requested. However, due to the limitations of the public notice specifying the changes to the regulations, we are not able to include a reference to Appendix A to Subpart A of 40 CFR 51 in 18 AAC 50.040 at this time. The department will retain the comment for potential inclusion in a future regulation revisions update package.

**Comment AOGA-62:**

- 62) Revise **SPC XV.1.3** as follows:

“1.3 Include in the report required by this condition, the required data elements contained within the form in *<insert section of emission inventory form>* or those contained in Table 2A of Appendix A to Subpart A of 40 CFR 51 Appendix A adopted by reference in 18 AAC 50.040, for each stack associated with an emission unit. ~~and:~~

- a. ~~For each stack associated with an emission unit, include the following information:~~

~~(i) The EU ID number associated with the stack, stack type, stack height, stack diameter, exit gas temperature, exit gas velocity, actual exit gas flow rate, latitude, longitude, accuracy, and datum.”~~

*Basis:* 1) The first revision is important because 40 CFR 51 Appendix A is not the same as Appendix A to Subpart A of 40 CFR 51. (40 CFR 51 Appendix A is currently reserved for future use.)

2) The second revision is proposed to simplify the condition. The struck out language of SPC XV.1.3a is repetitive as these items are listed on the form referenced by SPC XV.1.3 and in Table 2A of 40 CFR 51 Appendix A.

3) See also our comment 66).

**Response AOGA-62:**

The department agrees with AOGA's recommended revisions. The language in Standard Permit Condition XV 1.3 will be revised to correct reference to Appendix A of Subpart A of Part 51 and to simplify the language of the condition.

**Comment AOGA-63:**

- 63) Revise the **citation found at the conclusion of SPC XV** to refer to "Appendix A to Subpart A of 40 CFR 51" instead of "40 CFR 51 Appendix A". See basis #1 of comment 62).

**Response AOGA-63:**

See Response AOGA-62.

**Comment AOGA-64:**

- 64) Revise the **Legal Basis in the Statement of Basis for SPC XV** to clarify the statement as follows:  
"This condition requires the Permittee to submit emissions data ~~for~~ to the State..."

**Response AOGA-64:**

The department agrees with this comment. The department will revise to clarify the legal basis in the Statement of Basis for Standard Permit Condition XV.

**Comment AOGA-65:**

- 65) Revise the 2nd paragraph of the **Factual Basis in the Statement of Basis for SPC XV** as follows:  
"To ensure... Title V stationary sources classified as Type A in Table 1 of Appendix A to Subpart A of 40 CFR 51 ~~Appendix A Table 1~~ are required to submit with each annual report all the data elements required for the Type B source triennial reports (see also Table 2A of Appendix A to Subpart A of 40 CFR Part 51). All Type A sources are also classified as Type B sources. However the department has streamlined ~~this~~ the reporting requirements so Type A sources only need to submit ~~one a single type of~~ report every ~~third~~ year instead of both an annual report and a separate triennial report every third year."

*Basis:* 1) See basis #1 to comment 62).

- 2) Also, we have provided corrections to the text regarding the stated intent of the required reporting for Type A sources.

**Response AOGA-65:**

The department agrees with AOGA's recommended revisions. The language in Standard Permit Condition XV will be revised to correct reference to Appendix A of Subpart A of Part 51 and to simplify the language of the condition.

***Response AOGA-59—AOGA-65: Revised Regulations—***

The discussed and agreed to changes have been made to Standard Permit Conditions XV – Emission Inventory Reporting.

**Comments AOGA-66—AOGA-68 (Standard Permit Condition XVI – Emission Inventory Reporting Form):**

**Comment AOGA-66:**

66) Delete SPC XVI and 18 AAC 50.346(9).

*Basis:* See the basis to our comment 59).

If, through legal review, the Department can document an adequate legal basis for including SPC XV as a Title V permit condition, then we request that the Department address comments 67) through 68), below, before adopting this SPC into regulation.

***Response AOGA-66:***

See response to Comment 59. The department will address comments 67) through 68), below, before adopting this SPC into regulation.

**Comment AOGA-67:**

67) We have found that there are a number of differences between the requirements of Table 2a of Appendix A to Subpart A of 40 CFR 51, dated July 1, 2009, and the “ADEC Reporting Form” found in this SPC. See, for example, our comment 68). Since SPC XV.1.3 requires that Permittees report the required elements in the ADEC Reporting Form *or* those contained in Table 2a of Appendix A to 40 CFR 51 Subpart A, we request that the form be made consistent with whatever version of Table 2a that the Department wants Permittees to use for reporting purposes. See also our comment 59). If the Department intends to periodically change the version of 40 CFR 51 that is adopted by reference in the regulations, perhaps it would be best not to create an “ADEC version” of a form that contains the reporting requirements that will have to be monitored with each new adoption date of the regulations and potentially revised to maintain consistency with the required reporting elements. Instead, for information that the Department would like to ask Permittees to include in the reports that is not listed in Table 2a of Appendix A to 40 CFR 51 Subpart A (e.g., ADEC Stationary Source ID, etc.), the Department might consider revising SPC XV.1.3 to include list of additional “Alaska-specific” items that are to be reported in addition to those required under 40 CFR 51.30(a) and (b), assuming the list of additional items is not too cumbersome for a permit condition.

***Response AOGA-67:***

The department recognizes the need to ensure that the required elements in the ADEC Reporting Form or those contained in Table 2a of Appendix A to Subpart A of 40 CFR 51 be made consistent the version of Table 2a that the department wants Permittees to use for

reporting purposes. Table 2a of Appendix A to Subpart A of 40 CFR 51 has reporting requirements for annual and triennial reporting for point sources that meet specific pollutant thresholds. To ensure that the department's electronic system reports collect the information required by both Type A and Type B point sources as defined in Table 1 of Appendix A to 40 CFR 51, the department has streamlined the differing reporting requirements between Type A and Type B sources into one combined report. Type A sources are a subset of the Type B sources; Type A sources will be required to submit one report every third year instead of both an annual report and triennial report. Type B sources are included in the annual reporting cycling to ensure point sources are maintaining and collecting the data required and to increase the efficiency of data collection efforts.

**Comment AOGA-68:**

68) Revise the **3rd page of the Emission Inventory Reporting Form** as follows:

<b>Stack Description:</b>	
	<...>
	<b>Location Description:</b>
	<b><u>Accuracy (m): Method Accuracy Description (MAD) Codes (as defined in 40 CFR 51.50)</u></b>
	<b>Datum:</b>

*Basis:* 1) The requirement of Table 2a of Appendix A to Subpart A of 40 CFR 51 (dated July 1, 2009) is to report the Method Accuracy Description (MAD) Codes as defined in 40 CFR 51.50, not the “accuracy in meters”.

2) The “datum” is not required by 40 CFR 51, but is part of the MAD code. Refer to the definition of the Method Accuracy Description code found in 40 CFR 51.50, dated July 1, 2009.

**Response AOGA-68:**

The department recognizes that Table 2A of Appendix A to Subpart 51 cites only the requirement for Method, Accuracy, Description (MAD) codes. Method accuracy description (MAD) codes include a set of six different elements used to define the accuracy of latitude/longitude data for point sources, and include codes for the measure of accuracy (in meters) of the latitude/longitude coordinates as well as the Horizontal Reference Datum Code.

To ensure that the elements required for data reporting of point source information is met, the department will retain the separate reporting line for the stack unit Latitude/Longitude, Horizontal Reference Datum Code, Horizontal Accuracy Measure, and Horizontal Collection Method Code.

**Response AOGA-66—AOGA-68: Revised Regulations—**

No changes will be made to the regulations as a result of these comments.

## **Additional Revisions:**

- The proposed changes to the following subsections have been eliminated due to the renumbering of proposed 18 AAC 50.508(b) to 18 AAC 50.510:
  - 18 AAC 50.311(b)(1)(C)(i)
  - 18 AAC 50.400(e)
  - 18 AAC 50.400(k)
  - 18 AAC 50.403(7)
  - 18 AAC 50.410(f)
  - 18 AAC 50.540(j)
  - 18 AAC 50.542(d)(1)(D)
  - 18 AAC 50.542(f)(7)
  - 18 AAC 50.542(f)(8)
  - 18 AAC 50.542(f)(9)
  - 18 AAC 50.544(g)
  - 18 AAC 50.544(h)
  - 18 AAC 50.544(i)
  
- An Editor's note has been added to 18 AAC 50.990 to address a printing error in 40 C.F.R. 51.166(b)(49).
  
- A revision to 18 AAC 50.215(a) which proposed to adopt by reference an update to the department's Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program has been deleted from this package. The updated adoption by reference was completed in an additional regulations revision that was public noticed after this package. The revised adoption by reference update was included in the regulations package that was adopted by the department on August 20, 2010. The Department of Law review of the regulations revisions is underway, and the package will go into effect before these proposed revisions. Therefore the proposed revision to 18 AAC 50.215(a) is no longer a part of this regulation rulemaking package.

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**Additional Information:**

**18 AAC 50 2010 Adoption Updates Explanations**

**Standard Permit Condition I – Emission Fees; Permit Condition for Air Quality Permits; Adopted by Reference in 18 AAC 50.346, April 1, 2002; Revised September 27, 2010**

**Standard Permit Condition II – Air Pollution Prohibited; Permit Condition for Air Quality Permits; Adopted by Reference in 18 AAC 50.346; April 1, 2002; Revised September 27, 2010**

**Standard Permit Condition III – Excess Emissions and Permit Deviation Reports Permit Condition for Air Quality Permits; Adopted by Reference in 18 AAC 50.346; August 25, 2004; Revised September 27, 2010**

**Standard Permit Condition IV – Notification Form Permit Condition for Air Quality Permits; Adopted by Reference in 18 AAC 50.346; April 1, 2002; Revised September 27, 2010**

**Standard Operating Permit Condition V – Insignificant Emission Units; Permit Condition for Air Quality Permits; Adopted by Reference in 18 AAC 50.346; April 1, 2002; Revised September 27, 2010**

**Standard Operating Permit Condition VII – Operating Reports Permit Condition for Air Quality Permits; Adopted by Reference in 18 AAC 50.346; August 25, 2004; Revised September 27, 2010**

**Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units Permit Condition for Air Quality Permits; Adopted by Reference in 18 AAC 50.346; August 25, 2004; Revised September 27, 2010**

**Standard Operating Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust; Permit Condition for Air Quality Permits; Adopted by Reference in 18 AAC 50.346; April 1, 2002; Revised September 27, 2010**

**Standard Permit Condition XV – Emission Inventory Reporting;  
Permit Condition for Air Quality Permits; Adopted by Reference in 18  
AAC 50.346; September 27, 2010**

**Standard Permit Condition XVI – Emission Inventory Reporting Form;  
Permit Condition for Air Quality Permits; Adopted by Reference in 18  
AAC 50.346; September 27, 2010**



## 18 AAC 50 2010 Adoption Updates Explanations

### Staff Proposed Changes for Adoption Updates Regulations Rulemaking 2010

#### Formatting comment:

- Section that proposed changes
- Affected section of regulations
- Proposed regulation language change
- Reason for change

#### Proposed Changes to 18 AAC 50

- NPMS Program
- 18 AAC 50.015(b)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Adding Fairbanks and North Pole PM<sub>2.5</sub> nonattainment designation to regulations.
  
- Title V and Title I, regular updates to adoption by reference dates
- 18 AAC 50.035(b), 18 AAC 50.040
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Update adoption by reference dates, incorporation of additional Subparts of the C.F.R.
  - The updates include some significant changes for PSD, NSPS, and NESHAPs. Rules being adopted or updated include, among others:
    - National Emission Standards for Hazardous Air Pollutants for reciprocating internal combustion engines,
    - New Source Performance Standards for coal preparation and processing plants,
    - the Greenhouse Gas Tailoring Rule,
    - PM<sub>2.5</sub> Significant Emission Rate,
    - National Emission Standards for Hazardous Air Pollutants for source categories: gasoline distribution bulk terminals, bulk plants, and pipeline facilities; and gasoline dispensing facilities,
    - New Source Performance Standards for hospital/medical/infectious waste incinerators, and
    - the Title V Flexible Air Permitting Rule.
  
- Title I
- 18 AAC 50.055(a)(9)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Clarification of language concerning visible emissions.

- Title I
- 18 AAC 50.215
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Addition of new subsection (f) to clarify modeling requirements.
  
- Title I
- 18 AAC 50.302
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Addition of new subsection (c) to include language to clarify interface between Title I and Title V permits.
  
- Title I
- 18 AAC 50.306(b)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Addition of new subparagraphs to clarify applicable definitions and new paragraphs to clarify adoption dates of federal rules. This subsection is being repealed and readopted to address these changes.
  
- Title V
- 18 AAC 50.346
- Proposed standard condition language change—see revised Standard Condition and attached 18 AAC 50 Adoption Updates Regs document
- Revisions to Standard Condition I to clarify that emission estimated must be submitted by a given date, not received by said date.
  
- Title V
- 18 AAC 50.346
- Proposed standard condition language change—see revised Standard Condition and attached 18 AAC 50 Adoption Updates Regs document
- Change of language on Standard Condition II, Term 2 to correct cross reference terms.
  
- Title V
- 18 AAC 50.346
- Proposed standard condition language change—see revised Standard Condition and attached 18 AAC 50 Adoption Updates Regs document
- Revisions to Standard Condition III to clarify that reports can be submitted on-line or by hard copy and to clarify differences between excess emission and emissions deviations.

- Title V
  - 18 AAC 50.346
  - Proposed standard condition language change—see revised Standard Condition and attached 18 AAC 50 Adoption Updates Regs document
  - Revisions to Standard Condition IV to correct the website address for on-line report submission.
- 
- Title V
  - 18 AAC 50.346
  - Proposed standard condition language change—see revised Standard Condition and attached 18 AAC 50 Adoption Updates Regs document
  - Revisions to Standard Condition V to clarify standard conditions language for emissions from insignificant sources.
- 
- Title V
  - 18 AAC 50.346
  - Proposed standard condition language change—see revised Standard Condition and attached 18 AAC 50 Adoption Updates Regs document
  - Revisions to Standard Condition VII to clarify reporting period requirements to ensure continuity across permit transition periods.
- 
- Title V
  - 18 AAC 50.346
  - Proposed standard condition language change—see revised Standard Condition and attached 18 AAC 50 Adoption Updates Regs document
  - Revisions to Standard Condition IX to clarify requirements for first Method 9 observation for sources.
- 
- Title V
  - 18 AAC 50.346
  - Proposed new standard condition and submittal form—see new Standard Condition, submittal form, and attached 18 AAC 50 Adoption Updates Regs document
  - New Standard Condition XV to develop a standard condition for emission inventory reporting and new Standard Condition XVI to provide a standardized reporting form.
- 
- Title I
  - 18 AAC 50.502(b)(6)
  - Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
  - Update to definition of Port of Anchorage by cross-reference to definition in 18 AAC 50.990.

- Title I
- 18 AAC 50.502(c)(1)(E), (c)(3)(A)(iv), (c)(3)(B)(iv)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Clarification that regulation applies only to carbon monoxide nonattainment areas.
  
- Title I
- 18 AAC 50.508(5) (now 3) and add new subsection (b)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Clarify ORL language and addition of Title I/Title V interface language. This subsection is being repealed and readopted to address these changes.
  
- Title I
- 18 AAC 50.540(c)(2)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Cross-reference clarification.
  
- Title I
- 18 AAC 50.540(c)(2)(B)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Add language allowing the Department flexibility in requiring ambient analysis for sulfur dioxide.
  
- Title I
- 18 AAC 50.540(k)(3)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- Add language to clarify required elements of an application to revise or rescind a Title I permit.
  
- Title I
- 18 AAC 50.542(a)(1)
- Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
- To exclude additional areas from fast-track option because the historic data for Anchorage, Fort Wainwright and Eielson indicates that the assumptions used to develop the fast-track thresholds may be invalid for one or more pollutants.

- Title I
  - 18 AAC 50.544(a)
  - Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
  - To clarify that applicants always have the ability to request limits to protect ambient air in their minor permit application.
- 
- Title I
  - 18 AAC 50.544(h)(3)
  - Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
  - To clarify that applicants always have the ability to request limits to protect ambient air in their minor permit application.
- 
- Title I
  - 18 AAC 50.990(101)
  - Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
  - Correct typo in definition
- 
- Title I
  - 18 AAC 50.990(121)
  - Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
  - Update adoption by reference date for revised definition of VOC.
- 
- Title I
  - 18 AAC 50.311(b)(1)(C)(i), 400(e), 400(k), 403(7), 410(f), 540(j), 542(d)(1)(D), 542(f)(7), 542(f)(8), 542(f)(9), 544(g), 544(h), 544(i)
  - Proposed regulation language change—see attached 18 AAC 50 Adoption Updates Regs document
  - Correct cross-references to repealed and readopted 18 AAC 50.508.

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**DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**Standard Permit Condition I – Emission Fees**

**Permit Condition for Air Quality Permits  
Adopted by Reference in 18 AAC 50.346**

**April 1, 2002**

**REVISED September 27, 2010**

## **Standard Permit Condition I – Emission Fees**

**Stationary Source Categories This Condition Applies to:** All stationary source types. Standard permit condition I does not apply if the stationary source does not have a potential to emit an assessable amount of any air pollutant.

The department will use standard permit condition I in any construction permit or operating permit unless the department determines that the emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.

### **Circumstances where emission unit or stationary source specific conditions more adequately meet 18 AAC 50 include:**

1. if there is a stationary source specific reason that some other submission date for projected actual emissions is more appropriate; the submission date must still allow the department to review the calculations and complete billing before July 1.

### **Permit Wording:**

1. **Assessable Emissions.** The permittee shall pay to the department annual emission fees based on the stationary source's assessable emissions as determined by the department under 18 AAC 50.410. The assessable emission fee rate is set out in 18 AAC 50.410. The department will assess fees per ton of each air pollutant that the stationary source emits or has the potential to emit in quantities greater than 10 tons per year. The quantity for which fees will be assessed is the lesser of
  - 1.1 the stationary source's assessable potential to emit of \_\_\_\_\_tpy; or
  - 1.2 the stationary source's projected annual rate of emissions that will occur from July 1 to the following June 30, based upon actual annual emissions emitted during the most recent calendar year or another 12 month period approved in writing by the department, when demonstrated by
    - a. an enforceable test method described in 18 AAC 50.220;
    - b. material balance calculations;
    - c. emission factors from EPA's publication AP-42, Vol. I, adopted by reference in 18 AAC 50.035; or
    - d. other methods and calculations approved by the department.
2. **Assessable Emissions Estimates.** Emission fees will be assessed as follows:



- 2.1 no later than March 31 of each year, the permittee may submit an estimate of the stationary source's assessable emissions to ADEC, Air Permits Program, ATTN: Assessable Emissions Estimate, 410 Willoughby Ave, Ste 303, P.O. 111800 Juneau, Alaska 99811-1800; the submittal must include all of the assumptions and calculations used to estimate the assessable emissions in sufficient detail so the department can verify the estimates; or
- 2.2 if no estimate is submitted on or before March 31 of each year, emission fees for the next fiscal year will be based on the potential to emit set out in condition I.1.1.

**The following applies to this standard permit condition:**

- 1 Condition I.1.1 must show the total potential to emit of all pollutants emitted in assessable amounts. Listing the potential to emit of each pollutant separately is optional.
- 2 Assessable emissions include any air pollutant as identified in the applicable portions of 18 AAC 50.410, whether or not there is a limit in the permit for that air pollutant.
- 3 Assessable emissions do not double count any emissions. For example, benzene, which is a VOC, is not counted a second time because it is a hazardous air pollutant.
- 4 For non-major stationary sources that only need a permit because they have an emission unit subject to EPA's *National Emission Standards for Hazardous Air Pollutants* or *New Source Performance Standards* only the emissions from the emission unit subject to the emission standards are counted as assessable emissions.

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**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Standard Permit Condition II – Air Pollution Prohibited**

**Permit Condition for Air Quality Permits**

**Adopted by Reference in 18 AAC 50.346**

**April 1, 2002**

**REVISED September 27, 2010**

## Standard Permit Condition II – Air Pollution Prohibited

**Stationary Source Categories This Condition Applies to:** All stationary source types.

The department will use standard permit condition II in any construction or operating permit unless the department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.

### Permit Wording:

1. **Air Pollution Prohibited.** No person may permit any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property.

[18 AAC 50.110]
2. **Monitoring, Record Keeping, and Reporting for Condition II.1**
  - 2.1 If emissions present a potential threat to human health or safety, the permittee shall report any such emissions according to condition *<insert cross reference to standard permit condition III - excess emissions and permit deviation reports>*.
  - 2.2 As soon as practicable after becoming aware of a complaint that is attributable to emissions from the stationary source, the permittee shall investigate the complaint to identify emissions that the permittee believes have caused or are causing a violation of condition II.1.
  - 2.3 The permittee shall initiate and complete corrective action necessary to eliminate any violation identified by a complaint or investigation as soon as practicable if
    - a. after an investigation because of a complaint or other reason, the permittee believes that emissions from the stationary source have caused or are causing a violation of condition II.1; or
    - b. the department notifies the permittee that it has found a violation of condition II.1.
  - 2.4 The permittee shall keep records of
    - a. the date, time, and nature of all emissions complaints received;
    - b. the name of the person or persons that complained, if known;
    - c. a summary of any investigation, including reasons the permittee does or does not believe the emissions have caused a violation of condition II.1.; and

- d. any corrective actions taken or planned for complaints attributable to emissions from the stationary source.

2.5 With each stationary source operating report under *<insert cross reference to standard permit condition VII - operating reports>*, the permittee shall include a brief summary report which must include

- a. the number of complaints received;
- b. the number of times the permittee or the department found corrective action necessary;
- c. the number of times action was taken on a complaint within 24 hours;
- d. and the status of corrective actions the permittee or department found necessary that were not taken within 24 hours.

2.6 The permittee shall notify the department of a complaint that is attributable to emissions from the stationary source within 24 hours after receiving the complaint, unless the permittee has initiated corrective action within 24 hours of receiving the complaint.

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**DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**Standard Permit Condition III – Excess Emissions and  
Permit Deviation Reports**

**Permit Condition for Air Quality Permits  
Adopted by Reference in 18 AAC 50.346**

**August 25, 2004**

**Revised September 27, 2010**

# Standard Permit Condition III – Excess Emissions and Permit Deviation Reports

**Stationary Source Categories This Condition applies to:** All stationary source types.

The department will use standard permit condition III in each construction or operating permit unless the department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.

## Permit Wording:

### 1. Excess Emissions and Permit Deviation Reports.

- 1.1 Except as provided in condition *<insert standard condition concerning air pollution prohibited number>*, the permittee shall report all emissions or operations that exceed or deviate from the requirements of this permit as follows:
  - a. in accordance with 18 AAC 50.240(c), as soon as possible after the event commences or is discovered, report
    - (i) emissions that present a potential threat to human health or safety; and
    - (ii) excess emissions that the permittee believes to be unavoidable;
  - b. in accordance with 18 AAC 50.235(a), within two working days after the event commenced or was discovered, report an unavoidable emergency, malfunction, or nonroutine repair that causes emissions in excess of a technology based emission standard;
  - c. report all other excess emissions and permit deviations
    - (i) within 30 days after the end of the month during which the emissions or deviation occurred, except as provided in condition III.1.1c([iii]); or
    - (ii) if a continuous or recurring excess emissions is not corrected within 48 hours of discovery, within 72 hours of discovery unless the department provides written permission to report under condition III.1.1c(i); and
    - (iii) for failure to monitor, as required in other applicable conditions of this permit *<such as SPC IX5.2.b and SPC IX11.1.b>*.



- 1.2 When reporting **either** excess emissions **or permit deviations**, the permittee **shall** [MUST] report using either the department's on-line form, which can be found at <http://www.dec.state.ak.us/air/ap/site.htm> or <https://myalaska.state.ak.us/dec/air/airtoolsweb/>, or, if the permittee prefers, the form contained in condition <insert standard permit condition concerning notification form number> of this permit. The permittee must provide all information called for by the form that is used.
- 1.3 If requested by the department, the permittee shall provide a more detailed written report as requested to follow up on an excess emissions report.

**The following applies to this standard permit condition:**

1. The permit will include condition III.1.1c(iii) only if the permit also contains another condition which has an emission unit specific schedule for reporting the failure to monitor emissions.
2. Construction permits will not include the phrase "and permit deviations" in condition III.1.1c, but where necessary will use stationary source specific conditions for reporting failure to test or monitor.

## STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

The state and federal regulations for each Condition are cited in Operating Permit No. *<Insert Operating Permit Number>*.

### Condition *<insert condition reference>*, Excess Emission and Permit Deviation Reports

**Applicability:** Applies when the emissions or operations deviate from the requirements of the permit.

**Factual Basis:** This condition satisfies two state regulations related to excess emissions - the technology-based emission standard regulation and the excess emission regulation. Although there are some differences between the regulations, the condition satisfies the requirements of each regulation.

The Department adopted this condition as Standard Permit Condition III under 18 AAC 50.346(c) pursuant to AS 46.14.010(e). The Department has determined that the standard condition adequately meets the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate the unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meets the requirements of 40 C.F.R. 71.6(a)(3).

**DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**Standard Permit Condition IV – Notification Form**

**Permit Condition for Air Quality Permits  
Adopted by Reference in 18 AAC 50.346**

**April 1, 2002**

**REVISED September 27, 2010**

# ADEC Notification Form

Excess Emissions and Permit Deviation Reporting  
 State of Alaska Department of Environmental Conservation  
 Division of Air Quality

Stationary Source (Facility) Name \_\_\_\_\_

Air Quality Permit Number \_\_\_\_\_

Company Name \_\_\_\_\_

When did you discover the Excess Emissions/Permit Deviation?

Date:        /        /        Time:        :

When did the event/deviation?

Begin: Date:        /        /        Time:        :        (please use 24hr clock)

End:    Date:        /        /        Time:        :        (please use 24hr clock)

What was the duration of the event/deviation:        :        (hrs:min) or        days  
 (total # of hrs, min, or days, if intermittent then include only the duration of the actual emissions/deviation)

Reason for notification: (please check only 1 box and go to the corresponding section)

- Excess Emissions Complete Section 1 and Certify
- Deviation from Permit Conditions Complete Section 2 and Certify
- Deviation from COBC, CO, or Settlement Agreement Complete Section 2 and Certify

## Section 1. Excess Emissions

(a) Was the exceedance         Intermittent        or         Continuous

(b) Cause of Event (Check one that applies):

- Start Up/Shut Down         Natural Cause (weather/earthquake/flood)
- Control Equipment Failure         Scheduled Maintenance/Equipment Adjustments
- Bad fuel/coal/gas         Upset Condition         Other

(c) **Description**

**Describe briefly what happened and the cause. Include the parameters/operating conditions exceeded, limits, monitoring data and exceedance.**

(d) Emission Units Involved:

Identify the emission units involved in the event, using the same identification number and name as in the permit. Identify each emission standard potentially exceeded during the event and the exceedance.

<u>Unit ID</u>	<u>Emission Unit Name</u>	<u>Permit Condition Exceeded/Limit/Potential Exceedance</u>

(e) Type of Incident (please check only one):

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Opacity %             | <input type="checkbox"/> Venting (gas/scf)       | <input type="checkbox"/> Control Equipment Down |
| <input type="checkbox"/> Fugitive Emissions    | <input type="checkbox"/> Emission Limit Exceeded | <input type="checkbox"/> Record Keeping Failure |
| <input type="checkbox"/> Marine Vessel Opacity | <input type="checkbox"/> Flaring                 | <input type="checkbox"/> Other:                 |

(f) Unavoidable Emissions:

- Do you intend to assert that these excess emissions were unavoidable?  YES  NO
- Do you intend to assert the affirmative defense of 18 AAC 50.235?  YES  NO

Certify Report (go to end of form)

## Section 2. Permit Deviations

(a) Permit Deviation Type (check one only) (check boxes correspond with sections in permit)

- Source Specific
- Failure to monitor/report
- General Source Test/Monitoring Requirements
- Recordkeeping/Reporting/Compliance Certification
- Standard Conditions Not Included in Permit
- Generally Applicable Requirements
- Reporting/Monitoring for Diesel Engines
- Insignificant Source
- Facility Wide
- Other Section: \_\_\_\_\_ (title of section and section # of your permit)

(b) Emission Units Involved:

Identify the emission units involved in the event, using the same identification number and name as in the permit. List the corresponding Permit condition and the deviation.

Unit ID	Emission Unit Name	Permit Condition /Potential Deviation

(c) Description of Potential Deviation:

**Describe briefly what happened and the cause. Include the parameters/operating conditions and the potential deviation.**

(d) Corrective Actions:

Describe actions taken to correct the deviation or potential deviation and to prevent future recurrence.

Certification:

**Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.**

Printed Name: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Signature: \_\_\_\_\_ Phone number \_\_\_\_\_

**NOTE:** *This document must be certified in accordance with 18 AAC 50.345(j)*

**To Submit this report:**

1. Fax this form to: **907-451-2187**

Or

2. E-mail to: **[DEC.AQ.airreports@alaska.gov](mailto:DEC.AQ.airreports@alaska.gov)**  
*if faxed or e-mailed,*

Or

3. Mail to: **ADEC**  
**Air Permits Program**  
**610 University Avenue**  
**Fairbanks, AK 99709-3643**

Or

4. Phone notifications: **907-451-5173.**  
*Phone notifications require written follow up report.*

Or

5. Submission of information contained in this report can be made electronically at the following website:

**<https://myalaska.state.ak.us/dec/air/airtoolsweb/>**

*if submitted online, report must be submitted by an authorized E-Signer for the Stationary Source.*

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**DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**Standard Operating Permit Condition V –  
Insignificant Emission Units**

**Permit Condition for Air Quality Permits  
Adopted by Reference in 18 AAC 50.346**

**April 1, 2002**

**REVISED September 27, 2010**

## Standard Operating Permit Condition V – Insignificant Emission Units

*Emission Unit Categories This Condition Applies to:*

### Emission Units

1. that are insignificant as defined in 18 AAC 50.326(d)-(i);
2. that do not have control equipment for complying with an emissions standard or reducing emissions below a threshold in 18 AAC 50.326(e); and
3. for which the department has not included monitoring, record keeping, or reporting in another condition of the permit to ensure compliance with an emission standard other than 18 AAC 50.110.

Standard permit condition V will be used in any operating permit unless the Department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.

### Permit Wording:

1. For EU ID(s) *< include emission unit identification for any insignificant emission units listed in the permit that qualify for this condition >* listed in Table A and for emission units at the stationary source that are insignificant as defined in 18 AAC 50.326(d)-(i) that are not listed in this permit, the following apply:
  - 1.1 The Permittee shall not cause or allow visible emissions, excluding condensed water vapor, emitted from an industrial process or fuel-burning equipment, or an incinerator to reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes.

[18 AAC 50.050(a) & 50.055(a)(1)]
  - 1.2 The Permittee shall not cause or allow particulate matter emitted from an industrial process or fuel-burning equipment to exceed 0.05 grains per cubic foot of exhaust gas corrected to standard conditions and averaged over three hours.

[18 AAC 50.055(b)(1)]
  - 1.3 The Permittee shall not cause or allow sulfur compound emissions, expressed as SO<sub>2</sub>, from an industrial process or fuel-burning equipment, to exceed 500 ppm averaged over three hours.

[18 AAC 50.055(c)]
  - 1.4 General MR&R for Insignificant Emission Units
    - a. The Permittee shall submit the compliance certifications of Condition *<insert reference to compliance certifications condition >* based on reasonable inquiry[FOR CONDITION V.1];
    - b. The Permittee shall comply with the requirements of Condition *<insert cross reference to Air Pollution Prohibited permit condition >*;
    - c. The Permittee shall report in the operating report required by Condition *<insert cross reference to Operating Reports standard permit condition >* if an emission unit has historically been classified as insignificant because of actual emissions

less than the thresholds of 18 AAC 50.326(e) and current actual emissions become greater than any of those thresholds; and

- d. No other monitoring, recordkeeping or reporting is required, except as provided in Conditions <refer to condition(s) that state the MR&R required for EU(s) subject to operating limits>.

[18 AAC 50.346(b)(4)]

The following apply to this standard permit condition:

1. Standard permit condition V will be used with conditions that reiterate the emission standards of 18 AAC 50.055 as they apply to insignificant sources (*see Conditions V.1.1 - 1.3*).

## STATEMENT OF BASIS FOR INSIGNIFICANT EMISSION UNITS

### Condition *<insert Condition number>*, Insignificant Emission Units

**Legal Basis:** The Permittee is required to meet state emission standards set out in 18 AAC 50.050 and 18 AAC 50.055 for all industrial processes fuel-burning equipment, and incinerators regardless of size.

**Factual Basis:** The conditions re-iterate the emission standards and require compliance for insignificant emission units. The Permittee may not cause or allow their equipment to violate these standards. Insignificant emission units are not listed in the permit unless specific monitoring, recordkeeping and reporting are necessary to ensure compliance.

*(Optional text)* The Department finds that the insignificant units at this stationary source do not require specific monitoring, recordkeeping and reporting to ensure compliance under these conditions.

*(Optional text)* Condition V1.4(a) requires certification that the units did not exceed state emission standards during the previous year and did not emit any prohibited air pollution. For EU ID(s) *< >*, as long as they do not exceed the operational limits of their hours of operation as stated in Condition *< refer to condition(s) that state pertinent operational limits >*, they are considered insignificant emission units and no monitoring is required in accordance with Department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04 for small emission units subject to operating limits.

**DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**Standard Operating Permit Condition VII – Operating  
Reports**

**Permit Condition for Air Quality Permits  
Adopted by Reference in 18 AAC 50.346**

**August 25, 2004**

**Revised September 27, 2010**

## Standard Operating Permit Condition VII – Operating Reports

**Stationary Source Categories This Condition Applies to:** All stationary source types.

The department will use standard permit condition VII in any operating permit unless the department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.

### **Circumstances where emission unit or stationary source specific conditions more adequately meet 18 AAC 50 include:**

1. reports are needed more frequently than twice a year;
2. activity of the emission unit is seasonal, and different semi-annual periods better fit the facility's operation.

### **Permit Wording:**

1. **Operating Reports.** During the life of this permit<sup>1</sup>, the permittee shall submit an original and one copy of an operating report by August 1 for the period January 1 to June 30 of the current year and by February 1 for the period July 1 to December 31 of the previous year *<or a revised (e.g. quarterly) schedule may be implemented at the request of the applicant>*.
  - 1.1 The operating report must include all information required to be in operating reports by other conditions of this permit, for the period covered by the report.
  - 1.2 When excess emissions or permit deviations that occurred during the reporting period are not included with the operating report under condition VII.1.1, the permittee shall identify
    - a. the date of the deviation;
    - b. the equipment involved;
    - c. the permit condition affected;
    - d. a description of the excess emissions or permit deviation; and
    - e. any corrective action or preventive measures taken and the date(s) of such actions; or
  - 1.3 when excess emissions or permit deviations have already been reported under condition *<insert standard permit condition concerning excess emissions and permit deviation reports number>*, the permittee shall cite the date or dates of those reports.

---

<sup>1</sup> “Life of this permit” is defined as the permit effective dates, including any periods of reporting obligations that extend beyond the permit effective dates. For example if a permit expires prior to the end of a calendar year, there is still a reporting obligation to provide operating reports for the periods when the permit was in effect.

- 1.4 The operating report must include, for the period covered by the report, a listing of emissions monitored under condition(s) *<insert applicable condition number(s) from this permit>* which trigger additional testing or monitoring, whether or not the emissions monitored exceed an emission standard. The permittee shall include in the report
- a. the date of the emissions;
  - b. the equipment involved;
  - c. the permit condition affected; and
  - d. the monitoring result which triggered the additional monitoring.
- 1.5 **Transition from expired to renewed permit.** For the first period of this renewed operating permit, also provide the previous permit's [FACILITY] operating report elements covering that partial period immediately preceding the effective date of this renewed permit.

**The following applies to this standard permit condition:**

1. The permit will include condition VII.1.4 only if there are monitoring requirements that could trigger additional monitoring or testing.
2. The reporting schedule may be modified to allow for quarterly reporting as a permittee-specific condition.
3. Condition VII.1.5 should not be used for initial Title V permits.

## STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

The state and federal regulations for each Condition are cited in Operating Permit No. *<Insert Operating Permit Number>*.

### Condition *<insert Condition reference>*, Operating Reports

**Applicability:** Applies to all permits.

**Factual Basis:** The condition restates the requirements for reports listed in regulation. The condition supplements the specific reporting requirements elsewhere in the permit. The reports themselves provide monitoring for compliance with this condition.

*<Include the following paragraph in the Statement of Basis for renewal Title V permits only.>* For renewal permits, the condition specifies that for the transition periods between an expiring permit and a renewal permit the permittee shall ensure that there is date-to-date continuity between the expired permit and the renewal permit such that the permittee reports against the permit terms and conditions of the permit that was in effect during those partial date periods of the transition. No format is specified. The permittee may provide one report accounting for each permit term or condition and the effective permit at that time. Alternatively, the permittee may chose to provide two reports – one accounting for reporting elements of permit terms and conditions from the end date of the previous operating report until the date of expiration of the old permit, and a second operating report accounting for reporting elements of terms and conditions in effect from the effective date of the renewal permit until the end of the reporting period.



**DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**Standard Operating Permit Condition IX – Visible  
Emissions and Particulate Matter Monitoring Plan for  
Liquid-Fired Emission Units and Flares**

**Permit Condition for Air Quality Permits  
Adopted by Reference in 18 AAC 50.346**

**August 25, 2004**

**Revised September 27, 2010**

## **Standard Operating Permit Condition IX –Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units**

### **Emission Unit or Stationary Source Categories This Condition Applies to:**

- Conditions IX.1 – IX.4 for visible emissions apply to liquid-fired emission units subject to the opacity standard of 18 AAC 50.055(a)(1).
- Conditions IX.5 – IX.8 apply to diesel engines and liquid-fired turbines subject to 18 AAC 50.055(b)(1).

Standard permit condition IX does not apply to emission units that are insignificant under 18 AAC 50.326(d)-(i), which could include standby emission units.

The department will use standard permit condition IX in any operating permit unless the department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.

### **Circumstances where emission unit or stationary source specific conditions more adequately meet 18 AAC 50 include:**

1. if the department finds that particulate matter and opacity emissions data available for the emission unit or for the equipment make and model is sufficient to demonstrate that there is a different relationship between opacity and particulate matter than that used as the basis for standard permit condition IX;
2. emission unit specific conditions are requested for conditions IX.5 - IX.8 for turbines with very wide stacks;
3. the department determines that a different frequency of visible emissions monitoring is necessary to assure compliance because of the characteristics of the emission unit;
4. the department determines that, to assure that an emission unit complies with the applicable standard, visible emissions monitoring is necessary during a particular phase of operation.

### **Permit Wording:**

## Section 1. State Requirements

### Visible Emissions Standards

1. **Industrial Process and Fuel-Burning Equipment Visible Emissions.** The Permittee shall not cause or allow visible emissions, excluding condensed water vapor, emitted from EU ID(s) *<insert EU ID numbers>* listed in Table *<insert Table of Emission Units designation>* to reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes.

[18 AAC 50.040(j); 50.326(j); and 50.055(a)(1)]  
[40 C.F.R. 71.6(a)(1)]

- 1.1 For EU ID(s) *<insert EU ID numbers>*, monitor, record, and report in accordance with Conditions 3 - 5.
- 1.2 For EU ID(s) *<insert EU ID numbers>*, burn only gas as fuel. Monitoring for these emission unit(s) shall consist of a statement in each operating report under Condition *<insert Operating Report condition number>* whether each of these emission unit(s) fired only gas during the period covered by the report. Report under Condition *<refer to excess emission/permit deviations condition number>* if any fuel is burned other than gas.
- 1.3 For each of EU ID(s) *<insert EU ID numbers>*, as long as the emission unit does not exceed the limits in Condition(s) *<insert number(s) of Condition(s) that state EU(s) operating limits>*, monitoring shall consist of an annual compliance certification under Condition *<refer to Annual Compliance Certification condition number>* with the visible emissions standard.
- 1.4 For EU ID(s) *<insert EU ID numbers>*, use only gas as primary fuel. Monitoring for these emission unit(s) shall consist of a statement in each operating report required in Condition *<insert Operating Report condition number>* indicating whether each of these emission unit(s) fired gas as the primary fuel during the period covered by this report. If operation on a back-up liquid fuel occurred during the period covered by the report, the Permittee shall monitor, record, and report according to Condition 15.
- 1.5 For EU ID(s) *<insert EU ID numbers>*, monitor, record, and report in accordance with Condition 6.

[18 AAC 50.040(j); 50.326(j) and 50.346(c)]  
[40 C.F.R. 71.6(a)(3)]

2. **Incinerator Visible Emissions.** The Permittee shall not cause or allow visible emissions, excluding condensed water vapor, through the exhaust of EU ID(s) *<insert EU ID numbers>*, to reduce visibility by more than 20 percent averaged over any six consecutive minutes.

[18 AAC 50.040(j); 50.326(j); and 50.050(a)]  
[40 C.F.R. 71.6(a)(1)]

2.1 (Use Stationary Source-specific VE MR&R for incinerators.)

[18 AAC 50.040(j) and 50.326(j)(4)]

[40 C.F.R. 71.6(a)(3) & (c)(6)]

## Visible Emissions Monitoring, Recordkeeping, and Reporting

*Liquid Fuel-fired Emission Units (EU IDs <insert EU ID numbers>)*

- 3. Visible Emissions Monitoring.** When required by any of conditions 1.1 through 1.3, or in the event of replacement during the permit term, the Permittee shall observe the exhaust of EU ID(s) <insert EU ID numbers> for visible emissions using either the Method 9 Plan under Condition 3.1 or the Smoke/No-Smoke Plan under Condition 3.2. The Permittee may change visible-emissions plans for an emission unit at any time unless prohibited from doing so by Condition 3.3. **The Permittee may, for each unit, elect to continue the visible emissions monitoring schedule in effect from the previous permit at the time a renewal permit is issued, if applicable.**

[18 AAC 50.040(j); 50.326(j) and 50.346(c)]

[40 C.F.R. 71.6(a)(3)(i)]

**3.1 Method 9 Plan.** For all 18-minute observations in this plan, observe exhaust, following 40 C.F.R. 60, Appendix A-4, Method 9, adopted by reference in 18 AAC 50.040(a), for 18 minutes to obtain 72 consecutive 15-second opacity observations.

- a. First Method 9 Observation. Except as provided in Condition 3.4, for EU ID(s) <insert EU ID numbers>, observe exhaust for 18 minutes within six months after the issue date of this permit. For any unit, observe exhaust for 18 minutes within 14 calendar days after changing from the Smoke/No-Smoke Plan of Condition 3.2.
- (i) For any units replaced during the term of this permit, observe exhaust for 18 minutes within 30 days of startup.
- (ii) For each existing emission unit that exceeds the operational threshold in Condition IX.1.3, observe the exhaust for 18 minutes of operations within 30 days after the calendar month during which that threshold has been exceeded, or within 30 days of the unit's next scheduled operations, whichever is later.
- b. Monthly Method 9 Observations. After the first Method 9 observation, perform 18-minute observations at least once in each calendar month that an emission unit operates.
- c. Semiannual Method 9 Observations. After observing emissions for three consecutive operating months under Condition 3.1a(i), unless a six-minute average is greater than 15 percent and one or more observations are greater than 20 percent, perform 18-minute observations:

- (i) within six months after the preceding observation; or
    - (ii) for an emission unit with intermittent operations, during the next scheduled operation immediately following six months after the preceding observation.
  - d. Annual Method 9 Observations. After at least two semiannual 18-minute observations, unless a six-minute average is greater than 15 percent and one or more individual observations are greater than 20 percent, perform 18-minute observations:
    - (i) Within twelve months after the preceding observation; or
    - (ii) For an emission unit with intermittent operations, during the next scheduled operation immediately following twelve months after the preceding observation.
  - e. Increased Method 9 Frequency. If a six-minute average opacity is observed during the most recent set of observations to be greater than 15 percent and one or more observations are greater than 20 percent, then increase or maintain the 18-minute observation frequency for that emission unit to at least monthly intervals as described in Condition 3.1b, until the criteria in Condition 3.1c for semiannual monitoring are met.
- 3.2 **Smoke/No Smoke Plan.** Observe the exhaust for the presence or absence of visible emissions, excluding condensed water vapor.
- a. Initial Monitoring Frequency. Observe the exhaust during each calendar day that an emission unit operates.
  - b. Reduced Monitoring Frequency. After the emission unit has been observed on 30 consecutive operating days, if the emission unit operated without visible smoke in the exhaust for those 30 days, then observe emissions at least once in every calendar month that an emission unit operates.
  - c. Smoke Observed. If smoke is observed, either begin the Method 9 Plan of Condition 3.1 or perform the corrective action required under Condition 3.3.
- 3.3 **Corrective Actions Based on Smoke/No Smoke Observations.** If visible emissions are present in the exhaust during an observation performed under the Smoke/No Smoke Plan of Condition 3.2, then the Permittee shall either follow the Method 9 plan of Condition 3.1 or
- a. initiate actions to eliminate smoke from the emission unit within 24 hours of the observation;

- b. keep a written record of the starting date, the completion date, and a description of the actions taken to reduce smoke; and
- c. after completing the actions required under Condition 3.3a,
  - (i) take Smoke/No Smoke observations in accordance with Condition 3.2.
    - (A) at least once per day for the next seven operating days and until the initial 30 day observation period is completed; and
    - (B) continue as described in Condition 3.2b; or
  - (ii) if the actions taken under Condition 3.3a do not eliminate the smoke, or if subsequent smoke is observed under the schedule of Condition 3.3c(i)(A), then observe the exhaust using the Method 9 Plan unless the department gives written approval to resume observations under the Smoke/No Smoke Plan; after observing smoke and making observations under the Method 9 Plan, the Permittee may at any time take corrective action that eliminates smoke and restart the Smoke/No Smoke Plan under Condition 3.2a.

**4. Visible Emissions Recordkeeping.** When required by any of conditions 1.1 through 1.4, or in the event of replacement of any EU ID(s) <insert EU ID numbers> during the permit term, the Permittee shall keep records as follows:

[18 AAC 50.040(j); 50.326(j) and 50.346(c)]  
 [40 C.F.R. 71.6(a)(3)(ii)]

4.1 If using the Method 9 Plan of Condition 3.1,

- a. the observer shall record:
  - (i) the name of the stationary source, emission unit and location, emission unit type, observer's name and affiliation, and the date on the Visible Emissions Field Data Sheet in <insert Visible Emissions Field Data Sheet Section number>;
  - (ii) the time, estimated distance to the emissions location, sun location, approximate wind direction, estimated wind speed, description of the sky Condition (presence and color of clouds), plume background, and operating rate (load or fuel consumption rate or best estimate if unknown) on the sheet at the time opacity observations are initiated and completed;
  - (iii) the presence or absence of an attached or detached plume and the approximate distance from the emissions outlet to the point in the plume at which the observations are made;

- (iv) opacity observations to the nearest five percent at 15-second intervals on the Visible Emissions Observation in Section *<insert Visible Emissions Section number>*, and
  - (v) the minimum number of observations required by the permit; each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15-second period.
- b. To determine the six-minute average opacity, divide the observations recorded on the record sheet into sets of 24 consecutive observations; sets need not be consecutive in time and in no case shall two sets overlap; for each set of 24 observations, calculate the average by summing the opacity of the 24 observations and dividing this sum by 24; record the average opacity on the sheet.
  - c. Calculate and record the highest 6-minute and 18-consecutive-minute averages observed.
- 4.2 If using the Smoke/No Smoke Plan of Condition 3.2, record the following information in a written log for each observation and submit copies of the recorded information upon request of the department:
- a. the date and time of the observation;
  - b. from Table *<insert Table of Emission Units designation>*, the ID of the emission unit observed;
  - c. whether visible emissions are present or absent in the exhaust;
  - d. a description of the background to the exhaust during the observation;
  - e. if the emission unit starts operation on the day of the observation, the startup time of the emission unit;
  - f. name and title of the person making the observation; and
  - g. operating rate (load or fuel consumption rate).

**5. Visible Emissions Reporting.** When required by any of conditions 1.1 through 1.4, or in the event of replacement of any EU ID(s) *<insert EU ID numbers>* during the permit term, the Permittee shall report visible emissions as follows:

[18 AAC 50.040(j); 50.326(j) and 50.346(c)]  
 [40 C.F.R. 71.6(a)(3)(iii)]

- 5.1 include in each operating report required under Condition *<insert Operating Reports condition number>*:

- a. which visible-emissions plan of Condition 3 was used for each emission unit; if more than one plan was used, give the time periods covered by each plan;
- b. for each emission unit under the Method 9 Plan,
  - (i) copies of the observation results (i.e. opacity observations) for each emission unit that used the Method 9 Plan, except for the observations the Permittee has already supplied to the department; and
  - (ii) a summary to include:
    - (A) number of days observations were made;
    - (B) highest six-minute average observed; and
    - (C) dates when one or more observed six-minute averages were greater than 20 percent;
- c. for each emission unit under the Smoke/No Smoke Plan, the number of days that Smoke/No Smoke observations were made and which days, if any, that smoke was observed; and
- d. a summary of any monitoring or record keeping required under Conditions 3 and 3.3c(ii) that was not done;

5.2 report under Condition *<insert Excess Emissions and Permit Deviations condition number>*:

- a. the results of Method 9 observations that exceed an average 20 percent for any six-minute period; and
- b. if any monitoring under Condition 3 was not performed when required, report within three days of the date the monitoring was required.

*Flares, EU ID(s) <insert flare/EU ID numbers>*

**6. Visible Emissions Monitoring, Recordkeeping, and Reporting.** The Permittee shall observe one daylight flare event<sup>1</sup> within 12 months of the preceding flare event observation. If no event exceeds 1 hour within that 12-month period, then the Permittee shall observe the next daylight flare event.

6.1 Monitor flare events using Method 9.

6.2 Record the following information for observed events:

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<sup>1</sup> For purposes of this permit, a “flare event” is flaring of gas for greater than one hour as a result of scheduled release operations, i.e. maintenance or well testing activities. It does not include non-scheduled release operations, i.e. process upsets, emergency flaring, or de-minimis venting of gas incidental to normal operations.



- a. the flare(s) EU ID number;
  - b. results of the Method-9 observations;
  - c. reason(s) for flaring;
  - d. date, beginning and ending time of event; and
  - e. volume of gas flared.
- 6.3 Monitoring of a flare event may be postponed for safety or weather reasons, or because a qualified observer is not available. If monitoring of a flare event is postponed for any of the reasons described in this condition, the Permittee shall include in the next operating report required by Condition *<insert Operating Reports condition number>* an explanation of the reason the event was not monitored.
- 6.4 Attach copies of the records required by Condition 6.2 with the operating report required by Condition *<insert Operating Reports condition number>* for the period covered by the report.
- 6.5 Report under Condition *<insert Excess Emissions and Permit Deviations condition number>* whenever the opacity standard in Condition 1 is exceeded.

[18 AAC 50.040(j) and 50.326(j)(4)]  
 [40 C.F.R. 71.6(a)(3) & (c)(6)]

## Particulate Matter Emissions Standards

- 7. Industrial Process and Fuel-Burning Equipment Particulate Matter.** The Permittee shall not cause or allow particulate matter emitted from EU ID(s) *<insert EU ID numbers>* listed in Table *<insert reference to Table of Emission Units>* to exceed 0.05 grains per cubic foot of exhaust gas corrected to standard conditions and averaged over three hours.

[18 AAC 50.040(j); 50.326(j); and 50.055(b)(1)]  
 [40 C.F.R. 71.6(a)(1)]

- 7.1 For EU ID(s) *<insert EU ID numbers>*, monitor, record and report in accordance with Conditions 9 - 11.
- 7.2 For EU ID(s) *<insert EU ID numbers>*, burn only gas as fuel. Monitoring for these emission unit(s) shall consist of a statement in each operating report under Condition *<insert Operating Reports condition number>* whether each of these emission unit(s) fired only gas during the period covered by the report. Report under Condition *<insert Excess Emissions and Permit Deviations Reports condition number>* if any fuel other than gas is burned.
- 7.3 For each of EU ID(s) *<insert EU ID numbers>*, as long as each emission unit does not exceed the limits in Condition *<insert number of condition that states emission unit(s) operating limits>*, monitoring shall consist of an annual compliance

certification under Condition *<insert Annual Compliance Certification condition number>* with the particulate matter standard.

- 7.4 For EU ID(s) *<insert EU ID numbers>*, the Permittee must annually certify compliance under Condition *<insert Annual Compliance Certification condition number>* with the particulate matter standard.
- 7.5 For EU ID(s) *<insert EU ID numbers>*, use gas as primary fuel. Monitoring for these emission unit(s) shall consist of a statement in each operating report required in Condition *<insert Operating Reports condition number>* whether each of these emission unit(s) fired gas as the primary fuel during the period covered by the report. If operation on a back-up liquid fuel occurred during the period covered by the report, the Permittee shall monitor, record and report according to Condition *<insert VE & PM MR&R for Dual Fuel-Fired Sources condition number>*.  

[18 AAC 50.040(j); 50.326(j) and 50.346(c)]  
[40 C.F.R. 71.6(a)(3)]

**8. Incinerator Particulate Matter Emissions.** Particulate matter emissions from EU ID(s) *<insert EU ID numbers>* may not exceed the particulate matter standard, as listed in Table A:

[18 AAC 50.040(j); 50.326(j) and 50.050(b)]  
[40 C.F.R. 71.6(a)(1)]

**Table A - Particulate Matter Standards for Incinerators**

Incinerator Rated Capacity	Particulate Matter Standard
Less than 1000 lbs./hr	No Limits
EU ID(s) <i>&lt;insert EU ID numbers&gt;</i> : Greater than or equal to 1000 lbs./hr but less than 2000 lbs./hr	0.15 grains/cubic foot of exhaust gas corrected to 12 percent CO <sub>2</sub> and standard Conditions, averaged over three hours
EU ID(s) <i>&lt;insert EU ID numbers&gt;</i> : Greater than or equal to 2000 lbs./hr	0.08 grains/cubic foot of exhaust gas corrected to 12 percent CO <sub>2</sub> and standard Conditions, averaged over three hours
EU ID(s) <i>&lt;insert EU ID numbers&gt;</i> : Burns waste containing more than 10 percent wastewater treatment plant sludge by dry weight from a municipal wastewater treatment plant that serves 10,000 or more persons	0.65 grams per kilogram of dry sludge input

8.1 (Use Stationary Source-specific PM MR&R for incinerators.)

[18 AAC 50.040(j) and 50.326(j)(4)]  
[40 C.F.R. 71.6(a)(3) and 71.6(c)(6)]

**PM Monitoring, Recordkeeping and Reporting**

*Liquid Fuel-fired Emission Units (EU IDs <insert EU ID numbers>)*

**9. Particulate Matter Monitoring for Diesel Engines and Liquid-Fired Turbines.** The Permittee shall conduct source tests on diesel engines and liquid-fired turbines, *<identify emission units>*, to determine the concentration of particulate matter (PM) in the exhaust of an emission unit as follows:

- 9.1 Except as allowed under Condition 9.4, within six months of exceeding the criteria of Conditions 9.2a or 9.2b, either
- a. conduct a PM source test according to requirements set out in *<insert Standard Source Test Section number>*; or
  - b. make repairs so that emissions no longer exceed the criteria of Condition 9.2; to show that emissions are below those criteria, observe emissions as described in Condition 3.1 under load conditions comparable to those when the criteria were exceeded.
- 9.2 Conduct the test according to Condition 9.1 if
- a. 18 consecutive minutes of Method 9 observations result in an 18-minute average opacity greater than 20 percent; or
  - b. for an emission unit with an exhaust stack diameter that is less than 18 inches, 18 consecutive minutes of Method 9 observations result in an 18-minute average opacity that is greater than 15 percent and not more than 20 percent, unless the department has waived this requirement in writing.
- 9.3 During each one-hour PM source test run, observe the exhaust for 60 minutes in accordance with Method 9 and calculate the average opacity measured during each one-hour test run. Submit a copy of these observations with the source test report.
- 9.4 The automatic PM source test requirements in Conditions 9.1 and 9.2 are waived for an emissions unit if a PM source test on that unit has shown compliance with the PM standard during this permit term.

**10. Particulate Matter Record Keeping for Diesel Engines and Liquid-Fired Turbines.**

Within 180 calendar days after the effective date of this permit, the Permittee shall record the exhaust stack diameter(s) of EU ID(s) *<list EU ID numbers from the <insert Table of Emission Units designation> in the permit>*. Report the stack diameter(s) in the next operating report under Condition *<insert Operating Reports condition number>*.

[18 AAC 50.040(j); 50.326(j) and 50.346(c)]  
[40 C.F.R. 71.6(a)(3)(ii)]

**11. Particulate Matter Reporting for Diesel Engines and Liquid-Fired Turbines.** The

Permittee shall report as follows:

[18 AAC 50.040(j); 50.326(j) and 50.346(c)]  
[40 C.F.R. 71.6(a)(3)(iii)]

11.1 report under Condition *<insert Excess Emissions and Permit Deviations condition number>*:

- a. the results of any PM source test that exceeds the PM emissions limit; or

- b. if one of the criteria of Condition 9.2 was exceeded and the Permittee did not comply with either Condition 9.1a or 9.1b, this must be reported by the day following the day compliance with Condition 9.1 was required;
- 11.2 report observations in excess of the threshold of Condition 9.2b within 30 days of the end of the month in which the observations occur;
- 11.3 in each operating report under Condition *<insert Operating Report condition number>*, include
- a. the dates, EU ID(s), and results when an observed 18-minute average was greater than an applicable threshold in Condition 9.2;
  - b. a summary of the results of any PM testing under Condition 9; and
  - c. copies of any visible emissions observation results (opacity observations) greater than the thresholds of Condition 9.2, if they were not already submitted.

*For Liquid-Fired Boilers and Heaters*

**12. Particulate Matter Monitoring for Liquid Fuel-Fired Boilers and Heaters.** The Permittee shall conduct source tests on EU ID(s) *<insert EU ID numbers>* to determine the concentration of PM in the exhaust of EU ID(s) *<insert EU ID numbers>* as follows:

[18 AAC 50.040(j) and 50.326(j)(4)]  
 [40 C.F.R. 71.6(a)(3)(i) and 71.6(c)(6)]

- 12.1 Except as allowed under Condition 12.3, conduct a PM source test according to the requirements set out in *<insert Standard Source Test Section>* no later than 90 calendar days after any time corrective maintenance fails to eliminate visible emissions greater than the 20 percent opacity threshold for two or more 18-minute observations in a consecutive six-month period.
- 12.2 During each one-hour PM source test run, observe the exhaust for 60 minutes in accordance with Method 9 and calculate the average opacity measured during each one-hour test run. Submit a copy of these observations with the source test report.
- 12.3 The PM source test requirement in Condition 12.1 is waived for an emission unit if:
- a. a PM source test on that unit has shown compliance with the PM standard during this permit term, or
  - b. take corrective action and conduct two 18-minute visible emissions observations in a consecutive six-month period to show that the excess visible emissions described in Condition 12.1 no longer occur.

- 13. Particulate Matter Recordkeeping for Liquid Fuel-Fired Boilers and Heaters.** The Permittee shall keep records of the results of any PM testing and visible emissions observations conducted under Condition 12.

[18 AAC 50.040(j) and 50.326(j)(4)]  
[40 C.F.R. 71.6(a)(3)(ii) and 71.6(c)(6)]

- 14. Particulate Matter Reporting.** The Permittee shall report as follows:

[18 AAC 50.040(j) and 50.326(j)(4)]  
[40 C.F.R. 71.6(a)(3)(iii) and 71.6(c)(6)]

- 14.1 In each operating report required by Condition *<insert Operating Report condition number>*, include for the period covered by the report:

- a. the dates, EU ID(s), and results when an 18-minute opacity observation was greater than the applicable threshold criterion in Condition 12.1.
- b. a summary of the results of any PM testing and visible emissions observations conducted under Condition 12.

- 14.2 Report as excess emissions, in accordance with Condition *<insert Excess Emissions and Permit Deviations condition number>*, any time the results of a source test for PM exceeds the PM emission limit stated in Condition 7.

**VE & PM MR&R for Dual Fuel-Fired Emission Units, EU ID(s) *<insert EU ID numbers>***

- 15.** The Permittee shall monitor, record and report the monthly hours of operation when operating on a back-up liquid fuel.

- 15.1 For any of EU ID(s) *<insert EU ID numbers>* that does not exceed 400 hours of operations per calendar year on a back-up liquid fuel, monitoring of compliance for visible emissions and particulate matter is not required for that emission unit and monitoring shall consist of an annual certification under Condition *<insert Annual Compliance Certification condition number>*.

- 15.2 For any of EU IDs *<insert EU ID numbers>*, notify the Department and begin monitoring the affected emission unit according to Condition 15.3 no later than 15 days after the end of a calendar month in which the cumulative hours of operation for the calendar year exceed any multiple of 400 hours on a back-up liquid fuel. If the observation exceeds the limit in Condition 1, monitor as described in Condition 9 or 12, as applicable by the type of emission unit. If the observation does not exceed the limit in Condition 1, no additional monitoring is required until the cumulative hours of operation exceed each subsequent multiple of 400 hours on back-up liquid fuel during a calendar year<sup>2</sup>.

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<sup>2</sup> If the requirement to monitor is triggered more than once in a calendar month, only one Method-9 observation is required to be conducted by the stated deadline for that month.

- 15.3 When required to do so by Condition 15.2, observe the exhaust, following 40 C.F.R. 60, Appendix A-4 Method 9 (adopted by reference in 18 AAC 50.040(a), for 18-minutes to obtain 72 consecutive 15-second opacity observations.
- 15.4 Keep records and report in accordance with Conditions *<edit list as applicable>* 4, 5, 10, 11, 13 and/or 14 as applicable.
- 15.5 Report under Condition *<insert Excess Emissions and Permit Deviations condition number>* if the Permittee fails to comply with Conditions 15.2, 15.3 or 15.4.  
[18 AAC 50.040(j) and 50.326(j)(4)]  
[40 C.F.R. 71.6(a)(3) and 71.6(c)(6)]

## **REASON FOR THE STANDARD PERMIT CONDITION CHANGES:**

Condition 3.1a was modified to account for an emission unit's status change. If the unit is replaced, the permittee will need to conduct an initial observation within 30 days after replacement to ensure the replacement unit can meet the emission standard. Further, if an emission unit status changes from insignificant to one requiring periodic monitoring, record keeping and reporting, then the permittee would conduct the initial observation within a reasonable period of operations.

Conditions 3.1(c) and (d) were changed to allow greater flexibility and reduce periodic monitoring. First, periodic monitoring can be conducted at any time within the six-month or twelve months following the latest observation rather than to be limited within a three month block (ie. 4-7 months or 11-13 months for semi-annual and annual surveillance frequency respectively). If a Permittee conducts an emission unit surveillance at any time, that surveillance can re-set the date for which the next periodic surveillance is due.

Further to accommodate intermittently operated emission units such as emergency units or stand-by units, the next surveillance due date will be upon the next scheduled operations after the deadline, such as for readiness testing of such units.

Condition 4.1 was modified to allow for estimating operational parameters for an emission unit that the permittee does not measure and record those parameters.

Condition 6.1 was modified to allow the permittee to conduct visible emission surveillance of scheduled flare events within 12 months of the last observation or during the next scheduled flare event. This provides added flexibility to stationary source permittees equipped with such devices to schedule certified staff to observed scheduled events. Further the revised text allows the permittee to reset the due date whenever the permittee chooses to conduct surveillance on the flare. Finally, the revised text provides the permittee an opportunity to conduct the following observation upon the next scheduled event if no one-hour event occurs within twelve months.

## **STATEMENT OF BASIS FOR THE PERMIT CONDITIONS**

**The state and federal regulations for each Condition are cited in Operating Permit No. <Insert Operating Permit Number>.**

**Conditions 1 and 3 - 5, 6, & 15 Visible Emissions Standard and MR&R**

**Legal Basis:** These conditions ensure compliance with the applicable requirements in 18 AAC 50.050(a) and 18 AAC 50.055(a).

- 18 AAC 50.055(a) applies to the operation of fuel-burning equipment and industrial processes. EU IDs < > are fuel-burning equipment or industrial processes.
- 18 AAC 50.050 (a) applies to the operation of incinerators. EU IDs < > are incinerators.

U.S. EPA incorporated these standards as revised in 2002 into the State Implementation Plan effective September 13, 2007.

**Factual Basis:** Condition 1 prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.055(a)(1). Condition 2 prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.050(a).

MR&R requirements are listed in Conditions 3 through 5, 6, and 15 of the permit.

These conditions have been adopted into regulation as Standard Conditions.

The Permittee must establish by actual visual observations that can be supplemented by other means, such as a defined Stationary Source Operation and Maintenance Program that the stationary source is in continuous compliance with the State's emission standards for visible emissions and particulate matter.

These conditions detail a stepwise process for monitoring compliance with the State's visible emissions and particulate matter standards for liquid and gas fired emission units. Equipment types covered by these conditions are internal combustion engines, turbines, heaters, boilers, and flares. Initial monitoring frequency schedules are established along with subsequent reductions or increases in frequency depending on the results of the self-monitoring program.

Reasonable action thresholds are established in these conditions that require the Permittee to progressively address potential visible emission problems from emission units either through maintenance programs and/or more rigorous tests that will quantify whether a specific emission standard has been exceeded.

Condition 6 was developed to provide a standardized version of flare monitoring that is not dependent upon the type or design of upstream equipment. It has been claimed that gas-fired flares normally burn without emitting visible emissions, but actual field data demonstrating this assumption is not available. However, gas-fired flares have been shown to smoke when a control device, i.e. a knockout drum, flare scrubber, gas or steam assist, or vapor recovery system malfunctions. Thus, the Condition sets out a protocol to collect actual field data to determine compliance with the 20 percent opacity standard for flares.

#### **Gas Fired:**

Monitoring – The monitoring of gas fired emission units for visible emissions is waived, i.e. no source testing will be required. The department has found that natural gas fired equipment inherently has negligible PM emissions. However, the department can request a source test for PM emissions from any smoking equipment.

Reporting – The Permittee must state in each operating report whether only gas was fired in the emission unit for the period covered by the report.

#### **Liquid Fired:**

Monitoring – The visible emissions may be observed by either Method 9 or the Smoke/No Smoke plans as detailed in Condition 3. Corrective actions such as maintenance procedures and either more frequent or less frequent testing may be required depending on the results of the observations.



Recordkeeping - The Permittee is required to record the results of all visible emission observations and record any actions taken to reduce visible emissions.

Reporting - The Permittee is required to report: 1) emissions in excess of the State visible emissions standard and 2) deviations from permit conditions. The Permittee is required to include copies of the results of all visible emission observations with the operating report.

**Dual Fuel-Fired Emission Units:**

For EU ID(s) <insert EU ID numbers>, as long as they operate only on gas, monitoring consists of a statement in each operating report to indicate whether only gaseous fuels were used in the equipment during the reporting period. When any of these emission units operates on a backup liquid fuel for more than 400 hours in a calendar year, monitoring as detailed in Condition 15 is required for that emission unit in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 2, 10/8/04. When any of these emission units operates on a backup liquid fuel for less than 400 hours in a calendar year, monitoring for that emission unit consists of an annual certification of compliance with the opacity standard. The 400-hour trigger for additional monitoring applies to each individual unit and not as a combined total for all units.

**Insignificant Emission Units:**

For EU ID(s) <insert EU ID numbers> no visible emissions monitoring is required when these emission units are insignificant based on actual or potential emissions due to permit Condition(s) <insert Condition numbers> that limit either their hours of operation or fuel consumption. As long as the emission units do not exceed these limits, they are insignificant by emissions rate as specified in 18 AAC 50.326(e) and no monitoring is required in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04. The Permittee must annually certify compliance under Condition <insert Annual Compliance Certificate Condition> with the opacity standard.

**Flares:**

Monitoring for flares (EU ID(s) <insert EU ID numbers>) requires Method 9 observations of scheduled flaring events lasting more than one hour. The Permittee must report the results of these observations to the department.

**Condition 2, Incinerator Visible Emissions and MR&R**

**Legal Basis:** This visible emission standard applies to the operation of any incinerator in Alaska, including an air curtain incinerator.

**Factual Basis:** The Condition requires the Permittee to comply with the visible emission standard applicable to incinerators. The Permittee may not cause or allow the affected incinerator to violate this standard. The Permittee is required to monitor, record, and report according to Condition 2.1.

**Conditions 7 and 9 - 11, 12 - 14, & 15, Particulate Matter (PM) Standard**

**Legal Basis:** The PM standard applies to operation of all fuel-burning equipment in Alaska. EU ID(s) <insert EU ID numbers> are fuel-burning equipment. The SIP standard for PM applies

to all fuel-burning equipment because it is contained in the federally approved SIP dated October 1983.

**Factual Basis:** Condition 7 requires the Permittee to comply with the State PM (also called grain loading) standard applicable to fuel-burning equipment. The Permittee shall not cause or allow fuel-burning equipment to violate this standard.

MR&R requirements are listed in Conditions 9 - 11, 12 - 14, and 15 of the permit.

The Permittee must establish by actual visual observations, which may be supplemented by other means, such as a defined Stationary Source Operation and Maintenance Program that the stationary source is in continuous compliance with the State's emission standards for particulate matter.

These conditions detail a stepwise process for monitoring compliance with the State's particulate matter standards for liquid- and gas-fired emission units. Equipment types covered by these conditions are internal combustion engines, turbines, heaters, and boilers. Initial monitoring frequency schedules are established along with subsequent reductions or increases in frequency depending on the results of the self-monitoring program.

**Gas Fired:**

Monitoring – The monitoring of gas-fired emission units for particulate matter is waived, i.e. no source testing will be required. The department has found that natural gas-fired equipment inherently has negligible PM emissions. However, the department can request a source test for PM emissions from any smoking equipment.

Reporting – The Permittee must state in each operating report whether only gaseous fuels were used in the equipment during the period covered by the report.

**Liquid Fired:**

Monitoring – The Permittee is required to conduct PM source testing if threshold values for opacity are exceeded.

Recordkeeping - The Permittee is required to record the results of PM source tests.

Reporting - The Permittee is required to report: 1) incidents when emissions in excess of the opacity threshold values have been observed, 2) and results of PM source tests. The Permittee is required to include copies of the results of all visible emission observations with the operating report.

**Dual Fuel-Fired Emission Units:**

For EU ID(s) <insert EU ID numbers>, as long as they operate only on gas, monitoring consists of certification statement in the operating report to indicate whether only gaseous fuels were used in the equipment during the period covered by the report. When any of these emission units operates on a backup liquid fuel for more than 400 hours in a calendar year, monitoring as detailed in Conditions 9 and 12 is required for that emission unit in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 2, 10/8/04. When any of these emission units operates on a backup liquid fuel for 400 hours or less in a calendar year, monitoring for that

source consists of an annual certification of compliance with the particulate matter standard. The 400-hour trigger for additional monitoring applies to each individual unit and not as a combined total for all units.

**Insignificant Emission Units:**

For EU ID(s) *<insert EU ID numbers>*, no monitoring is required because these emission units are insignificant emission units based on actual or potential emissions. EU ID(s) *<insert EU ID numbers>* must not exceed operational hour limit(s) as required by Condition(s) *<insert Conditions that apply>*. As long as they operate within these limits, they are considered insignificant sources by emissions as specified in 18 AAC 50.326(e) and no monitoring is required in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04. The Permittee must annually certify compliance under Condition *<insert condition reference to Annual Compliance Certification condition number>* with the particulate matter standard.

**Flares:**

Monitoring of gas-fired flares for particulate matter is waived, i.e. no source testing will be required, because of the difficulty and questionable results these tests produce when applied to flares. The department has recognized this fact by incorporating the waiver in the State Implementation Plan adopted in November 1984, which has not been federally approved. No recordkeeping or reporting is required.

**Condition 8, Incinerator Particulate Matter Emissions and MR&R**

**Legal Basis:** The particulate matter emission standards as listed in Table A apply to the operation of an incinerator based on its rated capacity.

**Factual Basis:** The Condition requires the Permittee to comply with the particulate matter emission standards applicable to incinerators based on rated capacity. The Permittee may not cause or allow the affected incinerator to violate this standard.

The Permittee is required to monitor, record, and report according to Condition 8.1. For incinerators with a rated capacity of less than 1000 pounds per hour, the Permittee is not required to monitor particulate matter because there is no standard set for such incinerators.

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**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Standard Operating Permit Condition X – Reasonable  
Precautions to Prevent Fugitive Dust**

**Permit Condition for Air Quality Permits**

**Adopted by Reference in 18 AAC 50.346**

**April 1, 2002**

**Revised September 27, 2010**

# Standard Operating Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust

**Emission Units or Stationary Sources: This Condition Applies to:** A stationary source containing any of the following:

- a. coal fired boilers;
- b. coal handling equipment;
- c. construction of gravel pads or roads that are part of a permitted stationary source, or other construction that has the potential to generate fugitive dust that reaches ambient air;
- d. commercial, industrial, municipal solid waste, air curtain, and medical waste incinerators;
- e. sewage sludge incinerators not using wet methods to handle the ash;
- f. mines;
- g. urea manufacturing;
- h. soil remediation units;
- i. dirt or gravel roads under the control of the operator with frequent vehicle traffic;
- j. other emission units the department finds are likely to generate fugitive dust.

The department will use standard permit condition X in an operating permit for any of the emission units listed in a. – j, above, unless the department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50 or the department determines that the stationary source has no potential to cause fugitive dust problems.

## **Circumstances where emission unit or stationary source specific conditions more adequately meet 18 AAC 50 include:**

- 1 problems persist after a complaint; or
- 2 the need for a dust control plan or other specific requirements is foreseeable due to stationary source specific circumstances.

## **Permit Wording:**

1. A person who causes or permits bulk materials to be handled, transported, or stored, or who engages in an industrial activity or construction project shall take reasonable precautions to prevent particulate matter from being emitted into the ambient air. (18 AAC 50.045(d)).
  - 1.1 The permittee shall keep records of:
    - a. complaints received by the permittee and complaints received by the department and conveyed to the permittee; and
    - b. any additional precautions that are taken
      - (i) to address complaints described in condition X.1.1a or to address the results of department inspections that found potential problems; and
      - (ii) to prevent future dust problems.

1.2 The permittee shall report according to condition <insert cross reference to standard permit condition II - air pollution prohibited>.

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**DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**Standard Permit Condition XV – Emission Inventory  
Reporting**

**Permit Condition for Air Quality Permits  
Adopted by Reference in 18 AAC 50.346**

**September 27, 2010**

## Standard Permit Condition XV – Emission Inventory Reporting

**Stationary Source Categories This Condition Applies to:** All stationary sources defined as point sources in 40 CFR 51.20.

### Permit Wording:

1. **Emission Inventory Reporting.** The Permittee shall submit to the Department reports of actual emissions, by emission unit, of CO, NH<sub>3</sub>, NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, VOCs and Lead (Pb) (and lead compounds) using the form in Section *<insert permit section number>* of this permit, as follows:
  - 1.1. Each year by March 31, if the stationary source's potential to emit emissions for the previous calendar year:
    - a. equal or exceed 250 tons per year (TPY) of NH<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> or VOCs; or
    - b. equal or exceed 2500 TPY of CO, NO<sub>x</sub> or SO<sub>2</sub>.
  - 1.2. Every third year by March 31 if the stationary source's potential to emit emissions for the previous calendar year exceed:
    - a. 5 tons per year of lead (Pb), 1000 TPY of CO; or
    - b. 100 TPY of SO<sub>2</sub>, NH<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub> or VOCs.
    - c. The Permittee shall commence reporting in 2012 for the calendar year of 2011, 2015 for calendar year 2014, etc.
  - 1.3. Include in the report required by this condition, the required data elements contained within the form in *<insert section of emission inventory form>* or those contained in Table 2A of Appendix A to Subpart A of 40 CFR 51 (final rule published in 73 FR 76556 (December 17, 2008)) for each stack associated with an emission unit.

[18 AAC 50.346(b)(8) and 18 AAC 50.200]  
[40 CFR 51.15, 51.30(a)(1) & (b)(1) and 40 CFR 51, Appendix A to Subpart A, 73 FR 76556 (12/17/08)]

## STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

The State and Federal regulations for each Condition are cited in Operating Permit No. *<Insert Operating Permit Number>*.

### Condition *<insert condition reference>*, Emission Inventory Reporting

**Legal Basis:** This condition requires the Permittee to submit emissions data to the State to satisfy the federal requirement to submit emission inventory data from point sources as required under 40 CFR 51.321 (6/10/02). It applies to sources defined as point sources in 40 CFR 51.20. The State must report all data elements in Table 2A of Appendix A to Subpart A of 40 CFR 51 to EPA (73 FR 76556).

**Factual Basis:** The emission inventory data is due to EPA 12 months after the end of the reporting year (40 CFR 51.30(a)(1) and (b)(1), 12/17/08). A due date of March 31 corresponds with sources reporting actual emissions for assessable emissions purposes and provides the Department sufficient time to enter the data into EPA's electronic reporting system.

The air emissions reporting requirements under 40 CFR Part 51 Subpart A apply to States; however, States rely on information provided by point sources to meet the reporting requirements of Part 51 Subpart A. In the past, the department has made information requests to point sources, to which the point source is obligated to reply under 18 AAC 50.200. The information requests occur on a routine basis as established by Part 51 Subpart A and consume significant staff resources. To increase governmental efficiency and reduce costs associated with information requests that occur on a routine basis, it has been determined that a standard permit condition best fulfills the need to gather the information needed to satisfy the requirements of Subpart A of 40 CFR 51.

To ensure that the Department's electronic system reports complete information to the National Emissions Inventory, Title V stationary sources classified as Type A in Table 1 of Appendix A to Subpart A of 40 CFR 51 are required to submit with each annual report all the data elements required for the Type B source triennial reports (see also Table 2A of Appendix A to Subpart A of 40 CFR Part 51). All Type A sources are also classified as Type B sources. However the department has streamlined the reporting requirements so Type A sources only need to submit a single type of report every year instead of both an annual report and a separate triennial report every third year.

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**DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**Standard Permit Condition XVI – Emission Inventory  
Reporting Form**

**Permit Condition for Air Quality Permits  
Adopted by Reference in 18 AAC 50.346**

**September 27, 2010**

# ADEC Reporting Form

Emission Inventory Reporting  
State of Alaska Department of Environmental Conservation  
Division of Air Quality

## Emission Inventory Year- [    ]

Mandatory information is highlighted.

**Inventory start  
date:** \_\_\_\_\_

**Inventory end date:** \_\_\_\_\_

**Inventory Type:** \_\_\_\_\_

### Facility Information:

**ADEC Stationary Source ID:** \_\_\_\_\_

**(Stationary Source) Facility  
Name:** \_\_\_\_\_

**AFS ID:** \_\_\_\_\_

**Census Area/ Community:** \_\_\_\_\_

**Line of Business (NAICS):** \_\_\_\_\_

**Contact/Owner Name:** \_\_\_\_\_

**Contact Owner Address:** \_\_\_\_\_

**Contact/Owner Phone  
Number:** \_\_\_\_\_

**Facility Physical Address:** \_\_\_\_\_

Lat: Long: \_\_\_\_\_

**Mailing Address :** \_\_\_\_\_

### Emission Unit:

**ID:** \_\_\_\_\_

**Description:** \_\_\_\_\_

**Manufacturer:** \_\_\_\_\_

**Model Number:** \_\_\_\_\_

**Serial Number:** \_\_\_\_\_

**Year of Manufacture:** \_\_\_\_\_

**Maximum Nameplate  
Capacity:** \_\_\_\_\_

**Design Capacity (BTU/hr):** \_\_\_\_\_

**Control Equipment (List  
All):** \_\_\_\_\_

**Control Equipment Type(Primary or Secondary):** \_\_\_\_\_

**ID:** \_\_\_\_\_

**Type:** \_\_\_\_\_

**Manufacturer:** \_\_\_\_\_

**Model:** \_\_\_\_\_

**Control Efficiency (%):** \_\_\_\_\_

---

**Capture Efficiency (%):**

---

**Total Capture Efficiency (%):**

---

**Pollutants Controlled**

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-

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-

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-

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-

---

**Processes (List All):**

**PROCESS:**

**SCC Code:**

---

**Material Processed:**

---

**Operational Periods:**

---

**FUEL INFORMATION**

**Ash Content (weight %):**

---

**Elem. Sulfur Content (weight %):**

---

**H2S Sulfur Content (ppmv):**

---

**Heat Content (MMBtu/1000 gal or MMBtu/MMscf):**

---

**Heat Input (MMBtu/hr):**

---

**Heat Output (MMBtu/hr):**

---

**THROUGHPUT**

**Total Amount:**

---

**Summer %:**

---

**Fall %:**

---

**Winter %:**

---

**Spring %:**

---

**Days/Week of Operation:**

---

**Weeks/Year of Operation:**

---

**Hours/Day of Operation:**

---

**Hours/Year of Operation:**

---

<b>EMISSIONS</b>					
<b>Pollutant</b>	<b>Emission Factor</b>	<b>Emission Factor Numerator</b>	<b>Emission Factor Denominator</b>	<b>Emission Factor Source</b>	<b>Tons Emitted</b>
CO					
NH3					
NOX					
PM10-PRI					
PM25-PRI					
SO2					
VOC					
Lead and lead compounds					

**Stack Description:**

**Stack Detail:**

**ID:** \_\_\_\_\_

**Type:** \_\_\_\_\_

**Measurement Units:** \_\_\_\_\_

**Base Elevation:** \_\_\_\_\_

**Stack Height:** \_\_\_\_\_

**Stack Diameter:** \_\_\_\_\_

**Exit Gas Temp:** \_\_\_\_\_

**Exit Gas Velocity:** \_\_\_\_\_

**Actual Exit Gas Flow Rate:** \_\_\_\_\_

**Data Source:** \_\_\_\_\_

**Description:** \_\_\_\_\_

**Latitude:** \_\_\_\_\_

**Longitude:** \_\_\_\_\_

**Location Description:** \_\_\_\_\_

**Accuracy (m):** \_\_\_\_\_

**Datum:** \_\_\_\_\_

Certification:

**Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.**

Printed Name: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Signature: \_\_\_\_\_ Phone number \_\_\_\_\_



**NOTE:** *This document must be certified in accordance with 18 AAC 50.345(j)*

**To Submit this report:**

1. Fax this form to: **907-465-5129**

Or

2. E-mail to: **[DEC.AQ.airreports@alaska.gov](mailto:DEC.AQ.airreports@alaska.gov)**

Or

3. Mail to: **ADEC  
Air Permits Program  
410 Willoughby Ave., Suite 303  
PO Box 111800  
Juneau, AK 99801-1800**

Or

4. Submission of information can be made via a full electronic batch submittal (XML files). This will require each data element to be tagged with XML (Extensible Markup Language) code before it can be uploaded to ADEC database.

**<https://myalaska.state.ak.us/dec/air/airtoolsweb/EiXmlValidator.aspx>**

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