


Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520 465.5400 Fax
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil, Department of Environmental Conservation
FROM: Scott Meriwether, Office of the Lieutenant Governor - 465.4081 
DATE: July 21, 2016
RE: Filed Permanent Regulations: Department of Environmental Conservation

Regulation re: air quality, updated items adopted by reference, updated standard permit conditions, and other matters (18 AAC 50.010(4),(7); 18 AAC 50.020(a); 18 AAC 50.035(a)(3),(7); 18 AAC 50.040; 18 AAC 50.055; 18 AAC 50.060; 18 AAC 50.215(a)(3); 18 AAC 50.345(o); 18 AAC 50.346(b); 18 AAC 50.410(c); 18 AAC 50.502; 18 AAC 50.540(c)(2)(A); 18 AAC 50.542(b)(5),(d)(1)(F))

Attorney General File: JU2015200962
Regulation Filed: July 21, 2016
Effective Date: August 20, 2016
Print: 219, October 2016

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached eighteen pages of regulations, dealing with updates to adoptions by reference and repeal of outdated air quality regulations are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation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: May 18, 2016
Anchorage, Alaska

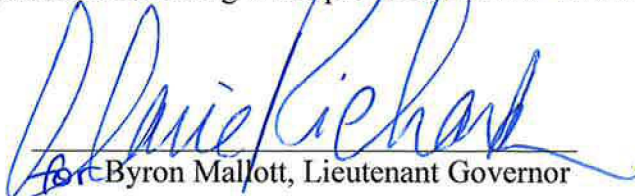


Larry Hartig, Commissioner
Department of Environmental Conservation

✓ Claire Richardson for

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on July 21, 2016, at 12:15 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


for Byron Mallott, Lieutenant Governor

Effective: August 20, 2016
Register: 219, October 2016

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, BYRON MALLOTT, 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:

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7th 2015.



A handwritten signature in dark ink, appearing to read "Byron Mallott", is written over a horizontal dotted line.

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

18 AAC 50.010(4) is amended to read:

(4) for ozone: a daily maximum eight-hour average of .070 [.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 .070 [.075] parts per million;



18 AAC 50.010(7) is repealed:

am 3/2/2016,
Register 217;

(7) repealed 8/20/2016; and

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 4/1/2010, Register 193; am 9/17/2011, Register 199; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am 8/20/2016, Register 219.)

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

AS 46.14.010

18 AAC 50.020(a) ~~Table 2~~ is amended to read:

(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 Areas and Dates**

« move circled text to new line and center; this is how table headings are set out in the printed Alaska Administrative Code »

Baseline Area	Air Pollutant	Minor Source Baseline Date
Cook Inlet Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	October 12, 1979
	PM-10	March 20, 1982
	PM-2.5	September 14, 2012
Northern Alaska Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	June 1, 1979
	PM-10	November 13, 1978
	PM-2.5	November 2, 2012

South Central Alaska Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	October 26, 1979
	PM-10	October 26, 1979
	PM-2.5	<u>October 15, 2015</u> [TO BE ESTABLISHED UNDER 40 C.F.R. 52.21(b)(14)(ii), ADOPTED BY REFERENCE IN 18 AAC 50.040(h)]
Southeast Alaska Intra- state Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	November 10, 1986
	PM-10	To be established under 40 C.F.R. 52.21(b)(14)(ii), adopted by reference in 18 AAC 50.040(h)
	PM-2.5	To be established under 40 C.F.R. 52.21(b)(14)(ii), adopted by reference in 18 AAC 50.040(h)

(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 1/4/2013, Register 205; am 4/17/2015, Register 214; am 8/20/2016, Register 219)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

18 AAC 50.035(a)(3) is amended to read:

(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 **April 2015** [DECEMBER 2007];



18 AAC 50.035(a)(7) is amended to read:

(in italics -- so in existing text) (7) AERSCREEN User's Guide, **EPA-454/B-15-005, dated July 2015** [EPA-454/B-11-011, DATED MARCH 2011] ²

(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; am 9/17/2011, Register 199; am 4/8/2012, Register 202; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am 8/20/2016, Register 219)

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

The introductory language of

18 AAC 50.040(a) is amended to read:

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), revised as of **February 1, 2016** [MARCH 19, 2014], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(a)(2) is amended by adding new ^{sub -} paragraphs to read:

(XX) Subpart TTTT (Standards of Performance for Greenhouse Gas

Emissions for Electric Generating Units);

(YY) Subpart UUUU (Emission Guidelines for Greenhouse Gas

Emissions and Compliance Times for Electric Utility Generating Units);

The introductory 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), revised as of **July 1, 2015** [FEBRUARY 27, 2014], are adopted by reference as they apply to a Title V source:

...

The introductory 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), revised as of **February 1, 2016** [FEBRUARY 27, 2014], are adopted

by reference as they apply to a Title V source:

...

18 AAC 50.040(d) is amended to read:

(d) The provisions of 40 C.F.R. Part 82, revised as of **January 1, 2016** [JULY 22, 2013], 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. 52.98, revised as of **July 1, 2015** [JULY 1, 2014], 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 of **July 1, 2015** [JULY 1, 2013], are adopted by reference.



The introductory 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), revised as of **July 1, 2015** [SEPTEMBER 6, 2013], are adopted by reference as they apply to a Title V source:

...

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

(3) Subpart HHH (Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before **December 1, 2008** [JUNE 20, 1996]);



The introductory 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), revised as of **December 28, 2015** [DECEMBER 9, 2013], are adopted by reference:

...

The introductory 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), revised as of **July 1, 2015** [JULY 1, 2013], text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

...

The introductory language of
18 AAC 50.040(j) is amended to read:

(j) The following provisions of 40 C.F.R. Part 71 (Operating Permits), revised as of **July 1, 2015** [JULY 1, 2013], are adopted by reference as they apply to a Title V source, except as

provided in 18 AAC 50.326:

...

18 AAC 50.040(k) is amended to read:

(k) The provisions of 40 C.F.R. Part 64, revised as of July 1, 2015 [JULY 1, 2013], are adopted by reference to the extent that they apply to a Title V source.

(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; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 4/17/2015, Register 214; am 8/20/2016, Register 219)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

18 AAC 50.055(a)(2) ^{is} and (3) are repealed:

18 AAC 50.055(a)(3) ^{is} repealed 8/20/2016;
(2) repealed 8/20/2016;
(3) repealed 8/20/2016;

18 AAC 50.055(a)(7) ^{is} and (8) are repealed:

(7) repealed 8/20/2016;
18 AAC 50.055(a)(8) is repealed;
(8) repealed 8/20/2016; and

18 AAC 50.055(b)(1) is amended to read:
(1) 0.05 grains, except as provided
in (2) - (5) of this subsection and (d)
and (e) of this section [(2) - (6) OF THIS
SUBSECTION, (d) - (f) OF THIS SECTION,
AND 18 AAC 50.060];

18 AAC 50.055(b)(4) is repealed:

(4) repealed 8/20/2016; ^{or}

“Publisher: Please delete the
“or” connector that follows
18 AAC 50.055(b)(5).”

18 AAC 50.055(b)(6) is repealed:

(6) repealed 8/20/2016.

18 AAC 50.055(c) is amended to read:
(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) and (e) of this section [(d) - (f) OF THIS SECTION AND 18 AAC 50.060].

18 AAC 50.055(f) is repealed:

(f) Repealed 8/20/2016.

(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; am 8/20/2016, Register 219)

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 is repealed:

18 AAC 50.060. Pulp mills. Repealed.

(Eff. 1/18/97, Register 141; repealed 8/20/2016, Register 219)

18 AAC 50.215(a)(3) is amended to read:

(3) EPA's *Meteorological Monitoring Guidance for Regulatory Modeling*

Applications, adopted by reference in 18 AAC 50.035(a), **EPA's Quality Assurance Handbook**



for Air Pollutant Measurement Systems; Volume IV; Meteorological Measurements Version

2.0, adopted by reference in 18 AAC 50.035(a), and the department's *Quality Assurance*

Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program, adopted by

reference in 18 AAC 50.030, for meteorological data; or

(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; am

9/17/2011, Register 199; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 4/17/2015,

Register 214; am 8/20/2016, Register 219)

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 50.345(o) is amended to read:

(o) Within 60 days after completing a source test, the permittee shall submit **one certified copy** [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; am 9/14/2012, Register 203; am 8/20/2016 Register 219)

Authority: AS 46.03.020 AS 46.14.120 AS 46.14.140

AS 46.14.010 AS 46.14.130 AS 46.14.180

AS 46.14.020

18 AAC 50.346(b) is amended to read:

(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 May 4, 2016 [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 May 4, 2016 [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 May 4, 2016 [SEPTEMBER 27, 2010];

← (9) Standard Operating Permit Condition XVI – Emission Inventory

13

Reporting Form, as revised as of May 4, 2016 [SEPTEMBER 27, 2010].

(Eff. 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008, Register 188;
am 12/9/2010, Register 196; am 8/20/2016, Register 219)

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 50.410(a) is amended to read:~~ *((Publisher: Existing 18 AAC 50.410(a) is unchanged-- the text displayed for deletion in this draft was already removed in 2010.))*

~~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)].~~

18 AAC 50.410(c) is amended to read:

(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,

when [IF] demonstrated by credible evidence of actual emissions based upon the most representative information available among *from one or more of the following:*

18 AAC 50.502(c)(3)(A)(i)
is amended to read:
(i) 10 TPY
of [OR] PM-10;

- (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,
including appropriate vendor-provided emissions factors when sufficient
documentation is provided.

(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; add'l am
7/1/2010, Register 194; am 9/26/2015, Register 215; am 8/20/2016, Register 219)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.250

AS 46.03.020

Publisher: To reflect the addition of new 18 AAC 50.502(c)(4), please change the period at the end of 18 AAC 50.502(c)(3)(B)(v) to a semicolon, and move the "or" connector from the end of 18 AAC 50.502(c)(2)(B) to the end of 18 AAC 50(c)(3)(B)(v).)))

18 AAC 50.502(c) is amended by adding a new paragraph to read;

~~(v) 10 TPY of direct PM-2.5 emissions;~~

(4) 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 that is less than or
equal to 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) ^{the} potential to emit that is greater than

(i) 15 TPY of PM-10

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(ii) 40 TPY of sulfur dioxide;

(iii) 40 TPY of nitrogen oxides;

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

within 10 kilometers of a carbon monoxide nonattainment area; or

(v) 10 TPY of direct PM-2.5 emissions; or

(B) actual emissions and a net emissions increase greater than

(i) 15 TPY of PM-10

(ii) 40 TPY of sulfur dioxide;

(iii) 40 TPY of nitrogen oxides;

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

within 10 kilometers of a carbon monoxide nonattainment area; or

(v) 10 TPY of direct PM-2.5 emissions.

The introductory language of

18 AAC 50.502(e) is amended to read:

(e) For the purposes of (c)(3)(B) and (e)(4)(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

...

introductory

The ~~lead in~~ language of 18 AAC 50.502(f) is amended to read:

(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) or ~~(c)(4)~~, as applicable of this section, the owner or operator shall comply with the following:

...

18 AAC 50.502(f)(1)(C) is amended to read:

(C) a description of the applicability test used to determine that the project is not a modification subject to (c)(3) or ~~(c)(4)~~, as applicable of this section for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under (c)(3) of this section, an explanation for why that amount was excluded, and any netting calculations, if applicable;



The introductory language of

18 AAC 50.502(f)(5) is amended to read:

(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) or ~~(c)(4)~~, as applicable 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:

...

18 AAC 50.502(g) is amended to read:

(g) An increase in emissions under (c)(3) or (e)(4) 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.



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

(A) any increase in emissions of an air pollutant at a stationary source ²
[WITH EXISTING EMISSIONS OF THAT AIR POLLUTANT GREATER THAN THE
AMOUNTS LISTED IN (C)(1) OF THIS SECTION] ^{lowercase} notwithstanding 40 C.F.R.
52.21(a)(2)(iv), as reference ^{cd} 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



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

(B) the calculation of whether a modification requires a minor permit
under (c)(3) or (e)(4) of this section, rather than whether the modification is a major
modification;

(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 1/4/2013, Register 205; am 11/9/2014, Register 212; am 8/20/2016, Register 219)

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(c)(2)(A) is amended to read:

(A) each air pollutant for which a permit is required under

18 AAC 50.502(c)(1), [or] (3), or (4);

(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~~; am

9/14/2012, Register 203; am 1/4/2013, Register 205; am 8/20/2016, Register 219)

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(b)(5) is amended to read:

all lowercase

(5) [IF THE APPROVAL CRITERIA OF (F) OF THIS SECTION ARE MET,]

the department will issue its [THE] permit determination in accordance with the approval criteria of (f) of this section within 30 days after receiving a complete [THE] application.



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

21 Publisher: 2 ~~(E) the department will make a preliminary decision to approve the~~
Existing
 18 AAC 50.542(d)(1)(E)
is unchanged;
to reflect the
addition of
 18 AAC 50.542(d)(1)(F),
relocate the
"and" connector
from the end of 18 AAC 50.542(d)(1)(D) to the end of 18 AAC 50.542(d)(1)(E).)) 9
~~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; and
(F) the department will request public comment on any alternative
modeling approvals issued under 18 AAC 50.215(c)(2); this public comment period
will coincide with the public comment period for the draft permit, to the extent
practicable;

11 Boldface
and
underlining
not
necessary ✓

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 1/4/2013, Register 205; am 8/20/2016, Register 219)

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

MEMORANDUM

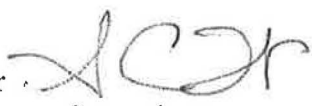
State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: July 20, 2016

File No.: JU2015200962

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Regulations re: air quality, updated items adopted by reference, updated standard permit conditions, and other matters (18 AAC 50.010(4), (7); 18 AAC 50.020(a); 18 AAC 50.035(a)(3), (7); 18 AAC 50.040; 18 AAC 50.055; 18 AAC 50.060; 18 AAC 50.215(a)(3); 18 AAC 50.345(o); 18 AAC 50.346(b); 18 AAC 50.410(c); 18 AAC 50.502; 18 AAC 50.540(c)(2)(A); 18 AAC 50.542(b)(5), (d)(1)(F))

We have reviewed the attached regulations from the Department of Environmental Conservation against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated July 20, 2016 from the Regulations Attorney. Reflecting in part recent changes to federal requirements, the regulations update air quality requirements and procedures, items adopted by reference, and standard permit conditions.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The February 18, 2016 public notice and the May 18, 2016 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Hon. Larry Hartig, Commissioner
Department of Environmental Conservation

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Larry Hartig, Commissioner
Department of Environmental
Conservation

Date: July 20, 2016

File No.: JU2015200962

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Regulations re: air quality, updated
items adopted by reference, updated
standard permit conditions, and other
matters (18 AAC 50.010(4), (7);
18 AAC 50.020(a); 18 AAC
50.035(a)(3), (7); 18 AAC 50.040;
18 AAC 50.055; 18 AAC 50.060;
18 AAC 50.215(a)(3); 18 AAC
50.345(o); 18 AAC 50.346(b);
18 AAC 50.410(c); 18 AAC 50.502;
18 AAC 50.540(c)(2)(A); 18 AAC
50.542(b)(5), (d)(1)(F))

Under AS 44.62.060, we have reviewed the attached changes by the Department of Environmental Conservation and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated July 20, 2016 from the Regulations Attorney.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

The February 18, 2016 public notice and the May 18, 2016 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Larry Hartig, Commissioner
Department of Environmental Conservation
Our file: JU2015200962

July 20, 2016
Page 2

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Denise Koch, Director
Division of Air Quality
Department of Environmental Conservation

Thomas E. Turner
Division of Air Quality
Department of Environmental Conservation

Rebecca Tyson Smith
Division of Air Quality
Department of Environmental Conservation

Chris Peloso, Assistant Attorney General
Environmental Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: July 20, 2016

FILE NO.: JU2015200962

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority regarding regulations review on Department of Environmental Conservation regulations re: air quality, updated items adopted by reference, updated standard permit conditions, and other matters (18 AAC 50.010(4), (7); 18 AAC 50.020(a); 18 AAC 50.035(a)(3), (7); 18 AAC 50.040; 18 AAC 50.055; 18 AAC 50.060; 18 AAC 50.215(a)(3); 18 AAC 50.345(o); 18 AAC 50.346(b); 18 AAC 50.410(c); 18 AAC 50.502; 18 AAC 50.540(c)(2)(A); 18 AAC 50.542(b)(5), (d)(1)(F))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SRP:SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General &
Assistant Regulations Attorney
Legislation/Regulations Section—Juneau

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
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, Air Quality Control, revising language to update adoption by reference dates of federal air quality regulations used in air quality control permits, clarify additional regulatory language, and repeal regulations no longer needed has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of 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 regulation, 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, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 25 March '16

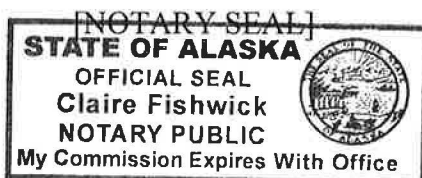

Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at Juneau on

3/25/16.

Date


Notary Public in and for the State of Alaska



Title/Subject 2016 Updates to 18 AAC 50

Type Public Notices/Proposed Actions, Regulations

Status: Finalized

[Revert to Draft](#)

Email (79)

Web (*)

Attachments (8)

Notes

Package

Questions

Message

Recipients (79)

Name	Email	Status	Status Date
Schuler, Alan	alan.schuler@alaska.gov	OK	2/18/2016 2:21:21 PM
Ryan, Sally	sally.ryan@cardno.com	OK	2/18/2016 2:21:21 PM
Heil, Cindy	cindy.heil@alaska.gov	OK	2/18/2016 2:21:21 PM
Cooke, Alison	Alison.Cooke@bp.com	OK	2/18/2016 2:21:21 PM
Blackmore, Michelle	michelle.blackmore@alaska.gov	OK	2/18/2016 2:21:21 PM
SMITH, REBECCA	rebecca.smith@alaska.gov	OK	2/18/2016 2:21:21 PM
EDWARDS, ALICE	alice.edwards@alaska.gov	OK	2/18/2016 2:21:21 PM
Buckbee, Rachel	rachel.buckbee@bp.com	OK	2/18/2016 2:21:21 PM
Fowler, Paula	paula.fowler@elmendorf.af.mil	OK	2/18/2016 2:21:21 PM
Roberts, Robert	Robert.Roberts.ctr@mda.mil	OK	2/18/2016 2:21:21 PM
Million, Travis	million@cvea.org	OK	2/18/2016 2:21:21 PM
Osler, Shawn	sosler@carlsleccm.com	OK	2/18/2016 2:21:21 PM
Menefee, Chris	charles.menefee@teck.com	OK	2/18/2016 2:21:21 PM

Public Recipients (79)

DEC Workgroup Recipients (0)

View Audit Trail Save (Disabled while Status is Finalized) Cancel

Menefee, Chris	charles.menefee@teck.com	OK	2/18/2016 2:21:21 PM
Richcreek, Jennifer	jrichcreek@kodiak.coop	OK	2/18/2016 2:21:21 PM
Stringham, Katherine	katherine.stringham@us.af.mil	OK	2/18/2016 2:21:21 PM
Saran, Jennifer	jsaran@hecla-mining.com	OK	2/18/2016 2:21:21 PM
SPANO, MARK	mark.spano@awwu.biz	OK	2/18/2016 2:21:21 PM
Strang, Erin	erin.strang@kinross.com	OK	2/18/2016 2:21:21 PM
Austin, Philip	phil@hnhconsulting.org	OK	2/18/2016 2:21:21 PM
deGravelle, Margaret	margaretd@icicleseafoods.com	OK	2/18/2016 2:21:21 PM
Walker, Martin	whitt.walker@mda.mil	OK	2/18/2016 2:21:21 PM
BRENA, JEANETTE	jeanette.brena@cardno.com	OK	2/18/2016 2:21:21 PM
Newbould, Denise	denise.newbould@erm.com	OK	2/18/2016 2:21:21 PM
Trbovich, Alan	atrbovich@slrconsulting.com	OK	2/18/2016 2:21:21 PM
Blakesley, Andrea	andrea_blakesley@nps.gov	OK	2/18/2016 2:21:21 PM
Bausman, Nyree	nbausman@slrconsulting.com	OK	2/18/2016 2:21:21 PM
Lekanof, Jolene	jlekanof@tdxpower.com	OK	2/18/2016 2:21:21 PM
BURKE, TIMOTHY	timothy.burke@asrcenergy.com	OK	2/18/2016 2:21:21 PM

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BURKE, TIMOTHY	timothy.burke@asrcenergy.com	OK	2/18/2016 2:21:21 PM
Riste, Alana	ariste@slrconsulting.com	OK	2/18/2016 2:21:21 PM
McCausland, Heather	heather.mccausland@yahoo.com	OK	2/18/2016 2:21:21 PM
Graham, Daniel	dan@pacrimcoal.com	OK	2/18/2016 2:21:22 PM
Bloecher, Patrick	pabloecher@anthc.org	OK	2/18/2016 2:21:22 PM
Duggins, Sims	seduggins@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Andrews, Kay	cityalek@gmail.com	OK	2/18/2016 2:21:22 PM
Kimball, Courtney	ckimball@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Lowther, Sean	slowther@hilcorp.com	OK	2/18/2016 2:21:22 PM
Mason, Ann	amason@slrconsulting.com	OK	2/18/2016 2:21:22 PM
HOCHSTATTER, JENNIFER	jhochstatter@slrconsulting.com	OK	2/18/2016 2:21:22 PM
MASSEY, ROBIN	rglover@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Fairbanks North Star Borough, Air Quality Division	airquality@fnsb.us	OK	2/18/2016 2:21:22 PM
Normand, Chelsea	cnormand@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Cohen, Matthew	mcohen@stoel.com	OK	2/18/2016 2:21:22 PM
Dick, Eric	rcjetak@gmail.com	OK	2/18/2016 2:21:22 PM

View Audit Trail Save (Disabled while Status is Finalized) Cancel

Dick, Eric	rcjetak@gmail.com	OK	PM 2/18/2016 2:21:22 PM
Lanning, David	lanningak@acsalaska.net	OK	2/18/2016 2:21:22 PM
ZIMMER, HEIDI	heidi@akaction.org	OK	2/18/2016 2:21:22 PM
Damiana, Thomas	thomas.damiana@aecom.com	OK	2/18/2016 2:21:22 PM
Heck, Linda	mslindaheck@yahoo.com	OK	2/18/2016 2:21:22 PM
Fish, David	dfish@usibelli.com	OK	2/18/2016 2:21:22 PM
Landsberg, Karin	karin.landsberg@alaska.gov	OK	2/18/2016 2:21:22 PM
Castano, Alejandra	alejandra.castano@bp.com	OK	2/18/2016 2:21:22 PM
Porreca, Samantha	sporreca@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Hibbard, Cristal	chibbard@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Germain, Grace	grace.germain@cardno.com	OK	2/18/2016 2:21:22 PM
hamade, ali	ali.hamade@alaska.gov	OK	2/18/2016 2:21:22 PM
Cooper, Stacey	stacey.cooper@alaska.gov	OK	2/18/2016 2:21:22 PM
Dankmeyer, Christopher	cddankmeyer@anmc.org	OK	2/18/2016 2:21:22 PM
Heymsfield, Jill	Heymsfield-jill@aramark.com	OK	2/18/2016 2:21:22 PM
Bruck, Emily	emily.bruck@unisea.com	OK	2/18/2016 2:21:22

Trail Save (Disabled while Status is Finalized) Cancel

Bruck, Emily	emily.bruck@unisea.com	OK	2/18/2016 2:21:22 PM
Webb, Scott	scott.webb.5@us.af.mil	OK	2/18/2016 2:21:22 PM
COURSEN, CATHERINE	akpoultrylover@hotmail.com	OK	2/18/2016 2:21:22 PM
Van Wyck, Rebecca	rvanwyck@slrconsulting.com	OK	2/18/2016 2:21:22 PM
EDWARDS, ALEXANDER	alex.edwards@alaska.gov	OK	2/18/2016 2:21:22 PM
Kaiser, Katharine	kkaiser@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Jacobsen, MISTY	mjacobsen@slrconsulting.com	OK	2/18/2016 2:21:22 PM
McChesney, Rashah	rashah.mcchesney@peninsulaclarion.com	OK	2/18/2016 2:21:22 PM
Kroon, Hannah	hannah.kroon@aecom.com	OK	2/18/2016 2:21:22 PM
Thomas, Bradley	bradlct@conocophillips.com	OK	2/18/2016 2:21:22 PM
Huss, Darlene	darlenehuss@yahoo.com	OK	2/18/2016 2:21:22 PM
PFEIFFER, JAMES	james.pfeiffer@exxonmobil.com	OK	2/18/2016 2:21:22 PM
Peccia, Amy	apecchia@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Fritz, Nicole	nfritz@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Fox, Debbie	dfox@mcilvainecompany.com	OK	2/18/2016 2:21:22 PM
Perry, LAURA	laura.perry@cop.com	OK	2/18/2016 2:21:22 PM

Fox, Debbie	dfox@mcilvainecompany.com	OK	2/18/2016 2:21:22 PM
Perry, LAURA	laura.perry@cop.com	OK	2/18/2016 2:21:22 PM
Koch, Denise	denise.koch@alaska.gov	OK	2/18/2016 2:21:22 PM
QUINLAN, STACI	slquinlan@alaska.edu	OK	2/18/2016 2:21:22 PM
Bollinger, Catherine	cbollinger@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Brewer, Jamie	jbrewer@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Javor, Pallavi	pjavor@slrconsulting.com	OK	2/18/2016 2:21:22 PM
Orczewska, Julieanna	jorczewska@hilcorp.com	OK	2/18/2016 2:21:23 PM

Reload Recipients

Send (Disabled until Fir

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's regulation on 18 AAC 50, Air Quality Control, revising language to update adoption by reference dates of federal air quality regulations used in air quality control permits, clarify additional regulatory language, and repeal regulations no longer needed.

Date:

19 May '16



Rebecca Tyson Smith, Environmental Program Specialist


Subscribed and sworn to before me at

Juneau Alaska

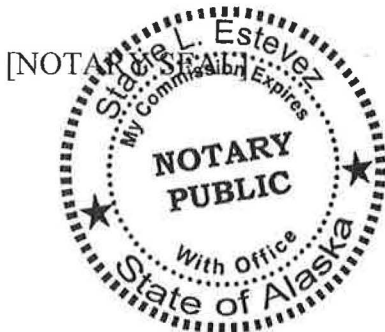
on

May 19, 2016

Date



Notary Public in and for the State of Alaska




AFFIDAVIT OF CANCELLATION OF ORAL HEARING

I, Rebecca Tyson Smith, Environmental Program Specialist, of the Department of Environmental Conservation, being sworn, state the following:

The Department of Environmental Conservation tentatively scheduled an oral hearing, available upon request as stated in the notice of proposed regulations, for March 22, at 1200 - 1330, in Conference Room A, Department of Environmental Conservation Building, 619 E. Ship Creek, Ste. 249, Anchorage, AK 99501. No member of the public requested an oral hearing, and the public hearing was cancelled and noticed as stated in the notice of proposed regulations.

Date: 25 March '16



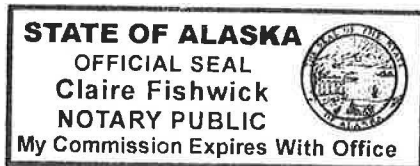
Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at Juneau on
3/25/16
(date)



Notary Public in and for the State of Alaska

[NOTARY SEAL]



AIR QUALITY CONTROL: NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF THE
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) proposes to change its air quality regulations to update adoption by reference dates of federal air quality regulations used in air quality control permits, clarify additional regulatory language, and repeal regulations no longer needed.

ADEC proposed to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, and regulation repeals, including the following:

- (1) amend 18 AAC 50.010(4) to adopt the current daily maximum eight-hour standard for ozone.
- (2) repeal 18 AAC 50.010(7) because there are no longer any regulated sources in Alaska.
- (3) amend 18 AAC 50.020 to establish a minor source baseline date for the South Central Alaska Intrastate Air Quality Control region for fine particulate matter (PM-2.5).
- (4) amend 18 AAC 50.035(a)(3) to update the adoption by reference date of the Air Pollutant Emission Factors and provide a link to an Internet site where they can be found.
- (5) amend 18 AAC 50.035(a)(7) to update the adoption by reference of the modeling program user's guide.
- (6) amend 18 AAC 50.040(a) – (k) to update the adoption dates of federal regulations adopted by reference to maintain current, consistent permitting requirements.
- (7) amend 18 AAC 50.040(a) to add new paragraphs to adopt new federal rules by reference to maintain current, consistent permitting requirements.
- (8) repeal 18 AAC 50.055(a)(2) – (3) and (7) – (8); (b)(4) and (6); and (f) because there are no longer any regulated sources in Alaska.
- (9) repeal 18 AAC 50.060 because there are no longer any regulated sources in Alaska.
- (10) amend 18 AAC 50.215(a)(3) to adopt a cross-reference in the monitoring requirements to a previously adopted meteorological monitoring document.
- (11) amend 18 AAC 50.345(o) to change the number of copies of reports required.
- (12) amend 18 AAC 50.346(b) to update the adoption by reference date of revised standard conditions.
- (13) amend 18 AAC 50.410(a) to remove a reference to a repealed statute.
- (14) amend 18 AAC 50.410(c) to ensure emissions are properly calculated.
- (15) amend 18 AAC 50.502(c) to close a permitting loop-hole that allowed emissions increases below prevention of significant deterioration (PSD) level to occur without triggering minor permitting requirements.
- (16) amend 18 AAC 50.542(b)(5) to clarify the timing of fast track permit actions.

AK 99811-1800. The questions must be received at least 10 days before the end of the public comment period; the question deadline is March 15, 2016. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/air/ap/2016UpdatesQuestionsAndAnswers.htm>.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven days prior to any open house or a public hearing to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Rebecca Smith at rebecca.smith@alaska.gov or (907) 465-5121.

A copy of material proposed for adoption by reference may be viewed at the agency's office at ADEC Division of Air Quality, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800 and by contacting Rebecca Smith at rebecca.smith@alaska.gov.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **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 37.10.050, AS 37.10.052, AS 37.10.058, AS 44.46.025, AS 46.03.020, AS 46.14.140, AS 46.14.240, AS 46.14.250, AS 46.14.255

Statutes being implemented, interpreted, or made specific: AS 44.46.025; AS 46.03.020; AS 46.03.030; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.120; AS 46.14.130; AS 46.14.140; AS 46.14.150; AS 46.14.170; AS 46.14.180; AS 46.14.190; AS 46.14.200; AS 46.14.220; AS 46.14.230; AS 46.14.250; AS 46.14.515; Sec 30, ch 74, SLA 1993

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: February 17, 2016


Larry Hartig, ADEC Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: 18 AAC 50 is being amended to: 1) update adoption by reference dates; 2) clarify regulations; 3) repeal regulations no longer required
3. Citation of regulation (may be grouped): 18 AAC 50.010, 18 AAC 50.020, 18 AAC 50.035, 18 AAC 50.040, 18 AAC 50.055, 18 AAC 50.060, 18 AAC 50.080, 18 AAC 50.215, 18 AAC 50.225, 18 AAC 50.306, 18 AAC 50.326, 18 AAC 50.345, 18 AAC 50.346, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.542
4. Department of Law file number, if any: JU2015200962

5. Reason for the proposed action:

☒ (X) Compliance with federal law or action (identify): Clean Air Act

☐ () Compliance with new or changed state statute

☐ () Compliance with federal or state court decision (identify): _____

☒ (X) Development of program standards

☐ () Other (identify): _____

6. Appropriation/Allocation: \$0

7. Estimated annual cost to comply with the proposed action to:

A private person: None. There are no direct costs to the public. The majority of these proposed revisions update the regulations making them current and easier for the public to navigate.

Another state agency: None.

A municipality: None. There could be the potential for a small direct cost savings in reporting requirement costs, as the proposed revision to 18 AAC50.345(o), would allow for a reduction in printing and distribution costs since only ONE copy would need to be submitted by permittees.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2016 __	Subsequent Years
Operating Cost	\$ 0 _____	\$ 0 _____
Capital Cost	\$ 0 _____	\$ 0 _____

1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
Other (identify)	\$ 0	\$ 0


9. The name of the contact person for the regulation:

Name: Thomas Turner
 Title: Section Manager
 Address: 619 Ship Creek Ave, STE 249
 Anchorage, AK 99501
 Telephone: 907-269-8123
 E-mail address: thomas.turner@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: February 17, 2016

Prepared by: 
 Name: Rebecca Tyson Smith
 Title: Environmental Program Specialist
 Telephone: 907-465-5121

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\$1,678.28

RECEIVED

FEB 24 2016

ADEC AQ

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch 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

February 18, 2016, February 19, 2016

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

Emma Dunlap

Subscribed and sworn to before me
this 19th day of February, 2016

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska

My Commission Expires Feb 23, 2019

AIR QUALITY CONTROL: NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) proposes to change its air quality regulations to update adoption by reference dates of federal air quality regulations used in air quality control permits, clarify additional regulatory language, and repeal regulations no longer needed.

ADEC proposed to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, and regulation repeals, including the following:

- (1) amend 18 AAC 50.010(4) to adopt the current daily maximum eight-hour standard for ozone.
- (2) repeal 18 AAC 50.010(7) because there are no longer any regulated sources in Alaska.
- (3) amend 18 AAC 50.020 to establish a minor source baseline date for the South Central Alaska Intrastate Air Quality Control region for fine particulate matter (PM-2.5).
- (4) amend 18 AAC 50.035(a)(3) to update the adoption by reference date of the Air Pollutant Emission Factors and provide a link to an Internet site where they can be found.
- (5) amend 18 AAC 50.035(a)(7) to update the adoption by reference of the modeling program user's guide.
- (6) amend 18 AAC 50.040(a) - (k) to update the adoption dates of federal regulations adopted by reference to maintain current, consistent permitting requirements.
- (7) amend 18 AAC 50.040(a) to add new paragraphs to adopt new federal rules by reference to maintain current, consistent permitting requirements.
- (8) repeal 18 AAC 50.055(a)(2) - (3) and (7) - (8); (b)(4) and (6); and (f) because there are no longer any regulated sources in Alaska.
- (9) repeal 18 AAC 50.060 because there are no longer any regulated sources in Alaska.
- (10) amend 18 AAC 50.215(a)(3) to adopt a cross-reference in the monitoring requirements to a previously adopted meteorological monitoring document.
- (11) amend 18 AAC 50.345(o) to change the number of copies of reports required.
- (12) amend 18 AAC 50.346(b) to update the adoption by reference date of revised standard conditions.
- (13) amend 18 AAC 50.410(a) to remove a reference to a repealed statute.
- (14) amend 18 AAC 50.410(c) to ensure emissions are properly calculated.
- (15) amend 18 AAC 50.502(c) to close a permitting loop-hole that allowed emissions increases below prevention of significant deterioration (PSD) level to occur without triggering minor permitting requirements.
- (16) amend 18 AAC 50.542(b)(5) to clarify the timing of fast track permit actions.
- (17) amend 18 AAC 50.542(d)(1) to clarify public notice requirements for alternative modeling approvals.
- (18) amend Standard Condition I to align language to match regulatory language and add language to ensure emissions are properly calculated.
- (19) amend Standard Condition VII to change the number of copies of reports required.
- (20) amend Standard Condition XV to comply with changes made in reporting requirements and for language consistency.
- (21) amend Standard Condition XVI to comply with changes made in reporting requirements.

If adopted, these regulation revisions will be submitted to the U.S. Environmental Protection Agency (EPA) for inclusion in the approved State Implementation Plan (SIP).

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, ADEC Division of Air Quality, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800; or by e-mail to rebecca.smith@alaska.gov. Additionally, ADEC will accept comments by facsimile at (907) 465-5129; through the Air Quality Division's electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>; and by electronic mail to the Air Quality Comments Docket at dec.aq.airdocket@alaska.gov. The comment deadline is 5:00 p.m. on February 23, 2016.