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**OFFICE OF THE LIEUTENANT GOVERNOR
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M E M O R A N D U M

TO: Gary Mendivil
Department of Environmental Conservation

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: August 17, 2018

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation air quality regulations re: updates to adopted-by-reference materials and other matters (18 AAC 50)

Attorney General File:	JU2017200425
Regulation Filed:	8/16/2018
Effective Date:	9/15/2018
Print:	227, October 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 30 pages of regulations, dealing with 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 Procedures 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 consideration 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.

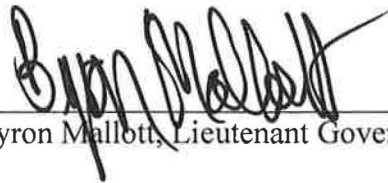
DATE: August 10, 2018
Anchorage, Alaska



Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on August 16, 2018, at 1046a m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: September 15, 2018

Register: 227, October 2018

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18 AAC 50.025(a)(2) is amended to read:

(2) **Denali** [MT. MCKINLEY], Alaska Range, and the Interior Lowlands, as viewed from the vicinity of Wonder Lake; and

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/26/2016, Register 220; am

9/15/2018, Register 227)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

The introductory language of 18 AAC 50.030(a) is amended to read:

18 AAC 50.030. State air quality control plan. (a) 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 10, 2018 ~~{adoption date of the regulations}~~ [DECEMBER 8, 2017], are adopted by reference. The plan includes the following documents that are also adopted by reference:

...

(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; am 4/13/2011, Register 198; am 9/17/2011, Register 199; am 8/1/2012, Register 203; am 5/8/2013, Register 206; am 2/5/2015, Register 213; am

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4/17/2015, Register 214; am 3/2/2016, Register 217; am 11/26/2016, Register 220; am 12/29/2016, Register 220; am 1/12/2018, Register 225; am 9/15/2018, Register 227)

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

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 **February 2018** [APRIL 2015];

18 AAC 50.035(a)(7) is repealed:

(7) repealed 9/15/2018;

18 AAC 50.035(a) is amended by adding a new paragraph to read:

(9) the department's letter, *Inclusion of Emissions from Worker Housing Units in Air Quality Permits*, dated January 30, 2017.

(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; am 9/15/2018,

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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 **July 1, 2017** [FEBRUARY 1, 2016], are adopted by reference as they apply to a Title V source:

• • •

18 AAC 50.040(a)(2)(G) is amended to read:

(G) Subpart Ec (Standards of Performance for **New Stationary Sources:** Hospital/Medical/Infectious Waste Incinerators [FOR WHICH CONSTRUCTION IS COMMENCED AFTER JUNE 20, 1996]);

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

(ZZ) Subpart OOOOa (Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015);

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, 2017** [JULY 1, 2015], 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 **July 1, 2017** [FEBRUARY 1, 2016], 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 **July 1, 2017** [JANUARY 1, 2016], 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, 2017** [JULY 1, 2015], 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, 2017** [JULY 1, 2015], 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, 2017** [JULY 1, 2015], are adopted by reference as they apply to a Title V source:

• • •

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 **July 1, 2017** [DECEMBER 28, 2015], 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, 2017** [JULY 1, 2015], 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, 2017** [JULY 1, 2015], 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, 2017** [JULY 1, 2015], 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; am 9 / 15 / 2018, Register 227)

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.

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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.

As of Register 199 (October 2011), the regulations attorney made a technical revision under AS 44.62.125(b)(6), to 18 AAC 50.040(a).

[THE JULY 1, 2011 PUBLICATION OF 40 C.F.R. PART 60, SUBPARTS LLLL AND MMMM CONTAINS PRINTING ERRORS: ANNOTATIONS THAT FOLLOW THOSE PROVISIONS INCORRECTLY DESCRIBE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS HAVING INDEFINITELY DELAYED THEIR EFFECTIVE DATES.]

The introductory language of 18 AAC 50.055(a)(9) is amended to read:

(9) more than 20 percent for more than three minutes in any one hour for a coal-fired [COAL BURNING] boiler that began operation before August 17, 1971, except for an additional three minutes in any one hour if

...

18 AAC 50.055(b)(3) is amended to read:

(3) 0.1 grains for an industrial process in operation before July 1, 1972 [, EXCEPT AS PROVIDED IN (6) OF THIS SUBSECTION];

(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

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196; am 8/20/2016, Register 219; am 9 / 15 / 2018, Register 227)

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 50.079(b) is amended to read:

(b) A person may not [OPERATE,] install [,] or reinstall a coal-fired heating device and may not supply, sell, lease, distribute, or convey a coal-fired heating device for operation or installation unless it is a listed device with the local government's air quality program or certified by EPA.

(Eff. 1/12/2018, Register 225; am 9 / 15 / 2018, Register 227)

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(c) is amended to read:

(c) A person may substitute or modify a refined 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 (Alternative 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's**

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designee [COMMISSIONER].

18 AAC 50.215(e) is repealed:

(e) Repealed 9/15/2018. (Eff. 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; am 9/15/2018, Register 227)

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(b)(2) is amended to read:

(2) at the maximum rated burning or operating capacity of the **emissions** [EMISSION] unit or another rate determined by the department to characterize the actual discharge into the ambient air.

18 AAC 50.220(c)(3) is amended to read:

(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 **emissions** [EMISSION] unit type, corrected to standard conditions.

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18 AAC 50.220(d)(1) is amended to read:

(1) the compliance status of the **emissions** [EMISSION] unit and the margin of compliance with each applicable requirement as demonstrated by prior compliance tests or other reasonably accurate data or calculations;

(Eff. 1/18/97, Register 141; am 10/1/2004, Register 171; am 9/17/2011, Register 199; am 9/14/2012, Register 203; am 4/17/2015, Register 214; am 9 / 15 / 2018, Register 227)

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(b)(2) is amended to read:

(2) a list of all **emissions** [EMISSION] units at the stationary source;

18 AAC 50.225(i) is amended to read:

(i) If an owner or operator requests a limit under this section for a stationary source that already has one or more limits approved under this section, the owner or operator shall provide a copy of all existing limits with the information provided under (b) of this section. This copy is required regardless of whether the new limit will apply to **emissions** [EMISSION] units regulated under any existing limits. If the department make a preliminary decision to approve the new limit, the department will combine the new limit and all existing limits into a single decisional document and process it in accordance with (d) – (g) of this section. All existing limits remain in effect until the effective date of the new decision, unless revoked earlier in accordance with (h) of this section. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004,

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Register 171; am 1/29/2005, Register 173; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 9/14/2012, Register 203; am 10/6/2013, Register 208; am 9/15/2018, Register 227)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.140

AS 46.03.030 AS 46.14.120

18 AAC 50.230(b) is amended to read:

(b) The owner or operator of a stationary source containing one or more **emissions** [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.

18 AAC 50.230(c)(1)(E) is amended to read:

(E) an estimate of the potential to emit nitrogen oxides, in tons per year, from all **emissions** [EMISSION] units at the stationary source that are not listed under (B) of this paragraph;

The introductory language of 18 AAC 50.230(d)(1) is amended to read:

(1) submit to the department a [LETTER OR] form containing

...

18 AAC 50.230(d)(2)(D) is amended to read:

(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 **as follows:**

(i) by letter, by form, or by electronic submission through the department's website, for records submitted on or before January 31, 2019;

(ii) by electronic submission through the department's website, for records submitted on or after February 1, 2019; or

(iii) upon approval by the department, by alternative methods, including by letter, by form, or by electronic mail, for records submitted on or after February 1, 2019, if the permittee does not have the technical ability to submit the records using the department's website.

18 AAC 50.230(e)(1)(A) is amended to read:

(A) a new **minor permit or** construction permit under this chapter as if the limit had never existed; or

(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; am 9/26/2015, Register 215; am

9/15/2018)

Authority:	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		

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18 AAC 50.235(b)(1) is amended to read:

(1) an unavoidable emergency, malfunction, or nonroutine repair of an emissions [EMISSION] unit occurred, and the person can identify the cause;

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; 10/1/2004, Register 171; am 9/15/2018, Register 227)

Authority: AS 46.03.020 AS 46.14.140 AS 46.14.560

18 AAC 50.260(g) is amended to read:

(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 emissions [EMISSION] units and pollutants to which the controls are to be or have been applied.

18 AAC 50.260(j) is amended to read:

(j) The department will review each analysis of control options and issue a preliminary BART determination for each emissions [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 emissions [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).

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18 AAC 50.260(l)(1) is amended to read:

(1) the pollutant-specific emission limits for each **emissions** [EMISSION] unit at each source subject to BART; and

(Eff. 12/30/2007, Register 184; am 7/1/2010, Register 194; am 10/6/2013, Register 208; am 9/26/2015, Register 215; am 9 / 15 / 2018, Register 227)

Authority: AS 46.03.710 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

18 AAC 50.311 is amended by adding a new subsection to read:

(e) For purposes of nonattainment area major stationary source permits under this section, the term "significant" as defined under 40 C.F.R. 51.165(a)(1), adopted by reference in 18 AAC 50.040, includes 40 TPY of ammonia emissions as a precursor for PM-2.5. (Eff. 10/1/2004, Register 171; am 9 / 15 / 2018, Register 227)

Authority: 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

The introductory language of 18 AAC 50.326(d) is amended to read:

(d) **Applications - insignificant emissions [EMISSION] units.** The provisions in 40 C.F.R. 71.5(c)(11) for insignificant **emissions** [EMISSION] units and activities do not apply and are replaced by (d) - (i) of this section. **Emissions** [EMISSION] units and activities described in (e) - (i) of this section are insignificant and need not be included in an operating

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permit application except as follows:

• • •

18 AAC 50.326(d)(1) is amended to read:

(1) an **emissions** [EMISSION] unit is not insignificant and must be included in an operating permit application if the **emissions** [EMISSION] unit is subject to

(A) a federal requirement adopted by reference in 18 AAC 50.040(a) -

(d);

(B) an **emissions** [EMISSION] unit-specific requirement established

under

(i) 18 AAC 50.201;

(ii) a construction permit issued under this chapter; or

(iii) [(ii)] a permit issued before January 18, 1997; or

(C) a stationary source-specific or **emissions** [EMISSION] unit-specific emission limitation;

18 AAC 50.326(d)(2) is amended to read:

(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 **emissions** [EMISSION] units at the stationary source;

18 AAC 50.326(d)(3) is amended to read:

(3) the application must list each **emissions** [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;

18 AAC 50.326(d)(5) is amended to read:

(5) the application must include compliance certification based on reasonable inquiry for insignificant **emissions** [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 **emissions** [EMISSION] units;

The introductory language of 18 AAC 50.326(e) is amended to read:

(e) Applications - insignificant **emissions [EMISSION] units: emission rate basis.**

Except as provided in (d) of this section, an **emissions** [EMISSION] unit is insignificant based on emission rate if its actual emissions of each air pollutant are less than the rates listed in this subsection. If requested by the department, an applicant or permittee shall demonstrate that an **emissions** [EMISSION] unit listed as insignificant under this subsection has actual emissions less than the following rates:

• • •

The introductory language of 18 AAC 50.326(f) is amended to read:

(f) **Applications - insignificant emissions [EMISSION] units: category basis.** Except as provided in (d) of this section, the following categories of emissions [EMISSION] units are insignificant:

• • •

The introductory language of 18 AAC 50.326(g) is amended to read:

(g) **Applications - insignificant emissions [EMISSION] units: size or production rate basis.** Except as provided in (d) of this section, the following emissions [EMISSION] units are insignificant on the basis of size or production rate:

• • •

18 AAC 50.326(g)(5) is amended to read:

(5) a combustion emissions [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); emissions [EMISSION] units under this paragraph do not include internal combustion engines;

18 AAC 50.326(g)(6) is amended to read:

(6) a combustion emissions [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

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for coal or less than 500,000 Btu per hour at one percent sulfur by weight for other fuels;

emissions [EMISSION] units under this paragraph do not include internal combustion engines;

18 AAC 50.326(g)(7) is amended to read:

(7) a combustion emissions [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; emissions [EMISSION] units under this paragraph do not include internal combustion engines;

18 AAC 50.326(g)(8) is amended to read:

(8) a combustion emissions [EMISSION] unit with a rated capacity less than 300,000 Btu per hour if burning used oil; emissions [EMISSION] units under this paragraph do not include internal combustion engines;

18 AAC 50.326(g)(9) is amended to read:

(9) a combustion emissions [EMISSION] unit with a rated capacity less than 450,000 Btu per hour if burning wood waste or waste paper; emissions [EMISSION] units under this paragraph do not include internal combustion engines;

The introductory language of 18 AAC 50.326(h) is amended to read:

(h) **Applications - insignificant emissions [EMISSION] units: case-by-case basis.** This subsection lists emissions [EMISSION] units or activities that may be insignificant on the basis of size or production rate. Insignificant emissions [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 **emissions** [EMISSION] units to be insignificant on a case-by-case basis:

• • •

The introductory language of 18 AAC 50.326(i) is amended to read:

(i) **Applications - insignificant emissions [EMISSION] units: administratively insignificant emissions [EMISSION] units.** The following **emissions** [EMISSION] units might have significant emissions, but are considered administratively insignificant **emissions** [EMISSION] units for the purpose of operating permit applications:

• • •

18 AAC 50.326(j)(5) is amended to read:

(5) notwithstanding 40 C.F.R. 71.6(b), a department term or condition is not **federally enforceable** [FEDERALLY-ENFORCEABLE] unless required by the Clean Air Act **or any of its applicable requirements**; 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** [CONDITIONS] that is not federally enforceable and not subject to affected state review; (Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 9/17/2011, Register 199; am 9/14/2012, Register 203; am 9 / 15 / 2018, Register 227)

Authority:	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 50.345(h) is amended to read:

(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) **to** enter upon the premises where **an emissions unit** [A SOURCE] subject to the permit is located or where records required by the permit are kept;

(2) **to** have access to and copy any records required by the permit;

(3) **to** inspect any stationary source, equipment, practices, or operations regulated by or referenced in the permit; and

(4) **to** sample or monitor substances or parameters to assure compliance with the permit or other applicable requirements.

18 AAC 50.345(m) is amended to read:

(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 **emissions** [EMISSION] unit will operate during

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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.

(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, Register 188; am 9/14/2012, Register 203; am 8/20/2016, Register 219; am 9/15/2018, Register 227)

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(a) 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 **emissions** [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 **emissions** [EMISSION] unit. The department's Standard Permit Condition II - Air Pollution Prohibited, as revised as of September 27, 2010, is adopted by reference.

The introductory language of 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

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this subsection, unless the department determines that emissions [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 emissions [EMISSION] unit. The following standard permit conditions prepared by the department are adopted by reference:

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The introductory language of 18 AAC 50.346(c) is amended to read:

(c) Unless the department determines that emissions [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 emissions [EMISSION] unit or emissions [EMISSION] unit types identified in the table. The standard operating permit conditions listed in Table 7 are adopted by reference.

• • •

(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; am 9/15/2018, Register 227)

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	

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18 AAC 50.400(i)(4)(A)(ii) is amended to read:

(ii) 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 **emissions** [EMISSION] units used to provide power to a mine or military base;

18 AAC 50.400(i)(7)(A) is amended to read:

(A) means all direct services **and costs** [AN COST] necessary to accomplish the regularly scheduled onsite or offsite review of a stationary source's **emissions** [EMISSION] units, records, and self-monitoring reports;

18 AAC 50.400(i)(8)(A)(iii) is amended to read:

(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 **emissions** [EMISSION] units used to provide power to a mine or military base;

(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; am 9/14/2012, Register 203; am 9/26/2015, Register 215; am 9/15/2018, Register 227)

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		

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18 AAC 50.410(d) is amended to read:

(d) For a stationary source that needs an operating permit only because that source contains an **emissions** [EMISSION] unit that is subject to a federal emission standard under 42 U.S.C. 7411 or 7412, only emissions from the **emissions** [EMISSION] unit subject to that standard are subject to emission fees under (b)(1) of this section.

(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; am 9/15/2018, Register 227)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.250
AS 46.03.020

18 AAC 50.502(c)(2)(B) is amended to read:

(B) after October 1, 2004 of an **emissions** [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);

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

(B) identification of each **emissions** [EMISSION] unit that has emissions of a regulated NSR pollutant that could be affected by the project; and

18 AAC 50.502(f)(2) is amended to read:

(2) if the **emissions** [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;

18 AAC 50.502(f)(3) is amended to read:

(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 **emissions** [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 **emissions** [EMISSION] unit;

18 AAC 50.502(f)(4) is amended to read:

(4) if the **emissions** [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.

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18 AAC 50.502(h)(4) is amended to read:

(4) "projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emissions [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; am 1/4/2013, Register 205; am 11/9/2014, Register 212; am 8/20/2016, Register 219; am 9 / 15 / 2018, Register 227)

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)(1)(A) is amended to read:

(A) the Emissions [EMISSION] *Unit Information Form*;

The introductory 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) - (d) [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, except as provided under (l) of

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this section; 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

• • •

(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 9/14/2012, Register 203; am 1/4/2013, Register 205; am 8/20/2016, Register 219; am 9/15/2018, Register 227)

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(f)(6) is amended to read:

(6) approve a minor permit for establishing or revising a PAL, if the department finds that the emissions [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;

(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; am 11/5/2017,

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Register 224; am 9 / 15 / 2018, Register 227)

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

The introductory language of 18 AAC 50.560(a) is amended to read:

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 emissions [EMISSION] units that

...

(Eff. 10/1/2004, Register 171; am 9 / 15 / 2018, Register 227)

Authority:	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	

18 AAC 50.990(8)(A) is amended to read:

(A) "allowable emissions" means the emissions rate of an emissions [EMISSION] unit calculated considering any emission limitation that is enforceable as a practical matter on the emissions [EMISSION] unit's potential to emit; and

18 AAC 50.990(40) is amended to read:

(40) "fugitive emissions" has the meaning given in 40 C.F.R. 51.166(b)(20), as revised as of **July 1, 2017** [JULY 1, 2012], and adopted by reference;

18 AAC 50.990(65)(A) is amended to read:

(A) 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 **emissions** [EMISSION] unit from which an air pollutant could be emitted;

18 AAC 50.990(78) is amended to read:

(78) "Port of Anchorage stationary source" means a stationary source located in the Port of Anchorage that contains one or more **emissions** [EMISSION] units subject to a standard in 18 AAC 50.085 or 18 AAC 50.090;

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, 2017** [NOVEMBER 21, 2013], and adopted by reference;

18 AAC 50.990(132) is amended to read:

(132) "greenhouse gases" has the meaning given in 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040; [.]

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(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; am 9/17/2011, Register 199; am 9/14/2012, Register 203; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 2/28/2015, Register 213; am 4/17/2015, Register 214; am 3/2/2016, Register 217; am 1/12/2018, Register 225; am 9/15/2018, Register 227)

Authority:	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

MEMORANDUM

State of Alaska Department of Law


To: The Honorable Byron Mallott
Lieutenant Governor

Date: August 15, 2018

File No.: JU2017200425

Thru:

Tel. No.: 465-3600

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

Re: Department of Environmental
Conservation air quality regulations
re: updates to adopted-by-reference
materials and other matters (18 AAC
50)

The Department of Law has reviewed the attached regulations of the Department of Environmental Conservation against the statutory standards of the Administrative Procedure Act. I have reviewed these regulations under a specific delegation of authority dated August 15, 2018, from the regulations attorney. Based upon our review, 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 regulations were adopted by the Department of Environmental Conservation after the close of the public comment period. The regulations concern updates to adopted-by-reference materials and other matters.

The January 21, 2018 public notice and the August 10, 2018 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 note that in the introductory language of 18 AAC 50.030(a), on page 1 of the regulations, the date of adopted-by-reference materials is timed to the date of adoption of the regulations: August 10, 2018. When the regulations are filed, please replace the placeholder text "{*adoption date of regulations*}" with "August 10, 2018."

SCW

cc: Honorable Larry Hartig, Commissioner
Department of Environmental Conservation (Anchorage)

Gary Mendivil, Regulations Contact
Office of the Commissioner
Department of Environmental Conservation

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

Rebecca Tyson Smith
Division of Air Quality
Department of Environmental Conservation

April Simpson, Notary Administrator
Office of the Lieutenant Governor

Jennifer L. Schorr, Assistant Attorney General
Environmental Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: August 15, 2018

FILE NO.: JU2017200425

TELEPHONE NO.: (907) 465-3600

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

SUBJECT: Specific delegation of authority
regarding regulations review on
Department of Environmental
Conservation air quality
regulations re: updates to
adopted-by-reference materials
and other matters (18 AAC 50)

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.

SCW

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

April Simpson, Notary Administrator
Office of the Lieutenant Governor

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


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, adopt federally required amendments to the state air quality plan, revise Standard Conditions, and repeal regulatory language no longer needed has been given by being

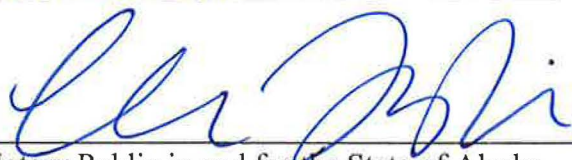
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (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.

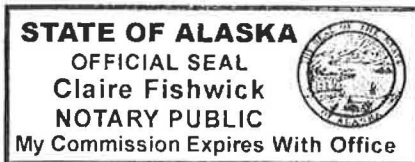
Date: 22 Jan 2018 
Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at Juneau on
1 / 22 / 2018.

Date


Notary Public in and for the State of Alaska

[NOTARY SEAL]



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 and orally 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 adoptions by reference, clarify language, adopt federally required amendments to the state air quality control plan, and repeal regulations no longer needed.

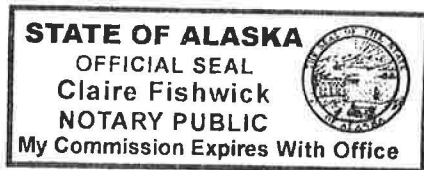
Date: 16 April '18


Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at Juneau on
4 / 16 / 18
Date


Notary Public in and for the State of Alaska

[NOTARY SEAL]



AFFIDAVIT OF ORAL HEARING

I, Cynthia L. Heil, Environmental Program Manager of the Department of Environmental
Conservations, being sworn, state the following:

On February 21, 2018, at 12:00 p.m. to 1:30 p.m., in the First Floor Conference Room, ADEC
Anchorage Building, 555 Cordova St., Anchorage, Alaska, I presided over a public hearing held
under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of
changes to 18 AAC 50, Air Quality Control, revising language to update adoptions by reference,
clarify language, adopt federally required amendments to the state air quality control plan, and
repeal regulations no longer needed.

Date: 3/15/18

Cynthia L. Heil
Cynthia L. Heil, Environmental Program Manager

Subscribed and sworn to before me at Anchorage, Alaska on

March 15, 2018
Date

Tammy M. Walker with office
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, adopt federally required amendments to the state air quality plan, revise Standard Conditions, and repeal regulatory language no longer needed.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, federally required amendments to the state air quality control plan, and regulation repeals, including the following:

- (1) amend 18 AAC 50.025 to update a geographic name.
- (2) amend 18 AAC 50.030 to adopt revisions to the *State Air Quality Control Plan* in:
 - a. Volume II Section III: Areawide Pollutant Control Program: Amend Section III.L: Interstate Transport of Pollution
 - b. Volume III Appendix to Volume II Section II: State Air Quality Control Program: Amend Clean Air Act Section 110 Infrastructure Certification Documentation.
- (3) amend 18 AAC 50.035(a)(3) to update the adoption by reference date of the Air Pollutant Emission Factors.
- (4) repeal 18 AAC 50.035(a)(7) to delete language no longer needed to support other language being repealed.
- (5) amend 18 AAC 50.035(a) by adding a new paragraph to adopt a new document.
- (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 a new paragraph to adopt new federal rules by reference to maintain current, consistent permitting requirements.
- (8) amend 18 AAC 50.055(a) to clarify language.
- (9) amend 18 AAC 50.055(b)(3) to remove a reference to repealed language.
- (10) amend 18 AAC 50.079(b) to clarify language intent.
- (11) amend 18 AAC 50.215(c)(1) to update a reference within a federal document.
- (12) amend 18 AAC 50.215(c)(2) to remove the commissioner from the approval process.
- (13) repeal 18 AAC 50.215(e) to delete adoption of a federal dispersion model that becomes adopted by reference under 18 AAC 50.040(f).
- (14) amend 18 AAC 50.220(b)(2), (c)(3), (d)(1); 18 AAC 50.225(b)(2), (i); 18 AAC 50.230(b), (c)(1)(E); 18 AAC 50.235(b)(1); 18 AAC 50.260(g); 18 AAC 50.260(j); 18 AAC 50.260(l)(1); 18 AAC 50.326(d), (d)(1), (d)(1)(B), (d)(1)(C), (d)(2), (d)(3), (d)(5), (e), (f), (g), (g)(5), (g)(6), (g)(7), (g)(8), (g)(9), (h), (i); 18 AAC 50.345(h)(1), (m); 18 AAC 50.346(a), (b), (c), Table 7; 18 AAC 50.400(i)(4)(A)(ii), (i)(7)(A), (i)(8)(A)(iii); 18 AAC 50.410(d);

February 23, 2018. The Department may, but is not required to, answer written questions received after Friday, February 23, 2018, the 10-day cut-off date.

Comments

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; by e-mail to rebecca.smith@alaska.gov; by facsimile at (907) 465-5129; or through the Air Quality Division's electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>. **The comments must be received not later than 5:00 p.m. on March 5, 2018.** Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearings

ADEC has tentatively scheduled a public hearing for these proposed regulations, on Wednesday, February 21, 2018, from 12:00 p.m. to 1:30 p.m. at the ADEC Anchorage Building, First Floor Conference Room, 555 Cordova St., Anchorage, Alaska. The public hearing will be held only if a request to hold a public hearing is received by ADEC by 5:00 p.m. on Thursday, February 15, 2018. You may request a public hearing by calling Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday, by e-mailing a request to rebecca.smith@alaska.gov, or by calling Teri Buck at 908-269-7695 between 9:00 a.m. and 5:00 p.m., Monday through Friday. If no request for a public hearing is received by Tuesday, February 13, 2018, the public hearing will be cancelled. ADEC will announce the cancellation of the public hearing by publishing a public notice, by 5:00 p.m. on February 16, 2018, on these websites: <http://dec.alaska.gov/air/air-permit/2018-adoption-updates-proposal>, <http://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and http://dec.alaska.gov/commish/public_notices.htm. Oral or written comments may be submitted at the hearing, if a public hearing is conducted. If the public hearing occurs, 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 75791#. If held, the hearing may be extended if necessary to accommodate those present before 1:00 p.m. who did not have an opportunity to comment.

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.

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

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

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 50.025, 18 AAC 50.030, 18 AAC 50.035, 18 AAC 50.040, 18 AAC 50.055, 18 AAC 50.079, 18 AAC 50.215, 18 AAC 50.220, 18 AAC 50.225, 18 AAC 50.230, 18 AAC 50.235, 18 AAC 50.260, 18 AAC 50.311, 18 AAC 50.326, 18 AAC 50.345, 18 AAC 50.346, 18 AAC 50.400, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.560, 18 AAC 50.990
4. Department of Law file number, if any: JU2017200425
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: Air Quality Division, Air Permits and Non-Point & Mobile Sources Programs
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. Revision to 18 AAC 50.230(d)(2)(D) requires a shift to electronic submittal of emissions records, through the use of Air Online Services, by February 1, 2019. There is a potential for reduced printing and distribution costs for applicable Permittees.
Another state agency: None.
A municipality: None. There is a potential for reduced printing and distribution costs for applicable Permittees. See "A private person" section above.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2018 __	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>

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STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

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

January 21, 2018, January 22, 2018

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

Joleesa Stepetin

Subscribed and sworn to before me this 22nd day of January, 2018

Britney Thompson

Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

6/02/2019

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, adopt federally required amendments to the state air quality plan, revise Standard Conditions, and repeal regulatory language no longer needed.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, federally required amendments to the state air quality control plan, and regulation repeals, including the following:

- (1) amend 18 AAC 50.025 to update a geographic name.
- (2) amend 18 AAC 50.030 to adopt revisions to the State Air Quality Control Plan in:
 - a. Volume II Section III: Areawide Pollutant Control Program: Amend Section III.L Interstate Transport of Pollution
 - b. Volume III Appendix to Volume II Section II: State Air Quality Control Program: Amend Clean Air Act Section 110 Infrastructure Certification Documentation.
- (3) amend 18 AAC 50.035(a)(3) to update the adoption by reference date of the Air Pollutant Emission Factors.
- (4) repeal 18 AAC 50.035(a)(7) to delete language no longer needed to support other language being repealed.
- (5) amend 18 AAC 50.035(a) by adding a new paragraph to adopt a new document.
- (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 a new paragraph to adopt new federal rules by reference to maintain current, consistent permitting requirements.
- (8) amend 18 AAC 50.055(a) to clarify language.
- (9) amend 18 AAC 50.055(b)(3) to remove a reference to repealed language.
- (10) amend 18 AAC 50.079(b) to clarify language intent.
- (11) amend 18 AAC 50.215(c)(1) to update a reference within a federal document.
- (12) amend 18 AAC 50.215(c)(2) to remove the commissioner from the approval process.
- (13) repeal 18 AAC 50.215(e) to delete adoption of a federal dispersion model that becomes adopted by reference under 18 AAC 50.040(f).
- (14) amend 18 AAC 50.220(b)(2), (c)(3), (d)(1); 18 AAC 50.225(b)(2), (i); 18 AAC 50.230(b), (c)(1)(E); 18 AAC 50.235(b)(1); 18 AAC 50.260(g); 18 AAC 50.260(i); 18 AAC 50.260(l)(1); 18 AAC 50.326(d), (d)(1), (d)(1)(B), (d)(1)(C), (d)(2), (d)(3), (d)(5), (e), (f), (g), (g)(5), (g)(6), (g)(7), (g)(8), (g)(9), (h), (i); 18 AAC 50.345(h)(1), (m); 18 AAC 50.346(a), (b), (c), Table 7; 18 AAC 50.400(i)(4)(A)(ii), (i)(7)(A), (i)(8)(A)(iii); 18 AAC 50.410(d); 18 AAC 50.502(c)(2)(B), (f)(1)(B), (f)(2), (f)(3), (f)(4), (h)(4); 18 AAC 50.540(c)(1)(A); 18 AAC 50.542(f)(6); 18 AAC 50.560(a); 18 AAC 50.990(8)(A), (65), (78) to correct an inconsistent spelling of a term defined in 18 AAC 50.990(32).
- (15) amend 18 AAC 50.230(d)(1) to remove outdated language.
- (16) amend 18 AAC 50.230(d)(2)(D) by adding language to clarify submission requirements.

No. 1218

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