

DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 50

Air Quality Control

Public Comment Draft

Comment Period Ends
June 15, 2020, 11:59 p.m.

Mike Dunleavy
Governor

Jason W. Brune
Commissioner

18 AAC 50.015(b) is amended to read:

(b) The following areas have been designated by the federal administrator **in 40 C.F.R. 81** as “nonattainment” for the specified air pollutants:
(Eff. 1/18/97, Register 141; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/10/2004, Register 171; am 12/9/2010, Register 196; am 10/6/2013, Register 208; am 4/17/2015, Register 214; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

...

The Editor’s note for 18 AAC 50.015 is amended to read:

Editor's note: The nonattainment area and maintenance boundaries, the air quality control region boundaries, and the Class I area boundaries are depicted on maps in the state air quality control plan adopted by reference in 18 AAC 50.030. Air quality control region and nonattainment area boundaries are described in 40 C.F.R. 81, as revised as of **July 1, 2019** [JULY 1, 2003].

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

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

(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, revised as of {*adoption date of the*

regulations} [NOVEMBER 19, 2019], are adopted by reference. The plan includes the following documents that are also adopted by reference:

...

18 AAC 50.030 is amended by adding a new subsection to read:

(c) With respect to plan requirements for nonattainment and maintenance areas identified in 18 AAC 50.015(b) and (d) – (e), contingency measures must be implemented as described in the *State Air Quality Control Plan* and after reasonable notification to affected entities for an area upon

(1) the occurrence of a condition identified in the *State Air Quality Control Plan* as requiring implementation of a contingency measure; or

(2) the effective date of an EPA finding that the area failed:

(A) to attain the applicable NAAQS by the applicable attainment date;

(B) to meet a qualitative milestone;

(C) to submit a required quantitative milestone report; or

(D) to meet a reasonable further progress requirement.

(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

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; am 1/8/2020, Register 233; am __/__/____, Register ____)

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(b) is amended to read:

(b) The following procedures and methods set out in 40 C.F.R., revised as of **July 1, 2019** [FEBRUARY 27, 2014], are adopted by reference:

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 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, Register 227; am __/__/____, Register ____)

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

18 AAC 50.040(a) is amended to read:

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 **April 2, 2020** [JULY 1, 2019], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(c) is amended to read:

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants), revised as of **March 9, 2020** [JULY 1, 2017], are adopted by reference as 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; am 1/8/2020, Register 233; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

18 AAC 50.077(i)(1) is amended to read:

(1) for a woodstove, pellet stove, or pellet-fired hydronic heater, the certification criteria in the National Fireplace Institute Policy Handbook, revised as of **November 22, 2019** [NOVEMBER 19, 2019], and adopted by reference, or demonstrate equivalent training and qualification approved by the department;

(Eff. 2/28/2015, Register 213; am 11/26/2016, Register 220; am 1/12/2018, Register 225; am 1/8/2020, Register 233; am __/__/____, Register ____)

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

The last paragraph of the Editor's Note for 18 AAC 50.077 is amended to read:

The following document adopted by reference are available at the Division of Air Quality's Reference Materials for 18 AAC 50 web page at <https://dec.alaska.gov/air/anpms/sip/18AAC50-reference-materials/>: The Northeast States for Coordinated Air Use Management (NESCAUM) Standard Operating Procedures for use of Thermo 1405 TEOM for use in dilution tunnel, May 17, 2019; The National Fireplace Institute Policy Handbook, revised as of November 22, 2019 [NOVEMBER 19, 2019]; and The Masonry Heater Association of North America Reference Manual, revised as of January 2019.

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

(iv) to the EPA;

(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 11/7/2017, Register 224; am 9/15/2018, Register 227; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.120 AS 46.14.170
AS 46.14.010 AS 46.14.130 AS 46.14.180

AS 46.14.020

AS 46.14.140

AS 46.14.200

18 AAC 50.990(108) is amended to read:

(108) “thermal soil remediation unit” means a stationary source that causes **contaminants** [PETROLEUM CONTAMINATION] to be desorbed from soils by heating the soil in a kiln;

...

18 AAC 50.990(151) is amended to read:

(151) “RACT” has the meaning given the term “reasonably available control technology (RACT)” in 40 C.F.R. 51.100(o), as revised as of **July 1, 2019** [JULY 1, 2017], adopted by reference;

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 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; 1/12/2018, Register 225; am 9/15/2018, Register 227; am 1/8/2020, Register 233; am ___/___/____, Register ___)

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