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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil
Department of Environmental Conservation

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: October 8, 2020

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation Regulation re: Air Quality Control:
Updates to Adoption by Reference Dates, Revision of Standard Conditions, Adoption
of New Pre-Approved Emission Limits (PAEL) Language, etc. (18 AAC 50)

Attorney General File:	2019200615
Regulation Filed:	10/8/2020
Effective Date:	11/7/2020
Print:	236, January 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

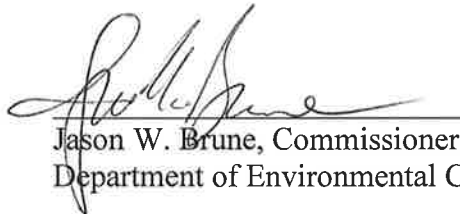
The attached twenty pages of regulations, dealing with Air Quality Standard Conditions and Pre-Approved Emission Limits (PAEL) are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 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: July 22, 2020
Anchorage, Alaska


Jason W. Brune, Commissioner
Department of Environmental Conservation

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on October 8, 2020, at 3:32 p.m. I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


for Kevin Meyer, Lieutenant Governor

Effective: November 7, 2020.

Register: 236, January 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

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 {*adoption date of the regulations*} [SEPTEMBER 15, 2018], are adopted by reference. The plan includes the following documents which are also adopted by reference:

18 AAC 50.030(a)(4) is amended to read:

(4) the department's *Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program*, as amended through **April 20, 2018** [FEBRUARY 23, 2010];

(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

am 1/12/2018, Register 225; am 1/8/2020, Register 233;
12/29/2016, Register 220; am 9/15/2018, Register 227; am 11/7/2020, Register 234; add'l am 11/7/2020, Register 234)

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 50.040(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, 2019 [JULY 1, 2017], are adopted by reference as they apply to a Title V source:

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, 2019 [JULY 1, 2017], 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 July 1, 2019 [JULY 1, 2017], 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, 2019 [JULY 1, 2017], 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, 2019 [JULY 1, 2017], 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, 2019 [JULY 1, 2017], 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, 2019 [JULY 1, 2017], 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, 2019 [JULY 1, 2017], 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, 2019 [JULY 1, 2017], 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, 2019 [JULY 1, 2017], 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, 2019 [JULY 1, 2017], 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; am

11/1/2020, Register 236; add: am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

The introductory language of

18 AAC 50.085(a) is amended to read:

~~18 AAC 50.085. Volatile liquid storage tank emission standards.~~ (a) The owner, operator, or permittee of a volatile liquid storage tank located in the Port of Alaska [PORT OF ANCHORAGE] that has a volume of 9,000 barrels (378,000 gallons) or more shall reduce organic vapors emitted to the atmosphere by using

...

18 AAC 50.085(c) is amended to read:

(c) The owner, operator, or permittee of a volatile liquid storage tank that is located in the Port of Alaska [PORT OF ANCHORAGE], that has a volume equal to or greater than 952 barrels (40,000 gallons) but less than 9,000 barrels (378,000 gallons), and that is not equipped with a control device described in (a)(1) - (4) of this section, shall, no later than the first time on or after June 1, 1995 that the tank is emptied and degassed, reduce organic vapors emitted to the atmosphere by installing conservation vents on the tank as specified in the document referred to in (a)(3) of this section.

(Eff. 1/18/97, Register 141; am 11/1/2020, Register 236)

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



The editor's note following

18 AAC 50.085 Editor's note is amended to read:

Editor's note: A complete description of the Port of Alaska [PORT OF ANCHORAGE] is in the state air quality control plan adopted by reference in 18 AAC 50.030.

The introductory language of

^ 18 AAC 50.090(a) is amended to read:

~~18 AAC 50.090. Volatile liquid loading racks and delivery tank emission standards.~~

(a) The owner, operator, or permittee of a stationary source that is located in the Port of Alaska [PORT OF ANCHORAGE] and that has a volatile liquid loading rack with a design throughput of 15 million gallons (357,143 barrels) or more per year shall reduce organic vapors emitted to the atmosphere by

⋯ (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am

11/1/2020, Register 236)

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

The editor's note following

⋯ 18 AAC 50.090 ~~Editor's note~~ ^{changed} is amended to read:

Editor's note: A complete description of the Port of Alaska [PORT OF ANCHORAGE] is in the state air quality control plan adopted by reference in 18 AAC 50.030.

18 AAC 50.205(b) is amended to read:

(b) The department may accept an electronic signature on an electronic application or other electronic record required by the department under a permit program established under AS 46.14 or this chapter if the person providing the electronic signature

(1) uses a security procedure, as defined in AS 09.80.190, that the ^{approved by}
Department has approved ^{under AS 09.80.150} [A CERTIFYING AUTHORITY REGISTERED UNDER AS 09.25.510 VERIFIES THAT THE ELECTRONIC SIGNATURE IS AUTHENTIC]; and

(2) [THE PERSON PROVIDING THE ELECTRONIC SIGNATURE HAS MADE AN AGREEMENT, WITH THE CERTIFYING AUTHORITY DESCRIBED IN (1) OF THIS SUBSECTION, THAT THE PERSON] accepts or agrees to be bound by an electronic record executed or adopted with that signature.

(Eff. 1/18/97, Register 141; am 10/1/2004, Register 171; am 11/7/2020 Register 236)

Authority:	[AS 09.25.510]	AS 46.03.020	AS 46.14.140
	<u>AS 09.80.150</u>	AS 46.14.020	
	AS 46.03.020	AS 46.14.030	Sec. 30, ch. 74, SLA 1993
	<u>AS 09.80.190</u>	<u>AS 46.14.030</u>	

18 AAC 50.230(b) is amended to read:

(b) The owner or operator of a stationary source containing one or more emissions units described in (c), [OR](d), or (f) 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)(2)(D) is amended to read:

(D) no later than January 31 of each year, submit to the department a
[AND CALCULATIONS]
copy of the records required by (B) of this paragraph for the preceding year as
follows:

(i) by electronic submission through the department's website,
for records submitted on or after {effective date of the regulations}; or

(ii) upon approval by the department, by alternative methods,

including by letter, by form, or by electronic mail, for records submitted on

or after {effective date of the regulations}, if the permittee does not have the

technical ability to submit the records using the department's website. [NO

(((no bold / no U.L.)))

~~LATER THAN JANUARY 31 OF EACH YEAR, SUBMIT TO THE~~

~~DEPARTMENT A COPY OF THE RECORDS AND CALCULATIONS~~

~~REQUIRED BY (B) OF THIS PARAGRAPH FOR THE PRECEDING YEAR.]~~



18 AAC 50.230 is amended by adding a new subsection to read:

(f) Limits on the allowable emissions of, or potential to emit, nitrogen oxides from diesel engines with ~~U.S.~~ EPA Nonroad and Marine Compression Ignition Engine Tier Certifications may be established by restricting the amount of fuel that may be burned in an engine. To implement these limits, the owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the stationary source to which the limits will apply;

(B) a list of all diesel engines at the stationary source to which the limits will apply, including the make, model, serial number, manufactured year, EPA Tier Certification, and rated capacity of each diesel engine;

(C) the maximum quantity of fuel, in gallons, that the owner or operator will be limited to use in the equipment listed in (B) of this paragraph in any consecutive 12 months, determined by identifying the EPA Tier certification in Table 5a that corresponds to the lowest EPA Tier certified engine at the facility;

Table 5a

Maximum Fuel Use by EPA Tier Certification

EPA Nonroad Compression Ignition Certification Tier	EPA Marine Compression Ignition Certification Tier	Maximum Fuel Use (gallons/consecutive 12 months)
1	2	200,000
2	3	300,000
3, & 4 Interim (engines \leq 900 kW)	4	500,000
4 Final, & 4 Interim (engines > 900 kW)	N/A	1,000,000

(D) a list setting out each of the conditions required under (2) of this subsection;

(E) a certification bearing the owner's or operator's signature stating that

(i) "Based on information and belief formed after reasonable

inquiry, I certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this subsection and agrees to those conditions in order to limit nitrogen oxides ^{emissions} from the equipment listed under (B) of this paragraph to no more than the minor permitting thresholds in 18 AAC 50.502(C)(1); and

(F) the administration fee in 18 AAC 50.400(f)(2); and

(2) agree to

(A) limit the quantity of fuel burned in the equipment listed under (1)(B) of this subsection during any consecutive 12 months to no more than the amount proposed under (1)(C) of this subsection;

(B) record the amount of fuel consumed in the equipment listed under (1)(B) of this subsection each month and calculate the total fuel consumed in the equipment during the preceding 12 months;

(C) keep all receipts for fuel purchases specifying sulfur content and gallons of fuel, and all records and calculations under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records required by (B) of this paragraph for the preceding year as follows:

(i) by electronic submission through the department's website, for records submitted on or after {effective date of the regulations}; or

(ii) upon approval by the department, by alternative methods, including by letter, by form, or by electronic mail, for records submitted on or after {effective date of the regulations}, if the permittee does not have the technical ability to submit the records using the department's website.

(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, Register 227; am 11/7/2020, Register 236)

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		

18 AAC 50.250(f) is amended to read:

(f) In this section, "federal land manager" has the meaning given in 40 C.F.R. 51.166(b)(24), as revised as of July 1, 2019, [July 1, 2003] and adopted by reference.

(Eff. 1/18/97, Register 141; am 10/1/2004, Register 171; am 11/7/2020, Register 236)

Authority:	AS 44.62.210	AS 44.62.230	AS 46.14.030
	AS 44.62.220	AS 46.03.020	

18 AAC 50.311(c) is amended to read:

(c) In accordance with 40 C.F.R. 51.161, as revised as of July 1, 2019, [July 1, 2003] and adopted by reference, the department will provide notice and opportunity for a ²³⁶30-day public comment period on the department's proposed permit or proposed denial. The department will issue a permit only if the department finds that the applicant has shown that the stationary source or modification will meet the requirements of (b) of this section and 40 C.F.R. 51.165, adopted by reference in 18 AAC 50.040.

(Eff. 10/1/2004, Register 171; am 9/15/2018, Register 227; am 11/7/2020, Register ²³⁶236)

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	

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

(3) a stationary source subject to this section will also be subject to the standard [OPERATING] permit conditions and other permit conditions as required by 18 AAC 50.345 and 18 AAC 50.346; prompt reporting of permit deviations is subject to the department's Standard Permit Condition III, adopted by reference in 18 AAC 50.346, instead of 40 C.F.R. 71.6(a)(3)(iii)(B)(1) – (B)(4); the provisions of 40 C.F.R. 71.6(a)(5) – (7) are replaced by the standard permit conditions of 18 AAC 50.345 and 18 AAC 50.346(b)(1);

(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; am 11/7/2020, Register ²³⁶236)

Authority:	AS 46.03.020	AS 46.14.140	AS 46.14.190
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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 50.346 is amended to read:

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

For a construction permit or Title V permit, the department will use the standard permit condition in this subsection, unless the department determines that emissions 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 unit. The department's Standard Permit Condition II – Air Pollution Prohibited, as revised as of ~~{adoption date of the regulations}~~ ^{July 22, 2020} [SEPTEMBER 27, 2010], is adopted by reference.

(b) In a Title V permit, the department will use the standard permit conditions listed in this subsection, unless the department determines that emissions 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 unit. The following standard permit conditions prepared by the department are adopted by reference:

(1) Standard Permit Condition I – Emission Fees, as revised as of ~~{adoption date of the regulations}~~ ^{July 22, 2020} [MAY 18, 2016];

(2) Standard Permit Condition III – Excess Emissions and Permit Deviation Reports, as revised as of ~~{adoption date of the regulations}~~ ^{July 22, 2020} [SEPTEMBER 27, 2010];

(3) Standard Permit Condition IV – Notification Form for Excess Emissions and Permit Deviation, as revised as of ~~{adoption date of the regulations}~~ ^{July 22, 2020} [SEPTEMBER 27,

2010];

(4) Standard [OPERATING] Permit Condition V – Insignificant **Emissions Units** [SOURCES], as revised as of ^{July 22, 2020} ~~{adoption date of the regulations}~~ [SEPTEMBER 27, 2010];

(5) Standard [OPERATING] Permit Condition VI – Good Air Pollution Control Practices, as revised as of ^{July 22, 2020} ~~{adoption date of the regulations}~~ [AUGUST 25, 2004];

(6) Standard [OPERATING] Permit Condition VII – Operating Reports, as revised as of ^{July 22, 2020} ~~{adoption date of the regulations}~~ [MAY 18, 2016].

(7) Standard [OPERATING] Permit Condition XIV – **[DOCUMENT] Permit Applications and** Submittals [AND ELECTRONIC COPIES], as revised as of ^{July 22, 2020} ~~{adoption date of the regulations}~~ [AUGUST 20, 2008];

(8) Standard [OPERATING] Permit Condition XV – Emission Inventory Reporting, as revised as of ^{July 22, 2020} ~~{adoption date of the regulations}~~ [MAY 18, 2016];

(9) repealed ^{11/7/2020} ~~[STANDARD OPERATING PERMIT CONDITION XVI – EMISSION INVENTORY REPORTING FORM, AS REVISED AS OF MAY 18, 2016]~~ ^{((301d / 41.8.71))}

(10) Standard Permit Condition XVII – Reporting Requirements, as revised ^{July 22, 2020} ~~as of {adoption date of the regulations}~~.

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

Table 7

Standard [OPERATING] Permit Conditions

<u>Emissions</u> [EMISSION] Unit or Activity	Standard [OPERATING] Permit Condition
<p>-Gas fuel-burning [GAS-FIRED FUEL BURNING] equipment, except flares</p>	<p>Standard [OPERATING] Permit Condition VIII – Visible Emissions and Particulate Matter Monitoring Plan for <u>Gas Fuel-Burning</u> [GAS-FIRED FUEL BURNING] Equipment, <u>July 22, 2020</u> {adoption date of the regulations} [AUGUST 25, 2004]</p>
<p>-Stationary diesel engines</p> <p>-Liquid ^{LIQUID} fuel-burning [-FIRED] stationary turbines</p> <p>-Other ^{CAPS} [liquid[-FIRED] fuel ^{CAPS} burning] equipment <u>liquid fuel-burning</u></p> <p>-Flares</p>	<p>Standard [OPERATING] Permit Condition IX</p> <p>-Visible Emissions and Particulate Matter Monitoring Plan for <u>Liquid Fuel-Burning</u> ^{LIQUID} <u>Equipment and Flares</u> [-FIRED EMISSION UNITS], <u>July 22, 2020</u> {adoption date of the regulations} <u>AUGUST 20, 2008</u> [SEPTEMBER 27, 2010]</p>
<p><u>Coal-fired</u> ^{CAPS} [-Coal-fired] boilers</p> <p><u>Coal-handling</u> ^{CAPS} [-Coal-handling] equipment</p> <p>-Construction of gravel pads or roads that are part of a permitted stationary source, or other construction that has the potential to generate fugitive dust that reaches ambient air</p>	<p>Standard [OPERATING] Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust, <u>July 22, 2020</u> {adoption date of the regulations} <u>[AUGUST 25, 2004]</u> [SEPTEMBER 27, 2010]</p>

<p>–Commercial, industrial, municipal solid waste, air curtain, and medical waste incinerators</p> <p>–Sewage sludge incinerators not using wet methods to handle the ash</p> <p>–Mines</p> <p>–Urea manufacturing</p> <p>–Soil remediation units</p> <p>–Dirt <u>or gravel</u> roads under the control of the operator with frequent vehicle traffic</p> <p>–Other <u>emissions units</u> [SOURCES] the department finds are likely to generate fugitive dust</p>	
<p>–<u>Emissions units</u> [FUEL BURNING EQUIPMENT] burning liquid fuel</p>	<p>Standard [OPERATING] Permit Condition XI</p> <p>– SO₂ Emissions from ^{Fuel-Burning} <u>Liquid</u> [OIL FIRED] ^{CAPS} <u>Fuel-Burning</u> equipment, {^{July 22, 2020} adoption date of the regulations} [AUGUST 25, 2004]</p>
<p>– <u>Emissions units</u> [FUEL BURNING EQUIPMENT] burning liquid fuel</p>	<p>Standard [OPERATING] Permit Condition XII</p> <p>– SO₂ Material Balance Calculation, {^{July 22, 2020} adoption date of the regulations} [AUGUST 25, 2004]</p>
<p>^{Coal-Fired} – <u>Coal-fired</u> boilers</p>	<p>Standard [OPERATING] Permit Condition ^{Coal-Fired} XIII – <u>Coal-Fired</u> Boilers, {^{July 22, 2020} adoption date of the regulations} [AUGUST 20, 2008]</p>

(d) Repealed 10/1/2004. ↩

(Eff. 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008, Register 188;
am 8/20/2016, Register 219;
am 12/9/2010, Register 196; am 9/15/2018, Register 227; am 11/7/2020, Register 236)

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

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

(6) a Port of Alaska [PORT OF ANCHORAGE] stationary source.



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

(2) “electric utility steam generating unit” has the meaning given in 40 C.F.R.

51.166(b)(30), as revised as of July 1, 2019, [July 1, 2003] and adopted by reference;

(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; am 11/7/2020, Register

236)

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

The introductory language of

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

(c) **Minor permit for air quality protection.** Except for a **Port of Alaska** [PORT OF ANCHORAGE] stationary source, a permit application under 18 AAC 50.502 must include

...

18 AAC 50.540(c) is amended to read:

(e) **Port of Alaska** [PORT OF ANCHORAGE]. For a **Port of Alaska** [PORT OF ANCHORAGE] stationary source, the application must include the information required in the department's *Air Quality Compliance Certification Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*, adopted by reference in 18 AAC 50.030.

(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; am 11/7/2020, Register 236)

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 AC 50.542(f)(3) is amended to read:

(3) deny a minor permit for a **Port of Alaska** [PORT OF ANCHORAGE] stationary source if the department finds that construction and operation of that source will result in a violation of a requirement of 18 AAC 50.045 – 18 AAC 50.090;

(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 9/15/2018, ^{am 11/5/2017, Register 224;}
^

Register 227; am 11/7/2020, Register 236)

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(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, 2019 [July 1, 2017] and adopted by reference;



18 AAC 50.990(42)(A) is amended to read:

(A) for stack heights exceeding 213 feet, has the meaning given in 40 C.F.R. 51.100(ii), as revised as of July 1, 2019, [July 1, 2007] and adopted by reference; or



18 AAC 50.990(78) is amended to read:

(78) "Port of Alaska [PORT OF ANCHORAGE] stationary source" means a stationary source located in the Port of Alaska [PORT OF ANCHORAGE] that contains one or more emissions 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, 2019 [July 1, 2017], and adopted by reference;

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 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 1/8/2020, Register 233;} 1/12/2018, Register 225; am 9/15/2018, Register 227; am [^] 11/7/2020, Register 236)

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 Kevin Meyer
Lieutenant Governor

Date: September 30 2020

File No.: 2019200615

Tel. No.: 465-3600

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

Re: Department of Environmental
Conservation Regulation re: 18 AAC
50: Air Quality Control: Updates to
Adoption by Reference Dates,
Revision of Standard Conditions,
Adoption of New Pre-Approved
Emission Limits (PAEL)
Language, etc.

The Department of Law has reviewed the attached regulations of the Department of Environmental Conservation against the statutory standards of the Administrative Procedure Act. 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 package updates adoption by reference dates of various federal regulatory requirements; adds a preapproved emission limit ("PAEL") for certain engines; adds a new standard permit condition ("SPC") for Clean Air Act Title V sources; and makes some housekeeping and grammatical edits throughout 18 AAC 50.

The October 9, 2019, public notice, the November 24, 2019, supplemental notice, and the July 22, 2020, adoption order state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

This is a companion project to 2020200050, Updates to Air Quality Control, Material Adopted by reference and should be filed so as to effective the same day as that project.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:sjw

cc w/encl.:

Honorable Jason Brune, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Rebecca Smith, Regulations Contact
Department of Environmental Conservation

Nathan Haynes, Assistant Attorney General
Department of Law

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 adopt by reference revised federal air quality regulations applicable to air quality control permits, update cross-references and a facility name, clarify reporting requirements for diesel engine pre-approved emission limits (PAELs), adopt a new PAEL for non-road diesel engines, update the adoption of a monitoring quality assurance plan, and revise Standard Permit Conditions.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, adopting a new Pre-Approved Emission Limit (PAEL), and updating the adoption of a monitoring plan, including the following:

- (1) 18 AAC 50.030(a) is proposed to be amended to update the *State Air Quality Control Plan* and *Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program* adoption by reference dates and to amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment. This appendix within the *State Air Quality Control Plan* contains the state's air quality regulations.
- (2) 18 AAC 50.040(a) – (k); 18 AAC 50.250(f); 18 AAC 50.311(c); 18 AAC 50.502(h)(2); and 18 AAC 50.990 are proposed to be amended to update the adoption by reference of federal regulations to maintain current and consistent permitting requirements.
- (3) 18 AAC 50 is proposed to be amended to update the name of the Port of Alaska.
- (4) 18 AAC 50.205(b)(1) is proposed to be amended to reflect changes in the statutes governing electronic signatures.
- (5) 18 AAC 50.230 is proposed to be amended to clarify reporting requirements for diesel engine PAELs and to add a new PAEL category for non-road diesel engines.
- (6) 18 AAC 50.326(j)(3) is proposed to be amended to add an applicable cross-reference to emission fee permit conditions.
- (7) 18 AAC 50.346 is proposed to be amended to update the adoption by reference date of revised standard permit conditions for construction and operating permits and to adopt a new standard condition for reporting requirements.
- (8) Standard Permit Conditions I – XVI are proposed to be amended to conform language to regulations; ensure emissions are properly calculated; update regulatory citations; add language to comply with reporting requirements; update report submission information; and make minor typographical changes to language.

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

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes, Standard Permit Conditions, and SIP amendments are available at <https://dec.alaska.gov/air/anpms/sip/2019-adoption-updates/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials not feasible to post or subject to copyright may be viewed at the ADEC office(s) at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

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, P.O. Box 111800, Juneau, AK 99811-1800; by e-mail to rebecca.smith@alaska.gov or dec.air.comment@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 Monday, November 25, 2019.** 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, November 13, 2019, 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 Wednesday, November 6, 2019. 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, or by e-mailing a request to rebecca.smith@alaska.gov. If no request for a public hearing is received by Wednesday, November 6, 2019, 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 Friday, November 8, 2019, on these websites: <https://dec.alaska.gov/air/air-permit/permit-regulations/>, <https://dec.alaska.gov/air/anpms/sip/2019-adoption-updates/>, <https://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and <https://dec.alaska.gov/commish/public-notices>. 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 55123#. 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.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalQuestions> or by sending the questions to Rebecca Smith via e-mail at rebecca.smith@alaska.gov, or via mail to Rebecca Smith, ADEC Division of Air Quality, P.O. Box 111800, Juneau, AK 99811-1800.

Questions may also be submitted verbally in testimony at the public hearing, if it occurs. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/air-permit/permit-regulations/2019-adoption-updates-questions-answers>. The questions must be received at least 10 days before the end of the public comment period; **the question deadline is Wednesday, November 13, 2019**. The Department may, but is not required to, answer written questions received after Wednesday, November 13, 2019, the 10-day cut-off date.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Kate Orozco at (907) 465-6171 or kate.orozco@alaska.gov not later than Wednesday, November 6, 2019, to ensure that any necessary accommodations can be provided.

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 37.10.052; AS 44.46.025; AS 46.03.020; AS 46.14.010; AS 46.14.140, AS 46.14.240; AS 46.14.250

Statutes being implemented, interpreted, or made specific: AS 44.46.025; AS 46.03.020; AS 46.03.710; 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; AQ 46.14.160; AS 46.14.170; AS 46.14.180; AS 46.14.190; AS 46.14.200; AS 46.14.210; AS 46.14.220; AS 46.14.230; AS 46.14.240; AS 46.14.250; AS 46.14.255; AS 46.14.280; AS 46.14.285; AS 46.14.290; AS 46.14.300; AS 46.14.515; AS 46.14.560; Sec 30, ch 74, SLA 1993

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

ADEC, Division of Air Quality keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Air Quality notices of proposed regulation changes. To be added to or removed from the list, you may sign up on the Air Online Services (AOS) page at: <http://dec.alaska.gov/Applications/Air/airtoolsweb/Home/Index/>. A myAlaska account is required to use the AOS system.

Date: October 7, 2019


Jason W. Brune, ADEC Commissioner

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; and 3) add new Pre-Approved Emission Limit requirements
3. Citation of regulation (may be grouped): 18 AAC 50.030, 18 AAC 50.040, 18 AAC 50.085, 18 AAC 50.090, 18 AAC 50.205, 18 AAC 50.230, 18 AAC 50.250, 18 AAC 50.311, 18 AAC 50.326, 18 AAC 50.346, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.990
4. Department of Law file number, if any: 2019200615
5. Reason for the proposed action:
(X) Compliance with federal law or action (identify): Clean Air Act
(X) 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(c)(2)(D) requires a shift to electronic submittal of emissions records, through the use of Air Online Services, by February 1, 2020. 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 2020 __	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>
1005 General fund/		

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

10. The origin of the proposed action:

11. Date: October 7, 2019

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

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270259 ST OF AK/DIV AIR QUALITY
PO BOX 111800, JUNEAU, AK 99811

Order #: W0011914

Cost: \$906.4

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said 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

10/09/2019

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



Subscribed and sworn to before me
this 9th day of October 2019.

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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Brunne

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 adopt by reference revised federal air quality regulations applicable to air quality control permits, update cross-references and a facility name, clarify reporting requirements for diesel engine pre-approved emission limits (PAELs), adopt a new PAEL for non-road diesel engines, update the adoption of a monitoring quality assurance plan, and revise Standard Permit Conditions.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, adopting a new Pre-Approved Emission Limit (PAEL), and updating the adoption of a monitoring plan, including the following:

- (1) 18 AAC 50.030(a) is proposed to be amended to update the State Air Quality Control Plan and Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program adoption by reference dates and to amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment. This appendix within the State Air Quality Control Plan contains the state's air quality regulations.
- (2) 18 AAC 50.0400 - (k); 18 AAC 50.2500; 18 AAC 50.311(c); 18 AAC 50.502(h)(2); and 18 AAC 50.590 are proposed to be amended to update the adoption by reference of federal regulations to maintain current and consistent permitting requirements.
- (3) 18 AAC 50 is proposed to be amended to update the name of the Port of Alaska.
- (4) 18 AAC 50.205(b)(1) is proposed to be amended to reflect changes in the statutes governing electronic signatures.
- (5) 18 AAC 50.230 is proposed to be amended to clarify reporting requirements for diesel engine PAELs and to add a new PAEL category for non-road diesel engines.
- (6) 18 AAC 50.376(g)(3) is proposed to be amended to add an applicable cross-reference to emission fee permit conditions.
- (7) 18 AAC 50.346 is proposed to be amended to update the adoption by reference date of revised standard permit conditions for construction and operating permits and to adopt a new standard condition for reporting requirements.
- (8) Standard Permit Conditions I - XVI are proposed to be amended to conform language to regulations; ensure emissions are properly calculated; update regulatory citations; add language to comply with reporting requirements; update report submission information; and make minor typographical changes to language.

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

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes, Standard Permit Conditions, and SP amendments are available at <https://dec.alaska.gov/air/airpms/sip/2019-adoption-updates/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials not feasible to post or subject to copyright may be viewed at the ADEC office(s) at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

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, P.O. Box 111800, Juneau, AK 99811-1800, by e-mail to rebecca.smith@alaska.gov or dec.air.comment@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 Monday, November 25, 2019. 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, November 13, 2019, 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 Wednesday, November 6, 2019. 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, or by e-mailing a request to rebecca.smith@alaska.gov. If no request for a public hearing is received by Wednesday, November 6, 2019, 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 Friday, November 8, 2019, on these websites: <https://dec.alaska.gov/air/air-permit/permit-regulations/>, <https://dec.alaska.gov/air/airpms/sip/2019-adoption-updates/>, <https://dec.alaska.gov/Applications/Air/airtoolsweb/PermitApprovalsAndPublicNotices>, and <https://dec.alaska.gov/air/airpms/sip/2019-adoption-updates-questions-answers>. The questions must be received at least 10 days before the end of the public comment period, the question deadline is Wednesday, November 13, 2019. The Department may, but is not required to, answer written questions received after Wednesday, November 13, 2019, the 10-day cut-off date.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalQuestions> or by sending the questions to Rebecca Smith via e-mail at rebecca.smith@alaska.gov or via mail to Rebecca Smith, ADEC Division of Air Quality, P.O. Box 111800, Juneau, AK 99811-1800. Questions may also be submitted verbally in testimony at the public hearing if it occurs. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/air-permit/permit-regulations/2019-adoption-updates-questions-answers>. The questions must be received at least 10 days before the end of the public comment period, the question deadline is Wednesday, November 13, 2019. The Department may, but is not required to, answer written questions received after Wednesday, November 13, 2019, the 10-day cut-off date.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Kate Orzoco at (907) 465-6171 or kate.orzoco@alaska.gov not later than Wednesday, November 6, 2019, to ensure that any necessary accommodations can be provided.

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 37.10.052; AS 44.46.025; AS 46.03.020; AS 46.14.010; AS 46.14.140, AS 46.14.240; AS 46.14.250

Statutes being implemented, interpreted, or made specific: AS 44.46.025; AS 46.03.020; AS 46.03.710; 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 46.14.160; AS 46.14.170; AS 46.14.180; AS 46.14.190; AS 46.14.200; AS 46.14.210; AS 46.14.220; AS 46.14.230; AS 46.14.240; AS 46.14.250; AS 46.14.255; AS 46.14.260; AS 46.14.285; AS 46.14.290; AS 46.14.300; AS 46.14.515; AS 46.14.560; Sec 30, ch 74, SLA 1993

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

ADEC, Division of Air Quality keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Air Quality notices of proposed regulation changes. To be added to or removed from the list, you may sign up on the Air Online Services (AOS) page at: <http://dec.alaska.gov/Applications/Air/airtoolsweb/Home/index/>. A myAlaska account is required to use the AOS system.

Date: October 7, 2019
By: /s/ Jason W. Brunne, ADEC Commissioner

Published: October 9, 2019

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 revised federal air quality regulations applicable to air quality control permits, update cross-references and a facility name, clarify reporting requirements for diesel engine pre-approved emission limits (PAELs), adopt a new PAEL for non-road diesel engines, update the adoption of a monitoring quality assurance plan, and revise Standard Permit Conditions has been given by being:

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 8 July 2020

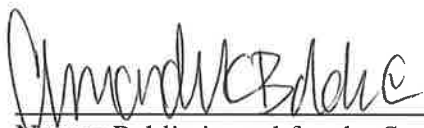


Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at 410 Willoughby Ave Juneau, AK on
July 8, 2020.

date





Notary Public in and for the State of Alaska

AIR QUALITY CONTROL: SUPPLEMENTAL 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 adopt by reference revised federal air quality regulations applicable to air quality control permits, update cross-references and a facility name, clarify reporting requirements for diesel engine pre-approved emission limits (PAELs), adopt a new PAEL for non-road diesel engines, update the adoption of a monitoring quality assurance plan, and revise Standard Permit Conditions. **This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PUBLIC COMMENT PERIOD that was issued on October 7, 2019.** This supplemental notice is providing an extension to the end date of the comment period.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, adopting a new Pre-Approved Emission Limit (PAEL), and updating the adoption of a monitoring plan, including the following:

- (1) 18 AAC 50.030(a) is proposed to be amended to update the *State Air Quality Control Plan* and *Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program* adoption by reference dates and to amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment. This appendix within the *State Air Quality Control Plan* contains the state's air quality regulations.
- (2) 18 AAC 50.040(a) – (k); 18 AAC 50.250(f); 18 AAC 50.311(c); 18 AAC 50.502(h)(2); and 18 AAC 50.990 are proposed to be amended to update the adoption by reference of federal regulations to maintain current and consistent permitting requirements.
- (3) 18 AAC 50 is proposed to be amended to update the name of the Port of Alaska.
- (4) 18 AAC 50.205(b)(1) is proposed to be amended to reflect changes in the statutes governing electronic signatures.
- (5) 18 AAC 50.230 is proposed to be amended to clarify reporting requirements for diesel engine PAELs and to add a new PAEL category for non-road diesel engines.
- (6) 18 AAC 50.326(j)(3) is proposed to be amended to add an applicable cross-reference to emission fee permit conditions.
- (7) 18 AAC 50.346 is proposed to be amended to update the adoption by reference date of revised standard permit conditions for construction and operating permits and to adopt a new standard condition for reporting requirements.
- (8) Standard Permit Conditions I – XVI are proposed to be amended to conform language to regulations; ensure emissions are properly calculated; update regulatory citations; add language to comply with reporting requirements; update report submission information; and make minor typographical changes to language.

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

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PUBLIC COMMENT PERIOD that was issued on October 7, 2019, concerning these proposed regulation revisions contained in the Department of Law file number 2019200615. This SUPPLEMENTAL NOTICE is being issued only to extend the end date of the public comment period in response to stakeholder requests.

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes, Standard Permit Conditions, and SIP amendments are available at <https://dec.alaska.gov/air/anpms/sip/2019-adoption-updates/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials not feasible to post or subject to copyright may be viewed at the ADEC office(s) at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

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, P.O. Box 111800, Juneau, AK 99811-1800; by e-mail to rebecca.smith@alaska.gov or dec.air.comment@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 January 3, 2020.** Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearings

ADEC has concluded a scheduled public hearing for these proposed regulations, conducted on Wednesday, November 13, 2019, from 12:00 p.m. to 1:30 p.m. at the ADEC Anchorage Building, First Floor Conference Room, 555 Cordova St., Anchorage, Alaska. Comments and testimony from the public hearing will be incorporated in the response to comments.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalQuestions> or by sending the questions to Rebecca Smith via e-mail at rebecca.smith@alaska.gov, or via mail to Rebecca Smith, ADEC Division of Air Quality, P.O. Box 111800, Juneau, AK 99811-1800. Questions may also be submitted verbally in testimony at the public hearing, if it occurs. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/air-permit/permit-regulations/2019-adoption-updates-questions-answers>. The questions must be received at least 10 days before the end of the revised public comment period; **the question deadline is December 24, 2019.**

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Kate Orozco at (907) 465-6171 or kate.orozco@alaska.gov not later than Friday, December 27, 2019, to ensure that any necessary accommodations can be provided.

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 37.10.052; AS 44.46.025; AS 46.03.020; AS 46.14.010; AS 46.14.140, AS 46.14.240; AS 46.14.250

Statutes being implemented, interpreted, or made specific: AS 44.46.025; AS 46.03.020; AS 46.03.710; 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; AQ 46.14.160; AS 46.14.170; AS 46.14.180; AS 46.14.190; AS 46.14.200; AS 46.14.210; AS 46.14.220; AS 46.14.230; AS 46.14.240; AS 46.14.250; AS 46.14.255; AS 46.14.280; AS 46.14.285; AS 46.14.290; AS 46.14.300; AS 46.14.515; AS 46.14.560; Sec 30, ch 74, SLA 1993

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

ADEC, Division of Air Quality keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Air Quality notices of proposed regulation changes. To be added to or removed from the list, you may sign up on the Air Online Services (AOS) page at:

<http://dec.alaska.gov/Applications/Air/airtoolsweb/Home/Index/> A myAlaska account is required to use the AOS system.

Date: November 21, 2019



Jason W. Brune, ADEC Commissioner

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; and 3) add new Pre-Approved Emission Limit requirements
3. Citation of regulation (may be grouped): 18 AAC 50.030, 18 AAC 50.040, 18 AAC 50.085, 18 AAC 50.090, 18 AAC 50.205, 18 AAC 50.230, 18 AAC 50.250, 18 AAC 50.311, 18 AAC 50.326, 18 AAC 50.346, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.990
4. Department of Law file number, if any: 2019200615
5. Reason for the proposed action:
(X) Compliance with federal law or action (identify): Clean Air Act
(X) 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(c)(2)(D) requires a shift to electronic submittal of emissions records, through the use of Air Online Services, by February 1, 2020. 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 2020 __	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>
1005 General fund/		

program \$ 0 \$ 0
Other (identify) \$ 0 \$ 0

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

Name: Rebecca Smith
Title: Environmental Program Specialist
Address: P.O. Box 111800
Juneau, AK 99811-1800
Telephone: 907-465-5121
E-mail address: rebecca.smith@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: November 21, 2019

Prepared by: _____

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

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270259 ST OF AK/DIV AIR QUALITY
PO BOX 111800, JUNEAU, AK 99811

Order #: W0012484

Cost: \$883.99

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said 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

11/24/2019

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

Subscribed and sworn to before me
this 25th day of November 2019.

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

MY COMMISSION EXPIRES

STATE OF ALASKA
NOTARY

PUBLIC

Jada L. Nowling

7/14/2026

AIR QUALITY CONTROL: SUPPLEMENTAL 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 adopt by reference revised federal air quality regulations applicable to air quality control permits, update cross-references and a facility name, clarify reporting requirements for diesel engine pre-approved emission limits (PAELs), adopt a new PAEL for non-road diesel engines, update the adoption of a monitoring quality assurance plan, and revise Standard Permit Conditions. This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PUBLIC COMMENT PERIOD that was issued on October 7, 2019. This supplemental notice is providing an extension to the end date of the comment period.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, adopting a new Pre-Approved Emission Limit (PAEL), and updating the adoption of a monitoring plan, including the following:

- (1) 18 AAC 50.030(a) is proposed to be amended to update the State Air Quality Control Plan and Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program adoption by reference dates and to amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment. This appendix within the State Air Quality Control Plan contains the state's air quality regulations.
- (2) 18 AAC 50.040(a) - (k); 18 AAC 50.250(d); 18 AAC 50.311(c); 18 AAC 50.502(h)(2); and 18 AAC 50.990 are proposed to be amended to update the adoption by reference of federal regulations to maintain current and consistent permitting requirements.
- (3) 18 AAC 50 is proposed to be amended to update the name of the Port of Alaska.
- (4) 18 AAC 50.205(b)(1) is proposed to be amended to reflect changes in the statutes governing electronic signatures.
- (5) 18 AAC 50.230 is proposed to be amended to clarify reporting requirements for diesel engine PAELs and to add a new PAEL category for non-road diesel engines.
- (6) 18 AAC 50.326(g)(3) is proposed to be amended to add an applicable cross-reference to emission fee permit conditions.
- (7) 18 AAC 50.346 is proposed to be amended to update the adoption by reference date of revised standard permit conditions for construction and operating permits and to adopt a new standard condition for reporting requirements.
- (8) Standard Permit Conditions I - XV are proposed to be amended to conform language to regulations; ensure emissions are properly calculated; update regulatory citations; add language to comply with reporting requirements; update report submission information; and make minor typographical changes to language.

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

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PUBLIC COMMENT PERIOD that was issued on October 7, 2019, concerning these proposed regulation revisions contained in the Department of Law file number 2019200615. This SUPPLEMENTAL NOTICE is being issued only to extend the end date of the public comment period in response to stakeholder requests.

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes, Standard Permit Conditions, and SIP amendments are available at <https://dec.alaska.gov/apps/sip/2019-adoption-updates/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials not feasible to post or subject to copyright may be viewed at the ADEC offices at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact: Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

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, P.O. Box 111800, Juneau, AK 99811-1800; by e-mail to rebecca.smith@alaska.gov or dec.aircomment@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>. Comments must be received not later than 5:00 p.m. on January 3, 2020. Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearings

ADEC has concluded a scheduled public hearing for these proposed regulations, conducted on Wednesday, November 13, 2019, from 12:00 p.m. to 1:30 p.m. at the ADEC Anchorage Building, First Floor Conference Room, 555 Cordova St., Anchorage, Alaska. Comments and testimony from the public hearing will be incorporated in the response to comments.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalQuestions> or by sending the questions to Rebecca Smith via e-mail at rebecca.smith@alaska.gov or via mail to Rebecca Smith, ADEC Division of Air Quality, P.O. Box 111800, Juneau, AK 99811-1800. Questions may also be submitted verbally in testimony at the public hearing, if it occurs. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/air-permit-regulations/2019-adoption-updates-questions-answers>. The questions must be received at least 10 days before the end of the revised public comment period; the question deadline is December 24, 2019.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Kate Orozco at (907) 465-6171 or kate.orozco@alaska.gov not later than Friday, December 27, 2019, to ensure that any necessary accommodations can be provided.

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 37.10.052; AS 44.46.025; AS 46.03.020; AS 46.14.010; AS 46.14.140, AS 46.14.240; AS 46.14.250

Statutes being implemented, interpreted, or made specific: AS 44.46.025; AS 46.03.020; AS 46.03.710; 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 46.14.160; AS 46.14.170; AS 46.14.180; AS 46.14.190; AS 46.14.200; AS 46.14.210; AS 46.14.220; AS 46.14.230; AS 46.14.240; AS 46.14.250; AS 46.14.255; AS 46.14.280; AS 46.14.285; AS 46.14.290; AS 46.14.300; AS 46.14.515; AS 46.14.560; Sec 30, ch 74, SLA 1993

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

ADEC, Division of Air Quality keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Air Quality notices of proposed regulation changes. To be added to or removed from the list, you may sign up on the Air Online Services (AOS) page at: <http://dec.alaska.gov/Applications/Air/airtoolsweb/Home/index/>. A myAlaska account is required to use the AOS system.

Date: November 21, 2019

By: /s/ Jason W. Brune, ADEC Commissioner

Published: November 24, 2019

AFFIDAVIT OF SUPPLEMENTAL 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 revised federal air quality regulations applicable to air quality control permits, update cross-references and a facility name, clarify reporting requirements for diesel engine pre-approved emission limits (PAELs), adopt a new PAEL for non-road diesel engines, update the adoption of a monitoring quality assurance plan, and revise Standard Permit Conditions has been given by being:

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.


Date: 8 July 2020



Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at 4110 Willoughby Ave Juneau, AK on
July 8, 2020.





Notary Public in and for the State of Alaska

AFFIDAVIT OF ORAL HEARING

I, Tom Turner, Environmental Program Manager of the Department of Environmental Conservation, being sworn, state the following:

On November 13, 2019, at 1205-1330, at the ADEC Anchorage Building, First Floor Conference Room, 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 to:

- (1) Amend 18 AAC 50.030(a) to update the *State Air Quality Control Plan* and *Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program* adoption by reference dates and to amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment. This appendix within the *State Air Quality Control Plan* contains the state's air quality regulations.
- (2) Amend 18 AAC 50.040(a) – (k); 18 AAC 50.250(f); 18 AAC 50.311(c); 18 AAC 50.502(h)(2); and 18 AAC 50.990 to update the adoption by reference of federal regulations to maintain current and consistent permitting requirements.
- (3) Amend 18 AAC 50 to update the name of the Port of Alaska.
- (4) Amend 18 AAC 50.205(b)(1) to reflect changes in the statutes governing electronic signatures.
- (5) Amend 18 AAC 50.230 to clarify reporting requirements for diesel engine PAELs and to add a new PAEL category for non-road diesel engines.
- (6) Amend 18 AAC 50.326(j)(3) to add an applicable cross-reference to emission fee permit conditions.
- (7) Amend 18 AAC 50.346 to update the adoption by reference date of revised standard permit conditions for construction and operating permits and to adopt a new standard condition for reporting requirements.
- (8) Amend Standard Permit Conditions I – XVI to conform language to regulations; ensure emissions are properly calculated; update regulatory citations; add language to comply with reporting requirements; update report submission information; and make minor typographical changes to language.

Date: 11/13/2019



Tom Turner, Environmental Program Manager

Subscribed and sworn to before me at 555 cordova st, Anchorage, AK on

11/13/2019



Notary Public in and for the State of Alaska

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 regulation on 18 AAC 50, Air Quality Control, revising language to update adoption by reference revised federal air quality regulations applicable to air quality control permits, update cross-references and a facility name, clarify reporting requirements for diesel engine pre-approved emission limits (PAELs), adopt a new PAEL for non-road diesel engines, update the adoption of a monitoring quality assurance plan, and revise Standard Permit Conditions.

Date: 8 July 2020

Rebecca Tyson Smith
Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at 410 Willoughby Ave Juneau, AK
July 8, 2020
date

Amanda Bolduc
Notary Public in and for the State of Alaska

[NOTARY SEAL]

