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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**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 8, 2022

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

Department of Environmental Conservation regulations re: air quality, federal requirements adopted by reference, and electronic submission of documents through the permittee portal (18 AAC 50.030(a); 18 AAC 50.040(g); 18 AAC 50.270)

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Attorney General File:	2021200061
Regulation Filed:	8/8/2022
Effective Date:	9/7/2022
Print:	243, October 2022

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 5 pages of regulations, dealing with air quality electronic submission amendments 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 29, 2022  
Anchorage, Alaska

Jason W.  
Brune

Digitally signed  
by Jason W.  
Brune  
Date: 2022.07.29  
15:09:08 -08'00'

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Jason W. Brune, Commissioner  
Department of Environmental Conservation

*Ami Simpson for*

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on August 8, 2022, at 4:36 p.m. I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

*Ami Simpson*  
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for Kevin Meyer, Lieutenant Governor

Effective: September 7, 2022.

Register: 243, October 2022.

**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*  
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**KEVIN MEYER  
LIEUTENANT GOVERNOR**

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 July 29, 2022 [JULY 5, 2022], are adopted by reference. The plan includes the following documents that are also adopted by reference:

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(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 11/7/2020, Register 236; add'l am 11/7/2020, Register 236; am 12/25/2020, Register 236; am 4/16/2022, Register 242; am 8/21/2022, Register 243; am 9 / 7 / 2022, Register 243; add'l am 9 / 7 / 2022, Register 243)

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

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 June 21, 2021 [JULY 1, 2019], are adopted by reference as they apply to a Title V source:

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18 AAC 50.040(g)(5) is amended to read:

(5) Subpart JJJ (Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999); [.]

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

(6) Subpart OOO (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014).

(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 11/7/2020, Register 236; am 4/16/2022, Register 242; am 9 / 7 / 2022 Register 243)

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

AS 46.14.010

18 AAC 50 is amended by adding new sections to Article 2 to read:

**18 AAC 50.270. Electronic submission requirements.** (a) If an electronic form is available within the permittee portal for records or information required by the department, a person shall submit that information electronically using the designated form. The department will post, on its air quality Internet website, a list of records or information required to be submitted electronically through the permittee portal and an effective date for the requirements to use the designated forms under (c) or (g) of this section.

(b) Upon written department approval, a person may submit required records or information using methods other than the method required in (a) of this section. If the person does not have reasonable access to equipment necessary to access the permittee portal, the department may approve submission by alternative methods, including by letter, form, or electronic mail. Approval under this subsection is temporary and does not remain effective for more than one calendar year without the department's written extension of the approval.

(c) For records and information that must be submitted using electronic web forms that are available before September 7, 2022 ~~{effective date of the regulations}~~, unless an owner or operator is already required to submit records or information electronically, the requirement to use the forms takes effect not later than September 7, 2023 ~~{one year after the effective date of the regulations}~~.

(d) For electronic web forms developed after September 7, 2022 ~~{effective date of the regulations}~~ the department shall post a notice, on the department's Internet website, of the development of a new electronic web form and notify by electronic mail those permittees that may be affected.

(e) Upon completion of a new electronic web form, the department will provide an electronic test environment and a timeframe where affected entities may review and comment on

the draft web form.

(f) After the review and expiration of the posted timeframe under (e) of this section, the department will make the new electronic web form and the effective date of required electronic submission available on the permittee portal. The effective date for new electronic web forms will be at least one year after the expiration of the posted timeframe under (e) of this section. The department will notify all affected parties, by electronic mail, of the new requirement and effective date.

(g) After the department adds a new electronic web form to the permittee portal under (f) of this section, and starting not later than the form's effective date, its use will be required for electronic submission of reports or information in accordance with established reporting deadlines.

(h) In this section, "permittee portal" means the online service provided by the department that allows registered organizations to conduct permit-related activities, such as submission of air quality compliance forms or open burn applications. (Eff. 9 / 7 / 2022, Register 243)

**Authority:** AS 46.03.020      AS 46.14.020      AS 46.14.140  
AS 46.14.010      AS 46.14.030

**18 AAC 50.275. Consistency of reporting methodologies.** (a) Regardless of permit classification, as of <sup>September 7, 2022</sup> ~~{effective date of the regulations}~~, all stationary sources operating in the state shall report actual emissions as required under this chapter to the department, either upon request or to meet individual permit requirements, in order for the state to meet the federal

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reporting requirements under 40 C.F.R. Part 51, Subpart A.

(b) For the purposes of reporting potential, actual, or assessable emissions under any requirement of this chapter, stationary sources shall use consistent pollutant-specific emissions factors and calculation methods for all reporting requirements. (Eff. 9 / 7 / 2022, Register 243)

<b>Authority:</b>	AS 46.03.020	AS 46.14.020	AS 46.14.140
	AS 46.14.010	AS 46.14.030	