

**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 50**

**AIR QUALITY CONTROL**

**Public Comment Draft**

**April 27, 2007**

**Comment Period Ends  
June 5, 2007, 5:00 p.m.**

**Sarah Palin  
Governor**

**Larry Hartig  
Commissioner**

18 AAC 50.030 is amended to read:

**18 AAC 50.030. State air quality control plan.** 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 {effective date of these regulations} [SEPTEMBER 19, 2006], are adopted by reference. The plan includes the following documents which are also adopted by reference:

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 161; am 3/2/2002, 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 \_\_/\_\_/2007, 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 is amended by adding a new section to read:

**18 AAC 50.260 Guidelines for Best Available Retrofit Technology under the Regional Haze Rule** (a) For the purposes of this section, the following are adopted by reference:

(1) Guidelines for BART Determinations under the Regional Haze Rule. 40 C.F.R., Part 51, Appendix Y, as amended through July 6, 2005; and

(2) 40 C.F.R. 51.301, as amended through July 1, 2006.

(b) Sources subject to BART shall be identified consistent with Section III of the BART guideline. No later than 10 days after {effective date of regulations}, the Department shall notify the owner or operator of each source subject to BART in writing

and shall identify the affected Class I areas. A notice provided to the owner or operator prior to {*effective date of regulations*} shall satisfy this obligation. Unless the department exempts a source in accordance with Section III of the BART guideline, each source subject to BART shall comply with (d) through (h), and (l) through (o) of this section.

(c) An owner or operator notified under (b) of this section may request an exemption from BART. Exemptions from BART approved by the department in writing prior to {*effective date of regulations*} shall have the same effect as those approved under this subsection. An exemption from BART must be requested and processed as follows:

(1) the owner or operator shall:

(A) notify the department no later than 30 days after {*effective date of the regulations*} that they intend to request exemption from BART;

(B) conduct a visibility impact analysis in accordance with (g) of this section; and

(C) submit the visibility impact analysis report, including all supporting documentation, to the department no later than 60 days after {*effective date of regulations*};

(2) The department will approve an exemption if the owner or operator met the requirements of (1) of this subsection and the information submitted adequately demonstrates that the BART-eligible source is not reasonably anticipated to cause or contribute to any visibility impairment in a Class 1 Area identified in the notice provided under (b) of this section;

(3) The department will notify the owner or operator, the Environmental Protection Agency, and the affected federal land manager, in writing, of the department's decision under (2) of this subsection; if the decision is to approve an exemption, the department will explain what requirements of this section no longer apply to the BART-eligible source.

(d) No later than 120 days after *{effective date of regulations}* the owner or operator of each source subject to BART shall submit to the department an analysis of control options consistent with Section IV of the BART guideline.

(e) The pollutants of concern for purposes of BART are SO<sub>2</sub>, NO<sub>x</sub>, and PM<sub>10</sub>.

(f) If an owner or operator elects to apply, or has already applied, the most stringent controls available consistent with the analysis conducted under (d) of this section, they are not required to conduct a visibility impact analysis for the emission units and pollutants so controlled.

(g) A visibility impact analysis must:

(1) use an identical modeling approach for comparing the pre-control and post-control impacts;

(2) determine the maximum change in visibility impacts (in daily deciviews) compared to the annual average default natural visibility condition as listed in *Guidance for Estimating Natural Visibility Conditions Under the Regional Haze Rule*, EPA-454/B-03-005, September 2003, adopted by reference, at each Class I area identified in the notice under (b) of this section.

(3) be conducted in a manner consistent with either:

(A) the August 15, 2006 *CALMET/CALPUFF Protocol for BART*

*Exemption Screening Analysis for Class I Areas in the Western United States*, adopted by reference, as amended by the *Summary of WRAP RMC BART Modeling for Alaska, Draft #7*, April 6, 2007, adopted by reference; or

(B) a modified protocol that was first submitted as a draft and made available for at least a 15-day review by the U.S. Environmental Protection Agency and the applicable Federal Land Manager(s), and subsequently approved in writing by the department.

(h) The department shall request from the owner or operator any additional information necessary to complete review of the analysis of control options for a source subject to BART. The department shall establish a reasonable deadline for submitting the information after consulting the owner or operator. The owner or operator shall provide such information no later than the deadline established by the department.

(i) The department shall review each analysis of control options and issue a preliminary BART determination for each emission unit at each source subject to BART. The preliminary BART determination will include:

(1) the pollutant-specific emission limits for each emission unit at each source subject to BART, and

(2) the monitoring, record-keeping, and reporting needed to demonstrate compliance with the emission limits, consistent with 40 C.F.R. 71.6(a)(3) adopted by reference in 18 AAC 50.040;

(j) The department will publish a notice of its preliminary BART determination and provide at least 30 days for the public to comment.

(k) After consideration of comments and testimony received, the department will

make a final BART determination and provide written notice to each owner or operator, the Environmental Protection Agency, and the affected federal land manager of the final BART determination within 15 days of making the final determination. The final BART determination will include:

- (1) the pollutant-specific emission limits for each emission unit at each source subject to BART; and
- (2) the monitoring, record-keeping, and reporting needed to demonstrate compliance with the emission limits, consistent with 40 C.F.R. 71.6(a)(3) adopted by reference in 18 AAC 50.040.

(l) An informal review of the final BART determination may be requested as prescribed in 18 AAC 15.185. An adjudicatory hearing of the final BART determination may be requested as prescribed in 18 AAC 15.195 – 18 AAC 15.340.

(m) Upon EPA approval of the regional haze SIP, the owner or operator of a source that is subject to a final BART determination under this section shall comply with the requirements established in that determination as expeditiously as practicable, but in no case later than 5 years after the date of EPA approval of the regional haze SIP.

(n) The owner or operator of a source required to install control equipment to comply with the BART determination shall:

- (1) maintain the control equipment and establish procedures to ensure such equipment is properly operated and maintained; and
- (2) conduct monitoring, recordkeeping, and reporting that complies with 18 AAC 50.220 and that demonstrates compliance or noncompliance with the BART requirements under all operational conditions.

(o) Department services under this section are designated regulatory services for preapplication assistance and

(1) shall be billed to the operating permit covering the source subject to BART as set out in 18 AAC 50.400(m); and

(2) receipts shall be allocated to the clean air protection fund under AS 46.14.260. (Eff. \_\_/\_\_/2007, Register \_\_)

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

Editor’s note: The documents adopted by reference in 18 AAC 50.260 can be reviewed at the department's Anchorage, Fairbanks, or Juneau office. To obtain a copy of these or any other documents adopted by reference in this section, contact the Department of Environmental Conservation, Air Quality Division at (907) 465-5100.

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18 AAC 50.990 is amended by adding new paragraphs to read:

(126) “BART” has the meaning given to Best Available Retrofit Technology in 40 C.F.R. 51.301, adopted by reference in 18 AAC 50.260;

(127) “BART-eligible source” has the meaning given in 40 C.F.R. 51.301, adopted by reference in 18 AAC 50.260;

(128) “BART guideline” means 40 C.F.R., Part 51, Appendix Y, adopted by reference in 18 AAC 50.260;

(129) “cause or contribute to visibility impairment” means to release emissions that produce a 0.5 or greater change in the daily deciview when compared against natural conditions. For purposes of 18 AAC 50.260, “natural conditions” includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration;

(130) “deciviews” has the meaning given in 40 C.F.R. 51.301, adopted by reference in 18 AAC 50.260;

(131) “Existing stationary facility” has the meaning given in 40 C.F.R. 51.301, adopted by reference in 18 AAC 50.260;

(132) “Federal land manager” has the meaning given in 40 C.F.R. 51.301, adopted by reference in 18 AAC 50.260;

(133) “regional haze SIP” means Alaska’s state implementation plan for regional haze required by 40 C.F.R. 51.308, as amended through July 6, 2005.

(134) “source subject to BART” means a source identified by the department in accordance with Section III of 40 C.F.R. Part 51, Appendix Y, adopted by reference in 18 AAC 50.260.

(135) “visibility impact analysis” means an air quality modeling analysis conducted for the purposes of determining visibility impacts.

(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 \_\_/\_\_/2007, Register \_\_\_\_)



<b>Authority:</b>	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