

# MEMORANDUM

**State of Alaska**  
**Department of Environmental Conservation**  
**Division of Air and Water Quality**

TO: John M. Stone, Chief  
Air Quality Maintenance Section

DATE: April 9, 1998

FILE:

THRU:

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FROM: John F. Kuterbach, Envir. Engin. Associate  
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SUBJECT: Permit deadline for existing  
non-permitted facility making a  
modification

This memorandum explains the operating permit application deadline in AS 46.14.150(a) for an existing facility that

1. Is not currently subject to operating permit requirements, and
2. Proposes a modification which will make the facility subject to permit requirements.

Because the facility is not new, the deadline in AS 46.14.150(a)(1) applies. The owner or operator must submit an application no later than 12 months after the date the facility becomes subject to AS 46.14.120(b). The facility becomes subject to AS 46.14.120(b) when the owner or operator begins operating the modified sources at the facility. In summary, the owner or operator of the facility described above must submit an operating permit application no later than 12 months after the date on which the modified sources begin operating. Sources subject to the federal New Source Performance Standards (NSPS) begin operating on the start-up date defined in 40 CFR 60.2.

Some additional considerations are as follows:

1. If the modification requires a construction permit, then the owner or operator must obtain that permit before commencing construction. The owner or operator may, but is not required to, apply for the operating permit at the same time.
2. The owner or operator must still comply timely with any applicable requirements. For example, the federal NSPS requires certain notices before start-up and performance tests within 180 days after start-up. The owner or operator must still meet these requirements by their specified deadline, even though the operating permit application is not yet due.
3. The operating permit application must include compliance information about applicable requirements, even if the due date for that requirement is past. For example, if the facility adds a source subject to the NSPS, the operating permit application must state whether the owner or operator met the notification requirements in 40 CFR 60.7. Also, if an initial

performance test shows noncompliance with an emission standard, the operating permit application must address this noncompliance.

Please keep this memorandum in your operating permits guidance files.

JFK/pal (h:\home\jkuterba\typing\deadline.mem)

cc: Robert Cannone, ADEC/AQM, Fairbanks  
Bill MacClarence, ADEC/AQM, Anchorage  
Web page (policy page)