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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: October 8, 2020

RE: Filed Permanent Regulations: Department of Environmental Conservation
Department of Environmental Conservation Regulation re: Updates to Air Quality
Control, Material Adopted by Reference (18 AAC 50)

Attorney General File:	2020200050
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 seven pages of regulations, dealing with Air Quality Limited Maintenance Plans 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

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on October 8, 2020, at 3:02 p.m. I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

April Simpson
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**

The introductory language of

18 AAC 50.015(b) is amended to read:

(b) The following areas have been designated by the federal administrator in 40 C.F.R.

81 as “nonattainment” for the specified air pollutants:

(Eff. 1/18/97, Register 141; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am ^{10/11/2004} ~~10/10/2004~~, Register 171; am 12/9/2010, Register 196; am 10/6/2013, Register 208; am 4/17/2015, Register 214; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030



The ^eEditor’s note for 18 AAC 50.015 is ^{changed or} ~~amended~~ to read:

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

^{•••} [^] ((Publisher: remainder of editor’s note is unchanged.))

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

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 22, 2020} ~~{adoption date of the~~ ^e

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

...

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

(c) ~~With respect to plan requirements for~~ contingency measures in nonattainment and maintenance areas identified in 18 AAC 50.015(b) ~~and~~ (d) ^{and} (e)

(1) ~~contingency measures~~ must be implemented as described in the *State Air Quality Control Plan* for an area upon

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

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

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

(ii) to meet a ^{quantitative} ~~qualitative~~ milestone;

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

(iv) to meet a reasonable further progress requirement;

(2) ~~contingency measures~~ may provide for notice to affected entities as outlined in the approved *State Air Quality Control Plan*.

(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)

Authority: 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 50.035(b) is amended to read:

(b) The following procedures and methods set out in 40 C.F.R., revised as of July 1,

2019 [FEBRUARY 27, 2014], are adopted by reference:

3
(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 4/1/2010, Register 193; am 9/17/2011, Register 199; am 4/8/2012, Register 202; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am 8/20/2016, Register 219; am 9/15/2018, Register 227; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.140

AS 46.14.010

AS 46.14.030

Sec. 30, ch. 74, SLA 1993

The introductory language of

18 AAC 50.040(a) is amended to read:

~~18 AAC 50.040. Federal standards adopted by reference.~~ (a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), revised as of April 2, 2020 [JULY 1, ²⁰¹⁷ ~~2019~~], are adopted by reference as they apply to a Title V source:

...

The introductory language of

18 AAC 50.040(c) is amended to read:

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants), revised as of March 9, 2020 [JULY 1, 2017], are adopted by reference as they apply to a Title V source:
(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 4/17/2015, Register 214; am 8/20/2016, Register 219; am 9/15/2018, Register 227; ~~am 1/8/2020, Register 233~~, am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030

AS 46.14.010

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

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

← (Eff. 2/28/2015, Register 213; am 11/26/2016, Register 220; am 1/12/2018, Register 225; am 1/8/2020, Register 233; am 11/7/2020, 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 last paragraph of the ^e Editor's ⁿ Note for 18 AAC 50.077 is ^{changed} amended to read:

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

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

~~(iv) to the EPA;~~

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 7/25/2008, Register 187; am

⁽ⁱⁱ⁾ by mail or electronic mail to persons on a list maintained by the department, including the EPA administrator and any person who requests to be notified; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail; and

12/9/2010, Register 196; am 1/4/2013, Register 205; am 8/20/2016, Register 219; am ~~11/7/2017~~,
Register 224; am 9/15/2018, Register 227; am 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(108) is amended to read:

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



18 AAC 50.990(151) is amended to read:

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

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 12/9/2010, Register 196; am 9/17/2011,

Register 236, January ²⁰²¹ 2020

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Register 199; am 9/14/2012, Register 203; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 2/28/2015, Register 213; am 4/17/2015, Register 214; am 3/2/2016, Register 217; 1/12/2018, Register 225; am 9/15/2018, Register 227; am 1/8/2020, Register 233; am 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