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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil
Department of Environmental Conservation

FROM: Kady Levale, Office of the Lieutenant Governor *KL*
465.3509

DATE: March 17, 2022

RE: Filed Permanent Regulations: Department of Environmental Conservation
Department of Environmental Conservation regulations re: air quality standards (18 AAC 50)

Attorney General File:	2021200062
Regulation Filed:	3/17/2022
Effective Date:	4/16/2022
Print:	242, July 2022

cc with enclosures: Joseph Felkl, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached six pages of regulations, dealing with Ice Fog and SO2 regulations repeal and amendments to the State Implementation Plan (SIP) 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.

Although no public comments were received, 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: October 20, 2021
Anchorage, Alaska

Jason W.
Brune

 Digitally signed by Jason W. Brune
Date: 2021.10.20 04:36:43 -08'00'

Jason W. Brune, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on MARCH 17
2022 at 2:01 P.m. I filed the attached regulations according to the provisions of AS 44.62.040 –
44.62.120.



Kevin Meyer, Lieutenant Governor

Effective: April 16, 2022.

Register: 242, July 2022.

18 AAC 50.025(c) is repealed:

(c) Repealed 4/16/2022. ~~SPECIAL PROTECTION AREAS FOR SULFUR DIOXIDE ARE ESTABLISHED TO PREVENT THE VIOLATION OF THE AMBIENT AIR QUALITY STANDARD AND MAXIMUM ALLOWABLE AMBIENT CONCENTRATION FOR SULFUR DIOXIDE. THE FOLLOWING AREAS ARE DESIGNATED AS SULFUR DIOXIDE SPECIAL PROTECTION AREAS:~~

~~(1) IN THE UNALASKA AREA, THE LAND AND WATER AREAS WITHIN A 3.4 MILE RADIUS OF THE INTERSECTION OF 53° 53' 4" N LATITUDE AND 166° 32' 11" W LONGITUDE; AND~~

~~(2) IN THE ST. PAUL ISLAND AREA, THE LAND AND WATER AREAS SOUTH OF UTM NORTHING 6333.00 KILOMETERS (57° 8' 29" N LATITUDE) AND WITHIN 0.6 KILOMETERS OF ST. PAUL ISLAND.~~

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/26/2016, Register 220; am 9/15/2018, Register 227; am 4/16/2022, Register 242)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

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 ^{October 20, 2021} ~~adoption date of the regulations~~ ^{NOVEMBER 18} ~~DECEMBER 25~~, 2020], are adopted by reference. The plan includes the following documents that 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

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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)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030 AS 46.14.140
AS 46.14.010 AS 46.14.030 Sec. 30, ch. 74, SLA 1993

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 March 23,

2021 [JULY 1, 2019], are adopted by reference:

• • •
(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; am 4/16/2022, Register 242)

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 **March 23, 2021** [APRIL 2, 2020], 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 **October 7, 2020** [JULY 1, 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 11, 2021** [MARCH 9, 2020], 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 **November 24, 2020** [JULY 1, 2019], 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 **November 24, 2020** [JULY 1, 2019], 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 **August 21, 2020** [JULY 1, 2019], are adopted by reference as they apply to a Title V source, except as provided in 18 AAC 50.326:

...

(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; add'l am 11/7/2020, Register 236; am 4/16/2022, Register

242)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

18 AAC 50.080 is repealed: *(Please blank date spaces and period)*

18 AAC 50.080. Repealed. 4/16/2022 ~~HCE FOG STANDARDS. THE DEPARTMENT WILL, IN ITS DISCRETION, REQUIRE A PERSON WHO PROPOSES TO~~

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~~BUILD OR OPERATE AN INDUSTRIAL PROCESS, FUEL-BURNING EQUIPMENT, OR INCINERATOR IN AN AREA OF POTENTIAL ICE FOG TO OBTAIN A PERMIT AND TO REDUCE WATER EMISSIONS.]~~

{ (Eff. 1/18/97, Register 141; am ^{repealed} 4/16/2022, Register 242) }

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

~~AS 46.14.010~~

18 AAC 50.502(c)(2)(B) is repealed: ~~(((remove parentheses)))~~

(B) repealed (4/16/2022), ~~[AFTER OCTOBER 1, 2004 OF AN EMISSIONS UNIT WITH A RATED CAPACITY OF 10 MILLION BTU OR MORE PER HOUR IN A SULFUR DIOXIDE SPECIAL PROTECTION AREA ESTABLISHED UNDER 18 AAC 50.025(C).]~~

(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; am 4/16/2022, Register 242)

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 AAC 50.540(c)(2)(B) is amended to read

(B) sulfur dioxide, annual average PM-2.5, PM-10, and nitrogen dioxide for a portable oil and gas operation; or

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~~18 AAC 50.540(C)(2)(C)~~

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~~18 AAC 50.540(C)~~ is repealed:

(((remove parentheses)))

(C) repealed 4/16/2022; ~~[SULFUR DIOXIDE FOR A STATIONARY~~

~~SOURCE IN A SULFUR DIOXIDE SPECIAL PROTECTION AREA ESTABLISHED~~

~~UNDER 18 AAC 50.025(C); OR]~~

(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; am 4/16/2022, Register 242)

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 AAC 50.542(a)(1)(B) is repealed: *(((remove parentheses)))*

(B) repealed 4/16/2022; ~~[IN A SULFUR DIOXIDE SPECIAL~~

~~PROTECTION AREA ESTABLISHED UNDER 18 AAC 50.025(C);]~~

(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 11/5/2017, Register 224; am 9/15/2018, Register 227; am 11/7/2020, Register 236; am 4/16/2022, Register 242)

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