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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 *KJ*
465.3509

DATE: July 22, 2022

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation regulations re: air quality regional haze special protection area (18 AAC 50.025(a)(4); 18 AAC 50.030(a); 18 AAC 50.265)

Attorney General File:	2021200060
Regulation Filed:	7/22/2022
Effective Date:	8/21/2022
Print:	243, October 2022

cc with enclosures: Jason W. Brune, Commissioner, Department of Environmental Conservation
Colleen Bailey, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 4 pages of regulations, dealing with Air Quality regional haze requirements 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 5, 2022
Anchorage, Alaska

Jason W. Brune
Digitally signed by
Jason W. Brune
Date: 2022.07.05
10:44:44 -08'00'

Jason W. Brune, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

Kady Levale for
I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 22,
2022, at 1:41p.m. I filed the attached regulations according to the provisions of AS 44.62.040 –
44.62.120.

Kady Levale
for Kevin Meyer, Lieutenant Governor

Effective: August 21, 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**

18 AAC 50.025(a) is amended by adding a new paragraph to read:

(((Publisher: 18 AAC 50.025(a)(2) and (3) are unchanged. Please move "and" from end of (a)(2) to end of (a)(3).)))
~~(3) geographic areas classified as Class I areas under 18 AAC 50.015(e); and e~~

(4) the Regional Haze Visibility Protection Area, which is the area identified in Volume II Section III.K.13.H. of the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030.

(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;
09/15/2018, Register 227; am 8/21/2022, Register 243)

Authority: AS 46.03.020

AS 46.14.010

AS 46.14.030

(((Bold / u.l.)))

Editor's note: Complete descriptions of the special protection areas designated in this section, including maps, are provided in the state air quality control plan adopted by reference in

18 AAC 50.030. The documents adopted by reference in 18 AAC 50.030 may be reviewed at the department's Anchorage, Fairbanks, or Seward office, or on the internet on the Department of Environmental Conservation, Division of Air Quality Reference Materials. For 18 AAC 50 web page at: <http://dec.alaska.gov/air/aqpm/sir/18AAC50-reference-materials/>

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 5, 2022 *← (((Bold / u.l.)))* ~~adoption date of the regulations~~ [MAY 25, 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 243, October 2022

ENVIRONMENTAL CONSERVATION

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 ((Bold (u.l.)))

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, Article 2 is amended by adding a new section to read: ^{Article 2 to}

18 AAC 50.265. Additional requirements for construction or operation of Title V permitted sources and operation of minor stationary sources within the regional haze special protection area. In accordance with Volume II, Section III.K.13.H. of the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, in addition to meeting all requirements in 18 AAC 50 as applicable, all stationary sources that require a permit, are located or operating within the area defined in 18 AAC 50.025(a)(4), and contain fuel burning equipment or industrial processes, shall:

- (1) (a) maintain onsite for 10 years, records of any maintenance to any significant emissions unit that is not an insignificant emissions unit ~~that does not meet the definition of an "insignificant emissions unit"~~ under 18 AAC 50.326(d) - (i), that has or may have an effect on any emission that affects visibility of Class I areas, including critical maintenance that has occurred or is planned to occur, including all schedules, practices, and maintenance records for each significant emissions unit and control device according to the manufacturer's emission-related written instructions;

(2) ~~(b)~~^g if the applicant has not previously submitted the information necessary for the state to compile the national emission inventory as required in 40 C.F.R. 51, Subpart A, as revised as of July 1, 2022, and adopted by reference, ~~then~~^g include that information in accordance with 18 AAC 50.200; and ~~and~~^o

(3) ~~(c)~~^g upon request by the department, submit copies of the information required under ~~(a)~~^g(1) of this section;

(4) ~~(d)~~^g ensure that an application for a construction permit, new permit, permit renewal, or permit modification specifically addresses information related to possible impacts on the reasonable further progress goals for Class I areas, as identified in the *State Air Quality*

Control Plan, adopted by reference in 18 AAC 50.030; in addition to the requirements found in ~~18 AAC 50.300 - 18 AAC 50.390 and 18 AAC 50.502 - 18 AAC 50.560~~
Article 3 and Article 5 of this chapter, as applicable, the application must also include: ~~o~~^o

(A) ~~(1)~~^g anticipated equipment major maintenance schedules, if applicable;

(B) ~~(2)~~^g a best estimate of ~~the~~^{the} projected equipment life of significant emissions ~~units~~^{units}, if known; for new construction, a permit requirement will be included to collect this information once an emissions unit is installed;

(C) ~~(3)~~^g an assessment of whether or not emissions resulting from the proposed project may impact the state's reasonable further progress goals; and

(D) ~~(4)~~^g a description of mitigation measures to minimize any identified adverse impacts to the state's reasonable further progress goals ~~;~~[;]

(5) ~~(e)~~^g implement mitigation measures identified in a permit to minimize any potential adverse impacts identified. (Eff. 8/21/2022, Register 243)

Register 243, October 2022

ENVIRONMENTAL CONSERVATION

Authority:	AS 46.03.020	AS 46.14.020	AS 46.14.130
	AS 46.03.710	AS 46.14.030	AS 46.14.140
	AS 46.14.010	AS 46.14.120	AS 46.14.180