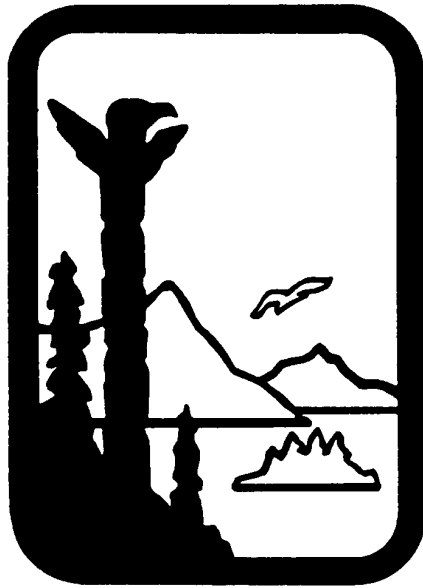


**ALASKA DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 50 Air Quality Control  
Responsiveness Summary  
2018 Adoption Updates**

*April 16, 2018*

## Introduction

The Alaska Department of Environmental Conservation (ADEC) proposed to change its air quality regulations to update adoption by reference dates of federal air quality regulations used in air quality control permits, clarify additional regulatory language, adopt federally required amendments to the state air quality plan, revise Standard Conditions, and repeal regulatory language no longer needed.

The proposed regulatory revisions to Title 18, Chapter 50 of the Alaska Administrative Code, included the following:

- Amend 18 AAC 50.025 to update a geographic name.
- Amend 18 AAC 50.030 to adopt revisions to the *State Air Quality Control Plan* in:
  - Volume II Section III: Areawide Pollutant Control Program: Amend Section III.L: Interstate Transport of Pollution
  - Volume III Appendix to Volume II Section II: State Air Quality Control Program: Amend Clean Air Act Section 110 Infrastructure Certification Documentation.
- Amend 18 AAC 50.035(a)(3) to update the adoption by reference date of the Air Pollutant Emission Factors.
- Repeal 18 AAC 50.035(a)(7) to delete language no longer needed to support other language being repealed.
- Amend 18 AAC 50.035(a) by adding a new paragraph to adopt a new document.
- Amend 18 AAC 50.040(a) – (k) to update the adoption dates of federal regulations adopted by reference to maintain current, consistent permitting requirements.
- Amend 18 AAC 50.040(a) to add a new paragraph to adopt new federal rules by reference to maintain current, consistent permitting requirements.
- Amend 18 AAC 50.055(a) to clarify language.
- Amend 18 AAC 50.055(b)(3) to remove a reference to repealed language.
- Amend 18 AAC 50.079(b) to clarify language intent.
- Amend 18 AAC 50.215(c)(1) to update a reference within a federal document.
- Amend 18 AAC 50.215(c)(2) to remove the commissioner from the approval process.
- Repeal 18 AAC 50.215(e) to delete adoption of a federal dispersion model that becomes adopted by reference under 18 AAC 50.040(f).
- Amend 18 AAC 50.220(b)(2), (c)(3), (d)(1); 18 AAC 50.225(b)(2), (i); 18 AAC 50.230(b), (c)(1)(E); 18 AAC 50.235(b)(1); 18 AAC 50.260(g); 18 AAC 50.260(j); 18 AAC 50.260(l)(1); 18 AAC 50.326(d), (d)(1), (d)(1)(B), (d)(1)(C), (d)(2), (d)(3), (d)(5), (e), (f), (g), (g)(5), (g)(6), (g)(7), (g)(8), (g)(9), (h), (i); 18 AAC 50.345(h)(1), (m); 18 AAC 50.346(a), (b), (c), Table 7; 18 AAC 50.400(i)(4)(A)(ii), (i)(7)(A), (i)(8)(A)(iii); 18 AAC 50.410(d); 18 AAC 50.502(c)(2)(B), (f)(1)(B), (f)(2), (f)(3), (f)(4), (h)(4); 18 AAC 50.540(c)(1)(A); 18 AAC 50.542(f)(6); 18 AAC 50.560(a); 18 AAC 50.990(8)(A), (65), (78) to correct an inconsistent spelling of a term defined in 18 AAC 50.990(32).
- Amend 18 AAC 50.230(d)(1) to remove outdated language.
- Amend 18 AAC 50.230(d)(2)(D) by adding language to clarify submission requirements.
- Amend 18 AAC 50.230(e)(1)(A) to add language for minor permits.
- Amend 18 AAC 50.311 by adding language to indicate what ammonia emissions are considered “significant” for nonattainment areas.

- Amend 18 AAC 50.346(b) and 18 AAC 50.346(c) Table 7 to update the adoption by reference date of revised standard conditions and adopt a new standard condition.
- Amend 18 AAC 50.540(c)(2) to update a cross reference.
- Amend 18 AAC 50.990(40) and 18 AAC 50.990(121) to update the adoption dates of federal definitions adopted by reference to maintain current, consistent permitting requirements.
- Amend Standard Condition I – XVI to align language to regulatory language, add language to ensure emissions are properly calculated, update regulatory citations, update hyperlinks, add language to comply with reporting requirements, update contact information for emissions inventory reporting, and make minor changes to language.

### **Opportunities for Public Participation**

The proposed regulation changes to 18 AAC 50 were described in the Department’s public notice which was signed on January 18, 2018, and posted on the public notice web pages of the State of Alaska, the Department of Environmental Conservation, and the Division of Air Quality starting on January 18, 2018. The public notice was published in the Anchorage Daily News on January 21 – 22, 2018. The Department accepted public comment through March 5, 2018. The Department’s public notice stated that DEC would hold a public hearing on February 21, 2018, if the Department received a request for a hearing by February 15, 2018. The Department received a request to hold the hearing and held it as detailed in the public notice. The Department accepted questions at the public hearing and posted answers on the questions and answers page starting on March 1, 2018.

### **Comments**

Comments were received on the 18 AAC 50 regulatory language revisions and on the Standard Conditions and regulatory language revisions related to the Standard Conditions. Due to the extensive and complex nature of the comments on the Standard Conditions and related regulatory language revisions, the regulatory package will be split into two packages for finalization and adoption. The solely 18 AAC 50 regulatory language revisions will be finalized and adopted in this package. The Standard Condition revisions and related regulatory language revisions will be addressed in a separate adoption package.

### **Commenters**

Questions were received at the public hearing from:

- Petrostar. The questions and answers are available at: <http://dec.alaska.gov/air/air-permit/permit-regulations/2018-adoption-updates-questions-answers>

Written comments on the 18 AAC 50 regulatory language revisions were received from:

- Petrostar (see comments in Appendix I)
- BP Exploration (Alaska) Inc. (BPXA) and ConocoPhillips Alaska, Inc. (CPAI) (see comments in Appendix II)

**Comments not included in this document that will be addressed in a future adoption**

Written comments on the Standard Conditions and regulatory language revisions connected to the Standard Conditions were received from:

- BP Exploration (Alaska) Inc. (BPXA) and ConocoPhillips Alaska, Inc. (CPAI)
- ADEC Air Permit Program (APP) staff
- ADEC Air Non-Point & Mobile Source Program (ANPMS) staff

# Revisions to Proposed Amendments:

Revisions were made to the proposed amendments based on comments as follows:

- In 18 AAC 50.035(a)(3), the adoption date of AP-42, *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources*, Fifth Edition with Supplements A – F and annual updates was updated to February 2018.
- In 18 AAC 50.230(d)(2)(D), additional language was added to 18 AAC 50.230(d)(2)(D)(iii) to indicate that report submissions would be accepted via alternative methods upon approval by the department. Alternative methods can be understood to include postal mail.
- In 18 AAC 345(h), the word “to” was moved from the lead-in language, which was not part of the public comment package, to 18 AAC 50.345(h)(1), which was part of the public comment package. The word “to” was also added, as a conforming edit, to the subsection at 18 AAC 50.345(h)(2) – (4).

The Department declined to make changes requested by commenters due to the reasons noted below:

- **Concerns about adoption by reference of *Inclusion of Emissions from Worker Housing Units in Air Quality Permits, January 30, 2017*, letter.**
  - The Department’s policy titled *Inclusion of Emissions from Worker Housing Units in Air Quality Permits, January 30, 2017*, was developed in response to EPA guidance that for certain minor sources, the appropriate inclusion of emissions units that properly define the stationary source had not been consistently applied. The intent was to capture emissions from those diesel electrical generators and small boilers or heaters that can reasonably be defined as part of the preapproved emission limit (PAEL) level source. For a small diesel electric generating station (PL1) diesel generator source, the inclusion of any additional diesel generator sets or diesel-fuel-fired boilers or heaters at worker housing units identified as part of the stationary source imposes no additional burden since the PAEL is a fuel limit on the entire source using common emission factors. For a bulk fuel storage facility (PL2) bulk fuel storage tank PAEL, any diesel generator sets or boilers and heaters that can reasonably be construed to be a part of worker housing units at the PL2 stationary source would be a minor calculation. The Department does not expect exhaustive analysis and calculations. The owner/operator, when applying for a PL1 or PL2 level source, should examine all the emissions units that a reasonable person would define as part of the stationary source, and simply include those diesels and boilers or heaters that exist at worker housing units that are a part of the stationary source. Provide those calculations necessary to support the PAEL application. If no worker housing units exist that support the stationary source as defined in the policy guidance, then no additional calculation is required.

- **Request to move lead-in language from 18 AAC 50.326(h) to 18 AAC 50.326(g).**
  - The Department did not move the lead-in language, “This subsection lists emissions units or activities that may be insignificant on the basis of size or production rate. Insignificant emissions units and activities listed in this subsection that are subject to a standard under 18 AAC 50.050 – 18 AAC 50.090 must be listed on the permit application.” from 18 AAC 50.326(h) to 18 AAC 50.326(g) because the language is specific to “emission units of activities that **may** be insignificant on the basis of size or production rate,” subject to a case-by-case determination by the department under 18 AAC 50.326(h). **All** emissions units listed in 18 AAC 50.326(g) are insignificant on the basis of size or production rate. Additionally, 18 AAC 50.325(d)(3) already requires that emissions units identified as insignificant under 18 AAC 50.328(g) be listed in the application.
  
- **Request to delete the language, “the most” from 18 AAC 50.410(c)(2) (and Standard Condition I).**
  - The Department did not remove the regulatory language for the following reason: using the most representative method of determining emissions does not impose any additional burden on the Permittee, as the Permittee should be aware of which data method is most representative for their emission units for the purpose of calculating emissions estimations for this period of operation. The wording in the regulations (and the permit condition) ensures that the most representative method is used, therefore ensuring that a “most recent” source test emission factor is used rather than one that is many years or several test cycles old, given that the most recent test would be “most representative” of the emissions during this period. Without the language, the Permittee would be free to select any method from the list even if a “more representative” value or method was available.
  
- **Request to update the adoption by reference as revised by date in 18 AAC 50.990(42)(A) from July 1, 2007, to July 1, 2017.**
  - The Department did not change the “as revised as of date” in 18 AAC 50.990(42)(A) because that paragraph of the regulations was not part of the public comment package. Additionally, there has been no change to the definition of “good engineering practice stack height” in 40 C.F.R. 51(100)(ii) since 2007; therefore there is no deficiency in the definition at this time. The Department will revise the date as part of a future regulations package.
  
- **Requests to revise Standard Conditions and language revisions connected to the Standard Conditions.**
  - These revisions will be addressed in a future adoption package, as noted above.

## Fiscal Impact Comments:

There were no comments on fiscal impacts of the proposed regulation changes.

## **Appendix I**

PetroStar  
Comments on 18 AAC 50 Regulatory Language Revisions  
Received via the Air On-line Services comment system  
March 15, 2018

**Comment on revision to 18 AAC 50.035:**

In regards to adopting the department's letter, Inclusion of Emissions from Worker Housing Units in Air Quality Permits, January 30, 2017, there is concern regarding the effect this letter will have on existing facilities, particularly those under permit avoidance measures such as a Pre-Approved Emission Limits (PAELs). The intent under a PAEL request is for facilities to avoid the need for a Title V Permit by:

- limiting the allowable emissions of, or potential to emit, nitrogen oxides from diesel engines by restricting the amount of fuel that may be burned in an engine; or
- limiting the maximum daily throughput of gasoline at a gasoline distribution facility to less than 19,900 gallons.

Both of these limitations place restrictions on particular category of emission unit (diesel engines or storage tanks) at the stationary source.

Under the Inclusion of Emissions from Worker Housing Units in Air Quality Permits, January 30, 2017, stationary sources would be required to consider emissions from fuel-burning emissions units that directly support worker housing units at or near the stationary source when assessing a permit applicability determination. There is currently no mechanism for performing this additional calculation in the PAEL application. As such, stationary sources would have to follow the more burdensome requirements for a Title I or V Permit Application to request a PAEL.

Also, additional monitoring, recordkeeping and reporting (and ultimately additional permit conditions) will be required for worker housing emission units to verify either insignificant status or actual emission released throughout the year. ADEC would need to consider revising the Annual Reporting Forms to accommodate these changes.

In responses to the public hearing, ADEC stated that the intent was to resolve inconsistencies with how EPA policy was being implemented, and specified the policy must be applied consistently statewide. If the intent of this change was to capture worker housing emissions from those stationary sources with a large number of housing units and thereby large emission units; we suggest a limitation on number (only housing units with X number or more) to limit the unintended consequences of incorporating this change into existing facilities under PAEL. ADEC provided additional information that PAELs do not have to do modeling under this new requirement, however, it is difficult to see how current PAELs would not have to perform some level of monitoring, recordkeeping, reporting and modeling under the requirements as stated.

**Comment on 18 AAC 50.230:**

Petro Star, Inc. operates facilities under PAELs in remote areas of Alaska. Internet access and the capabilities to upload the necessary information are not always available. For these facilities, Petro Star, Inc. would recommend keeping to option to mail in submission available to meet our air reporting compliance. As ADEC indicated in its responses to the public hearing, we hope the department is willing to consider revising the regulations to allow for mail submission with approval.



## **Appendix II**

BP Exploration (Alaska) Inc. (BPXA) and ConocoPhillips Alaska, Inc.  
Comments on 18 AAC 50 Regulatory Language Revisions  
March 5, 2018

**Comments on Public Notice Draft (1/18/18)  
Proposed Adoption Updates to 18 AAC 50  
Air Quality Control**

The following comments are submitted by BP Exploration (Alaska) Inc. (BPXA) and ConocoPhillips Alaska, Inc. (CPAI) in response to draft proposed adoption updates to Title 18, Chapter 50 of the Alaska Administrative Code (18 AAC 50). The adoption updates were issued for public comment on January 18, 2018 by the Alaska Department of Environmental Conservation (ADEC or Department).

Our proposed edits to the Department's public notice (PN) draft revisions of 18 AAC 50 are shown below as if the Department's proposed revisions have been implemented. In other words, we have not included regulatory text in our comments that the Department proposes to delete or replace unless doing so helps to better explain our proposed changes.

We show our proposed text to be inserted using underline formatting and proposed text to be deleted using ~~strikeout formatting~~. Occasionally, **bold font** and/or **yellow highlighting** are also used in these comments to help spotlight edits that might otherwise be difficult to identify.

- 1) **18 AAC 50.035(a)(3)** - we suggest that the Department consider adopting EPA's AP-42 document with updates through **February 2018** in order to capture EPA's recent updates to the flare emissions factors (AP-42 chapter 13.5).
- 2) **18 AAC 50.326(h), Applications – insignificant emissions units: case-by-case basis** – the first two sentences of the introductory paragraph of this rule appear to be out of place. We believe they should be moved to the introduction to 18 AAC 50.326(g), **Applications – insignificant emission units: size or production rate basis**. We believe the highlighted text shown below from the introduction to 18 AAC 50.326(h) should be moved:

“This subsection lists emissions units or activities that may be insignificant on the basis of size or production rate. Insignificant emissions units and activities listed in this subsection that are subject to a standard under 18 AAC 50.050 – 18 AAC 50.090 must be listed on the permit application. Except as provided in (d) of this section, the department may determine the following emissions units to be insignificant on a case-by-case basis:”

*Basis:* The highlighted text refers to insignificant emissions units (IEUs) based on size or production rate, which is the list found in 18 AAC 50.326(g). Also, 18 AAC 50.326(d)(3) states that operating permit applications must list each emissions unit at the stationary source that is identified as insignificant under 18 AAC 50.326(e) or 18 AAC 50.326(g).

- 3) **18 AAC 50.345(h)** – revise as follows to correct the punctuation:

“(h) The permittee shall allow the department or an inspector authorized by the department, upon presentation of credentials and at reasonable times with the consent of the owner or operator, to”

*Basis:* We believe the phrase “upon presentation of credentials and at reasonable times with the consent of the owner or operator” is a qualifier that belongs between commas.

- 4) **18 AAC 50.346(b)(3)** – we suggest that the Department change the title of Standard Permit Condition (SPC) IV as follows to clarify the context of the notification form in SPC IV:
  - “(3) Standard Permit Condition IV - Notification Form for Excess Emissions and Permit Deviations”
- 5) **18 AAC 50.346(b)(4)** – the title for SPC V shown in this regulation needs to be changed as follows to coincide with the other changes the Department has made in the PN draft adoption updates of 18 AAC 50 and to match the new title for SPC V per the Department’s PN draft revisions to SPC V.
  - “(4) Standard Operating Permit Condition V – Insignificant Emissions Units Sources”
- 6) **18 AAC 50.346(b)(7)** – we suggest that the Department change the title of SPC XIV as follows to clarify the context of this SPC and to better distinguish it from new SPC XVII. See also our Comment #135) regarding a proposed revision to SPC XIV included in our comments provided to the Department regarding proposed changes to the PN draft SPCs in conjunction with these comments regarding 18 AAC 50.
  - “(7) Standard Operating Permit Condition XIV – ~~Document~~ Permit Application Submittals and Electronic Copies”
- 7) **18 AAC 50.346(b)(9)** - revoke (or repeal, as appropriate) SPC XVI – Emission Inventory Reporting Form - per our PN draft SPC comments package Comment #151).
- 8) **18 AAC 50.346(c), Table 7** – revise Table 7 as follows:

**Table 7  
Standard Operating Permit Conditions**

Emissions Unit or Activity	Standard Operating Permit Conditions
– <del>Gas fuel burning</del> <u>Gas-fired fuel-burning equipment</u> , except flares	Standard Operating Permit Condition VIII – Visible Emissions and Particulate Matter Monitoring Plan for <u>Gas Fuel-Burning Gas-Fired Fuel-Burning Equipment</u> , {adoption date of the regulations }
– <del>Stationary diesel</del> <u>liquid fuel-fired engines</u> – <del>Liquid fuel-burning</del> <u>-fired stationary turbines</u> – <del>Other liquid fuel-fired</del> <u>fuel-burning equipment</u> –Flares	Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for <u>Liquid Fuel-Fired Fuel-Burning Equipment</u> , {adoption date of the regulations }
<...>	<...>

Emissions Unit or Activity	Standard Operating Permit Conditions
<del>Emissions units Liquid fuel-fired fuel-burning equipment liquid fuel</del>	Standard Operating Permit Condition XI – SO <sub>2</sub> Emissions from Liquid Fuel-Fired Fuel-Burning equipment, {adoption date of the regulations}
<b>DELETE the following row to be consistent with our PN draft SPC comments package Comment #126) suggesting that SPC XII be revoked or edit the following row as shown.</b>	
<del>Emissions units Liquid fuel-fired fuel-burning equipment liquid fuel</del>	Standard Operating Permit Condition XII – SO <sub>2</sub> Material Balance Calculation, {adoption date of the regulations}

*Basis:* 1) See our PN draft SPC comments package Comment #48) ,Comment #53), and Comment #123).

2) See Footnote 32 associated with Basis #1) to our Comment #86) in our PN draft SPC comments package.

9) **18 AAC 50.410(c)(2)** – Emission Fees – revise as follows:

“(2) projected annual rate of emissions, as that term is used in AS 46.14.250, when demonstrated by credible evidence of actual emissions based upon **the most** representative information available...”

*Basis:* See our PN draft SPC comments package Comment #3).

10) **18 AAC 50.990(42)(A)** and **18 AAC 50.990(121)** – regarding references to 40 CFR 51.100 – 18 AAC 50.990(42)(A) includes a reference to 40 CFR 51.100(ii), “as revised as of **July 1, 2007**”, while the PN draft version of 18 AAC 50.990(121) includes a reference to 40 CFR 51.100(s), ás revised as of **July 1, 2017**”. Should the revision dates provided for these two references be the same?<sup>1</sup>

<sup>1</sup> We also note that 18 AAC 50.990(151) references 40 CFR 51.100(o), ás revised as of **July 1, 2017**” (emphasis added).