

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



18 AAC 50

Air Quality Control

DEFINITIONS

Updated November 18, 2015

The Definitions Guidance document is provided by the Department of Environmental Conservation, Air Quality Permits as a public courtesy. The document provides guidance to the terms, acronyms, abbreviations, and definitions used by the State of Alaska, Department of Environmental Conservation, Air Permits Program.

The Air Permits Program arranged the regulatory terms alphabetically and provided the applicable definitions as used in Air Program permits. Each definition includes the applicable regulatory citation to the Alaska Administrative Code, the Alaska Statutes, the Code of Federal Regulations, or a provision of the Clean Air Act. Definitions are followed by any additional references to the term (as applicable) from 18 AAC 50, including when there is an exception or change to the definition.

The 18 AAC 50 Alaska Administrative Code referenced within this document is effective as of April 17, 2015, unless otherwise noted. Other 18 AAC regulations referenced may have different effective dates. For the Alaska Statute references (AS references), the effective date is July 1, 2011. Additional regulatory citations are effective as noted. Certain citations may have notes within the definition's text section or in footnotes to the document, if further clarifications were warranted.

40 CFR citations may include definitions that are formatted differently than are definitions listed in the AAC regulations. This document has preserved the definitions formatting in the respective documents.

Every effort has been made to assure the accuracy of the information provided within the Definition Guidance Document. The Department of Environmental Conservation cannot guarantee its absolute accuracy. Paper copies of the document are available through the Department of Environmental Conservation, Air Permits Program.

Actual emissions

18 AAC 50.990(1) "actual emissions" has the meaning given in 40 C.F.R. 52.21(b)(21), adopted by reference in 18 AAC 50.040;

[As amended through April 17, 2015]

40 C.F.R. 52.21(b)(21) (i) *Actual emissions* means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with paragraphs (b)(21)(ii) through (iv) of this section, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under paragraph (aa) of this section. Instead, paragraphs (b)(41) and (b)(48) of this section shall apply for those purposes.

(ii) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Administrator shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(iii) The Administrator may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(iv) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

[As revised as of August 2, 2010]

Administrator

18 AAC 50.990(2) "administrator" means the administrator of the United States Environmental Protection Agency, except as otherwise provided in 18 AAC 50.306 – 18 AAC 50.326;

[As amended through April 17, 2015]

18 AAC 50.306. Prevention of significant deterioration (PSD) permits. (b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21,

(A) the term "administrator" means

(i) "federal administrator" in 40 C.F.R. 52.21(b)(17), (b)(37), (b)(43), (b)(48)(ii)(c), (i)(1)(x), (1)(2), and (p)(2); and

(ii) "department" elsewhere;

[As amended through April 17, 2015]

18 AAC 50.316. Preconstruction review for construction or reconstruction of a major source of hazardous air pollutants.

(b) **Definitions.** The term “administrator” as used in 40 C.F.R. 63.5(d) - (e), adopted by reference in 18 AAC 50.040, means “department” for the purposes of this section.

[As amended through April 17, 2015]

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

(8) “administrator” means the administrator of EPA, except that “administrator” or “regional administrator” means the department at

(A) 40 C.F.R. 71.3(e); and

(B) 40 C.F.R. 71.6(a)(7).

[As amended through April 17, 2015]

Air curtain incinerator

18 AAC 50.990(4) "air curtain incinerator" means a device in which large amounts of combustible materials are burned in a rectangular containment equipped with an overfire air system;

[As amended through April 17, 2015]

Air pollutant

18 AAC 50.990(3) "air pollutant" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(1) "air pollutant" has the meaning given in 42 U.S.C. 7602 (Clean Air Act, sec. 302);

[As amended through July 1, 2011]

42 U.S.C. 7602 (Clean Air Act, sec. 302)(g) The term “air pollutant” means any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the Administrator has identified such precursor or precursors for the particular purpose for which the term “air pollutant” is used.

[As amended through May 31, 2012]

Air pollution

18 AAC 50.990(5) "air pollution" has the meaning given in AS 46.03.900;
[As amended through April 17, 2015]

AS 46.03.900(2) "*air pollution*" means the presence in the outdoor atmosphere of one or more air contaminants in quantities and duration that tend to be injurious to human health or welfare, animal or plant life or property or would unreasonably interfere with the enjoyment of life or property;
[As amended through July 1, 2011]

Air pollution control equipment

18 AAC 50.990(6) "air pollution control equipment" means equipment or a portion of equipment designed to reduce the emissions of an air pollutant to the ambient air;
[As amended through April 17, 2015]

Airport

18 AAC 50.400. Permit administration fees.

(k) In this section,

(1) "airport" has the meaning given in AS 02.25.110;
[As amended through April 17, 2015]

AS 02.25.110(1) "*airport*" means an area of land or water designed for the landing and taking-off of aircraft and used or to be used as a point of arrival or departure by air;
[As amended through July 1, 2011]

Air quality control requirement

18 AAC 50.990(7) "air quality control requirement" means any obligation created by AS 46.14, this chapter, or a term or condition of a preconstruction permit issued by the department before January 18, 1997;
[As amended through April 17, 2015]

Allowable emissions

18 AAC 50.990(8) "allowable emissions" has the meaning given in 40 C.F.R. 52.21(b), except that for the purposes of establishing or revising a plantwide applicability limitation (PAL) under 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040,

(A) "allowable emissions" means the emissions rate of an emission unit calculated considering any emission limitation that is enforceable as a practical

matter on the emission unit's potential to emit; and

(B) in the definition of "potential to emit" in 40 C.F.R. 51.166(b), the words "or enforceable as a practical matter" are added after "federally enforceable", as provided in 40 C.F.R. 51.166(w)(2)(ii)(b);

[As amended through April 17, 2015]

40 C.F.R. 52.21(b)(16) *Allowable emissions* means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (i) The applicable standards as set forth in 40 CFR parts 60 and 61;
- (ii) The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or
- (iii) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

[As revised as of August 2, 2010]

40 C.F.R. 51.166(b)(4) + 40 C.F.R. 51.166(w)(2)(ii)(b) *Potential to emit* means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable **or enforceable as a practical matter**. Secondary emissions do not count in determining the potential to emit of a stationary source.

[As revised as of August 2, 2010]

Ambient air

18 AAC 50.990(9) "ambient air" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(2) "*ambient air*" has the meaning given in 40 C.F.R. 50.1;

[As amended through July 1, 2011]

40 C.F.R. 50.1(e) *Ambient air* means that portion of the atmosphere, external to buildings, to which the general public has access.

[As revised as of July 1, 2011]

Ambient air increment

18 AAC 50.306. Prevention of significant deterioration (PSD) permits. (b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21,

(C) the term “ambient air increment” or “maximum allowable increase” means a maximum allowable increase set out in Table 3 in 18 AAC 50.020(b);

[As amended through April 17, 2015]

Ambient air quality standards

18 AAC 50.990(10) "ambient air quality standards" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(3) "*ambient air quality standard*" means a standard, other than an emission standard, adopted under AS 46.14.010, 46.14.140, 46.14.400(f), or 42 U.S.C. 7409 (Clean Air Act, sec. 109);

[As amended through July 1, 2011]

Applicable requirement

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

(2) “applicable requirement” also means any obligation created by AS 46.14, this chapter, or a term or condition of a preconstruction permit issued by the department”;

[As amended through April 17, 2015]

Approved

18 AAC 50.990(11) "approved" means approved by the department;

[As amended through April 17, 2015]

Asphalt plant

18 AAC 50.990(12) "asphalt plant" means a stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; “asphalt plant” includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring,

and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within the stationary source;

[As amended through April 17, 2015]

Assessable emission

18 AAC 50.990(13) "assessable emission" has the meaning given in AS 46.14.250(h)(1);

[As amended through April 17, 2015]

AS 46.14.250(h)(1) "*assessable emission*" means the quantity of each air pollutant for which emission fees are assessed and is the lesser of

(A) the stationary source's potential to emit, in tons per year, each air pollutant; or

(B) the projected annual rate of emissions, in tons per year, of each air pollutant by the stationary source based upon previous actual annual emissions if the permittee can demonstrate to the department its previous actual annual rate of emissions through monitoring, modeling, calculations, or other method acceptable to the department;

[As amended through July 1, 2011]

BART

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q) In this section,

(1) "BART" has the meaning given the term "Best Available Retrofit Technology" in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

[As amended through April 17, 2015]

40 C.F.R. 51.301 Best Available Retrofit Technology (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

[As revised as of July 1, 2007]

BART-eligible source

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(2) “BART-eligible source” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

[As amended through April 17, 2015]

40 C.F.R. 51.301 *BART-eligible source* means an *existing stationary facility* as defined in this section.

[As revised as of July 1, 2007]

40 C.F.R. 51.301 *Existing stationary facility* means any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted.

Fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input,

Coal cleaning plants (thermal dryers),

Kraft pulp mills,

Portland cement plants,

Primary zinc smelters,

Iron and steel mill plants,

Primary aluminum ore reduction plants,

Primary copper smelters,

Municipal incinerators capable of charging more than 250 tons of refuse per day,

Hydrofluoric, sulfuric, and nitric acid plants,

Petroleum refineries,

Lime plants,

Phosphate rock processing plants,

Coke oven batteries,

Sulfur recovery plants,

Carbon black plants (furnace process),

Primary lead smelters,

Fuel conversion plants,

Sintering plants,

Secondary metal production facilities,

Chemical process plants,

Fossil-fuel boilers of more than 250 million British thermal units per hour heat input,

Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels,

Taconite ore processing facilities,

Glass fiber processing plants, and

Charcoal production facilities.

[As revised as of July 1, 2007]

BART guidelines

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(3) “BART guidelines” means 40 C.F.R. Part 51, Appendix Y (Guidelines for BART determinations under the regional haze rule), adopted by reference in (a) of this section.

[As amended through April 17, 2015]

Note: 40 C.F.R. Part 51, Appendix Y (Guidelines for BART determinations under the regional haze rule) is not included in this document due its length. Please see the C.F.R. for reference if needed.

Baseline actual emissions

18 AAC 50.502. Minor permits for air quality protection.

(h) For the purposes of this section

(1) “baseline actual emissions” has the meaning given in 40 C.F.R. 52.21(b)(48), adopted by reference in 18 AAC 50.040, except that in that definition the term “major stationary source” is revised to read “stationary source within the meaning given in AS 46.14.990”;

[As amended through April 17, 2015]

40 C.F.R. 52.21(b)(48) *Baseline actual emissions* means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with paragraphs (b)(48)(i) through (iv) of this section.

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5- year period immediately preceding when the owner or operator begins actual construction of the project. The Administrator shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

(c) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24- month period must be used to determine the baseline actual emissions for the emissions units being changed. A

different consecutive 24-month period can be used for each regulated NSR pollutant.

(d) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (b)(48)(i)(b) of this section.

(ii) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Administrator for a permit required under this section or by the reviewing authority for a permit required by a plan, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(c) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the ~~major stationary source~~ ***stationary source within the meaning given in AS 46.14.990*** must currently comply, had such ~~major stationary source~~ ***stationary source within the meaning given in AS 46.14.990¹*** been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under part 63 of this chapter, the baseline actual emissions need only be adjusted if the State has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of §51.165(a)(3)(ii)(G) of this chapter.

(d) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(e) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs (b)(48)(ii)(b) and (c) of this section.

¹ For purposes of 18 AAC 50.502 and as referenced in 18 AAC 50.502(h)(1) the definition for baseline actual emissions is revised as shown with the crossed out words replaced by the bold, italicized words in 40 C.F.R. 52.21(b)(48)((ii)(c)).

(iii) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(iv) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (b)(48)(i) of this section, for other existing emissions units in accordance with the procedures contained in paragraph (b)(48)(ii) of this section, and for a new emissions unit in accordance with the procedures contained in paragraph (b)(48)(iii) of this section.

[As revised as of August 2, 2010]

AS 46.14.990(26) "*stationary source*" has the meaning given in 40 C.F.R. 51.166(b) or 40 C.F.R. 70.2, depending on the context in which the term is used;

[As revised as of July 1, 2011]

40 C.F.R. 51.166(b)(5) *Stationary source* means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.

[As revised as of August 2, 2010]

40 C.F.R. 70.2 *Stationary source* means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act.

[As revised as of July 1, 2011]²

Begin actual construction

18 AAC 50.990(14) "begin actual construction" has the meaning given in 40 C.F.R. 52.21(b)(11), adopted by reference in 18 AAC 50.040;

[As amended through April 17, 2015]

40 C.F.R. 52.21(b)(11) *Begin actual construction* means, in general, initiation of physical onsite construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

[As revised as of August 2, 2010]

² 40 C.F.R. 70 is not adopted by reference in 18 AAC 50; therefore the adoption date of this reference is assumed to correspond with the most recent published revision of the Alaska Statutes in which it is adopted (AS 46.14.990(26)).

Black smoke

18 AAC 50.990(15) "black smoke" means smoke having the color of emissions produced by the incomplete combustion of toluene in the double wall combustion chamber of a smoke generator;

[As amended through April 17, 2015]

Btu

18 AAC 50.990(16) "Btu" means British thermal unit;

[As amended through April 17, 2015]

Building, structure, facility, or installation

18 AAC 50.990(17) "building, structure, facility, or installation" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(4) "building, structure, facility, or installation" has the meaning given in 40 C.F.R. 51.166(b) except that it includes a vessel

(A) that is anchored or otherwise permanently or temporarily stationed within a locale;

(B) upon which a stationary source or stationary sources are located; not including stationary sources engaged in propulsion of the vessel; and

(C) that is used for an industrial process, excluding a tank vessel in the trade of transporting cargo; in this subparagraph, "industrial process" means the extraction of raw material or the physical or chemical transformation of raw material in either composition or character;

[As amended through July 1, 2011]

40 C.F.R. 51.166(b)(6) Building, structure, facility, or installation means all of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same *Major Group* (i.e., which have the same two-digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

[As revised as of August 2, 2010]

18 AAC 50.040. Federal standards adopted by reference.

(h)(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(B) the following provisions are not adopted, and the terms defined in those provisions have the meanings give in AS 46.14.990:

(iii) 40 C.F.R. 52.21(b)(6) (“building, structure, facility, or installation”);

[As amended through April 17, 2015]

18 AAC 50.040. Federal standards adopted by reference.

(i)(1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

(ii) 40 C.F.R. 51.165(a)(1)(ii) (“building, structure, facility, or installation”);

[As amended through April 17, 2015]

Campfire

18 AAC 50.990(133) “campfire” means an open fire that is

(A) less than three feet in diameter;

(B) used for cooking, personal warmth, lighting, ceremonial, or aesthetic purposes;

(C) hand built; and

(D) not associated with a debris disposal activity;

[As amended through April 17, 2015]

Casting off

18 AAC 50.990(18) “casting off” means the first release of a line securing a vessel to shore as part of the process of leaving berth;

[As amended through April 17, 2015]

Cause or contribute to impairment of visibility

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(4) “cause or contribute to impairment of visibility” means to release emissions that produce a 0.5 or greater change in the daily deciview when compared against natural conditions; for the purposes of this paragraph, “natural conditions” includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration;

[As amended through April 17, 2015]

Class I area, Class II area, and Class III area

18 AAC 50.990(19) “Class I area,” “Class II area,” and “Class III area” mean an area designated in 18 AAC 50.015, Table 1, as Class I, Class II, or Class III respectively;

[As amended through April 17, 2015]

Clean Air Act

18 AAC 50.990(20) "Clean Air Act" means 42 U.S.C. 7401 - 7671q, as amended through November 15, 1990;

[As amended through April 17, 2015]

CO₂ equivalent emissions (CO₂e)

18 AAC 50.990(131) “CO₂ equivalent emissions (CO₂e)” has the meaning given in 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040;

[As amended through April 17, 2015]

40 C.F.R. 52.21(b)(49)(ii) For purposes of paragraphs (b)(49)(iii) through (v) of this section, the term *CO₂ equivalent emissions (CO₂e)* shall represent an amount of GHGs emitted, and shall be computed as follows:

(a) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published at Table A–1 to subpart A of part 98 of this chapter— Global Warming Potentials.

(b) Sum the resultant value from paragraph (b)(49)(ii)(a) of this section for each gas to compute a tpy CO₂e.

[As revised as of August 2, 2010]

Coal preparation plant

18 AAC 50.990(22) "coal preparation plant" means a stationary source that prepares coal by breaking, crushing, screening, wet or dry cleaning, or thermal drying, and that processes more than 200 tons per day of coal; “coal preparation plant” includes any combination of thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment, breakers and crushers, coal storage systems, and coal transfer systems within the stationary source;

[As amended through April 17, 2015]

Commence

18 AAC 50.020. Baseline dates and maximum allowable increases.

(f) In this section, “commence” has the meaning given in 40 C.F.R. 52.21(b), adopted by reference in 18 AAC 50.040.

[As amended through April 17, 2015]

40 C.F.R. 52.21(b)(9) *Commence* as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

- (i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- (ii) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

[As revised as of August 2, 2010]

Commissioner

18 AAC 50.990(23) "commissioner" means the commissioner of environmental conservation;

[As amended through April 17, 2015]

Conservation vent

18 AAC 50.990(24) "conservation vent" means a vent containing a pressure-vacuum valve designed to minimize emissions of vapors from a storage tank due to changes in temperature and pressure;

[As amended through April 17, 2015]

Construct or construction

18 AAC 50.990(25) "construct" or "construction" has the meaning given to "construction" in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(6) "*construction*" has the meaning given in 40 C.F.R. 51.166(b);

[As amended through July 1, 2011]

40 C.F.R. 51.166(b)(8) *Construction* means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

[As revised as of August 2, 2010]

18 AAC 50.040. Federal standards adopted by reference.

(h)(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(B) the following provisions are not adopted, and the terms defined in those provisions have the meanings give in AS 46.14.990:

(v) 40 C.F.R. 52.21(b)(8) ("construction");

[As amended through April 17, 2015]

18 AAC 50.040. Federal standards adopted by reference.

(i)(1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

(vi) 40 C.F.R. 51.165(a)(1)(xviii) (“construction”);

[As amended through April 17, 2015]

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

(f) **Definitions.**

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that “construction,” “emission standard,” “fugitive emissions,” “hazardous air pollutant,” “operator,” “owner,” “potential to emit,” and “stationary source” have the meanings given in AS 46.14.990.

[As amended through April 17, 2015]

Construction permit

18 AAC 50.990(26) "construction permit" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(7) "*construction permit*" means a permit under AS 46.14.130(a), including all relevant exhibits, addendums, transmittal letters, compliance schedules, administrative orders, emergency orders, and court orders;

[As amended through July 1, 2011]

AS 46.14.130. Stationary sources requiring permits.

(a) The owner and operator shall obtain a construction permit from the department before beginning actual construction of any one of the following:

(1) a new major stationary source;

(2) a major modification;

(3) a project subject to the construction permitting requirements of 42 U.S.C. 7412(i) (Clean Air Act, sec. 112(i)).

[As amended through July 1, 2011]

Deciview

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(5) “deciview” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

[As amended through April 17, 2015]

40 C.F.R. 51.301 *Deciview* means a measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements):

Deciview haze index = $10 \ln_e (b_{\text{ext}}/10 \text{ Mm}^{-1})$.

Where b_{ext} = the atmospheric light extinction coefficient, expressed in inverse megameters (Mm^{-1}).

[As revised as of July 1, 2007]

Delegate agency

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

(1) “permitting authority” and “delegate agency” mean the department;

[As amended through April 17, 2015]

Delivery tanks

18 AAC 50.990(27) "delivery tank" means the tank portion of a tank truck, tank trailer, or rail tank car; “delivery tank” does not include a tank of less than 2,500 gallons used to test or certify metering devices;

[As amended through April 17, 2015]

Department

18 AAC 50.990(28) "department" means the Department of Environmental Conservation;

[As amended through April 17, 2015]

Design Concept

18 AAC 50.990(141) “design concept” has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

[As amended through April 17, 2015]

40 C.F.R. 93.101 *Design concept* means the type of facility identified by the project, e.g., freeway, expressway, arterial highway, grade-separated highway, reserved right-of-way rail transit, mixed-traffic rail transit, exclusive busway, etc.
[As revised as of July 1, 2013]

Design Scope

18 AAC 50.990(142) “design scope” has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;
[As amended through April 17, 2015]

40 C.F.R. 93.101 *Design scope* means the design aspects which will affect the proposed facility’s impact on regional emissions, usually as they relate to vehicle or person carrying capacity and control, e.g., number of lanes or tracks to be constructed or added, length of project, signalization, access control including approximate number and location of interchanges, preferential treatment for high-occupancy vehicles, etc.
[As revised as of July 1, 2013]

Designated regulatory service

18 AAC 50.499. Definitions for user fee requirements. In 18 AAC 50.400 – 18 AAC 50.499, unless the context requires otherwise,

(1) “designated regulatory service” has the meaning given in AS 37.10.058;
[As amended through April 17, 2015]

AS 37.10.058(2) “*designated regulatory service*” means a regulatory service provided under the following regulatory programs:

(A) control of solid waste facilities under AS 46.03.020(10)(D) and (E);

(B) regulation of the disposal of waste into waters of the state under AS 46.03.100;

(C) certification of federal permits or authorizations under 33 U.S.C. 1341 (sec. 401, Clean Water Act);

(D) any authorization for the use or appropriation of water under AS 46.15;

(E) administration of emission control permits for the air quality control program under AS 46.14; and

(F) regulation of pesticides and broadcast chemicals registered under AS 46.03.320(a)(4);

[As amended through July 1, 2011]

Direct cost

18 AAC 50.499. Definitions for user fee requirements. In 18 AAC 50.400 – 18 AAC 50.499, unless the context requires otherwise,

(2) “direct cost” has the meaning given in AS 37.10.058;

[As amended through April 17, 2015]

AS 37.10.058(3) "*direct cost*" means the hourly rate of salary and benefits of each agency employee, including clerical staff, directly involved in providing a regulatory service, multiplied by the number of hours spent in performing the service, together with the expenditures for goods or third-party services made in providing that service; "direct cost" does not include

(A) the costs and salaries of administrative, support, or supervisory personnel who are not directly engaged in providing the service;

(B) other budgeted overhead expenses, including rent and utilities;

(C) interagency charges that would not meet the requirements of AS 37.10.052 - 37.10.058 if those charges had been incurred or invoiced by the agency providing the designated regulatory service;

(D) public consultation costs when the consultation is not required by law;

(E) costs related to an appeal of permit issuance by a person other than the applicant for that permit;

(F) expenses that are not reasonably necessary to comply with the law under which the service is provided; or

(G) travel expenses for inspecting businesses having not more than 20 employees;

[As amended through July 1, 2011]

Dry wood

18 AAC 50.990(134) “dry wood” means wood with a moisture content of 20 percent or less;

[As amended through April 17, 2015]

Electric utility steam generating unit

18 AAC 50.502. Minor permits for air quality protection.

(h)(2) "electric utility steam generating unit" has the meaning given in 40 C.F.R. 51.166(b)(30), as revised as of July 1, 2003, and adopted by reference;
[As amended through April 17, 2015]

40 C.F.R. 51.166(b)(30) *Electric utility steam generating unit* means any steam electric generating unit that is constructed for the purpose of supplying more than one third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.
[As revised as of August 2, 2010]

Emission

18 AAC 50.990(29) "emission" has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

AS 46.14.990(9) "*emission*" means a release of one or more air pollutants to the atmosphere;
[As amended through July 1, 2011]

Emission limitation

18 AAC 50.990(30) "emission limitation" has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

AS 46.14.990(10) "*emission limitation*" and "*emission standard*" have the meanings given in 40 C.F.R. 51.100;
[As amended through July 1, 2011]

40 C.F.R. 51.100(z) *Emission limitation* and *emission standard* mean a requirement established by a State, local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.
[As revised as of July 1, 2011]

Emission standard

18 AAC 50.990(31) "emission standard" has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

AS 46.14.990(10) "emission limitation" and "emission standard" have the meanings given in 40 C.F.R. 51.100;

[As amended through July 1, 2011]

40 C.F.R. 51.100(z) *Emission limitation* and *emission standard* mean a requirement established by a State, local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

[As revised as of July 1, 2011]

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

(f) Definitions.

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that "construction," "emission standard," "fugitive emissions," "hazardous air pollutant," "operator," "owner," "potential to emit," and "stationary source" have the meanings given in AS 46.14.990.

[As amended through April 17, 2015]

Emissions unit

18 AAC 50.990(32) "emissions unit" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(11) "*emissions unit*" has the meaning given in 40 C.F.R. 51.166(b)(7) or 40 C.F.R. 70.2, depending on the context in which the term is used;

[As amended through July 1, 2011]

40 C.F.R. 51.166(b)(7) *Emissions unit* means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in paragraph (b)(30) of this section. For purposes of this section, there are two types of emissions units as described in paragraphs (b)(7)(i) and (ii) of this section.

(i) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.

(ii) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (b)(7)(i) of this section. A replacement unit, as defined in paragraph (b)(32) of this section, is an existing emissions unit.

[As revised as of August 2, 2010]

40 C.F.R. 70.2 Emissions unit means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. This term is not meant to alter or affect the definition of the term “unit” for purposes of title IV of the Act.

[As revised as of July 1, 2011]

18 AAC 50.040. Federal standards adopted by reference.

(h)(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(B) the following provisions are not adopted, and the terms defined in those provisions have the meanings give in AS 46.14.990:

(iv)40 C.F.R. 52.21(b)(7) (“emissions unit”);

[As amended through April 17, 2015]

18 AAC 50.040. Federal standards adopted by reference.

(i)(1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

(iv) 40 C.F.R. 51.165(a)(1)(vii) (“emissions unit”);

[As amended through April 17, 2015]

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

(6) “emissions unit” has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

EPA

18 AAC 50.990(33) "EPA" means the United States Environmental Protection Agency;

[As amended through April 17, 2015]

Excess emissions

18 AAC 50.990(34) "excess emissions" means emissions of an air pollutant in excess of any applicable emission standard or limitation;

[As amended through April 17, 2015]

Existing stationary facility

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(6) “existing stationary facility” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

[As amended through April 17, 2015]

40 C.F.R. 51.301 *Existing stationary facility* means any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted.

Fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input,

Coal cleaning plants (thermal dryers),

Kraft pulp mills,

Portland cement plants,

Primary zinc smelters,

Iron and steel mill plants,

Primary aluminum ore reduction plants,

Primary copper smelters,

Municipal incinerators capable of charging more than 250 tons of refuse per day,

Hydrofluoric, sulfuric, and nitric acid plants,

Petroleum refineries,

Lime plants,

Phosphate rock processing plants,

Coke oven batteries,

Sulfur recovery plants,

Carbon black plants (furnace process),

Primary lead smelters,

Fuel conversion plants,

Sintering plants,

Secondary metal production facilities,

Chemical process plants,

Fossil-fuel boilers of more than 250 million British thermal units per hour heat input,

Petroleum storage and transfer facilities with a capacity exceeding

300,000 barrels,

Taconite ore processing facilities,

Glass fiber processing plants, and

Charcoal production facilities.

[As revised as of July 1, 2007]

Expected number

18 AAC 50.990(36) “expected number” as that term is used in 18 AAC 50.010(1)(A), has the meaning given in 40 C.F.R. Part 50, Appendix K, sec. 2.1, adopted by reference in 18 AAC 50.035;

[As amended through April 17, 2015]

40 C.F.R. Part 50, Appendix K, sec. 2.1 24-Hour Primary and Secondary Standards

(a) Under 40 CFR 50.6(a) the 24-hour primary and secondary standards are attained when the expected number of exceedances per year at each monitoring site is less than or equal to one. In the simplest case, the number of expected exceedances at a site is determined by recording the number of exceedances in each calendar year and then averaging them over the past 3 calendar years. Situations in which 3 years of data are not available and possible adjustments for unusual events or trends are discussed in sections 2.3 and 2.4 of this appendix. Further, when data for a year are incomplete, it is necessary to compute an estimated number of exceedances for that year by adjusting the observed number of exceedances. This procedure, performed by calendar quarter, is described in section 3.0 of this appendix. The expected number of exceedances is then estimated by averaging the individual annual estimates for the past 3 years.

(b) The comparison with the allowable expected exceedance rate of one per year is made in terms of a number rounded to the nearest tenth (fractional values equal to or greater than 0.05 are to be rounded up; e.g., an exceedance rate of 1.05 would be rounded to 1.1, which is the lowest rate for nonattainment).

[As revised as of July 1, 2011]

Federal administrator

18 AAC 50.990(37) "federal administrator" has the meaning given in AS 46.14.990 and includes the federal administrator's designee;

[As amended through April 17, 2015]

AS 46.14.990(12) "*federal administrator*" means the administrator of the United States Environmental Protection Agency;

[As amended through July 1, 2011]

Federal land manager

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(7) “federal land manager” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

[As amended through April 17, 2015]

40 C.F.R. 51.301 Federal Land Manager means the Secretary of the department with authority over the Federal Class I area (or the Secretary's designee) or, with

respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt- Campobello International Park Commission.

[As revised as of July 1, 2007]

FHWA

18 AAC 50.990(143) “FHWA” means the United States Department of Transportation, Federal Highway Administration;

[As amended through April 17, 2015]

Fire service

18 AAC 50.990(38) "fire service" means a

(A) fire department registered with the state fire marshal under 13 AAC 52.030; and

(B) wildland fire suppression organization within the Department of Natural Resources, United States Forest Service, or United States Bureau of Land Management/Alaska Fire Service;

[As amended through April 17, 2015]

FTA

18 AAC 50.990(144) “FTA” means the United States Department of Transportation, Federal Transit Administration;

[As amended through April 17, 2015]

Fuel-burning equipment

18 AAC 50.990(39) "fuel-burning equipment" means a combustion device capable of emission; “fuel-burning equipment” includes flares; “fuel-burning equipment” does not include mobile internal combustion engines, incinerators, marine vessels, wood-fired heating devices, or backyard barbecues;

[As amended through April 17, 2015]

Fugitive emissions

18 AAC 50.990(40) "fugitive emissions" has the meaning given in 40 C.F.R. 51.166(b)(20), as revised as of July 1, 2012, and adopted by reference;

[As amended through October 6, 2013]

40 C.F.R. 51.166(b)(20) *Fugitive emissions* means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

[As revised as of August 2, 2010]

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule (a) For the purposes of this section, the following are adopted by reference:

(1) 40 C.F.R. 51.301(Definitions), revised as of July 1, 2007, except that

(A) “fugitive emissions” has the meaning given in 18 AAC 50.990;
[As amended through October 6, 2013]

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

(f) **Definitions.**

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that “construction,” “emission standard,” “hazardous air pollutant,” “operator,” “owner,” “potential to emit,” and “stationary source” have the meanings given in AS 46.14.990 and “fugitive emissions” has the meaning given in 18 AAC 50.990.
[As amended through October 6, 2013]

Gasoline distribution facility

18 AAC 50.990(41) "gasoline distribution facility" means a stationary source that stores fuel including gasoline and that transfers gasoline from storage tanks to delivery tanks;

[As amended through April 17, 2015]

Good engineering practice stack height

18 AAC 50.990(42) "good engineering practice stack height"

(A) for stack heights exceeding 213 feet, has the meaning given in 40 C.F.R. 51.100(ii), as revised as of July 1, 2007, and adopted by reference; or

(B) for all other stack heights, means the actual physical height of the stack;

[As amended through April 17, 2015]

40 C.F.R. 51.100(ii) *Good engineering practice (GEP) stack height* means the greater of:

(1) 65 meters, measured from the ground-level elevation at the base of the stack:

(2)(i) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR parts 51 and 52.

$$H_g = 2.5H,$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation:

(ii) For all other stacks,

$$H_g = H + 1.5L$$

where:

H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack.

L = lesser dimension, height or projected width, of nearby structure(s)

provided that the EPA, State or local control agency may require the use of a field study or fluid model to verify GEP stack height for the source; or

(3) The height demonstrated by a fluid model or a field study approved by the EPA State or local control agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

[As revised as of July 1, 2007]

Grate cleaning

18 AAC 50.990(43) “grate cleaning” means removing ash from fireboxes;

[As amended through April 17, 2015]

Greenhouse gases

18 AAC 50.990(132) “greenhouse gases” has the meaning given in 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040.

[As amended through September 17, 2011]

40 C.F.R. 52.21(b)(49)(i) *Greenhouse gases (GHGs)*, the air pollutant defined in § 86.1818–12(a) of this chapter as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in paragraphs (b)(49)(iv) through (v) of this section.

[As amended through July 1, 2011]

18 AAC 50.326. Title V operating permits

(e) Applications – insignificant emission units: emission rate basis.

(15) for greenhouse gases, 3,750 TPY of CO₂ equivalent emissions (CO_{2e});

[As amended through September 17, 2011]

Hazardous air pollutant

18 AAC 50.990(44) "hazardous air pollutant" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(14) "hazardous air pollutant" means a pollutant listed in or under 42 U.S.C. 7412(b) (Clean Air Act, sec. 112(b));

[As amended through July 1, 2011]

Note: Please see Page 68 of this document for the current list of HAPs regulated under 42 U.S.C. 7412(b) (Clean Air Act, sec. 112(b))

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

(f) Definitions.

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that "construction," "emission standard," "fugitive emissions," "hazardous air pollutant," "operator," "owner," "potential to emit," and "stationary source" have the meanings given in AS 46.14.990.

[As amended through April 17, 2015]

Hazardous air pollutant major source

18 AAC 50.990(45) "hazardous air pollutant major source" has the meaning given for the term "major source" in 40 C.F.R. 63.2, adopted by reference in 18 AAC 50.040;

[As amended through April 17, 2015]

40 C.F.R. 63.2 Major source means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

[As revised as of February 17, 2011]

Hazardous waste

18 AAC 50.990(46) "hazardous waste" means a waste within the scope of 18 AAC 62.020;

[As amended through April 17, 2015]

18 AAC 62.020 Identification of hazardous waste. (a) Regulations of the federal government for identification and listing of hazardous wastes, promulgated and published as 40 C.F.R. Part 261, as revised as of July 1, 2002, are adopted by reference.

[As amended through August 8, 2003]

Note: *40 C.F.R. Part 261 is not included in this document due its length. Please see the C.F.R. for reference if needed.*

Hot-Spot Analysis

18 AAC 50.990(145) "hot-spot analysis" has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

[As amended through April 17, 2015]

40 C.F.R. 93.101 Hot-spot analysis is an estimation of likely future localized CO, PM10, and/or PM2.5 pollutant concentrations and a comparison of those concentrations to the national ambient air quality standards. Hot-spot analysis assesses impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, and uses an air quality dispersion model to determine the effects of emissions on air quality.

[As revised as of July 1, 2013]

Hourly rate of salary and benefits

18 AAC 50.499. Definitions for user fee requirements. In 18 AAC 50.400 – 18 AAC 50.499, unless the context requires otherwise,

(3) "hourly rate of salary and benefits" has the meaning given in AS 37.10.058.

[As amended through April 17, 2015]

AS 37.10.058(6) "hourly rate of salary and benefits" means the hourly increment of salary due the state employee under the salary schedule applicable to that employee, multiplied by 149 percent to account for the cost of employment benefits paid by the state to or on behalf of the employee;

[As amended through July 1, 2011]

Hydronic Heater

18 AAC 50.990(135) “hydronic heater”

(A) means an outdoor or indoor fuel burning device, that may be equipped with a heat storage unit, and that heats building space by means of the distribution, typically through pipes, of fluid that is typically water or a mixture of water and antifreeze and that is heated in the device;

(B) does not include a forced-air furnace;

[As amended through April 17, 2015]

Impairment of visibility

18 AAC 50.990(47) "impairment of visibility" means any humanly perceptible change in visibility from that which would have existed under natural conditions; in this paragraph, “change in visibility” includes light extinction, atmospheric discoloration, and any other change in visual range, contrast, or coloration;

[As amended through April 17, 2015]

Incinerator

18 AAC 50.990(48) "incinerator" means a device used for the thermal oxidation of garbage or other wastes, other than a wood-fired heating device, including an air curtain incinerator burning waste other than clean lumber, wood wastes, or yard wastes;

[As amended through April 17, 2015]

Industrial process

18 AAC 50.990(49) "industrial process" means the extraction of raw material or the physical or chemical transformation of raw material in either composition or character;

[As amended through April 17, 2015]

Isolated Rural Nonattainment and Maintenance Areas

18 AAC 50.990(146) “isolated rural nonattainment and maintenance areas” has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

[As amended through April 17, 2015]

40 C.F.R. 93.101 *Isolated rural nonattainment and maintenance areas* are areas that do not contain or are not part of any metropolitan planning area as designated under the transportation planning regulations. Isolated rural areas do not have

Federally required metropolitan transportation plans or TIPs and do not have projects that are part of the emissions analysis of any MPO's metropolitan transportation plan or TIP. Projects in such areas are instead included in statewide transportation improvement programs. These areas are not donut areas.

[As revised as of July 1, 2013]

Large power plant

18 AAC 50.400. Permit administration fees.

(k)(2) "large power plant"

(A) means a Title V source

(i) that contains a coal-fired boiler;

(ii) the purpose of which is to generate electricity, and that contains a combustion turbine electric generator or natural gas-fired steam plant; or

(iii) that has a potential to emit a total greater than or equal to 500 tons per year of regulated air pollutants in the aggregate, and that contains emission units used to provide power to a mine or military base;

(B) does not include a Title V source that operates under the department's general permit for diesel engines;

[As amended through April 17, 2015]

Lowest achievable emission rate or LAER

18 AAC 50.990(50) "lowest achievable emission rate" or "LAER" has the meaning given in 40 C.F.R. 51.165(a)(1)(xiii), adopted by reference in 18 AAC 50.040;

[As amended through April 17, 2015]

40 C.F.R. 51.165(a)(1)(xiii) *Lowest achievable emission rate*

(LAER) means, for any source, the more stringent rate of emissions based on the following:

(A) The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(B) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within or stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

Maintenance area

18 AAC 50.990(51) "maintenance area" means a geographical area that EPA previously designated as a nonattainment area and subsequently designated as an "attainment area" under 42 U.S.C. 7407(d)(3) (Clean Air Act, sec. 107(d)(3));

[As amended through April 17, 2015]

42 U.S.C. 7407(d)(3) (Clean Air Act, sec. 107(d)(3)) Redesignation

(A) Subject to the requirements of subparagraph (E), and on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate, the Administrator may at any time notify the Governor of any State that available information indicates that the designation of any area or portion of an area within the State or interstate area should be revised. In issuing such notification, which shall be public, to the Governor, the Administrator shall provide such information as the Administrator may have available explaining the basis for the notice.

(B) No later than 120 days after receiving a notification under subparagraph (A), the Governor shall submit to the Administrator such redesignation, if any, of the appropriate area (or areas) or portion thereof within the State or interstate area, as the Governor considers appropriate.

(C) No later than 120 days after the date described in subparagraph (B) (or paragraph (1)(B)(iii)), the Administrator shall promulgate the redesignation, if any, of the area or portion thereof, submitted by the Governor in accordance with subparagraph (B), making such modifications as the Administrator may deem necessary, in the same manner and under the same procedure as is applicable under clause (ii) of paragraph (1)(B), except that the phrase "60 days" shall be substituted for the phrase "120 days" in that clause. If the Governor does not submit, in accordance with subparagraph (B), a redesignation for an area (or portion thereof) identified by the Administrator under subparagraph (A), the Administrator shall promulgate such redesignation, if any, that the Administrator deems appropriate.

(D) The Governor of any State may, on the Governor's own motion, submit to the Administrator a revised designation of any area or portion thereof within the State. Within 18 months of receipt of a complete State redesignation submittal, the Administrator shall approve or deny such redesignation. The submission of a redesignation by a Governor shall not affect the effectiveness or enforceability of the applicable implementation plan for the State.

[As amended through May 31, 2012]

Major modification

18 AAC 50.990(53) “major modification” means

(A) for the purposes of 18 AAC 50.306, a change that meets the definition of “major modification” under 40 C.F.R. 51.166(b)(2);

[As amended through April 17, 2015]

40 C.F.R. 51.166(b)(2) (i) *Major modification* means any physical change in or change in the method of operation of a major stationary source that would result in: a significant emissions increase (as defined in paragraph (b)(39) of this section) of a regulated NSR pollutant (as defined in paragraph (b)(49) of this section); and a significant net emissions increase of that pollutant from the major stationary source.

(ii) Any significant emissions increase (as defined at paragraph (b)(39) of this section) from any emissions units or net emissions increase (as defined in paragraph (b)(3) of this section) at a major stationary source that is significant for volatile organic compounds or NOX shall be considered significant for ozone.

(iii) A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair and replacement. Routine maintenance, repair and replacement shall include, but not be limited to, any activity(s) that meets the requirements of the equipment replacement provisions contained in paragraph (y) of this section;

NOTE TO PARAGRAPH (b)(2)(iii)(a): On December 24, 2003, the second sentence of this paragraph (b)(2)(iii)(a) is stayed indefinitely by court order. The stayed provisions will become effective immediately if the court terminates the stay. At that time, EPA will publish a document in the FEDERAL REGISTER advising the public of the termination of the stay.

(b) Use of an alternative fuel or raw material by reason of any order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the Act;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(1) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or § 51.166; or

(2) The source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166;

(f) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit

condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or § 51.166.

(g) Any change in ownership at a stationary source.

(h) [Reserved]

(i) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(1) The State implementation plan for the State in which the project is located; and

(2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(j) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(k) The reactivation of a very clean coal-fired electric utility steam generating unit.

(iv) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under paragraph (w) of this section for a PAL for that pollutant. Instead, the definition at paragraph (w)(2)(viii) of this section shall apply.

(v) Fugitive emissions shall not be included in determining for any of the purposes of this section whether a physical change in or change in the method of operation of a major stationary source is a major modification, unless the source belongs to one of the source categories listed in paragraph (b)(1)(iii) of this section.

[As revised as of August 2, 2010]

(B) for the purposes of 18 AAC 50.311, a change that meets the definition of “major modification” under 40 C.F.R. 51.165(a)(1)(v);

[As amended through April 17, 2015]

40 C.F.R. 51.165(a)(1) (v)(A) *Major modification* means any physical change in or change in the method of operation of a major stationary source that would result in:

(1) A significant emissions increase of a regulated NSR pollutant (as defined in paragraph (a)(1)(xxxvii) of this section); and

(2) A significant net emissions increase of that pollutant from the major stationary source.

(B) Any significant emissions increase (as defined in paragraph (a)(1)(xxvii) of this section) from any emissions units or net emissions increase (as defined in paragraph (a)(1)(vi) of this section) at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

(C) A physical change or change in the method of operation shall not include:

(1) Routine maintenance, repair and replacement. Routine maintenance, repair and replacement shall include, but not be limited to, any activity(s) that

meets the requirements of the equipment replacement provisions contained in paragraph (h) of this section;

NOTE TO PARAGRAPH (a)(1)(v)(C)(I): On December 24, 2003, the second sentence of this paragraph (a)(1)(v)(C)(I) is stayed indefinitely by court order. The stayed provisions will become effective immediately if the court terminates the stay. At that time, EPA will publish a document in the FEDERAL REGISTER advising the public of the termination of the stay.

(2) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) Use of an alternative fuel by reason of an order or rule section 125 of the Act;

(4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) Use of an alternative fuel or raw material by a stationary source which:

(i) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or § 51.166, or

(ii) The source is approved to use under any permit issued under regulations approved pursuant to this section;

(6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR part 51 subpart I or 40 CFR 51.166.

(7) Any change in ownership at a stationary source.

(8) [Reserved]

(9) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(i) The State Implementation Plan for the State in which the project is located, and

(ii) Other requirements necessary to attain and maintain the national ambient air quality standard during the project and after it is terminated.

(D) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under paragraph (f) of this section for a PAL for that pollutant. Instead, the definition at paragraph (f)(2)(viii) of this section shall apply.

(E) For the purpose of applying the requirements of (a)(8) of this section to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to subpart 2, part D, title I of the Act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.

(F) Any physical change in, or change in the method of operation of, a major stationary source of volatile organic compounds that results in any increase in emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title I of the Act.

(G) Fugitive emissions shall not be included in determining for any of the purposes of this section whether a physical change in or change in the method of operation of a major stationary source is a major modification, unless the source belongs to one of the source categories listed in paragraph (a)(1)(iv)(C) of this section.

[As revised as of August 2, 2010]

18 AAC 50.040. Federal standards adopted by reference.

(h)(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990 and 18 AAC 50.990:

(ii) 40 C.F.R. 52.21(b)(2) (“major modification”);

[As amended through April 17, 2015]

Major stationary source

18 AAC 50.990(52) “major stationary source” means

(A) for the purposes of 18 AAC 50.306, a stationary source or physical change that meets the definition of “major stationary source” under 40 C.F.R. 51.166(b)(1);

[As amended through April 17, 2015]

40 C.F.R. 51.166(b)(1) (i) *Major stationary source* means:

(a) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants (with thermal dryers), primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140), fossil-fuel boilers (or combinations thereof) totaling more than 250 million British

thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

(b) Notwithstanding the stationary source size specified in paragraph (b)(1)(i)(a) of this section, any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant; or

(c) Any physical change that would occur at a stationary source not otherwise qualifying under paragraph (b)(1) of this section, as a major stationary source if the change would constitute a major stationary source by itself.

(ii) A major source that is major for volatile organic compounds or NOX shall be considered major for ozone.

(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum ore reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants—The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

[As revised as of August 2, 2010]

(B) for the purposes of 18 AAC 50.311, a stationary source or physical change that meets the definition of “major stationary source” under 40 C.F.R. 51.165(a)(1)(iv);

[As amended through April 17, 2015]

40 C.F.R. 51.165(a)(1)(iv) (A) *Major stationary source* means:

(1) Any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant, except that lower emissions thresholds shall apply in areas subject to subpart 2, subpart 3, or subpart 4 of part D, title I of the Act, according to paragraphs (a)(1)(iv)(A)(1)(i) through (vi) of this section.

(i) 50 tons per year of volatile organic compounds in any serious ozone nonattainment area.

(ii) 50 tons per year of volatile organic compounds in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area.

(iii) 25 tons per year of volatile organic compounds in any severe ozone nonattainment area.

(iv) 10 tons per year of volatile organic compounds in any extreme ozone nonattainment area.

(v) 50 tons per year of carbon monoxide in any serious nonattainment area for carbon monoxide, where stationary sources contribute significantly to carbon monoxide levels in the area (as determined under rules issued by the Administrator).

(vi) 70 tons per year of PM-10 in any serious nonattainment area for PM-10;

(2) For the purposes of applying the requirements of paragraph (a)(8) of this section to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxides emissions, except that the emission thresholds in paragraphs (a)(1)(iv)(A)(2)(i) through (vi) of this section shall apply in areas subject to subpart 2 of part D, title I of the Act.

(i) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.

(ii) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region.

(iii) 100 tons per year or more of nitrogen oxides in any area designated under section 107(d) of the Act as attainment or unclassifiable for ozone that is located in an ozone transport region.

(iv) 50 tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.

(v) 25 tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.

(vi) 10 tons per year or more of nitrogen oxides in any extreme nonattainment area for ozone; or

(3) Any physical change that would occur at a stationary source not qualifying under paragraphs (a)(1)(iv)(A)(1) or (2) of this section as a major stationary source, if the change would constitute a major stationary source by itself.

(B) A major stationary source that is major for volatile organic compounds shall be considered major for ozone

(C) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (1) Coal cleaning plants (with thermal dryers);
- (2) Kraft pulp mills;
- (3) Portland cement plants;
- (4) Primary zinc smelters;
- (5) Iron and steel mills;
- (6) Primary aluminum ore reduction plants;
- (7) Primary copper smelters;
- (8) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;
- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants—The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- (21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;

(26) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and

(27) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

[As revised as of August 2, 2010]

18 AAC 50.040. Federal standards adopted by reference.

(h)(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990 and 18 AAC 50.990:

(i) 40 C.F.R. 52.21(b)(1) (“major stationary source”);

[As amended through April 17, 2015]

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(a) For the purposes of this section, the following are adopted by reference:

(1) 40 C.F.R. 51.301(Definitions), revised as of July 1, 2007, except that

(B) “major stationary source” has the meaning given in AS 46.14.990 and 18 AAC 50.990;

[As amended through April 17, 2015]

Make fast to the shore

18 AAC 50.990(54) “make fast to the shore” means to secure the last line necessary to secure a vessel in its berth;

[As amended through April 17, 2015]

Manufactured Compressed Wood Log

18 AAC 50.990(136) “manufactured compressed wood log” means a log that has been made from 100 percent compressed sawdust, wood chips, or other organic material and that does not have additives;

[As amended through April 17, 2015]

Marine vessel

18 AAC 50.990(55) “marine vessel” means a seagoing craft, ship, or barge;

[As amended through April 17, 2015]

Masonry Heater

18 AAC 50.990(137) “masonry heater” means a heating appliance that

(A) is constructed of concrete or solid masonry that is designed to absorb and store heat from a solid fuel fire built in the firebox by routing the exhaust gases through internal heat exchange channels in which the flow path downstream of the firebox may include flow in a horizontal or downward direction before entering the chimney; and

(B) delivers heat by radiation from the masonry surface of the heater;

[As amended through April 17, 2015]

Maximum achievable control technology or MACT

18 AAC 50.990(56) “maximum achievable control technology” or “MACT” means a maximum achievable control technology emission limitation defined in 40 C.F.R. 63.51, adopted by reference in 18 AAC 50.040, for a new or existing source;

[As amended through April 17, 2015]

40 C.F.R. 63.51 *Maximum achievable control technology (MACT) emission limitation for existing sources* means the emission limitation reflecting the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the Administrator, taking into consideration the cost of achieving such emission reductions, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such emission standard applies. This limitation shall not be less stringent than the MACT floor.

Maximum achievable control technology (MACT) emission limitation for new sources means the emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such emission standard applies.

[As revised as of February 17, 2011]

Maximum allowable increase

18 AAC 50.306. Prevention of significant deterioration (PSD) permits. (b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21,

(C) the term “ambient air increment” or “maximum allowable increase” means a maximum allowable increase set out in Table 3 in 18 AAC 50.020(b);
[As amended through April 17, 2015]

Maximum change

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(8) “maximum change” means the greatest relative change in visibility between pre-BART controls and post-BART controls for purposes of this section;
[As amended through April 17, 2015]

Maximum true vapor pressure

18 AAC 50.990(57) “maximum true vapor pressure” means the equilibrium partial pressure exerted by a stored liquid at the local maximum monthly average temperature reported by the National Weather Service;
[As amended through April 17, 2015]

Metropolitan Planning Organization

18 AAC 50.990(147) “metropolitan planning organization” has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;
[As amended through April 17, 2015]

40 C.F.R. 93.101 *Metropolitan planning organization (MPO)* means the policy board of an organization created as a result of the designation process in 23 U.S.C. 134(d).

[As revised as of July 1, 2013]

23 U.S.C. 134(d) (d) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) **IN GENERAL.**—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as named by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

(2) **STRUCTURE.**—Each metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

(A) local elected officials;

- (B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and
- (C) appropriate State officials.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**— Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

- (A) develop the plans and TIPs for adoption by a metropolitan planning organization; and
- (B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

(4) **CONTINUING DESIGNATION.**—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

(5) **REDESIGNATION PROCEDURES.**—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as named by the Bureau of the Census) as appropriate to carry out this section.

(6) **DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.**—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

Minor permit

18 AAC 50.990(58) “minor permit” means a permit issued under 18 AAC 50.502 – 18 AAC 50.560;

[As amended through April 17, 2015]

Modification or modify

18 AAC 50.990(59) "modification" or "modify" has the meaning given to “modification” in 42 U.S.C. 7411(a) (Clean Air Act, sec. 111(a));

[As amended through April 17, 2015]

42 U.S.C. 7411(a)(4) The term “modification” means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.

[As amended through May 31, 2012]

National ambient air quality standard

18 AAC 50.306. Prevention of significant deterioration (PSD) permits. (b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21,

(B) the term “national ambient air quality standard” means an ambient air quality standard set out in 18 AAC 50.010 for this state;

[As amended through April 17, 2015]

Net emission increase

18 AAC 50.502. Minor permits for air quality protection.

(h)(3) “net emissions increase” has the meaning given in 40 C.F.R. 52.21(b)(3) adopted by reference in 18 AAC 50.040, except that “net emissions increase” applies to

(A) any increase in emissions of an air pollutant at a stationary source with existing emissions of that air pollutant greater than the amounts listed in (c)(1) of this section; notwithstanding 40 C.F.R. 52.21(a)(2)(iv), as reference in 40 C.F.R. 52.21(b)(3)(i)(a), “net emissions increase” is not restricted to a significant emissions increase or significant net emissions increase within the meaning of 40 C.F.R. 52.21(b)(3), (23), and (40), or to a major stationary source; and

(B) the calculation of whether a modification requires a minor permit under (c)(3) of this section, rather than whether the modification is a major modification;

[As amended through April 17, 2015]

40 C.F.R. 52.21(b)(3) (i) Net emissions increase means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(a) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to paragraph (a)(2)(iv) of this section; and

(b) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this paragraph (b)(3)(i)(b) shall be determined as provided in paragraph (b)(48) of this section, except that paragraphs (b)(48)(i)(c) and (b)(48)(ii)(d) of this section shall not apply.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(a) The date five years before construction on the particular change commences; and

(b) The date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if:

(a) The Administrator or other reviewing authority has not relied on it in issuing a permit for the source under this section, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(b) The increase or decrease in emissions did not occur at a Clean Unit except as provided in paragraphs (x)(8) and (y)(10) of this section.

(c) As it pertains to an increase or decrease in fugitive emissions (to the extent quantifiable), it occurs at an emissions unit that is part of one of the source categories listed in paragraph (b)(1)(iii) of this section or it occurs at an emission unit that is located at a major stationary source that belongs to one of the listed source categories.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(vi) A decrease in actual emissions is creditable only to the extent that:

(a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(b) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins.

(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(vii) [Reserved]

(viii) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(ix) Paragraph (b)(21)(ii) of this section shall not apply for determining creditable increases and decreases.

[As revised as of August 2, 2010]

Nikiski Industrial Area

18 AAC 50.990(60) “Nikiski Industrial Area” means the area of the Kenai Peninsula within Sections 21, 22, 27, and 28, Township 7 North, Range 12 West, Seward Meridian;

[As amended through April 17, 2015]

Nonattainment air pollutant

18 AAC 50.990(61) "nonattainment air pollutant" means the air pollutant for which a particular area has been designated by the federal administrator as nonattainment in 40 C.F.R. 81.302;

[As amended through April 17, 2015]

Note: See tables of nonattainment areas from 40 C.F.R. 81.302 at Page 77 of this document.

Nonattainment area

18 AAC 50.990(62) "nonattainment area" means, for a particular air pollutant, an area designated as nonattainment for that air pollutant;

[As amended through April 17, 2015]

Nonroad engine

18 AAC 50.990(63) "nonroad engine" has the meaning given in 40 C.F.R. 89.2, as revised as of September 18, 2007, adopted by reference;

[As amended through April 17, 2015]

40 C.F.R. 89.2 Nonroad engine means:

(1) Except as discussed in paragraph (2) of this definition, a nonroad engine is any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not a nonroad engine if:

(i) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or

(ii) the engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Act; or

(iii) the engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that

remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

[As revised as of September 18, 2007]

Nonroutine repair

18 AAC 50.990(64) "nonroutine repair" means an immediate repair to correct an unavoidable emergency or malfunction;

[As amended through April 17, 2015]

Oil and gas source

18 AAC 50.400. Permit administration fees.

(k)(3) "oil-and-gas source" means a Title V source not described in (2)(A) of this subsection, the purpose of which is the exploration for, extraction of, processing of, transportation of, or storage of crude oil, natural gas, or other petroleum products, or related activities; "oil-and-gas source" does not include a petroleum refinery or liquefied natural gas (LNG) plant;

[As amended through April 17, 2015]

Open burning

18 AAC 50.990(65) "open burning"

(A) means the burning of a material that results in the products of combustion being emitted directly into the ambient air without passing through a stack, flare, vent, or other opening of an emission unit from which an air pollutant could be emitted;

(B) does not include

- (i) a campfire;
- (ii) a barbecue;
- (iii) a ceremonial fire;
- (iv) use of a candle;
- (v) the use of a cigar, cigarette, or pipe;
- (vi) the use of celebratory fireworks;

[As amended through April 17, 2015]

Operator

18 AAC 50.990(66) "operator" has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

AS 46.14.990(19) "operator" means a person or persons who direct, control, or supervise a stationary source or emissions unit that has the potential to emit an air pollutant to the atmosphere;
[As amended through July 1, 2011]

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

(f) Definitions.

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that "construction," "emission standard," "fugitive emissions," "hazardous air pollutant," "operator," "owner," "potential to emit," and "stationary source" have the meanings given in AS 46.14.990.

[As amended through April 17, 2015]

Organic vapors

18 AAC 50.990(67) "organic vapors" means any organic compound or mixture of compounds evaporated from volatile liquid or any organic compound or mixture of compounds in aerosols formed from volatile liquid;
[As amended through April 17, 2015]

ORL

18 AAC 50.990(68) "ORL" means owner requested limit;
[As amended through April 17, 2015]

Owner

18 AAC 50.990(69) "owner" has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

AS 46.14.990(20) "owner" means a person or persons with a proprietary or possessory interest in a stationary source or emissions unit that has the potential to emit an air pollutant to the atmosphere;
[As amended through July 1, 2011]

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

(f) Definitions.

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that “construction,” “emission standard,” “fugitive emissions,” “hazardous air pollutant,” “operator,” “owner,” “potential to emit,” and “stationary source” have the meanings given in AS 46.14.990.

[As amended through April 17, 2015]

Ozone

18 AAC 50.990(129) “ozone” means a colorless gas that has a pungent odor and the molecular form O₃;

[As amended through April 17, 2015]

PAL major modification

18 AAC 50.990(70) “PAL major modification” has the meaning given in 40 C.F.R. 52.21(aa)(2)(viii), adopted by reference in 18 AAC 50.040;

[As amended through April 17, 2015]

40 C.F.R. 52.21(aa)(2)(viii) *PAL major modification* means, notwithstanding paragraphs (b)(2) and (b)(3) of this section (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

[As revised as of August 2, 2010]

PAL pollutant

18 AAC 50.990(126) “PAL pollutant” means the pollutant for which a plantwide applicability limitation (PAL) is established at a major stationary source;

[As amended through April 17, 2015]

Part 71 permit

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

(3) “part 71 permit” means a Title V permit;

[As amended through April 17, 2015]

Part 71 program

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

- (4) “part 71 program” means the permit program under this section;
[As amended through April 17, 2015]

Part 71 source

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

- (5) “part 71 source” means any source subject to the permitting requirements under this section;
[As amended through April 17, 2015]

Particulate matter

18 AAC 50.990(71) "particulate matter" means a material, except water, that is or has been airborne and exists as a liquid or solid at standard conditions;
[As amended through April 17, 2015]

Permit

18 AAC 50.990(72) "permit" includes all of the elements described in the definitions of "construction permit" and "operating permit" in AS 46.14.990, and the same elements as they occur in a minor permit under AS 46.14.130(c);
[As amended through April 17, 2015]

AS 46.14.990(7) "*construction permit*" means a permit under AS 46.14.130(a), including all relevant exhibits, addendums, transmittal letters, compliance schedules, administrative orders, emergency orders, and court orders;
[As amended through July 1, 2011]

AS 46.14.990(18) "operating permit" means a permit under AS 46.14.130(b), including all relevant exhibits, addendums, transmittal letters, compliance schedules, administrative orders, emergency orders, and court orders;
[As amended through July 1, 2011]

AS 46.14.130. Stationary sources requiring permits.

(a) The owner and operator shall obtain a construction permit from the department before beginning actual construction of any one of the following:

- (1) a new major stationary source;
(2) a major modification;

(3) a project subject to the construction permitting requirements of 42 U.S.C. 7412(i) (Clean Air Act, sec. 112(i)).

(b) Except for the owner and operator of a stationary source exempted under AS 46.14.120(e) or (f), the owner and operator of a stationary source shall obtain an operating permit from the department for

(1) a major source;

(2) a stationary source that contains an emissions unit subject to federal new source performance standards under 42 U.S.C. 7411 (Clean Air Act, sec. 111) or national emission standards for hazardous air pollutants issued under 42 U.S.C. 7412 (Clean Air Act, sec. 112); or

(3) another stationary source designated by the federal administrator by regulation.

(c) Unless the owner and operator of a stationary source are required to obtain a construction permit under (a) of this section, before constructing, installing, modifying, operating, or establishing a stationary source, the owner and operator shall obtain a minor permit from the department if the stationary source is of a type classified under AS 46.14.020

(1) as having the potential to violate the ambient air quality standards; or

(2) under a finding by the department that public health or air quality effects provide a reasonable basis to regulate the stationary source.

[As amended through July 1, 2011]

AS 46.14.120. Permits for construction, installation, modification, or operation.

(e) If the federal administrator exempts a stationary source from the requirements of 42 U.S.C. 7661a(a) (Clean Air Act, sec. 502(a)), the commissioner shall consider the factors used by the administrator in reaching that determination and, by regulation, shall issue a similar determination unless public health or air quality effects provide a reasonable basis to regulate the stationary source.

(f) The department may exempt or defer a stationary source from the requirement of AS 46.14.130(b) to the extent allowed under 40 C.F.R. 70.3(b).

[As amended through July 1, 2011]

AS 46.14.020. Classification of stationary sources or emissions units; reporting.

(a) The department, by regulation, may classify stationary sources or emissions units that, in the department's determination, are likely to cause or

contribute to air pollution, according to the levels and types of emissions and other characteristics that relate to air quality. The department may make a classification under this subsection applicable to the state as a whole or to a designated area of the state. The department shall base the classifications on consideration of health, economic, and social factors, sensitivity of the receiving environment, and physical effects on property.

(b) The department or a local air quality control program authorized under AS 46.14.400 may require an owner and operator of a stationary source or emissions unit classified under this section to report information to the department or the authorized local program concerning location, size, and height of stacks or area emissions units, processes employed, fuels used, the nature and time periods or duration of emissions, and other information relevant to air quality that is available or reasonably capable of being calculated and compiled.

[As amended through July 1, 2011]

Permitting authority

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

(f) **Definitions.** For purposes of this section,

(1) the definitions of 40 C.F.R. 63.41 are adopted by reference, except that “permitting authority” means the department;

[As amended through April 17, 2015]

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

(1) “permitting authority” and “delegate agency” mean the department;

[As amended through April 17, 2015]

Person

18 AAC 50.990(73) "person" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(21) "*person*" has the meaning given in AS 01.10.060 and also includes an agency of the United States, a municipality, the University of Alaska, the Alaska Railroad Corporation, and other departments, agencies, instrumentalities, units, and corporate authorities of the state;

[As amended through July 1, 2011]

AS 01.10.060(8) "*person*" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;

[As amended through July 1, 2011]

Petroleum refinery

18 AAC 50.990(74) "petroleum refinery" means a stationary source engaged in the distillation of petroleum or re-distillation, cracking, or reforming of unfinished petroleum derivatives;

[As amended through April 17, 2015]

Plantwide applicability limitation or PAL

18 AAC 50.990(75) "plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for an air pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040;

[As amended through April 17, 2015]

Note: 40 C.F.R. Part 52.21(aa) is not included in this document due its length. Please see the C.F.R. for reference if needed.

PM-2.5

18 AAC 50.990(128) "PM-2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers;

[As amended through April 17, 2015]

PM-10

18 AAC 50.990(76) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers;

[As amended through April 17, 2015]

Port of Anchorage stationary source

18 AAC 50.990(78) "Port of Anchorage stationary source" means a stationary source located in the Port of Anchorage that contains one or more emission units subject to a standard in 18 AAC 50.085 or 18 AAC 50.090;

[As amended through April 17, 2015]

Portable oil and gas operation

18 AAC 50.990(124) "portable oil and gas operation" means an operation that moves from site to site to drill or test one or more oil or gas wells, and that uses drill rigs, equipment associated with drill rigs and drill operations, well test flares, equipment associated with well test flares, camps, or equipment associated with camps; "portable oil and gas operation" does not include well servicing activities; for the purposes of this paragraph, "test" means a test that involves the use of a

flare;

[As amended through April 17, 2015]

Potential emissions

18 AAC 50.990(79) “potential emissions” has the meaning given to the term "potential to emit" in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(22) "*potential to emit*" has the meaning given in 40 C.F.R. 51.166(b);

[As amended through July 1, 2011]

40 C.F.R. 51.166(b)(4) *Potential to emit* means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

[As revised as of August 2, 2010]

Potential to emit

18 AAC 50.990(80) "potential to emit" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(22) "*potential to emit*" has the meaning given in 40 C.F.R. 51.166(b);

[As amended through July 1, 2011]

40 C.F.R. 51.166(b)(4) *Potential to emit* means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

[As revised as of August 2, 2010]

18 AAC 50.040. Federal standards adopted by reference.

(h)(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(B) the following provisions are not adopted, and the terms defined in those provisions have the meanings give in AS 46.14.990:

- (i) 40 C.F.R. 52.21(b)(4) (“potential to emit”);
[As amended through April 17, 2015]

18 AAC 50.040. Federal standards adopted by reference.

- (i)(1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

- (iii) 40 C.F.R. 51.165(a)(1)(iii) (“potential to emit”);
[As amended through April 17, 2015]

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule (a) For the purposes of this section, the following are adopted by reference:

- (1) 40 C.F.R. 51.301(Definitions), revised as of July 1, 2007, except that

- (C) “potential to emit” has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

- (f) **Definitions.**

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that “construction,” “emission standard,” “hazardous air pollutant,” “operator,” “owner,” “potential to emit,” and “stationary source” have the meanings given in AS 46.14.990 and “fugitive emissions” has the meaning given in 18 AAC 50.990.
[As amended through April 17, 2015]

ppm

18 AAC 50.990(81) "ppm" means parts per million;
[As amended through April 17, 2015]

Practical means available

18 AAC 50.990(82) "practical means available" means, when approving the open burning of liquid hydrocarbons produced during oil or gas well testing, that all alternative disposal methods will have been analyzed and, where an environmentally acceptable procedure exists, that procedure will be required;
[As amended through April 17, 2015]

Project

18 AAC 50.990(83) “project” means a physical change or change in the method of operation of an existing stationary source;

[As amended through April 17, 2015]

Projected annual emissions

18 AAC 50.502. Minor permits for air quality protection.

(h)(4) “projected actual emissions” means the maximum annual rate, in tons per year, at which an existing emission unit is projected to emit a regulated NSR pollutant in any one of the five 12-month periods following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or the potential to emit that regulated NSR pollutant and full utilization of the unit would result in an emissions increase or a net emissions increase greater than a threshold in (c)(3) of this section.

[As amended through April 17, 2015]

PSD

18 AAC 50.990(84) “PSD” means prevention of significant deterioration;

[As amended through April 17, 2015]

PSD permit

18 AAC 50.990(85) “PSD permit” means a permit required under 18 AAC 50.306;

[As amended through April 17, 2015]

Public place

18 AAC 50.400. Permit administration fees.

(k)(4) "public place" has the meaning given in AS 46.06.150;

[As amended through April 17, 2015]

AS 46.06.150(7) "*public place*" means public or private property that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to highways or other roads upon which vehicles are moved, parks, campgrounds, trailer parks, drive-in and fast food restaurants, gasoline service stations, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches, bathing areas, school grounds, sporting event sites with seating capacity for more than 200 spectators, business district sidewalks, parking lots for taverns, shopping centers and grocery stores, and other parking lots if they have a capacity for more than 50 vehicles;

[As amended through July 1, 2011]

Putrescible garbage

18 AAC 50.990(86) "putrescible garbage" means material capable of being decomposed with sufficient rapidity to cause nuisance or obnoxious odors;
[As amended through April 17, 2015]

Rated capacity

18 AAC 50.990(87) "rated capacity" means the maximum sustained capacity of the equipment based on the fuel or raw material, or combination of fuels or raw materials, that is actually used and gives the greatest capacity;
[As amended through April 17, 2015]

Reconstruct and reconstruction

18 AAC 50.990(88) "reconstruct" and "reconstruction" have the meaning given "reconstruction" in 40 C.F.R. 63.2, adopted by reference in 18 AAC 50.040, except that for purposes of 18 AAC 50.260 "reconstruction has the meaning given in 40 C.F.R. 51.301, adopted by reference in 18 AAC 50.260(a);
[As amended through April 17, 2015]

40 C.F.R. 63.2 Reconstruction, unless otherwise defined in a relevant standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

[As revised as of February 17, 2011]

40 C.F.R. 51.301 Reconstruction will be presumed to have taken place where the fixed capital cost of the new component exceeds 50 percent of the fixed capital cost of a comparable entirely new source. Any final decision as to whether reconstruction has occurred must be made in accordance with the provisions of § 60.15 (f) (1) through (3) of this title.

[As revised as of July 1, 2007]

Reduction in visibility

18 AAC 50.990(89) "reduction in visibility" means the obscuring of an observer's vision;

[As amended through April 17, 2015]

Regional administrator

18 AAC 50.990(127) “regional administrator” means the administrator of Region X of EPA;

[As amended through April 17, 2015]

Regionally significant project

18 AAC 50.990(90) "regionally significant project" has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference in 18 AAC 50.710;

[As amended through April 17, 2015]

40 C.F.R. 93.101 *Regionally significant project* means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area’s transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

[As revised as of July 1, 2013]

Regulated air pollutant

18 AAC 50.990(91) "regulated air pollutant" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(23) "*regulated air pollutant*" means an air pollutant subject to regulation under 42 U.S.C. 7401 - 7671q (Clean Air Act);

[As amended through July 1, 2011]

Regulated NSR pollutant

18 AAC 50.502(h) “regulated NSR pollutant” has the meaning given in 40 C.F.R. 52.21(b)(50), adopted by reference in 18 AAC 50.040(h);

[As amended through November 9, 2014]

40 C.F.R. 52.21(b)(50) *Regulated NSR pollutant*, for purposes of this section, means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated and any pollutant identified under this paragraph (b)(50)(i) as a constituent or precursor for such pollutant. Precursors identified by the Administrator for purposes of NSR are the following:

(a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(b) Sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas.

(c) Nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.

(d) Volatile organic compounds are presumed not to be precursors to PM_{2.5} in any attainment or unclassifiable area, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM_{2.5} concentrations.

(ii) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(iii) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act;

(iv) Any pollutant that otherwise is subject to regulation under the Act as defined in paragraph (b)(49) of this section.

(v) Notwithstanding paragraphs (b)(50)(i) through (iv) of this section, the term *regulated NSR pollutant* shall not include any or all hazardous air pollutants either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, and which have not been delisted pursuant to section 112(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

(vi) Particulate matter (PM) emissions, PM_{2.5} emissions and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011 (or any earlier date established in the upcoming rulemaking codifying test methods), such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, PM_{2.5} and PM₁₀ in PSD permits. Compliance with emissions limitations for PM, PM_{2.5} and PM₁₀ issued prior to this date shall not be based on condensable particular matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particular matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particular matter to be included.

[As revised as of August 2, 2010]

Responsible official

18 AAC 50.990(93) "responsible official" means

(A) for a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who

performs similar policy or decision making functions for the corporation, or a duly-authorized representative of that person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under AS 46.14 or this chapter, and

(i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars; or

(ii) the delegation of authority to the representative is approved in advance by the department;

(B) for a partnership or sole proprietorship, a general partner or the proprietor, respectively; and

(C) for a public agency, a principal executive officer or ranking elected official; for the purposes of this chapter, a principal executive officer of a federal agency includes the chief executive officer with responsibility for the overall operations of a principal geographic unit in this state;

[As amended through April 17, 2015]

Reviewing authority

18 AAC 50.990(94) “reviewing authority” means the department;

[As amended through April 17, 2015]

18 AAC 50.040. Federal standards adopted by reference.

(h)(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(C) 40 C.F.R. 52.21(b)(51) (“reviewing authority”) is not adopted, and the term defined in that provision has the meaning given in 18 AAC 50.990;

[As amended through April 17, 2015]

18 AAC 50.040. Federal standards adopted by reference.

(i)(1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(B) the following provisions are not adopted, and the terms defined in those provisions have the meaning given in 18 AAC 50.990:

(ii) 40 C.F.R. 51.165(a)(1)(xxxviii) (“reviewing authority”);

[As amended through April 17, 2015]

Rig day

18 AAC 50.990(95) “rig day” means each calendar day that a single drill rig is drilling or testing an oil or gas well in normal operation or standby service; “rig day” does not include a day when

(A) equipment is not operating; or

(B) only light plants are operating;

[As amended through April 17, 2015]

Scheduled maintenance

18 AAC 50.990(96) "scheduled maintenance" means activities planned in advance designed to keep equipment in good working order;

[As amended through April 17, 2015]

Shutdown

18 AAC 50.990(97) "shutdown" means performing all activities necessary to cease operation of a source;

[As amended through April 17, 2015]

Small business facility

18 AAC 50.990 (98) "small business facility" has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(24) "*small business facility*" means a stationary source that

(A) is owned or operated by a person who employs 100 or fewer individuals;

(B) is a small business concern as defined in 15 U.S.C. 632; and

(C) emits less than 100 TPY of regulated air pollutants;

[As amended through July 1, 2011]

Small power plant

18 AAC 50.400. Permit administration fees.

(k)(5) "small power plant"

(A) means a Title V source not described in (2)(A) or (3) of this subsection

(i) the purpose of which is to generate electricity, and that contains one or more diesel-fired internal combustion engines to generate power

(ii) the purpose of which is seafood processing; or

(iii) that has a potential to emit a total less than 500 tons per year of regulated air pollutants in the aggregate, and that contains emission units used to provide power to a mine or military base; and

(B) does not include a Title V source that operates under the department's general permit for diesel engines.

[As amended through April 17, 2015]

Smolder

18 AAC 50.990(99) "smolder" means to burn and smoke without flame;

[As amended through April 17, 2015]

Solid Fuel-Fired Heating Device

18 AAC 50.990(138) "solid fuel-fired heating device"

(A) means a device used for wood or coal combustion so that usable heat is derived for the interior of a building;

(B) includes

- (i) wood-fired heating devices;
- (ii) coal-fired stoves;
- (iii) coal-fired forced air furnaces;
- (iv) coal-fired cooking stoves;
- (v) coal-fired hydronic heaters; and
- (vi) combination fuel furnaces or boilers that burn wood and coal;

(C) does not include a device that is primarily part of an industrial process and incidentally provides usable heat for the interior of a building;

[As amended through April 17, 2015]

Soot-blowing

18 AAC 50.990(100) "soot-blowing" means using steam or compressed air to remove carbon from a furnace or from a boiler's heat transfer surfaces;

[As amended through April 17, 2015]

Sources subject to BART

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(9) "sources subject to BART" means a source identified by the department in accordance with Section III of the BART guidelines;

[As amended through April 17, 2015]

Stack

18 AAC 50.990(101) "stack" has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

AS 46.14.990(25) "stack" has the meaning given in 40 C.F.R. 51.100;
[As amended through July 1, 2011]

40 C.F.R. 51.100(ff) *Stack* means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.
[As revised as of July 1, 2011]

Standard conditions

18 AAC 50.990(102) "standard conditions" means dry gas at 68° F and an absolute pressure of 760 millimeters of mercury;
[As amended through April 17, 2015]

Startup

18 AAC 50.990(103) "startup" means

(A) for an internal combustion engine aboard a marine vessel, the point in time that emissions begin to exit from the vessel as a result of igniting the engine; and

(B) for all other sources, the setting into operation of a source for any reason;
[As amended through April 17, 2015]

State air quality control plan

18 AAC 50.990(104) "state air quality control plan" means the plan adopted by reference in 18 AAC 50.030;
[As amended through April 17, 2015]

State fiscal year

18 AAC 50.410. Emission fees.

(h) For purposes of this section, "state fiscal year" means a year beginning on July 1 of one calendar year and ending on June 30 of the following calendar year.
[As amended through April 17, 2015]

Stationary source

18 AAC 50.990(105) "stationary source" has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

AS 46.14.990(26) "stationary source" has the meaning given in 40 C.F.R. 51.166(b) or 40 C.F.R. 70.2, depending on the context in which the term is used;
[As amended through July 1, 2011]

40 C.F.R. 51.166(b)(5) *Stationary source* means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.
[As revised as of August 2, 2010]

40 C.F.R. 70.2 *Stationary source* means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act.
[As revised as of July 1, 2011]

18 AAC 50.040. Federal standards adopted by reference.

(h)(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(B) the following provisions are not adopted, and the terms defined in those provisions have the meanings give in AS 46.14.990:

(ii) 40 C.F.R. 52.21(b)(5) ("stationary source");
[As amended through April 17, 2015]

18 AAC 50.040. Federal standards adopted by reference.

(i)(1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

(i) 40 C.F.R. 51.165(a)(1)(i) ("stationary source");
[As amended through April 17, 2015]

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule (a) For the purposes of this section, the following are adopted by reference:

(1) 40 C.F.R. 51.301(Definitions), revised as of July 1, 2007, except that

(D) "stationary source" has the meaning given in AS 46.14.990;
[As amended through April 17, 2015]

18 AAC 50.321. Case-by-case maximum achievable control technology determinations.

(f) **Definitions.**

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that "construction," "emission standard," "fugitive emissions," "hazardous air

pollutant,” “operator,” “owner,” “potential to emit,” and “stationary source” have the meanings given in AS 46.14.990.

[As amended through April 17, 2015]

18 AAC 50.326. Title V operating permits.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are adopted by reference, except that

(7) “stationary source” has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

Technology-based emission standard

18 AAC 50.990(106) "technology-based emission standard" means

(A) a best available control technology standard with the meaning given in 40 C.F.R. 52.21(b)(12), adopted by reference in 18 AAC 50.040;

[As amended through April 17, 2015]

40 C.F.R. 52.21(b)(12) *Best available control technology* means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under Act which would be emitted from any proposed major stationary source or major modification which the Administrator, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(B) a lowest achievable emission rate (LAER) standard;

(C) a maximum achievable control technology standard established under 40 C.F.R. Part 63, Subpart B, adopted by reference in 18 AAC 50.040(c);

(D) a standard adopted by reference in 18 AAC 50.040(a) or (c); and

(E) any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors;

[As revised as of August 2, 2010]

Temporary construction activity

18 AAC 50.990(107) “temporary construction activity” means construction that is completed in 24 months or less from the date construction begins; “temporary construction activity” includes any period of inactivity during that 24-month period;

[As amended through April 17, 2015]

Thermal soil remediation unit

18 AAC 50.990(108) “thermal soil remediation unit” means a stationary source that causes petroleum contamination to be desorbed from soils by heating the soil in a kiln;

[As amended through April 17, 2015]

Title I permit

18 AAC 50.990(109) “Title I permit” means a

(A) permit issued under 18 AAC 50.306, 18 AAC 50.311, 18 AAC 50.316, or 18 AAC 50.502 – 18 AAC 50.560;

(B) construction permit issued before October 1, 2004; or

(C) permit to operate issued before January 18, 1997;

[As amended through April 17, 2015]

Title V permit

18 AAC 50.990(110) “Title V permit” means a permit required by AS 46.14.130(b);

[As amended through April 17, 2015]

AS 46.14.130. Stationary sources requiring permits.

(b) Except for the owner and operator of a stationary source exempted under AS 46.14.120(e) or (f), the owner and operator of a stationary source shall obtain an operating permit from the department for

(1) a major source;

(2) a stationary source that contains an emissions unit subject to federal new source performance standards under 42 U.S.C. 7411 (Clean Air Act, sec. 111) or national emission standards for hazardous air pollutants issued under 42 U.S.C. 7412 (Clean Air Act, sec. 112); or

(3) another stationary source designated by the federal administrator by regulation.

[As amended through July 1, 2011]

Title V source

18 AAC 50.990(111) “Title V source” means a stationary source classified as needing a permit under AS 46.14.130(b);

[As amended through April 17, 2015]

AS 46.14.130. Stationary sources requiring permits.

(b) Except for the owner and operator of a stationary source exempted under AS 46.14.120(e) or (f), the owner and operator of a stationary source shall obtain an operating permit from the department for

(1) a major source;

(2) a stationary source that contains an emissions unit subject to federal new source performance standards under 42 U.S.C. 7411 (Clean Air Act, sec. 111) or national emission standards for hazardous air pollutants issued under 42 U.S.C. 7412 (Clean Air Act, sec. 112); or

(3) another stationary source designated by the federal administrator by regulation.

[As amended through July 1, 2011]

Total suspended particulate or TSP

18 AAC 50.990(113) "total suspended particulate" or "TSP" means particulate matter as measured by a method specified in the department’s *Air Quality Assurance Manual for Ambient Air Quality Monitoring*, adopted by reference in 18 AAC 50.030;

[As amended through April 17, 2015]

TPY

18 AAC 50.990(112) “TPY” has the meaning given in AS 46.14.990;

[As amended through April 17, 2015]

AS 46.14.990(28) "TPY" means tons per year.

[As amended through July 1, 2011]

Transportation Control Measure

18 AAC 50.990(148) “transportation control measure” has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference.

[As amended through April 17, 2015]

40 C.F.R. 93.101 *Transportation control measure (TCM)* is any measure that is specifically identified and committed to in the applicable implementation plan, including a substitute or additional TCM that is incorporated into the applicable SIP through the process established in CAA section 176(c)(8), that is either one of the types listed in CAA section 108, or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Notwithstanding the first sentence of this definition, vehicle technology-based, fuel-based, and maintenance-based measures which control the emissions from vehicles under fixed traffic conditions are not TCMs for the purposes of this subpart.

[As revised as of July 1, 2013]

Transportation improvement plan

18 AAC 50.990(130) “transportation improvement plan” has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference in 18 AAC 50.710.

[As amended through April 17, 2015]

40 C.F.R. 93.101 *Transportation improvement program (TIP)* means a transportation improvement program developed by a metropolitan planning organization under 23 U.S.C. 134(j).

[As revised as of July 1, 2013]

23 U.S.C. 134(j) METROPOLITAN TIP.—

(1) DEVELOPMENT.—

(A) **IN GENERAL.**—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the area for which the organization is designated.

(B) **OPPORTUNITY FOR COMMENT.**—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(C) **FUNDING ESTIMATES.**—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State

shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

(D) UPDATING AND APPROVAL.—The TIP shall be updated at least once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

(2) CONTENTS.—

(A) PRIORITY LIST.—The TIP shall include a priority list of proposed federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

(i) demonstrates how the TIP can be implemented;

(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(3) INCLUDED PROJECTS.—

(A) PROJECTS UNDER THIS TITLE AND CHAPTER 53 OF TITLE 49.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

(B) PROJECTS UNDER CHAPTER 2.—

(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in one line item or identified individually in the transportation improvement program.

(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by

interested parties in the development of the program, in accordance with subsection (i)(5).

(5) SELECTION OF PROJECTS.—

(A) **IN GENERAL.**—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

(i) by—

(I) in the case of projects under this title, the State; and

(II) in the case of projects under chapter 53 of title 49, the designated recipients of public transportation funding; and

(ii) in cooperation with the metropolitan planning organization.

(B) **MODIFICATIONS TO PROJECT PRIORITY.**—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(A) **NO REQUIRED SELECTION.**—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) **REQUIRED ACTION BY THE SECRETARY.**—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) PUBLICATION.—

(A) **PUBLICATION OF TIPS.**—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

(B) **PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.**—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the TIP.

Uncontaminated fuel

18 AAC 50.990(114) "uncontaminated fuel" means a hydrocarbon fuel, excluding propane, that does not contain used oil, crude oil, or a hazardous waste;

[As amended through April 17, 2015]

Upset

18 AAC 50.990(115) "upset" means the sudden failure of equipment or a process to operate in a normal and usual manner.

[As amended through April 17, 2015]

Vapor collection system

18 AAC 50.990(116) "vapor collection system" means all equipment, ducts, piping, valves, and fittings necessary to prevent organic vapors displaced at a loading rack from being emitted into the atmosphere;

[As amended through April 17, 2015]

Vapor-laden delivery truck

18 AAC 50.990(117) "vapor-laden delivery tank" means a delivery tank that is being loaded with volatile liquid or that was loaded with volatile liquid during the immediately preceding load;

[As amended through April 17, 2015]

Visibility impact analysis

18 AAC 50.260 Guidelines for best available retrofit technology under the regional haze rule

(q)(10) "visibility impact analysis" means an air quality modeling analysis conducted for the purposes of determining visibility impacts.

[As amended through April 17, 2015]

Volatile liquid

18 AAC 50.990(118) "volatile liquid" means a liquid compound or mixture of compounds that exerts a maximum true vapor pressure of 0.5 pounds per square inch or more;

[As amended through April 17, 2015]

Volatile liquid loading rack

18 AAC 50.990(119) "volatile liquid loading rack" means all equipment, loading arms, piping, meters, and fittings used to fill delivery tanks with volatile liquid;

[As amended through April 17, 2015]

Volatile liquid storage tank

18 AAC 50.990(120) "volatile liquid storage tank" means any stationary storage vessel that contains a volatile liquid;

[As amended through April 17, 2015]

Volatile organic compound or VOC

18 AAC 50.990(121) "volatile organic compound" or "VOC" has the meaning given in 40 C.F.R. 51.100(s), as revised as of November 21, 2013, and adopted by reference;

[As amended through April 17, 2015]

40 C.F.R. 51.100(s) (s) *Volatile organic compounds (VOC)* means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

(1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3 or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5 or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OC2H5); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); propylene carbonate; dimethyl carbonate; *trans*-1,3,3,3-tetrafluoropropene; HCF2OCF2H (HFE-134); HCF2OCF2OCF2H (HFE-236cal2); HCF2OCF2CF2OCF2H (HFE-338pcc13); HCF2OCF2OCF2CF2OCF2H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(2) For purposes of determining compliance with emissions limits, VOC will be measured by the test methods in the approved State implementation plan (SIP) or 40 CFR part 60, appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibility-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the enforcement authority.

(3) As a precondition to excluding these compounds as VOC or at any time thereafter, the enforcement authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the enforcement authority, the amount of negligibly-reactive compounds in the source's emissions.

(4) For purposes of Federal enforcement for a specific source, the EPA shall use the test methods specified in the applicable EPA-approved SIP, in a permit issued pursuant to a program approved or promulgated under title V of the Act, or under 40 CFR part 51, subpart I or appendix S, or under 40 CFR parts 52 or 60. The EPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the above provisions.

(5) The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

(6) For the purposes of determining compliance with California's aerosol coatings reactivity-based regulation, (as described in the California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 3), any organic compound in the volatile portion of an aerosol coating is counted towards that product's reactivity-based limit. Therefore, the compounds identified in paragraph (s) of this section as negligibly reactive and excluded from EPA's definition of VOCs are to be counted towards a product's reactivity limit for the purposes of determining compliance with California's aerosol coatings reactivity-based regulation.

(7) For the purposes of determining compliance with EPA's aerosol coatings reactivity based regulation (as described in 40 CFR part 59—National Volatile Organic Compound Emission Standards for Consumer and Commercial Products) any organic compound in the volatile portion of an aerosol coating is counted towards the product's reactivity-based limit, as provided in 40 CFR part 59, subpart E. Therefore, the compounds that are used in aerosol coating products and that are identified in paragraphs (s)(1) or (s)(5) of this section as excluded from EPA's definition of VOC are to be counted towards a product's reactivity

limit for the purposes of determining compliance with EPA's aerosol coatings reactivity-based national regulation, as provided in 40 CFR part 59, subpart E.

[As revised as of November 21, 2013]

Weighing anchor

18 AAC 50.990(122) "weighing anchor" means to begin heaving in the anchor with intent to retrieve it and get underway, regardless of how the chain tends when heaving in begins;

[As amended through April 17, 2015]

Well servicing activities

18 AAC 50.990(125) "well servicing activities" means the use of portable equipment for servicing existing oil and gas wells that only stays on site for short and varying periods of time; "well servicing activities" includes the use of

- (A) coiled tubing units;
- (B) well frac units;
- (C) well slickline units;
- (D) well hot oil units;
- (E) well wireline units.

[As amended through April 17, 2015]

Wet Wood

18 AAC 50.990(139) "wet wood" means wood with a moisture content of more than 20 percent;

[As amended through April 17, 2015]

Wood-fired heating device

18 AAC 50.990(123) "wood-fired heating device"

(A) means a device designed or used for wood combustion so that usable heat is derived for the interior of a building;

(B) includes

- (i) wood-fired or pellet-fired stoves;
- (ii) woodstoves;

- (iii) fireplaces;
- (iv) wood-fired forced air furnaces;
- (v) masonry heaters;
- (vi) wood-fired or pellet-fired cooking stoves;
- (vii) wood-fired hydronic heaters; and
- (viii) combination fuel furnaces or boilers that burn wood;

(C) does not include a device that is primarily a part of an industrial process and incidentally provides usable heat for the interior of a building. building.

[As amended through April 17, 2015]

Woodstove and Wood Heater

18 AAC 50.990(140) “woodstove” has the meaning given in “wood heater” in 40 C.F.R. 60.531; the definition of “wood heater” in 40 C.F.R. 60.531, as revised as of July 1, 2014, is adopted by reference.

[As amended through April 17, 2015]

40 C.F.R. 60.531 *Wood heater* means an enclosed, wood burning appliance capable of and intended for space heating or domestic water heating that meets all of the following criteria:

- (1) An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1 as determined by the test procedure prescribed in § 60.534 performed at an accredited laboratory;
- (2) A usable firebox volume of less than 0.57 cubic meters (20 cubic feet);
- (3) A minimum burn rate of less than 5 kg/hr (11 lb/hr) as determined by the test procedure prescribed in § 60.534 performed at an accredited laboratory; and
- (4) A maximum weight of 800 kg (1,760 lb). In determining the weight of an appliance for these purposes, fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components that are not an integral part of the appliance or heat distribution ducting, shall not be included.

[As revised as of July 1, 2014]

Hazardous Air Pollutants regulated under 42 U.S.C. 7412(b) (Clean Air Act, sec. 112(b))

**42 U.S.C. 7412(b) (Clean Air Act, sec. 112(b)) List of pollutants
The Clean Air Act Amendments of 1990 List of Hazardous Air Pollutants**

CAS Number	Chemical Name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam (<i>See Modification information on page 74.</i>)
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol

133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidine
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts

51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
7783064	Hydrogen sulfide (<i>See Modification information on page 74.</i>)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)

71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	Methyl ethyl ketone (2-Butanone) (<i>See Modification information on page 74.</i>)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)

91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds ¹
0	Glycol ethers ²

0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ³
0	Nickel Compounds
0	Polycyclic Organic Matter ⁴
0	Radionuclides (including radon) ⁵
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

¹ X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or Ca(CN)₂

² Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where n = 1, 2, or 3
R = alkyl or aryl groups
R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH₂)_n-OH. Polymers are excluded from the glycol category. (*See Modification information on page 74.*)

³ Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

⁴ Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100 ° C.

⁵ A type of atom which spontaneously undergoes radioactive decay.

[As amended through May 31, 2012]

Modifications

Methyl Ethyl Ketone

On December 19, 2005 the Environmental Protection Agency removed methyl ethyl ketone (MEK) from the list of toxic air pollutants. The total number of listed air toxics is now 187.

After extensive technical review and consideration of public comments, EPA concluded that potential exposures to MEK emitted from industrial processes may not reasonably be anticipated to cause human health or environmental problems.

MEK is used as a solvent in the surface coatings industry, specifically in manufacturing vinyl lacquers, some lacquers and acrylics. Industries also use MEK for producing adhesives, magnetic tapes, printing inks, degreasing and cleaning fluids, as a dewaxing agent for lubricating oils and as an intermediate in the production of antioxidants and perfumes.

Emissions of MEK will continue to be regulated as a volatile organic compound because of its contribution to the formation of ground-level ozone.

Glycol Ethers

On November 21, 2003 (68FR65648), the EPA proposed to remove the compound ethylene glycol monobutyl ether (EGBE) (2-Butoxyethanol) (Chemical Abstract Service (CAS) No. 111-76-2) from the group of glycol ethers. On November 29, 2004 (69FR69320) this proposal was made final.

On January 12, 1999 (64FR1780), the EPA proposed to modify the definition of glycol ethers to exclude surfactant alcohol ethoxylates and their derivatives (SAED). On August 2, 2000 ([65FR47342](#)), the EPA published the final action. This action deletes each individual compound in a group called the surfactant alcohol ethoxylates and their derivatives (SAED) from the glycol ethers category in the list of hazardous air pollutants (HAP) established by section 112(b)(1) of the Clean Air Act (CAA). Under section 112(b)(3)(D) of the CAA, EPA may delete specific substances from certain listed categories, including glycol ethers. To implement this action, EPA is revising the definition of glycol ethers to exclude the deleted compounds. This action is also making conforming changes with respect to designation of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These final rules are being issued by EPA in response to an analysis of potential exposure and hazards of SAED that was prepared by the Soap and Detergent Association (SDA) and submitted to EPA. Based on this information, EPA has made a final determination that there are adequate data on the health and environmental effects of these substances to determine that emissions, ambient concentrations, bioaccumulation, or deposition of these substances may not reasonably be

anticipated to cause adverse human health or environmental effects. All information associated with this rule making is available at EPA's Air and Radiation Docket and Information Docket, Room M1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the CAA.) An index for each docket, as well as individual items contained within the dockets, may be obtained by calling (202) 260-7548 or (202) 260-7549. Alternatively, docket indexes are available by facsimile, as described on the Office of Air and Radiation, Docket and Information Center Website at <http://www.epa.gov/oar/docket>. A reasonable fee may be charged for copying docket materials. A useful reference for the glycol ether category is linked below.

Toxics Release Inventory: List of Toxic Chemicals Within the Glycol Ethers Category
(December 2000)EPA-745-R-00-004;

Caprolactam

On July 19, 1993, EPA received a petition from AlliedSignal, Inc., BASF Corporation, and DSM Chemicals North America, Inc. to delete caprolactam (CAS No. 105-60-2) from the hazardous air pollutant list in Section 112(b)(1), 42 U.S.C., Section 7412(b)(1). A Notice of Receipt was published (58FR45081, August 26, 1993) noting that the data filed were adequate to support decision making. After a comprehensive review of the data submitted, the EPA published a proposal to delist caprolactam (60FR48081, September 18, 1995). In order to help address public concern, on March 13, 1995, EPA executed two detailed agreements with AlliedSignal concerning the Irmo, South Carolina manufacturing facility and another facility located in Chesterfield, Virginia, copies of which are included in the public docket for this rulemaking. AlliedSignal agreed that, if caprolactam was delisted pursuant to the proposal, AlliedSignal would install emissions controls which EPA believed would be equivalent to the controls which would have been required had EPA issued a standard to control these sources under Section 112. The agreed emissions controls are incorporated in federally enforceable operating permits for the affected facilities, and will be in place years earlier than controls would have otherwise been required. In addition, AlliedSignal has agreed to establish a citizen advisory panel concerning the Irmo facility in order to improve communications with the community and to assure that citizens have an ongoing role in implementation of the agreed emission reductions. The public requesting a public hearing. On November 28, 1995, the EPA published a notice of public hearing and an extension of the comment period (60FR58589). After considering all public comments, the EPA published a final rule delisting caprolactam (61FR30816, June 18, 1996).

All information associated with this rule making is located in Docket Number A-94-33 at the Central Docket Section (A-130), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. phone 202-260-7548, fax 202-260-4400, email a-and-r-docket@epamail.epa.gov. The docket includes complete index to all papers filed in this docket, a copy of the original petition, comments submitted, and additional materials supporting the rule. A reasonable fee may be charged for copying. The docket may be inspected in person between 8:00 a.m. and 4:30 p.m. on weekdays at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M St., SW, Washington, D.C. 20460.

Hydrogen Sulfide

A clerical error led to the inadvertent addition of hydrogen sulfide to the Section 112(b) list of Hazardous Air Pollutants. However, a Joint Resolution to remove hydrogen sulfide from the Section 112(b)(1) list was passed by the Senate on August 1, 1991 (Congressional Record page S11799), and the House of Representatives on November 25, 1991 (Congressional Record pages H11217-H11219). The Joint Resolution was approved by the President on December 4, 1991. Hydrogen Sulfide is included in Section 112(r) and is subject to the accidental release provisions. A study (see citation below) was required under Section 112(n)(5).

Hydrogen Sulfide Air Emissions Associated with the Extraction of Oil and Natural Gas,
EPA-453/R-93-045,
NTIS (publication # is PB94-131224, \$36.50 hard copy, \$17.50 microfiche).

National Technical Information Services (NTIS)
5285 Port Royal Road
Springfield, VA 22161
703-487-4650 800-426-4791
703-487-4807 8:30-5:30 EST M-F

Alaska Nonattainment Areas as designated in 40 C.F.R. 81.302

§81.302 Alaska

Alaska—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Cook Inlet Interstate AQCR 8	X
Northern Alaska Interstate AQCR 9	X
South Central Alaska Interstate AQCR 10	X
Southeastern Alaska Interstate AQCR 11	X

Alaska—SO_x

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Cook Inlet Interstate AQCR 8	X
Northern Alaska Interstate AQCR 9	X
South Central Alaska Interstate AQCR 10	X
Southeastern Alaska Interstate AQCR 11	X

Alaska—Carbon Monoxide

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
<p>Anchorage Area—Anchorage Election District (part), Anchorage nonattainment area boundary. The Anchorage Nonattainment Area is contained within the boundary described as follows: Beginning at a point on the centerline of the New Seward Highway five hundred (500) feet of the centerline of O'Malley Road; thence, Westery along a line five hundred (500) feet south of and parallel to the centerline of O'Malley Road and its westery extension thereof to a point on the mean high tide line of the Turnagain Arm; thence, Northeastery along the mean high tide line to a point five hundred (500) feet west of the southerly extension of the centerline of Sand Lake Road; thence, Northery along a line five hundred (500) feet west of and parallel to the southerly extension of the centerline of Sand Lake Road to a point on the southerly boundary of the International Airport property; thence, Westery along said property line of the International Airport to an angle point in said property line; thence, Easterly, along said property line and its easterly extension thereof to a point five hundred (500) feet west of the southerly extension of the centerline of Wisconsin Street; thence, Northery along said line to a point on the mean high tide line of the Knik Arm; thence, Northeastery along the mean high tide line to a point on a line parallel and five hundred (500) feet north of the centerline of Thompson Street and the westery extension thereof; thence, Easterly along said line to a point five hundred (500) feet east of Boniface Parkway; thence, Southerly along a line five hundred (500) feet east of and parallel to the centerline of Boniface Parkway to a point five hundred (500) feet north of the Glenn Highway; thence, Easterly and northeastery along a line five hundred (500) feet north of and parallel to the centerline of the Glenn Highway to a point five hundred (500) feet east of the northerly extension of the centerline of Muldoon Road; thence, Southerly along a line five hundred (500) feet east of and parallel to the centerline of Muldoon Road and continuing southwestery on a line of curvature five hundred (500) feet southeastery of the centerline of curvature where Muldoon Road becomes Tudor Road to a point five hundred (500) feet south of the centerline of Tudor Road; thence, Westery along a line five hundred (500) feet south of the centerline of Tudor Road to a point five hundred (500) feet east of the centerline to Lake Otis Parkway; thence, Westery along a line five hundred (500) feet south of the centerline of O'Malley Road, ending at the centerline of the New Seward Highway, which is the point of the beginning</p> <p>Fairbanks Area</p> <p>Fairbanks Election District (part). Fairbanks nonattainment area boundary.</p>	<p>July 23, 2004</p>	<p>Attainment</p>		
	<p>September 27, 2004</p>	<p>Attainment</p>		

Alaska—Carbon Monoxide

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
1. Township 1 South, Range 1 West, Sections 2 through 23, the portion of Section 1 west of the Fort Weirwright military reservation boundary and the portions of Section 24 north of the Old Richardson Highway and west of the military reservation boundary, also, Township 1 South, Range 2 West, Sections 13 and 24, the portion of Section 12 southwest of Chena Pump Road and the portions of Sections 14 and 23 southeast of the Chena river. Also, Township 1 South, Range 1 East, Sections 7, 8 and 18 and the portion of Section 19 north of the Richardson Highway. (Fairbanks and Ft. Weirwright).				
2. Township 2 South, Range 2 East, the portions of Sections 9 and 10 southwest of the Richardson Highway. (North Pole)				
AQCR 008 Cook Inlet In interstate (Remainder of)	Undesignated	.....	Attainment
Kenai Peninsula Election District Matanuska-Susitna Election District Seward Election District				
AQCR 009 Northern Alaska In interstate (Remainder of)	Undesignated	.....	Attainment
Barrow Election District Fairbanks N. Star Borough Area other than portion of Fairbanks urban area designated Nonattainment				
Kobuk Election District Nome Election District North Slope Election District Northwest Arctic Borough Southeast Fairbanks Election District Upper Yukon Election District Yukon-Koyukuk Election District				
AQCR 010 South Central Alaska In interstate (Remainder of)	Undesignated	.....	Attainment
Alutian Islands Election District Alutians East Borough Alutians West Census Anchorage Election District Area other than portion of Anchorage urban area designated Nonattainment				
Bethel Election District Bristol Bay Borough Election District Bristol Bay Election District Cordova-McCarthy Election District Dillingham Election District Kodiak Island Election District Kuskokwim Election District Lake and Peninsula Brg Valdez-Cordova Election District Wade Hampton Election District				
AQCR 11 Southeastern Alaska In interstate	Undesignated	.....	Attainment
Angoon Election District Heines Election District Juneau Election District Ketchikan Election District Outer Ketchikan Election District Prince Of Wales Election District Sitka Election District Stegway-Yakutat Election District Wrangell-Petersburg Election District				

¹ This date is November 15, 1990, unless otherwise noted.

Alaska—Ozone (1-Hour Standard)²

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
AQCR 08 Cook Inlet In interstate Anchorage Election District Kenai Peninsula Election District Metanaska-Susitna Election District Seward Election District	Unclassifiable/Attainment		
AQCR 09 Northern Alaska In interstate Barrow Election District Denali Borough Fairbanks Election District Kobuk Election District Nome Election District North Slope Election District Northwest Arctic Borough Southeast Fairbanks Election District Upper Yukon Election District Yukon-Koyukuk Election District	Unclassifiable/Attainment		
AQCR 10 South Central Alaska In interstate Aleutian Islands Election District Aleutians East Borough Aleutians West Census Bethel Election District Bristol Bay Borough Election District Bristol Bay Election District Cordova-McCarthy Election District Dillingham Election District Kodiak Island Election District Kuskokwim Election District Lake and Peninsula Borough Valdez-Cordova Election District Wade Hampton Election District	Unclassifiable/Attainment		
AQCR 11 Southeastern Alaska In interstate Angoon Election District Heines Election District Juneau Election District Ketchikan Election District Outer Ketchikan Election District Prince Of Wales Election District Sitka Election District Stagway-Yakutat Election District Wrangell-Petersburg Election District	Unclassifiable/Attainment		

¹ This date is October 18, 2000, unless otherwise noted.

² The 1-hour ozone standard is revoked effective June 15, 2005 for all areas in Alaska.

Alaska—PM-10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Anchorage Community of Eagle River	11/15/90	Nonattainment	11/15/90	Moderate
Juneau City of Juneau	11/15/90	Nonattainment	11/15/90	Moderate
Mendenhall Valley area Rest of State	11/15/90	Unclassifiable		

Alaska—PM_{2.5} (Annual NAAQS)

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Cook Inlet In interstate AQCR 8 .....	..... X	
Northern Alaska In interstate AQCR 9 .....	..... X	
South Central Alaska In interstate AQCR 10 .....	..... X	
Southeastern Alaska In interstate AQCR 11 .....	..... X	

Alaska—Ozone (8-Hour Standard)

Designated area	Designation ²		Category/classification	
	Date ¹	Type	Date ¹	Type
AQCR 08 Cook Inlet Inhabited Anchorage Borough Kenai Peninsula Borough Matanuska-Susitna Borough	Unclassifiable/Attainment		
AQCR 09 Northern Alaska Inhabited Denali Borough Fairbanks North Star Borough Nome Census Area North Slope Borough Northwest Arctic Borough Southeast Fairbanks Census Area Yukon-Koyukuk Census Area	Unclassifiable/Attainment		
AQCR 10 South Central Alaska Inhabited Aleutians East Borough Aleutians West Census Area Bethel Census Area Bristol Bay Borough Dillingham Census Area Kodiak Island Borough Lake and Peninsula Borough Valdez-Cordova Census Area Wade Hampton Census Area	Unclassifiable/Attainment		
AQCR 11 Southeastern Alaska Inhabited Haines Borough Juneau Borough Ketchikan Gateway Borough Prince of Wales-Outer Ketchikan Census Area Sitka Borough Stagway-Hoonah-Angoon Census Area Wrangell-Petersburg Census Area Yakutat Borough	Unclassifiable/Attainment		

²Includes Indian Country located in each county or area, except as otherwise specified.
¹This date is June 15, 2004, unless otherwise noted.

Alaska—PM2.5

Designated area	Designation ²	
	Date ¹	Type
AQCR 08 Cook Inlet Inhabited: Anchorage Borough Kenai Peninsula Borough Matanuska-Susitna Borough	Unclassifiable/Attainment
AQCR 09 Northern Alaska Inhabited: Denali Borough Fairbanks North Star Borough Nome Census Area North Slope Borough Northwest Arctic Borough Southeast Fairbanks Census Area Yukon-Koyukuk Census Area	Unclassifiable/Attainment
AQCR 10 South Central Alaska Inhabited: Aleutians East Borough Aleutians West Census Area Bethel Census Area Bristol Bay Borough Dillingham Census Area Kodiak Island Borough Lake and Peninsula Borough Valdez-Cordova Census Area Wade Hampton Census Area	Unclassifiable/Attainment
AQCR 11 Southeastern Alaska Inhabited: Haines Borough Juneau Borough Ketchikan Gateway Borough Prince of Wales-Outer Ketchikan Census Area Sitka Borough Stagway-Hoonah-Angoon Census Area Wrangell-Petersburg Census Area	Unclassifiable/Attainment

Alaska—PM2.5

Designated area	Designation ²	
	Date ¹	Type
Yakutat Borough	Unclassifiable/Attainment

²Includes Indian Country located in each county or area, except as otherwise specified.

¹This date is 90 days after January 5, 2005, unless otherwise noted.

Alaska—PM₁₀ [24-hour NAAQS]

Designated area	Designation for the 1997 NAAQS ²		Designation for the 2005 NAAQS ²	
	Date ¹	Type	Date ²	Type
Fairbanks, AK AQCR 09 Northern Alaska Interstate Fairbanks North Star Borough (part) The following townships and ranges: —MTRF F001N001—All Sections; —MTRF F001N001E—Sections 2-11, 14-23, 25-34; —MTRF F001N002—Sections 1-5, 8-17, 20-29, 32-36; —MTRF F001S001E—Sections 1, 3-30, 32-36; —MTRF F001S001W—Sections 1-30; —MTRF F001S002E—Sections 6-8, 17-20, 22-36; —MTRF F001S002W—Sections 1-5, 8-17, 20-29, 32-36; —MTRF F001S003E—Sections 31-32; —MTRF F002N001E—Sections 31-35; —MTRF F002N001—Sections 28, 31-36; —MTRF F002N002—Sections 32-33, 36; —MTRF F002S001E—Sections 1-2; —MTRF F002S002E—Sections 1-17, 21-24; —MTRF F002S003E—Sections 5-8, 18.	Unclassifiable/Attainment	.....	Nonattainment
Rest of State: AQCR 08 Cook Inlet Interstate: Anchorage Borough	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
Kenai Peninsula Borough	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
Matanuska-Sustina Borough	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
AQCR 09 Northern Alaska Interstate: Denali Borough	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
Fairbanks North Star Borough (remainder)	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
Nome Census Area	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
North Slope Borough	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
Northwest Arctic Borough	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
Southeast Fairbanks Census Area	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
Yukon-Koyukuk Census Area	Unclassifiable/Attainment	.....	Unclassifiable/Attainment
AQCR 10 South Central Alaska Interstate:				

Alaska—PM₁₀ [24-hour NAAQS]

Designated area	Designation for the 1997 NAAQS ^a		Designation for the 2005 NAAQS ^a	
	Date ¹	Type	Date ²	Type
Alutians East Borough	Undesirable/Attainment	.....	Undesirable/Attainment
Alutians West Census Area	Undesirable/Attainment	.....	Undesirable/Attainment
Bethel Census Area	Undesirable/Attainment	.....	Undesirable/Attainment
Bristol Bay Borough	Undesirable/Attainment	.....	Undesirable/Attainment
Dillingham Census Area	Undesirable/Attainment	.....	Undesirable/Attainment
Kodiak Island Borough	Undesirable/Attainment	.....	Undesirable/Attainment
Lake and Peninsula Borough	Undesirable/Attainment	.....	Undesirable/Attainment
Valdez-Cordova Census Area	Undesirable/Attainment	.....	Undesirable/Attainment
Wade Hampton Census Area	Undesirable/Attainment	.....	Undesirable/Attainment
AQCR 11 Southeastern Alaska Interstate Heines Borough	Undesirable/Attainment	.....	Undesirable/Attainment
Juneau Borough	Undesirable/Attainment	.....	Undesirable/Attainment
Ketchikan Gateway Borough	Undesirable/Attainment	.....	Undesirable/Attainment
Prince of Wales-Outer Ketchikan Census	Undesirable/Attainment	.....	Undesirable/Attainment
Sitka Borough	Undesirable/Attainment	.....	Undesirable/Attainment
Stegway-Hoonah-Angoon Census Area	Undesirable/Attainment	.....	Undesirable/Attainment
Wrangell-Petersburg Census Area	Undesirable/Attainment	.....	Undesirable/Attainment
Yakutat Borough	Undesirable/Attainment	.....	Undesirable/Attainment

^aIncludes Indian Country located in each county or area, except as otherwise specified.
¹This date is 90 days after January 5, 2005, unless otherwise noted.
²This date is 90 days after November 13, 2009, unless otherwise noted.

[54 FR 27343, June 29, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 81.302 see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.