FINAL Report:
Alaska Department of Environmental Conservation
Title V Program Review

EPA Region 10

September 25, 2006

Table of Contents

Introduction 3

A. Title V Permit Preparation and Content 6

B. General Permits 9

C. Monitoring 10

D. Public Participation and Affected State Review 11

E. Permit Issuance / Revision / Renewal 12

F. Compliance 13

G. Resources and Internal Management Support 14

H. Title V Benefits 15

I. Document Review (Rules/Forms/Guidance) 16

Attachments

I. Completed Questionnaire & Fee Protocol

Introduction

This report documents the Title V program review for the Alaska Department of Environmental Conservation (ADEC), the state air pollution control agency in Alaska.

Overview and Review Objective

In response to recommendations in a 2002 Office of Inspector General audit, EPA has set an aggressive national goal of reviewing all state and local Title V programs by the end of fiscal year 2006. Specifically, EPA has developed an action plan for performing reviews of state and local Title V programs and has committed to continuing the Title V fee reviews begun in 1998. The objective of the broader program reviews is to identify good practices that other agencies can learn from, document areas needing improvement, and learn how EPA can help improve state and local Title V programs and expedite permitting.

EPA Region 10 completed a review of the Idaho Title V program in January 2004, and the Oregon Department of Environmental Quality and Lane Regional Air Pollution Authority (located in west-central Oregon) programs in June 2006. EPA Region 10 also completed reviews of the Spokane County Air Pollution Control Authority (located in eastern Washington) Title V program in August 2006, and the Puget Sound Clean Air Agency (located in western Washington) and the Washington Department of Ecology in September 2006. In addition, Region 10 is in the process of completing the program review for Northwest Clean Air Agency (located in northwestern Washington).

We would like to acknowledge and express EPA's appreciation for the cooperation of ADEC management and staff throughout all stages of our review of the Title V program. Receiving the timely and complete questionnaire response in advance of the on-site interviews was very helpful, allowing EPA to narrow the focus of our on-site interviews. ADEC's efforts to make management, staff, and a room available to EPA for the interviews also helped make the on-site time very productive.

General ADEC Title V Program Background

ADEC is the state air pollution control agency with jurisdiction throughout Alaska (except Indian Country), and promulgates its own suite of air pollution control regulations. ADEC has eighteen positions in the Title V program. At present, only fourteen of these positions are filled. The filled positions include a Title V Manager, 2 Office Supervisors, 1 Environmental Engineer, 4 Environmental Engineering Associates, and 6 Environmental Program Specialists. Industrial facility compliance inspection activities are primarily handled by the permit writers. Title V permits have been issued to all first round initial Title V sources in Alaska, with the last one issued in November 2003. The agency is presently busy with permit renewals, modifications and revisions.

ADEC's initial Title V program was submitted on May 31, 1995 and was supplemented by additional submittals. Interim approval of the program by EPA was effective December 5, 1996. Subsequent revisions submitted on June 5, 1996, October 3, 1996, August 25, 1998, and May 24, 1999 received full approval effective November 30, 2001.

Program Review Basis

EPA's review of ADEC's Title V program, which began in June 2006, is based on answers provided by ADEC, review of selected permits, statements of basis, forms and guidance, as well as on-site interviews of ADEC personnel. EPA's review of ADEC's program also included a review of ADEC's Title V fee management system. All of this information was analyzed with regard to Part 70 regulations and policies, as well as ADEC regulations.

A questionnaire, developed by EPA Headquarters with input from the Regions and revised by Region 10 to include a table titled State/Local Title V Program Fiscal Tracking Evaluation Document (the protocol developed by EPA in 1997 and used in previous Title V fee program reviews), was sent to and completed by ADEC in advance of Region 10's on-site visit to the agency. We reviewed the completed questionnaire (Attachment I) and other available information, prior to the on-site visit.

The permits reviewed were chosen to represent different industry sectors. We also selected permits that were issued fairly recently, to provide a more accurate depiction of the current status of ADEC's Title V program. The permits reviewed were:

- Forest Oil Corporation, Kustatan Production Site (April 17, 2006: AQ0741TVP01);
- Tesoro Alaska Company, Kenai Refinery (July 28, 2003: AQ0035TVP01, Revision 2: August 3, 2005);
- Golden Valley Electric Association, Healy Power Plant (November 14, 2003: AQ173TVP01, Revision 2: November 10, 2004)
- Alyeska Seafoods Inc., Unalaska Seafood Processing Facility (March 24, 2005: AQ0241TVP02)
- General Permit GP-1

While on site at the ADEC office, August 8-9, 2006, we interviewed the permits program manager, the office Title V supervisor and Anchorage-based Title V permit writers. We discussed ADEC's Title V fee program with management and the program finance staff. The purpose of the interviews was to confirm and clarify what we learned from our review of the permits and questionnaire and to ask questions that developed during our pre-visit review.

EPA's review team included four Region 10 staff members, including legal and engineering support. Key elements of the individual reviews, as well as observations from the on-site interviews, are highlighted and discussed in the report.

Program Review

The program review report is formatted consistent with the program review questionnaire. Within each of the topic areas, the report describes good practices, concerns, and other notable observations. The fee protocol information is addressed in the Resources and Internal Management Support section of this report. The report addresses the following topic areas:

A. Title V Permit Preparation and Content
B. General Permits
C. Monitoring
D. Public Participation and Affected State Review
E. Permit Issuance/Revision/Renewal
F. Compliance
G. Resources and Internal Management Support
H. Title V Benefits
I. Document Review (Rules/Forms/Guidance)

With the exception of Section H, each section of the report highlights and discusses good practices, concerns and other general observations. In response to the program review questionnaire and during the on-site interviews, ADEC identified a number of benefits that have resulted from the implementation of the Title V program. The notable benefits realized by ADEC, which reflect the value that can come from responsible implementation of such a comprehensive air quality program, are listed in Section H.

In general, we included in the report only those good practices that are unique to ADEC or seem particularly worth noting and passing along to other permitting authorities. ADEC's implementation of the program includes many other good practices that are not specifically discussed in the report because they are widely used among other Title V permitting authorities.

A summary of concerns is also provided that identifies those issues that will need to be addressed. Some concerns identified in this review will need to be resolved as ADEC revises their operating permits and their program is updated. EPA Region 10 expects ADEC to respond to each of the concerns identified in this report. EPA will work with ADEC to address the identified concerns and will schedule follow-up as needed.

A. Title V Permit Preparation and Content

Good Practices

1. It is evident from review of the permits and interviews that ADEC's technical staff has a good understanding of the Title V program and how to incorporate regulatory requirements into permits.

2. By development and use of a standardized permit template, many permit provisions are appropriately standard from permit to permit. Consistency in language among permits, where appropriate, better ensures equity among permittees, simplifies permit review for regulators and the public, and reduces the risk of unintended changes in the meaning of provisions.

3. ADEC does a thorough job in their statements of basis in providing a detailed accounting of permit conditions from prior construction/operating permits were carried through to the Title V permit. In cases where some conditions were not carried through (e.g. the one-time action required by the permit condition had already been fulfilled) ADEC generally provided a clear rationale for their determination.

4. ADEC permits include a table, listing all emission units at the facility. The table contains a brief description of each emission unit as well as indicating fuel used, equipment rating and the date that each unit was installed at the facility. This information is of tremendous help in confirming regulatory applicability and in memorializing critical bases for the requirements in the permits.

Concerns

1. ADEC routinely cites to federal regulations such as the New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPs) at a subpart or section level rather than specifically identifying the subsections to which the source is subject. ADEC permits generally use terms such as "comply with the applicable requirements of 40 CFR" or "that are applicable to the facility." This practice does not address a key goal of the Title V program – identifying the specific provisions to which a source is subject. The permit needs to cite to whatever level is necessary to identify the applicable requirements that apply to each emissions unit, and to identify how those units will comply with the requirements, including applicable monitoring, recordkeeping and reporting requirements of the underlying regulation. Specifically identifying any applicable monitoring, recordkeeping and reporting requirements of the underlying regulations would also allow for ADEC to include necessary gap-filling monitoring requirements. Where the underlying regulation has various compliance options, the permit should reflect applicability determinations by ADEC or operating scenarios. In all future revisions and renewals of Title V permits, ADEC should either include the requirements in the permit or cite to whatever level is necessary to identify the applicable requirements that apply to each emissions unit, and to identify how those units will comply with the requirements, including applicable monitoring, recordkeeping and reporting requirements of the underlying regulation.

2. ADEC's permits are laid out in a format that groups permit conditions by applicable requirement or regulation rather than by emission unit. Consequently, to determine what actions are required for a particular emission unit, the reader is forced to scan the entire permit. This format also leads to potential overlap or redundant permit conditions in the instance of similar regulations, e.g. NSPS and state implementation plan (SIP) requirements for emissions of particulate matter. Of the agencies in Region 10, ADEC is the only one to use such a permit format instead of one grouped by emission unit. ADEC should consider the benefits a new permit format would bring.

3. Emission limits in ADEC permits are not linked to specific test methods. Emission limits are defined in part by a specific quantification method. In the absence of such a linkage, an emission limit lacks specificity. Different test methods or quantification methods can yield different results, making the emission limit either too stringent or too lenient. When renewing permits, ADEC should ensure that each emission limit is accompanied by a test or quantification method.

4. In many cases, explanations of decisions made in the permitting process are either cursory or entirely missing. The purpose of the statement of basis is to memorialize rationale for arriving at these decisions. Examples of such decisions include applicability determinations, monitoring requirements, gap-filling and use of the permit shield. In some cases, sections of the standard conditions have been omitted from a permit with no explanation. In the absence of such descriptions, it is hard to draw any conclusion on the appropriateness of some of the permitting decisions. For example, in one permit action, the Title V statement of basis reversed a prior determination that 40 CFR Part 60, Subpart VV applied to a source with no explanation of the basis for such a reversal. In all future statements of basis, ADEC should more completely explain decisions made in development of each permit.

5. It appears that ADEC revises construction permits through issuance of Title V permits. Although EPA guidance does account for determinations in the Title V permitting process that permit terms in a construction permit need not be carried over if they are obsolete or call for actions that have been completed, ADEC's description in the statement of basis indicates that revisions were undertaken in the interests of "permit hygiene" rather than because of obsolete permit requirements. If such actions are intended to be parallel processing of a Title V permit and a modification to the construction permit, that needs to be made clearer, the authority and process for each permitting program must be cited and followed, and the construction permit must in fact be revised. ADEC should desist from using Title V permits to modify construction permit requirements.

6. ADEC's statements of basis should contain a discussion of the facility's compliance history. In a December 20, 2001, letter from EPA Region 5 to the Ohio EPA, EPA provided guidelines on the content of an adequate statement of basis that meets the requirements of 40 C.F.R. § 70.7(a)(5). That letter states, among other things, that the statement of basis should include factual information that is important for the public to be aware of including the compliance history of the source such as inspections, any violations noted, a listing of consent decrees into which the permittee has entered and corrective action(s) taken to address noncompliance. In one of the permits reviewed, it appeared that a facility had constructed prior to issuance of a permit to construct, and that the facility had submitted a Title V application after operating for about 5 years. Both of these events appear to be inconsistent with the corresponding regulations, yet the statement of basis provided no discussion of the compliance status of these events. Another statement of basis documented historical PSD violations at a facility with no description of how the compliance issues were resolved.

7. ADEC's statements of basis should contain a discussion of facility permitting history. This type of discussion is important to allow the reader to analyze what requirements might potentially apply to the source and to serve as a record of facility changes for determining applicability for minor new source review (NSR) and prevention of significant deterioration (PSD) purposes.

8. ADEC's current Title V permits contain a requirement for facilities to pay emission fees. At present, the permits do not require the permittees to pay the other required Title V fees, e.g. permit administration fees. ADEC should revise their Title V permit template to include conditions requiring facilities to pay all Title V fees.

9. Statements of basis should include a discussion regarding whether a facility is a major source of hazardous air pollutants. In some cases, monitoring of HAPs may be appropriate to confirm that emission rates are below major source thresholds.

Other Observations

None.

B. General Permits

Good Practices

1. In general, the permit appears to be well laid out, written clearly and in a format understandable to simpler facilities that would be using the general permit solely because of limited emission units. Providing the forms as part of the permit is probably helpful here, to accommodate facilities that are unlikely to have dedicated environmental staff.

2. ADEC has developed a comprehensive program that does a good job of walking through the requirements of a tiered visible emission monitoring protocol. In particular, the flow chart accompanying the protocol provides a very clear way of following the logic and decision points of the monitoring method. In the next version of these permits, ADEC could refine that text to more closely match the flow diagram.

Concerns

1. ADEC makes their general permits readily available from the permits webpage. However, not all of the Title V general permits have statements of basis available on the website. A readily-available statement of basis would help the permittee and other reviewers understand the bases for conditions in the permit. ADEC should post all of their statements of basis to their website.

Other Observations

1. ADEC is the only permitting agency in Region 10 to issue general permits. To date, ADEC has issued general permits for five types of facilities: diesel-electric generating facilities, fuel limited diesel electric plants, asphalt plants, soil remediation units and crushers.

C. Monitoring

Good Practices

1. ADEC uses standardized permit conditions in their permits. These standard conditions have been adopted by rulemaking and provide consistency as they are incorporated into permits. Some of the standard conditions are monitoring conditions and serve to provide consistency across permits for similar source types.

Concerns

1. ADEC indicates that the Compliance Assurance Monitoring (CAM) program only applies to emission units with controlled emissions in excess of 100 tons per year. In actuality, the emissions threshold applicability criteria in 40 CFR Part 64 indicates that CAM applies to emission units with a potential pre-control device emissions of at least the major source threshold for the pollutant of concern. ADEC should review CAM applicability determinations in all permits and reopen and revise those permits where CAM applicability was incorrectly applied.

2. ADEC's permits contain general testing requirements that include the ability to have alternative test methods approved by ADEC. The permit must specify the alternative methods, contain replicable procedures for establishing an alternative, or authorize the alternative methods through a permit revision. In addition, ADEC cannot approve an alternative to the test method that is approved as part of the SIP, see 40 CFR 51.212, unless the SIP requirement contains the alternative methods or replicable procedures for establishing alternatives.

3. ADEC indicates that Title V allows a source to test only one of identical emission units that is subject to an NSPS. Title V cannot allow this if it is not allowed under the NSPS. In the cases ADEC is referring to, under Subpart GG for combustion turbines, each turbine must comply individually with the NSPS and periodic monitoring unless the facility has requested and been granted an alternative monitoring waiver from the EPA.

4. The frequency of source testing and monitoring should generally depend on how close actual emissions are to the standard. More rigorous monitoring, recordkeeping and reporting requirements should generally be required when source tests indicate that actual emissions are close to emission limits. In these cases, source testing once every five years does not generally provide reasonable assurance of compliance. In addition, even in the case of more frequent source testing, the permit should also generally require monitoring of the same operational parameters that were monitored during the most recent compliant source test to ensure that the equipment is operating in the same manner as it did during the compliant source test.

5. In many instances, where ADEC requires the permittee to conduct specific monitoring of emission units or effluent streams, the permit does not specify the monitoring or test methods or other procedures to be used by the permittee. Whenever monitoring or testing is required, the permit should specify the test methods or procedures to be used for the required monitoring.

Other Observations

1. ADEC relies on EPA's January 22, 2004 "umbrella monitoring" guidance *Revisions To Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs* in establishing monitoring in permits. ADEC should note that this guidance has been vacated by the courts in a decision dated October 7, 2005. EPA has recently proposed an additional interpretation on this topic. ADEC should follow the progress of this interpretation, including any outcome in the courts if this interpretation is also subject to litigation.

D. Public Participation and Affected State Review

Good Practices

1. Overall, ADEC maintains an outstanding air permits website. The permits web page contains links to information that is very useful to permittees and to the public. The linked resources include public notices, proposed permits, final permits, general permits, permit guidance, policy and standard permit conditions.

2. ADEC has a web-based mailing list enrollment form on their website. The web-based subscription allows members of the public to sign up at any time. Subscribers can sign up for a variety of air quality topics.

Concerns

1. On ADEC's web-based mailing list enrollment form, subscribers can sign up for a variety of air quality topics. However, the link to the subscription area is not easy to find. Further, the usefulness of this tool in the Title V world is diminished because subscribers cannot limit their subscription to only Title V actions or even to a specific facility. The ability to restrict notices to certain facilities would allow the public to focus their attention on facilities in their area of interest instead of receiving notices for all 187 Title V permits.

2. Like many of the permitting authorities across the country, ADEC provides the permittee with a pre-draft permit for review and comment before the draft permit goes out for public comment. Soliciting the permittee's input on the factual aspects of the permit can help to reduce errors in the permit and help educate the permittee on its obligations under the permit. Working with the permittee on developing the substantive permit requirements can, however, create the impression that the permit issuance process is not an open process. ADEC should carefully balance these interests as it works with permittees during the development and issuance of Title V permits.

Other Observations

1. Public involvement is an important part of the Title V process. The Clean Air Act requires states to solicit public comment on draft permits and to provide the public the right to challenge permits in state court. Although ADEC meets these requirements, very few of their Title V permits receive comments. ADEC does not provide outreach to the public on how the Title V program works or how the public can participate in the review and issuance of Title V permits. Nor does ADEC implement any type of environmental justice program or provide notices in languages besides English. By providing basic training to the public on how the Title V program works and how the public can participate in the review and issuance of Title V permits, ADEC could help ensure a more meaningful public participation process.

E. Permit Issuance / Revision / Renewal

Good Practices

1. ADEC made good progress in issuing permits to their first round of initial Title V sources, all of which were issued by November 2003. Of subsequent initial applications, only two permits remain to be issued. One permit has been delayed waiting on fees from the applicant and the other permit is awaiting issuance of a construction permit.

2. ADEC has undertaken a significant amount of work in developing standardized permit templates, statements of basis, transmittal letters and public notices. Use of these standardized documents facilitates the administrative tasks associated with permit issuance, thereby speeding permit issuance and improving the quality control of permits.

Concerns

1. At the time of EPA's visit to ADEC's offices, ADEC had issued 10 significant permit revisions, 12 minor permit revisions and 57 administrative amendments. Due to workload conflicts, ADEC has been unable to issue some permit revisions within Title V timeframes. ADEC should issue all permit revisions within the required timelines.

2. About 87% (33 applications) of renewal applications were found to be timely and complete. The remaining 13% (5 applications) have essentially lost their application shield and are potentially operating out of compliance with Title V until their renewal permit is issued by ADEC. ADEC should review the status of these facilities and ensure that timely and appropriate enforcement action was undertaken.

Other Observations

None

F. Compliance

Good Practices

1. One of the goals of the Title V program is to improve compliance at permitted facilities and thereby reduce air emissions. ADEC noted that the permit development process resulted in resolution of a number of compliance issues.

2. ADEC has recently implemented a database, developed in-house, called AirTools, which is used in the compliance arena to track facility report submittals, notify staff and to document compliance findings.

Concerns

1. Because of workload issues, ADEC reviews only about 72% of deviation reports submitted to the agency. In addition, semi-annual monitoring reports and annual compliance certifications can take as long as two years to review, again because of resource constraints. ADEC should review all submitted reports on a timely basis.

2. ADEC does not have a compliance certification form for facilities to use in certifying compliance annually. As a result, facilities certify compliance using their own formats. ADEC should develop a standardized compliance certification form that would better ensure that sources are including all necessary information in compliance certifications.

3. Like many permitting authorities, ADEC requires corrective actions when certain monitored parameters are outside of the acceptable range. This is a practical approach for assuring potential operational problems are addressed promptly. When using this approach, ADEC should clarify when a deviation occurs (when the unit is outside the range or if corrective action is not taken), such that the appropriate records are created and reported. Furthermore, ADEC should add recordkeeping so each event of operation outside the acceptable range is documented, even if it is not a deviation.

Other Observations

1. The focus of this Title V program review was on ADEC's implementation of its Title V program. Accordingly, in conducting this Title V program review, EPA did not review completed forms submitted by Title V facilities to determine the extent of compliance with Title V requirements in ADEC's jurisdiction and whether ADEC is taking appropriate enforcement actions in response to noncompliance. EPA also conducts periodic reviews of state and local Clean Air Act enforcement programs. These enforcement reviews look at various facets of each agency's compliance and enforcement programs.

G. Resources and Internal Management Support

Good Practices

1. ADEC has developed an in-house database system called AirTools that greatly facilitates administration of the Title V program. AirTools is used to track documents, and even scan in smaller documents for direct electronic access. Review of compliance submittals, such as facility operating reports is also captured into AirTools.

2. ADEC maintains an accounting database system that tracks revenues and costs for the Title V program accurately and in detail.

Concerns

1. ADEC has experienced appreciable staff turnover over the years. In the past fiscal year, ADEC lost 8 of the 18 positions in the Title V program. In addition to the challenges in retaining staff, ADEC faces challenges in recruiting qualified staff. The past three recruitment efforts for the Anchorage office did not yield a single qualified candidate. These resource constraints may have contributed to the delay in issuance of permit revisions, as noted in Section E.

2. It appears that ADEC's Title V permit writers have had limited access to Title V training. Most of the training appears to have been provided "on-the-job." Because of the limited demand in the geographical area, it is very unlikely that training opportunities will occur in Anchorage, Fairbanks or Juneau. Resources should be available for staff to travel to proximate population centers such as Seattle, Portland and Denver to access the latest and complete Title V and related training and to enable permit writers to interact with peers in other jurisdictions. ADEC should assess whether adequate travel funds are available to enable this program development activity. If not, additional fees may need to be assessed to cover training costs. ADEC should not have policies that restrict travel to training.

Other Observations

1. ADEC has 18 positions in the Title V Section - one manager (in Juneau), two office supervisors (in Anchorage and Fairbanks), one environmental engineer (i.e. licensed), five environmental engineering associates (i.e. not licensed), one environmental program technician and eight environmental program specialists. As of June 14, 2006, only 14 of those positions were filled, with an additional two staff leaving by the end of June.

2. ADEC has probably the highest Title V workload in Region 10. With approximately 187 Title V facilities, each permit writer is responsible for about 19 Title V facilities.

3. ADEC requested that EPA should bring Title V training to Alaska in addition to any training conducted in the lower 48 states.

H. Title V Benefits

Benefits Identified by ADEC

In response to the program review questionnaire and during the on-site interviews, ADEC identified a number of benefits that have resulted from implementation of the Title V program.

1. ADEC staff gained a better understanding of the stationary source requirements in the SIP.

2. ADEC staff also gained a better understanding of how to design monitoring terms in the permit to assure compliance and to write enforceable permit terms.

3. Drafting and issuing Title V permits resulted in more complete information and knowledge about the source universe, source operations, and the stationary source emissions inventory.

4. In developing Title V permits, ADEC has noted inconsistencies in how sources had previously been permitted. As a result, ADEC has deployed a number of tools to facilitate more consistent drafting of permits. Tools used include a standardized permit template, the development of general permits and AirTools.

5. In some instances, the reviews conducted during permit preparation uncovered compliance issues that were subsequently resolved.

6. Permittees have increased the use of self-audits and environmental management systems as part of compliance efforts. Larger companies have also increased resources devoted to environmental management and compliance monitoring. In general, facility owners and operators are more aware of compliance obligations.

7. Title V fees have improved support of the agency permitting/compliance efforts by providing a stable source of funding when compared to other state programs.

I. Document Review (Rules/Forms/Guidance)

Good Practices

1. ADEC's Title V Operating Permit Application Completeness Checklist is a comprehensive and useful guide for a permittee preparing a Title V permit application, as well as for a permit writer conducting a completeness review of a permit application.

2. ADEC has incorporated by reference standard permit conditions for Title V permits. In general, this helps to standardize permits, expedites permit issuance and reduces questions of interpretation in the case of minor differences in wording among permits. The content of ADEC's standard permit conditions were not reviewed in detail as part of this Title V program review. Instead, they will be reviewed as part of the approval process for the updated rules (see item no. 1 under Concerns).

Concerns

1. ADEC updates their rules periodically to adjust their fee rates and to adjust other program elements. ADEC has recently substantially revised their Title V program, including a new fee rule. All rule changes should be submitted to EPA Region 10 for approval.

2. ADEC does not have Title V application forms. However, 40 CFR Part 70 requires the state program to provide for a standard application form or forms. ADEC should develop application forms for their Title V program.

Other Observations

1. ADEC is developing a rule allowing electronic signatures on compliance certifications. ADEC is aware that EPA recently adopted regulations that, among other things, set forth requirements that EPA-approved programs must satisfy in order to allow electronic reporting and electronic signatures as part of the state EPA-approved program. See 70 FR 59848 (October 13, 2005). This rulemaking, referred to as the Cross-Media Electronic Reporting Rule or "CROMERR", included revisions to 40 CFR part 70 and 71 by adding 40 CFR 70.1(f) and 71.10(a). ADEC is presently reviewing its regulation to ensure it complies with CROMERR, and so that any necessary changes to its regulations and systems can be made.