

MINOR PERMIT TRANSITION PLAN



***August 31, 2004
Anchorage Alaska***

This Transition Plan does not supersede Federal or State regulations, statutes, policy, guidance, or directives. This Transition plan is being provided ONLY as a guide to assist regulated stationary sources understand these changes. Using this document does not relieve an owner or operator of any air permitting requirements. See 18 AAC 50, effective October 1, 2004.

If you have an idea to enhance the effectiveness on this document or wish to include a source specific topic which applies to similar sources, please contact the Anchorage Office listed on page 68 in the Appendix.

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1.0 Introduction

The Alaska Department of Environmental Conservation (department) developed this Transition Plan to help sources determine how the new rule changes in air quality regulations affect them. The department promulgated revisions to regulations in 18 AAC 50 that replace most of the existing construction and operating permit programs. Under the new program, there will be three types of permits:

- Construction Permits, which include the major source programs for New Source Review (NSR), both Prevention of Significant Deterioration (PSD) and Nonattainment, as well as hazardous air pollutants (HAPs);
- Title V Operating Permits, for sources with potential emissions over 100 tons per year (tpy) for criteria pollutants, or 10 tpy for any individual HAP or 25 tpy for total HAPs; and,
- Minor Permits, for construction and operation of sources not covered under the above two permitting programs; also incorporates recent NSR avoidance provisions such as Clean Units, Plantwide Applicability Limits (PALs), and Pollution Control Projects (PCPs).
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The focus of this Transition Plan is Minor Permits.

This document discusses permits for Hazardous Air Pollutants (HAPS) in Section 9. All other permit types are discussed in Sections 2-8.

What is New?

The revisions include creating Article 5 of 18 AAC 50 for Minor Permits. [Article 5](#) applies to new sources and modified existing sources. For several categories of permits, minor permits will also apply to the continued operation of sources not requiring a Title V Operating Permit. Several streamlining provisions may reduce the number of sources who need to obtain a permit or permit revision. Reduced requirements for monitoring, reporting, and record keeping will allow them to be simpler than current Operating Permits. In addition, a “Fast Track” permit issuance procedure has been established for Minor Source permit applicants that qualify.

Many existing permit holders will have the opportunity to re-evaluate the need for an air quality permit under the new program. This Transition Plan is designed to guide sources

following implementation of the new permit program to determine if they are eligible to apply for or convert to a Minor Source permit, or if a permit may no longer be required.

Whether or not a source has an air quality permit, they are still required to comply with all applicable air quality regulations.

How to Use the Transition Plan

In this document, the department identifies the categories of sources potentially affected by the rule changes and provides “step-by-step” instructions to guide sources through the new permitting procedures. The first step should be to identify your source as one of the following categories:

- Section 2.0 – **Existing Permit Holders**, including Title V, General Permits, Owner Requested Limits, and Pre-approved Emission Limits;
- Section 3.0 – **Current Permit Applicants**, for those with permit applications submitted that are pending approval;
- Section 4.0 – **New Stationary Sources**, commonly referred to as “Greenfield;”
- Section 5.0 – **Modifications** at an Existing Stationary Source; and,
- Section 6.0 – **Relocating** an Existing Stationary Source.

Each of these sections is organized with the following headings:

- “Who Should Use This Section of the Transition Plan?” ensures that sources are using the correct section of this guidance;
- “What Has Changed?” provides a brief summary of how the rule affects the specific category; and,
- “How to Determine if Your Source Still Needs a Permit” includes both a narrative step-by-step analysis and a flowchart designed to assist sources in determining if they need a Minor Source permit or permit revision.

If your evaluation results in a decision that a permit or permit revision is required, the Transition Plan will direct you to Section 7.0. This section provides assistance for Minor Source permit requests that include applying for a Minor Source permit, rescinding, or converting an existing permit. A source may satisfy the requirement for obtaining a Minor Source permit by a source specific permit, general permit (GP), or permit-by-rule (PBR). References are provided in the Appendix. These include a glossary of key terms and list of acronyms and abbreviations, as well as department contacts and web page

links. Please refer to the [Frequently Asked Questions](#)¹ (FAQs) regarding the Minor Permit Program should additional guidance be required during review of this Transition Plan. If direct guidance from the department is still needed after reviewing the Transition Plan and FAQs, please use the information provided in the Appendix to contact the department.

Summary of New Definitions

The 2003 amendments to the Alaska “Air Quality Control” General Statutes² and the recently promulgated revised ADEC regulations³ have resulted in some significant revisions and additions to the “Definitions” section of the regulations. A complete list of new and revised definitions is contained at [18 AAC 50.990](#). The following is a quick reference for changes in key definitions:

- Facility(ies) is now stationary source(s);
- Source(s) is now emission unit(s);
- Contaminant(s) is now pollutant(s);
- Pre-approved Limit (PAL) is now pre-approved emission limit (PAEL); and,
- PAL now means Plant-wide Applicability Limitation
- Operating Permit is now a Title V Permit.

Table 1-1 highlights several key definitions along with additional commentary on how they are impacted by the new regulations. If further information is needed, the Appendix contains a Glossary of Key Terms. Two definitions significantly affect the ability to understand and implement the new permitting program and therefore warrant particular attention at this point; they are as follows:

Definition of “Stationary Source”

- The new regulations have replaced the term “facility” with “stationary source” – Before this change, the term “facility” meant an entire operation that contained all pollutant emitting activities.

¹ See <http://www.state.ak.us/dec/air/ap/rewrite.htm>

² AS 46.14.990 (Title 46 “Water, Air, Energy, and Environmental Conservation; Chapter 14 “Air Quality Control”; Section 50.990 “Definitions”).

³ 18 AAC 50.990 Definitions (Oct 2004)

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- The new regulations also replaced the term “source” with “emissions unit” – Before the change the term “source” was used to describe an individual emissions activity.

The term “stationary source” in AS 46.14.990 has the same meaning as the federal definition in 40 Code of Federal Regulations (C.F.R.) 51.166(b)(5):

“...any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.”

C.F.R. 51.166(b)(6) further defines “building, structure, facility, or installation” as follows:

“... 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).”

In summary, you should define your “stationary source” as all pollutant emitting activities that:

- 1) Are under common legal control;
- 2) Are on contiguous or adjacent property; AND,
- 3) Have the same first 2-digit SIC Code.

Determining what activities make up a single “stationary source” can sometimes be difficult and therefore you should consult the [list of FAQs](#) if you have any questions regarding this important determination. The Appendix contains a list of department contacts should additional guidance be necessary.

Federal regulations require a Title V permit for a group of stationary sources with different SIC codes if the sources are contiguous or adjacent and under common control.

Definition of “Modification”

The term “modification” in AS 46.14.990 has the same meaning as the Clean Air Act (“CAA”) Section 111(a) and 40 CFR 60.14. CAA Section 111(a) defines modification as follows,

“...any physical change in or change in the method of operation of, a stationary source which increases the amount of any pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.”

40 CFR 60.14 adds a list of potential exclusions, but only applies when determining whether an increase in emissions will make old equipment subject to a New Source Performance Standard.

Table 1-1. New Regulatory Definitions

Term	New Definition	Old Definition	Significance / Comment
“pollutant”	Has the meaning given in AS 46.14.990	n/a	The new definitions eliminate the use of the term “contaminant” and replaced it with the term “pollutant.” A.S. 46.14.990 reference is to the Clean Air Act Section 302(g) definition.
“allowable emissions”	Means the same as 40 CFR 52.210(b), except for the purposes of establishing a plant wide applicability limit under the major New Source Review program (i.e., PALs).	"allowable emissions" means the calculated emission rate of a source or facility using the maximum rated capacity and federally-enforceable limitations and conditions on emissions or operations;	The new definition provides that the allowable emission rate may be determined taking into consideration any emission standard applicable to the emissions unit including NSPS, NESHAP, state requirement, or any practically enforceable permit limitation.
“clean unit”	Has the meaning given under 40 CFR 52.21(b)(42)	n/a	This is a new provision under the major new source review regulations. The term refers to a unit specific optional designation a NSR major stationary source can request. (See 50.508(a)(1)).
“commence”	As applied to construction or modification has the same meaning given in 40 C.F.R. 52.21(b)(9)	n/a	Addition to provide clarification for “commence construction.”
“emission unit”	Has the meaning given in AS 46.14.990	n/a	Replaced the term “source.” See discussion of “Stationary Source” in Section 1.0
“federally enforceable”	n/a	Means any requirement established under the Clean Air Act and enforceable by the Administrator of the United States Protection Agency (EPA)	The requirement for limits to be “federally enforceable” in order to be considered in determining potential or allowable emissions has been modified to require that the limits now only be “practically enforceable” in order to be considered.
“major modification”	Means a change that meets the definition under either 40 CFR 51.165 or 40 CFR 51.166 as found in AS 46.14.990.		51.165/166: A “physical change” in or change in method of operation of a major stationary source that would result in a “significant increase” of a NSR pollutant (CO 100/tpy, NOx 40/tpy, SO ₂ 40/tpy, VOC 40/tpy, Pb 0.6/tpy) 51.166
“minor permit”	Means a permit issued under 18 AAC 50.500 – 18 AAC 50.570.	n/a	Minor Permits include stationary sources not large enough to fit Title V, PSD, or NSR reqmnts.

Table 1-1 New Regulatory Definitions (continued)

Term	New Definition	Old Definition	Significance / Comment
“Nikiski Industrial Area”	Following areas of the Kenai Peninsula: Township 7 North Range 12 West, Sections 21, 22, 27, and 28.	n/a	New stationary sources and modifications located in the Nikiski Industrial Area are not eligible for minor permit Fast Track permitting. (See 50.542(a)(3)).
PAEL	Pre-approved emission limit, replaces the term “PAL” as used in the Alaska regulations to mean pre-approved limit	PAL	Before the promulgation of these revised regulations, the term PAL was used to describe permit classification under 18 AAC 50.230, a regulation which allowed diesel engines and gasoline distribution facilities to define their potential to emit by restricting fuel combusted and daily throughput. To avoid confusion with the federal term “PAL” (see below), 50.230 has been repealed and replaced with 18 AAC 50.565 Preapproved Emissions Limits (“PAELs”).
“PAL permit”	Means a permit issued under 18 AAC 50.508(a)(3) and either 18 AAC 50.540(h), 18 AAC 50.542, 18 AAC 544(f), 8 AAC 50.302/306, or 18 AAC 50.311, that establishes a plantwide applicability limitation (PAL) for a major stationary source.	n/a	The new definition of PAL is now used to describe an overall pollutant specific emissions limitation that NSR major stationary sources may elect to accept in order to avoid NSR review.
“Pollution Control Project” (“PCP”)	Has the meaning given under 40 C.F.R. 52.21(z)	n/a	New regulatory provision for NSR major stationary sources to avoid triggering NSR review if project satisfies the PCP criteria. (See 50.508(a)(2)/50.509).
“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, 18 AAC 990(79), 18 AAC 50.090.	n/a	A Port of Anchorage stationary source must obtain a Minor Source permit before constructing, operating, or relocating. (See 50.502(b)(6)).
“stationary source”	Has the meaning given at 40 CFR 51.166(b)	n/a	Replaced the term “facility.” See discussion of “Stationary Source” in Section 1.0
“thermal soil remediation unit”	Means a stationary source that causes petroleum contamination to be desorbed from soils by directly heating the soil.	n/a	A thermal soil remediation unit must obtain a Minor Source permit before constructing, operating, or relocating. (See 50.502(b)(2)).

2.0 Transition for Existing Operating Permit Holders

This section provides guidance for stationary sources with an existing permit, and is divided further by the type of existing permit. Section 2.1 covers sources with a Title V permit and Section 2.2 involves sources covered under a General Permit (GP). Sources with an existing Owner Requested Limit (ORL) or Pre-approved Limit (PAL, now PAEL) should follow Section 2.3.

2.1 Existing Title V Permittees without General Permits

2.1.1 Who Should Use This Section of the Transition Plan?

If you currently hold a Title V operating permit (other than a General Permit) then you should use this section of the Transition Plan to determine how the revised Air Quality Regulations impact your stationary source.

2.1.2 What Has Changed?

The revised regulations have redefined which stationary sources are required to obtain and hold a Title V operating permit. Under [18 AAC 50.326](#) the only stationary sources that are required to obtain a Title V permit are those that would be subject to [40 CFR Part 71](#) (the federal version of the Title V operating permit program). Under the previous regulations, if a source was subject to a New Source Performance Standard (NSPS) it was required to obtain a Title V permit. For most categories this is no longer the case unless the stationary source is also a major source (100 tons per year of a pollutant).

2.1.3 How to Determine if Your Source Still Needs a Permit

Under the previous regulations, more stationary sources were required to obtain Title V operating permits than under our revised regulation. Sources that currently hold a non-general Title V permit may, at their discretion, re-evaluate the need for a Title V operating permit. The following steps describe Flowchart 2-1 and provide the basic framework for making this re-evaluation.

STEP 1

Determine if your stationary source would be subject to [40 C.F.R. Part 71](#)⁴. Part 71 applies to major sources⁵ that emit or have the potential to emit the following:

- 100 tpy or more of any air pollutant;
- 10 tpy or more of any individual HAP; or,
- 25 tpy or more of any combination of HAPs⁶.

Part 71 also applies to a few specific categories of stationary sources including large landfills and incinerators subject to federal standards.

STEP 2

If you are subject to 40 CFR Part 71 you must continue to operate under your existing Title V permit.

STEP 3

If you are NOT subject to 40 CFR Part 71, then you should proceed to Step 4 to determine if you need a Minor Source permit.

STEP 4

Determine if your stationary source contains any of the following activities listed in [18 AAC 50.502\(b\)](#).

- If your stationary source does contain one of these “listed” activities then proceed to Step 5.
- If your stationary source does NOT contain one of these “listed” activities, then proceed to Step 6.

⁴ 40 C.F.R. Part 71 (See §71.3 for detailed applicability criteria).

⁵ See definition of “major source” at 40 C.R.R. Part 71.2.

⁶ Listed pursuant to section 112(b) of the Clean Air Act.

18 AAC 50.502(b) “Listed” Activities
1. an asphalt plant with a rated capacity of at least 5 tons per hour
2. a <u>thermal soil remediation unit</u> ⁷ with a rated capacity of at least 5 tons per hour
3. a rock crusher with a rated capacity of 5 tons per hour
4. incinerators with cumulative rated capacity of 1000 pounds per hour
5. a <u>coal preparation plant</u> ⁸
6. a <u>Port of Anchorage stationary source</u> ⁹

STEP 5

As a non-Title V stationary source containing a “listed” activity you have two options:

- Continue to operate and comply with all terms and conditions in your current permit (18 AAC 50. 502(d)); see flowchart 2-1. The permit will remain valid until replaced by a minor permit. *Note: If you make a modification to your stationary source you are still required to evaluate the need to apply for and obtain a permit revision before construction. See Section 5.0 of this Transition Plan to evaluate the need to obtain a revised permit as a result of a modification.*

----- **OR** -----

- Apply for a Minor Source permit at any time. Go to Section 7.0 for information on how to apply for a Minor Source permit.

⁷ 18 AAC 50.990

⁸ 18 AAC 50.990

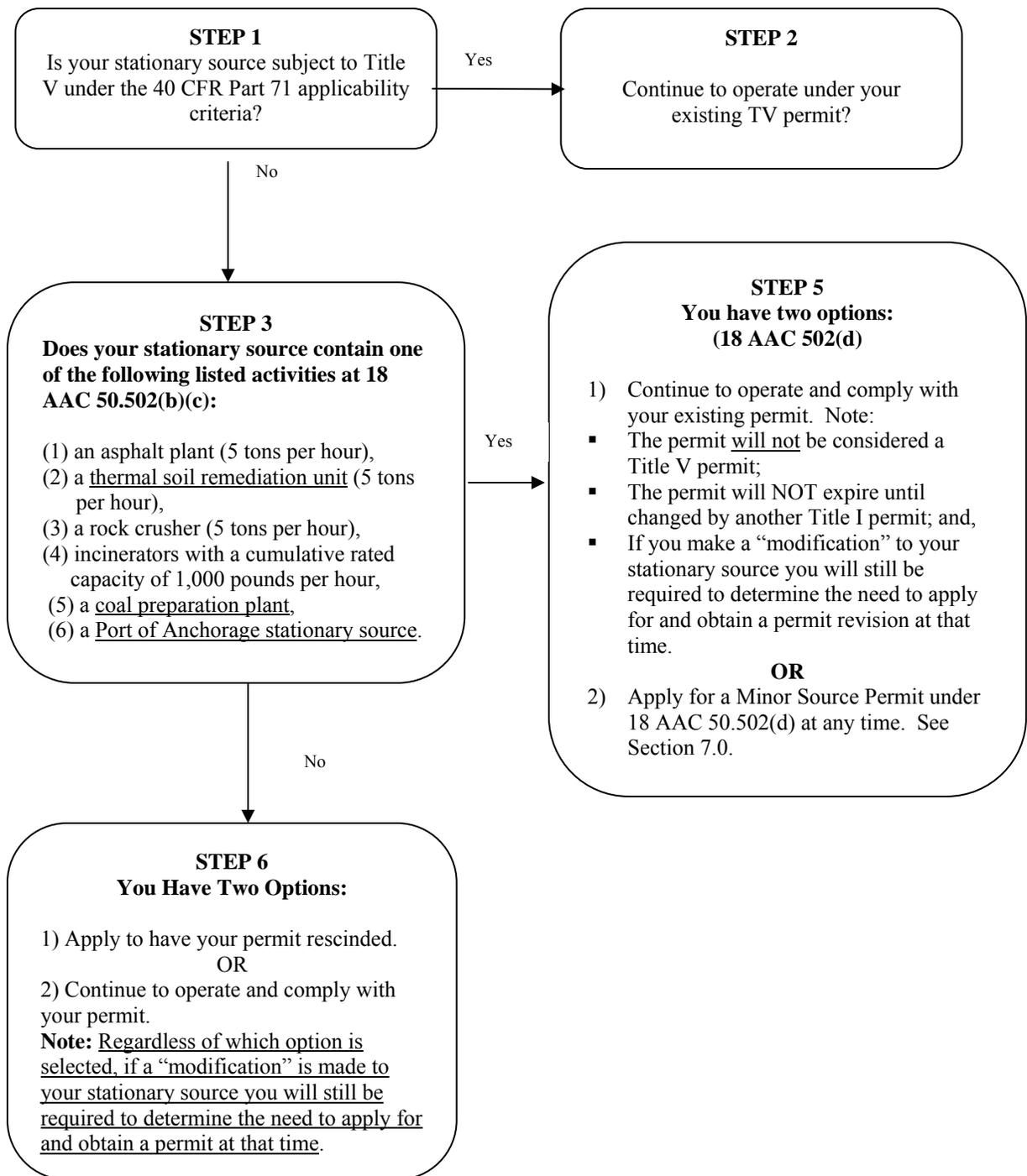
⁹ 18 AAC 50.990 Definitions; Also See Appendix – Map A-3 (Port of Anchorage)

STEP 6

If you no longer need your current Operating Permit and your Stationary Source is not a listed activity, you may request the department to rescind your current permit (18 AAC 50.540(m)). Go to Section 7.3.3 for information on how to request a permit rescission.

Note: While you may not be required to hold a permit at this time, your source will be considered an existing stationary source and if you make a modification to your stationary source you are required to evaluate the need to apply for and obtain a Minor or Major Source permit before construction. See Section 5.0 of this Transition Plan to evaluate the need to obtain a revised permit as a result of a modification.

Flowchart 2-1 Existing Title V Permittees Without General Permits



2.2 Existing Permittees with a General Permit

2.2.1 Who Should Use This Section of the Transition Plan?

If you currently hold a General Permit (GP) then you should use this section of the Transition Plan to determine how the revised Air Quality Regulations impact your stationary source.

2.2.2 What Has Changed?

The revised regulations redefine which stationary sources are required to obtain and hold a Title V operating permit. Pursuant to revised [18 AAC 50.326](#), the only stationary sources that are required to obtain a Title V permit are those that would be subject to [40 CFR Part 71](#) (the federal version of the Title V operating permit program). The types of sources requiring a minor source permit for ongoing operations are defined in [18 AAC 50.502](#).

You may no longer need a permit for sources covered under the following GP categories:

- GP5 for NSPS Subpart Dc boilers;
- GP6 for large dry cleaners;
- GP7 for small dry cleaners;
- GP8.1 for NSPS Subpart Ka tanks; and,
- GP8.3 for NSPS Subpart Kb tanks.

2.2.3 How to Determine if Your Source Still Needs a Permit

Sources that currently hold a GP may, at their discretion, re-evaluate the need for a Minor Source or Title V Operating Permit. The following steps provide the basic framework for making this re-evaluation:

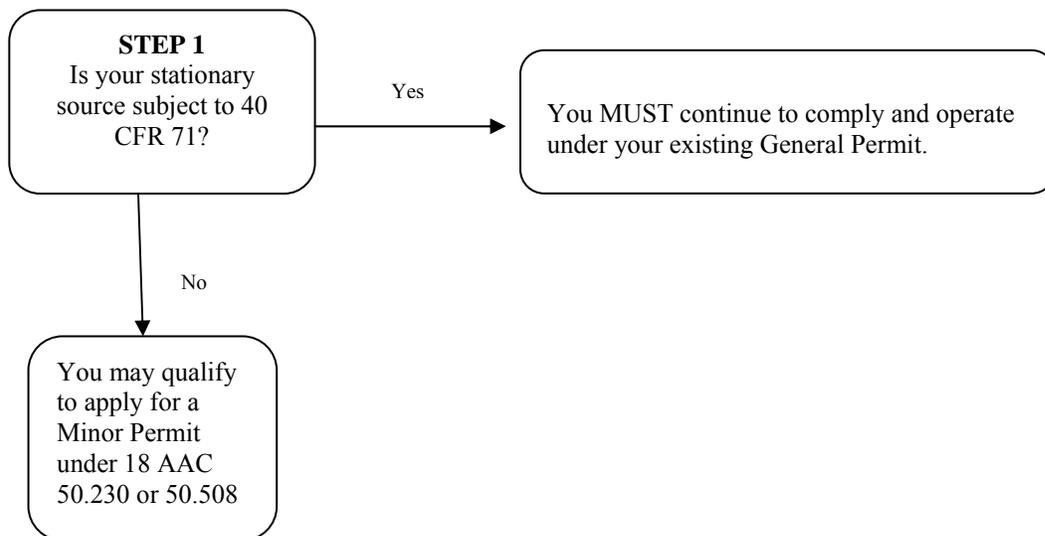
- If you currently hold GP1 or 1A for diesel electric plants follow Flowchart 2-2;
- If you currently hold GP3, 4, or 9 follow Flowchart 2-3; and,
- If you currently hold GP5, 6, 7, 8.1, or 8.3 (for a Dc boiler, dry cleaner, or Ka/Kb tanks) follow Flowchart 2-4.

Steps and Flowchart for Diesel Electric Plants (GP1 and GP1A)**STEP 1**

Determine if your stationary source would be subject to [40 C.F.R. Part 71](#)¹⁰. Part 71 applies to major sources that emit or have the potential to emit the following:

- 100 tpy or more of any air pollutant;
- 10 tpy or more of any individual HAP; or,
- 25 tpy or more of any combination of HAPs.

If you are subject to [40 CFR Part 71](#) you must continue to operate under your existing GP.

Flowchart 2-2. Existing GP1 and GP1A Permittees

¹⁰ 40 C.F.R. Part 71 (See §71.3 for detailed applicability criteria).

Steps and Flowchart for Asphalt Plants (GP3), Soil Remediation Units (GP4), and Crushers (GP9)**STEP 1**

Determine if your stationary source would be subject to [40 C.F.R. Part 71¹¹](#). Part 71 applies to major sources¹² that emit or have the potential to emit the following:

- 100 tpy or more of any air pollutant;
- 10 tpy or more of any individual HAP; or,
- 25 tpy or more of any combination of HAPs¹³.

If you are subject to 40 CFR Part 71 you must continue to operate under your existing GP or apply for a Title V Operating Permit.

STEP 2

As a non-Title V stationary source with an activity listed in [18 AAC 50.502\(b\)](#) you have two options:

- Continue to operate and comply with all terms and conditions in your current GP. The permit will no longer be considered a Title V permit AND it will remain valid until another Title I change regardless of the expiration date in the permit.
Note: If you make a modification to your stationary source you are still required to evaluate the need to apply for and obtain a permit revision before construction. See Section 5.0 of this Transition Plan to evaluate the need to obtain a revised permit as a result of a modification.

----- **OR** -----

- Apply for a Minor Source permit at any time. This can be a source specific permit or Minor Source GP. The department intends to issue new minor source GPs or Permits-By-Rule for asphalt plants, non-metallic mineral processors (rock

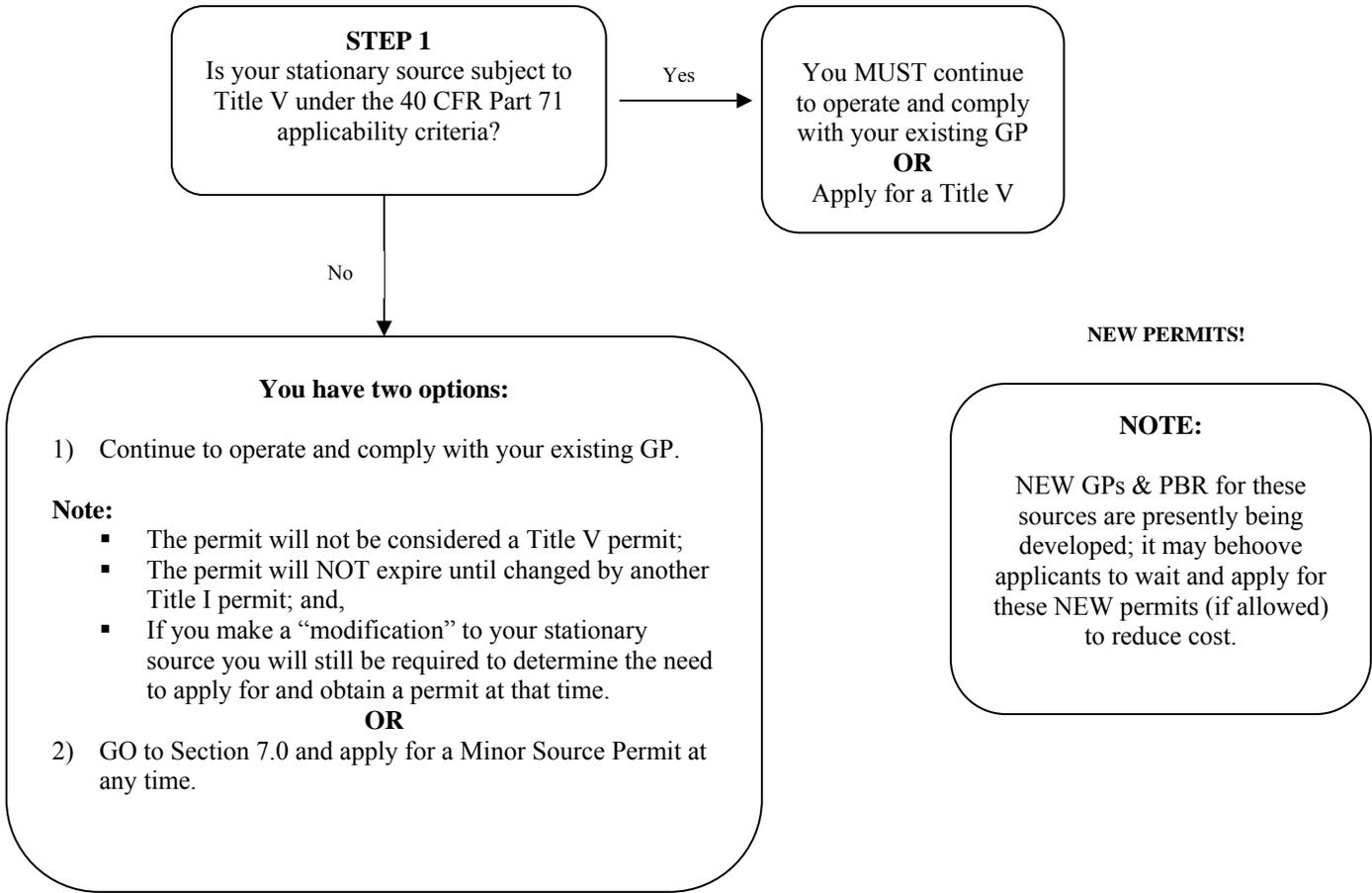
¹¹ 40 C.F.R. Part 71 (See §71.3 for detailed applicability criteria).

¹² See definition of “major source” at 40 C.R.R. Part 71.2.

¹³ Listed pursuant to section 112(b) of the Clean Air Act.

crushers) and soil remediation units. As of the effective date of the minor permit program we have not yet developed those GPs or PBRs. If you wish to replace your Title V permit with a new minor source permit, you may find it more cost effective to wait until the department has the new permits available. The cost of developing a GP is divided between all of the stationary sources that will use the permit, rather than be billed to one stationary source. GO to Section 7.0 for information on how to apply for a Minor Source Permit.

Flowchart 2-3. Existing GP3, GP4, and GP9 Permittees



Steps and Flowchart for NSPS Subpart Dc Boilers (GP5), Dry cleaners (GP6 & GP7), and NSPS Subpart Ka/Kb Tanks (GP8.1 & GP8.3)

STEP 1

Determine if your stationary source would be subject to [40 C.F.R. Part 71¹⁴](#). Part 71 applies to major sources¹⁵ that emit or have the potential to emit the following:

- 100 tpy or more of any air pollutant;
- 10 tpy or more of any individual HAP; or,
- 25 tpy or more of any combination of HAPs¹⁶.

¹⁴ 40 C.F.R. Part 71 (See §71.3 for detailed applicability criteria).

¹⁵ See definition of “major source” at 40 C.F.R. Part 71.2.

¹⁶ Listed pursuant to section 112(b) of the Clean Air Act.

If you are subject to 40 CFR Part 71 you must apply for a Title V Operating Permit.

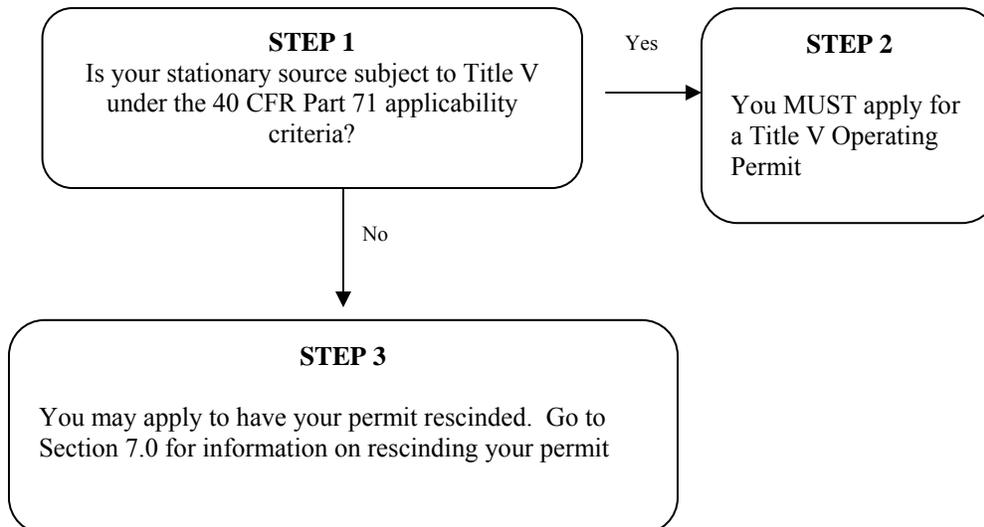
GO to Section 7.0 for information on how to apply for a Minor Source permit.

STEP 2

If you are NOT subject to 40 CFR Part 71, then you may no longer be required to have a permit. You may apply to the department to rescind your current permit (18 AAC 50.540(m)). Go to Section 7.0 for information on how to request a permit rescission.

Note: While you may not be required to hold a permit at this time, your source will be considered an existing stationary source and if you make a modification to your stationary source you are required to evaluate the need to apply for and obtain a minor or major source permit before construction. See Section 5.0 of this Transition Plan to evaluate the need to obtain a revised permit as a result of a modification.

Flowchart 2-4. Existing GP5, GP6, GP7, GP8.1 and GP8.3 Permittees



Existing ORLs and PAELs

2.3.1 Who Should Use This Section of the Transition Plan?

If you currently have an ORL authorization issued under 18 AAC 50.225, or you have a Pre-approved Limit (“PAL,” now called “Pre-approved Emission Limit, “PAEL”) issued under 18 AAC 50.230, you should use this section to determine how the revised regulations affect your stationary source. If you are currently operating under an ORL or PAEL you do NOT need to reapply under the new regulations to continue to operate under that limit.

2.3.2 What Has Changed?

Calculation of PTE – Our old statute and regulations directly define potential to emit. Our new statute adopts the federal definition in 40 C.F.R. 51.166. The result of the change is that we can now take advantage of EPA guidance. For calculating potential to emit of emergency backup units, see the EPA guidance in Appendix 2-1.

ORLs - The revised regulations keep the option for applicants to request an ORL to avoid having to obtain a Title V or major NSR permit. The ORL regulatory provisions in section 18 AAC 50.225 may be used to avoid a minor permit for a “new” or “modified” stationary source. The ORL is also incorporated into [18 AAC 50.508\(a\)\(5\)](#) under the new Minor Source provisions. You may re-evaluate the need to maintain your ORL under the new regulations by recalculating your source’s PTE without considering the ORL. If the PTE is below the Title V major source threshold, you should re-evaluate applicability and request rescission of your ORL if you no longer are required to have a permit. If the PTE of your source is above the Title V major source threshold, you may elect to maintain your current ORL or apply at any time for a Title V operating permit.

PAELs – The PAL provisions remain in section 18 AAC 50.230 and have been renamed “Pre-approved Emission Limits” (PAELs). The name change was necessary to avoid confusion with the recently adopted NSR Plantwide Applicability Limits called “PALs.” The new name PAEL covers the same two source categories as the original PAL:

- 1) Nitrogen Oxides (NO_x) from Diesel Engines; and,
- 2) Volatile Organic Compounds (VOCs) from Gasoline Distribution Facilities.

The new PAEL category name does not change any of the existing limits, monitoring, or record keeping requirements of the original PAL. However, like the ORLs discussed above, each owner or operator with a PAEL should re-evaluate the need to continue under their current permit. If your PTE without the PAEL restriction exceeds the Title V major source threshold, you may maintain your PAEL status (and continue to avoid the requirement for a Title V permit) or apply at any time for a Title V operating permit. If your PTE without the PAEL is below the Title V major source threshold, you may continue to operate with the PAEL or re-evaluate applicability and request rescission of the PAEL if you no longer are required to have a PAEL to avoid permit classification.

2.3.3 How to Determine if Your Source Still Needs a Permit.

The following steps describe Flowchart 2-5 and provide the basic framework for making a determination of whether to continue operation under the ORL or PAEL.

STEP 1

You may elect to take no action in which case you will be required to operate under your existing ORL or PAEL agreement. If you want to reevaluate the requirement for your ORL or PAEL proceed to Step 2.

STEP 2

Recalculate your stationary source-wide PTE without consideration of your ORL or PAEL restrictions. If your PTE is above the major source threshold for NSR or Title V permitting, continue to operate under your existing ORL/PAEL or submit a Title V permit application at any time. Another option would be to take a new ORL or new limit under the PAEL for Diesel Generators (restricting the amount of fuel burned in an engine) that would restrict the PTE to below the Title V thresholds. Go to Section 7.0 for information on how to apply for an ORL/PAEL.

STEP 3

If it is below the NSR or Title V threshold, go to Step 4.

STEP 4

If your PTE is below the major source thresholds for both NSR and Title V permitting and your source does not contain an activity listed in 18 AAC 50.502(b), you may request to have your ORL or PAEL rescinded. Go to Section 7.0 for information on how to request a permit rescission.

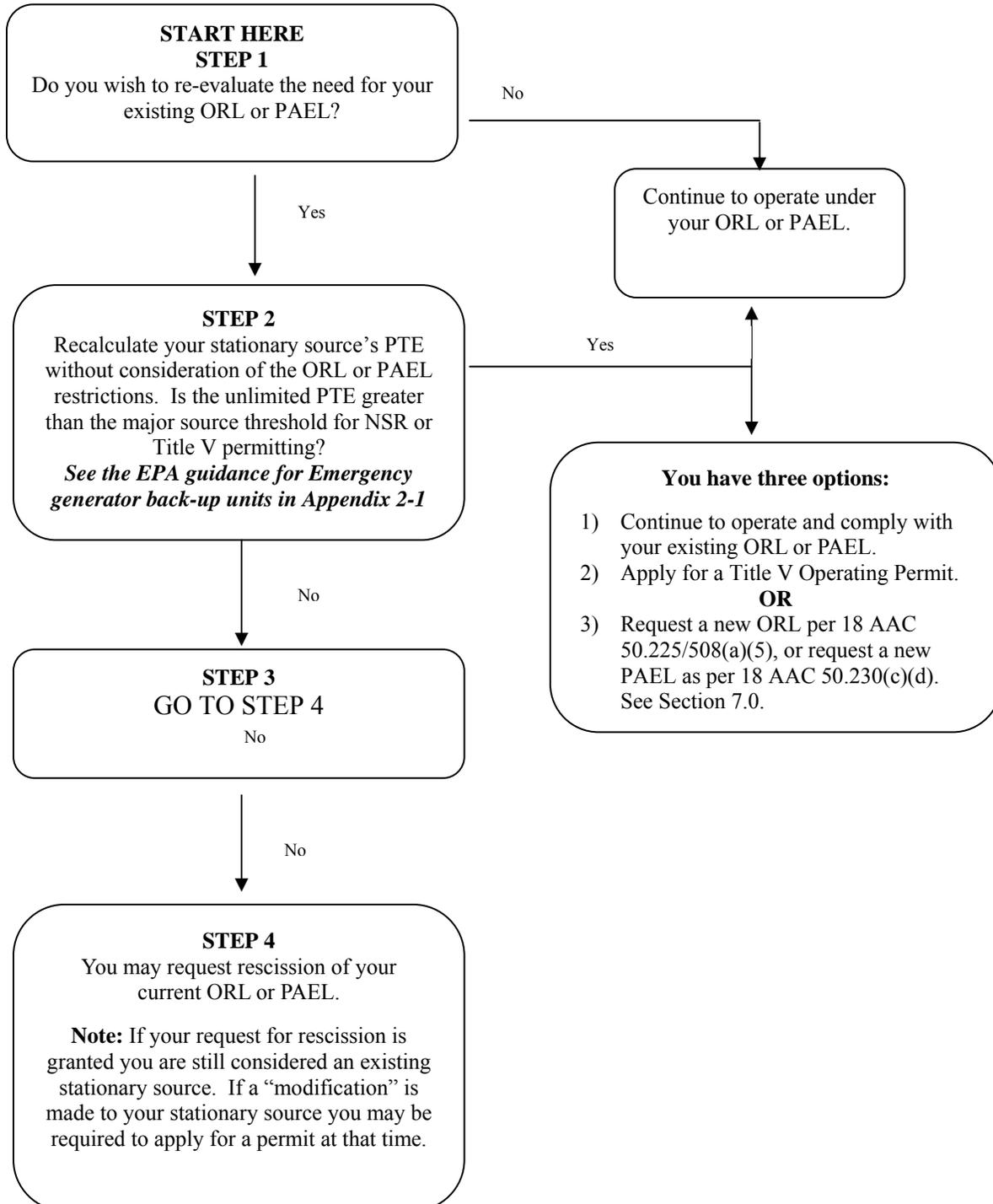
Note: While you may not be required to hold a permit at this time, your source will be considered an existing stationary source and if you make a modification to your stationary source you are required to evaluate the need to apply for and obtain a Minor or Major permit before construction. See Section 5.0 of this Transition Plan to evaluate the need to obtain or revise a permit as a result of a modification.

Example:

Your stationary source consists of two 8 MMBtu/hr boilers. You currently operate under an ORL that requested a fuel oil restriction in which you agreed to burn no more than 135,000 gallons of No. 2 fuel in your two existing 8 MMBtu/hr boilers. Options under the revised regulations:

- Operate under your existing ORL agreement; or,
- Recalculate your PTE without the fuel oil restriction. In this instance, assuming a fuel sulfur content of 0.5% by weight and using EPA AP-42 emission factors your PTE for all pollutants is below the Title V major source thresholds (i.e., 100 tpy of any criteria pollutant, 10 tpy of any single HAP, and 25 tpy of all HAPs combined). The boilers are not listed in 18 AAC 50.502(b), so you no longer require an ORL. You can request rescission of your ORL agreement.

Flowchart 2-5. Existing ORLs and PAELs



3.0. Transition for Current Permit Applicants

3.1 Who Should Use This Section of the Transition Plan?

If you submitted a complete application for an air quality permit before October 1, 2004 and have not yet been issued a draft permit you should use this section to determine how the revised regulations affect your application. *Note: The regulatory changes affect permit obligations and do not affect other emission standards with which your stationary source must comply.*

3.2 What Has Changed?

Permit requirements have changed. If you have applied for a construction permit under 18 AAC 50.300(b) or (h), or for an operating permit, after the effective date of the program you may need

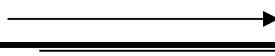
- 1) The original permit you applied for
- 2) A Minor Permit or;
- 3) No Permit

In general, you may have one or more of the following two options:

- 1) Take no action, in which case the department will act on a complete application in accordance with the regulations in effect on the date that application was received by the department;
- 2) If after re-evaluation you determine you fit a minor permit category, submit a request to have your current application evaluated under the new Minor Permit Program; OR
- 3) Withdraw your application.

3.3 How to Determine if Your Source Still Needs a Permit

The following steps describe Flowchart 3-1 and provide the basic framework for making a determination of whether to have the department reconsider your application under the



new revised regulations, or have the department continue processing your application under the “old” regulations.

STEP 1

You may elect to take no action in which case the department will review your existing air permit application and make a decision to issue or deny a permit based on the “old” regulatory provisions.

STEP 2

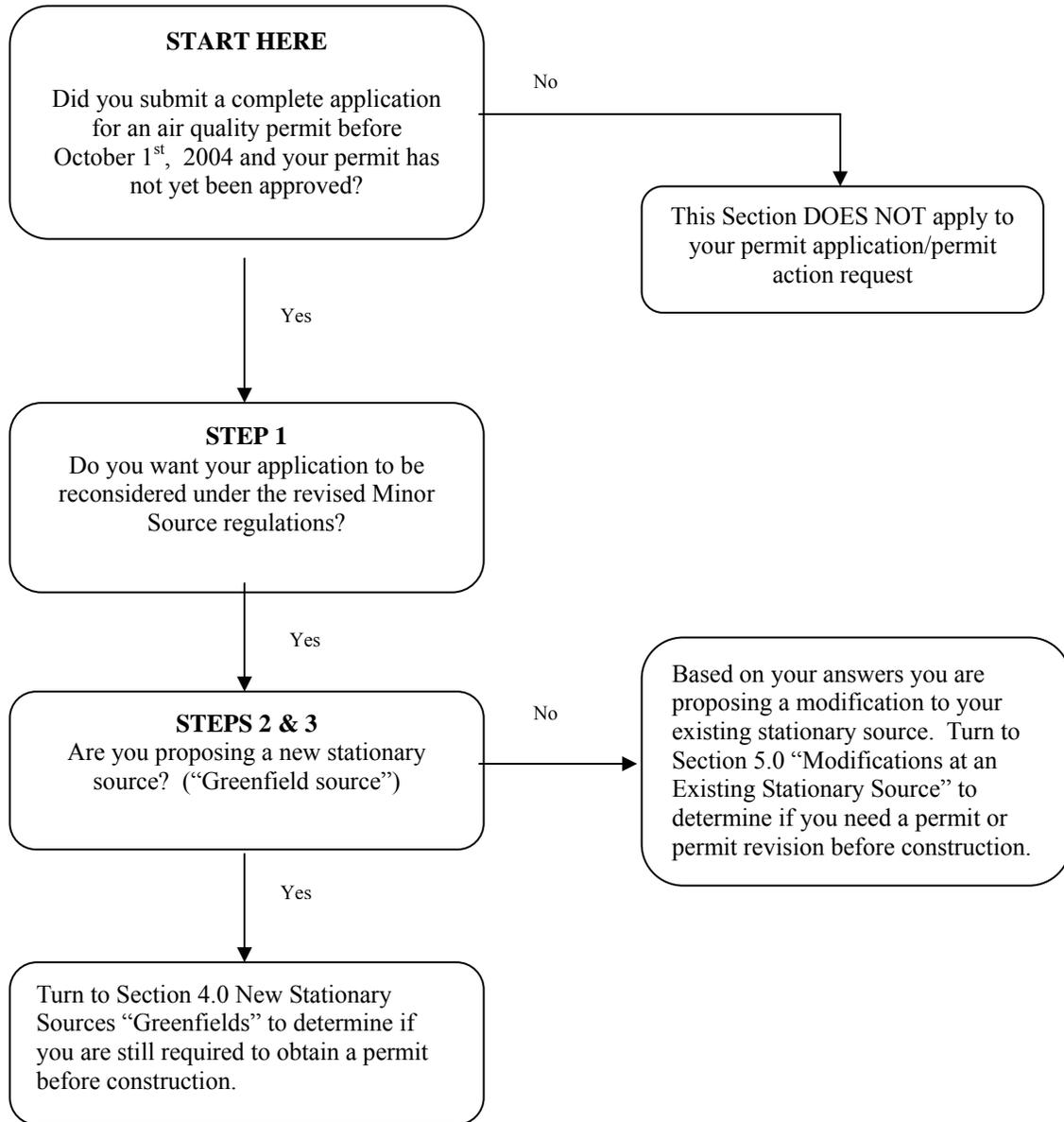
You may elect to have your current application reconsidered under the new Minor Permit Program.

- If your application proposed the establishment of a new stationary source (i.e., “greenfield source”) you should turn to Section 4.0 of this Transition Plan, New Stationary Sources, “Greenfields,” to determine if a permit is required for your proposed source.
- If you are proposing a change to an existing stationary source then you should turn to Section 5.0 of this, Modifications at an Existing Stationary Source, to determine if a minor construction permit, operating permit, or operating permit revision is required for your proposed modification.

STEP 3

If you are electing to apply for a permit under the new “Minor Permit Program,” submit a minor permit application for your New Stationary Source to the department before beginning construction. It is the applicant’s responsibility to identify what permit they wish to apply. Minor permit applicants must provide all of the information required in 18 AAC 50 to including all information required by the applicable listed forms and additional items the department specifies are necessary to determine the completeness of the permit application. Re-application is not necessary unless a change in terms and conditions of the permit is made.

Flowchart 3-1. Transition for Current Permit Applicants



4.0 New Stationary Sources “Greenfields”

4.1 Who Should Use This Section of the Transition Plan?

If you are proposing the construction of a new stationary source (one that is not yet constructed, which is commonly referred to as a “greenfield” source) then you should use this section of the manual to determine whether you need a permit before construction. Some sources that did not require a permit under provisions in the department’s old regulations, may now require a permit for their source. It is important for owner or operators to re-evaluate all sources to ensure regulated sources are permitted.

4.2 What Has Changed?

The revised regulations provide that a Minor permit is required for Greenfield stationary sources that contain an activity listed in [18 AAC 50.502\(b\)](#)¹⁷ or [18 AAC 50.502\(c\)\(2\)](#). If your proposed stationary source does not contain one of these “listed activities,” then a Minor permit will be required before starting construction ONLY if your source-wide potential emissions are greater than the permitting thresholds listed at [18 AAC 50.502\(c\)](#). If you need assistance determining your emissions, please refer to the [FAQs](#)¹⁸, or contact the department if additional guidance is necessary. You may need to establish a billing account for pre-application assistance.

4.3 How to Determine if Your Source Still Needs a Permit

For a Greenfield source, the following steps describe Flowchart 4-1 and provide the basic framework for determining if you need to obtain a Minor Source permit.

STEP 1

Determine if your proposed stationary source requires a permit under the Major NSR program ([18 AAC 50.306](#) to [18 AAC 50.311](#)).

¹⁷ 18 AAC 50.502(b) list sources that require a permit regardless of emission rate.

¹⁸ See <http://www.state.ak.us/dec/air/ap/rewrite.htm>

- If you are required to obtain a Major NSR permit follow the requirements contained in 18 AAC 50.306 to 50.311.
- If you are NOT required to obtain a major NSR permit then proceed to Step 2.

If you need a Major Construction Permit for a one pollutant and a Minor Permit for another pollutant, your permit application will be handled through the Major permitting process.

STEP 2

Are you relocating an existing stationary source to a new Greenfield site?

- NO - proceed to Step 3.
- YES – If you have a current permit does it define your obligations under relocation?
 - NO - proceed to Step 3.
 - YES – follow the procedures required in your permit and notify the department of the source being relocated.

STEP 3

Determine if your stationary source would be subject to [40 C.F.R. Part 71¹⁹](#). Part 71 applies to major sources²⁰ that emit or have the potential to emit 100 tons per year of any regulated air pollutant.

- If your stationary source exceeds the Part 71 threshold for NO_x, PM, SO₂, or CO in a non-attainment area,
 - Then you must apply for a Minor Source permit before construction and you will be required to submit a complete Title V application within 12 months of commencing operation of your stationary source.
 - Skip to Step 6

¹⁹ 40 C.F.R. Part 71 (See §71.3 for detailed applicability criteria).

²⁰ See definition of “major source” at 40 C.F.R. Part 71.2.

- If not, Go to Step 4.

STEP 4

For non-Title V stationary sources, determine if your stationary source contains any of the following activities listed in [18 AAC 50.502\(b\)](#)?

- If your stationary source does contain one of these “listed” activities then proceed to Step 5.
- If your stationary source does NOT contain one of these “listed” activities, then proceed to Step 6.

18 AAC 50.502(b) “Listed” Activities
1. an asphalt plant with a rated capacity of 5 tons per hour
2. a thermal soil remediation unit ²¹ with a rated capacity of 5 tons per hour
3. a rock crusher with a rated capacity of 5 tons per hour
4. incinerators with cumulative rated capacity of 1000 pounds per hour
5. a coal preparation plant ²²
6. a Port of Anchorage stationary source ²³
18 AAC 50.502(c)(2)(B) “Listed” Activities
An emission unit with a rated capacity of 10 million Btu per hour in a sulfur dioxide special protection area.

STEP 5

As a stationary source containing a “listed” activity you are required to obtain a permit before constructing your stationary source. Go to Section 7.0 for information on how to apply for a Minor Source permit. A source specific permit, a general permit, or a permit-by-rule fulfills the requirement for a Minor Source permit.

²¹ 18 AAC 50.990 Definitions

²² 18 AAC 50.990 Definitions

²³ 18 AAC 50.990 Definitions; Also See Appendix – Map A-3 (Port of Anchorage)

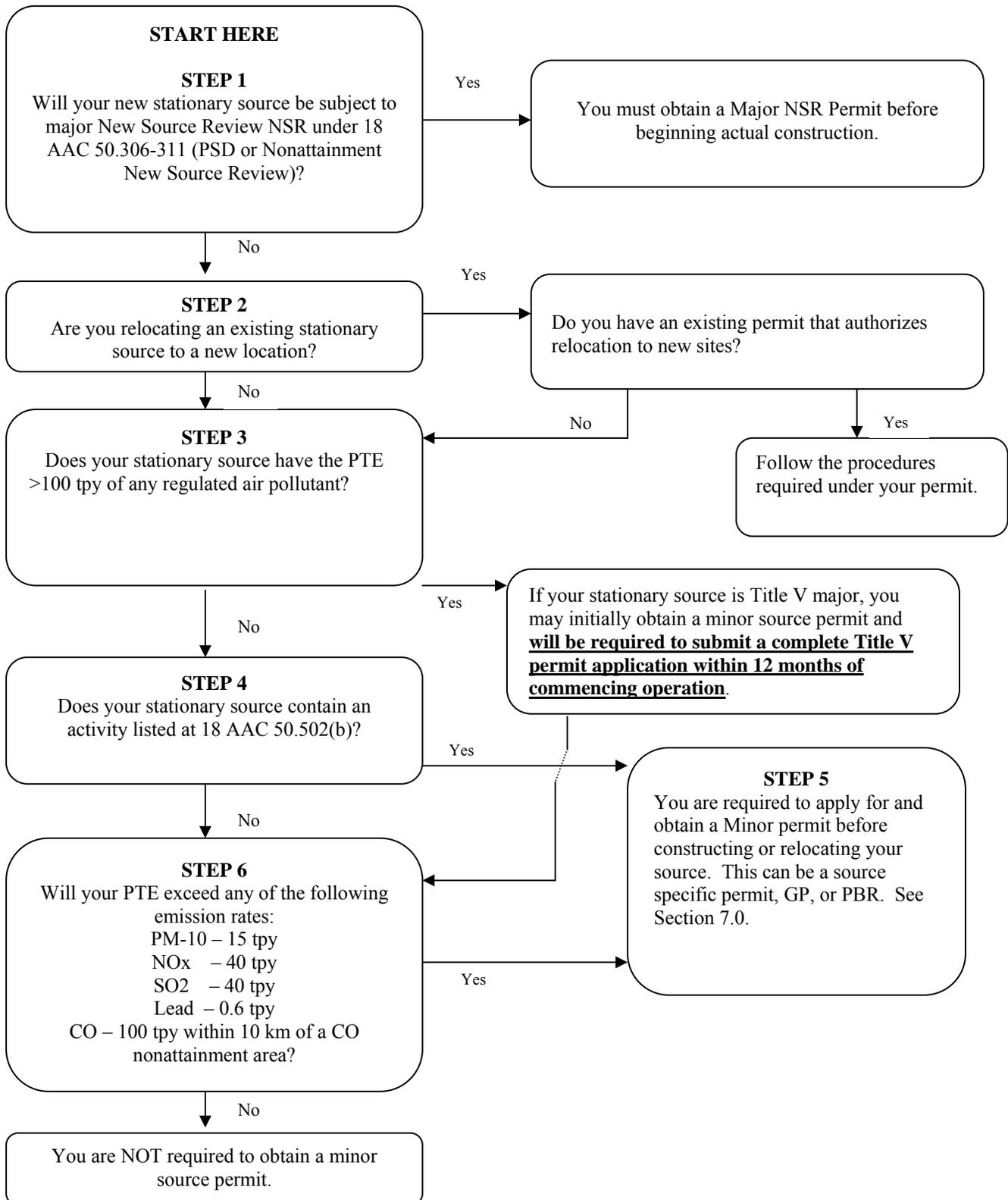
STEP 6

For a stationary source without a listed activity you are required to obtain a Minor permit ONLY IF your stationary source-wide Potential To Emit is greater than one or more of the following emission rates:

Table 4-1

Pollutant	Permitting Thresholds for New “Greenfield” Sources
PM-10	15 tpy
NOx	40 tpy
SO ₂	40 tpy
Lead	0.6 tpy
CO	100 tpy within 10 km of a CO nonattainment area

Flowchart 4-1. New Stationary Sources



5.0 Modifications and Requested Permits for an Existing Stationary Source

5.1 Who Should Use This Section of the Transition Plan?

If you have an existing stationary source, regardless of whether you currently have an air quality permit, and you are proposing a “modification”²⁴ to your stationary source, you should use this section to determine if you require a permit or a revised air quality permit, before construction.

5.2 What Has Changed?

5.2.1 Modifications.

The revised regulations redefine which stationary sources are required to obtain a permit or permit revision as a result of making a modification. Specifically, there are three classes of modifications that require a permit:

- A modification resulting in an increase in the stationary source’s emissions that is greater than
 - 10 tpy of PM-10, if the potential to emit is already at least 15 tpy;
 - 10 tpy of SO₂, if the potential to emit is already at least 40 tpy;
 - 10 tpy of NO_x, if the potential to emit is already at least 40 tpy; or
 - 100 tpy of CO if the stationary source is within 10 kilometers of a CO nonattainment area, and the potential to emit is already at least 100 tpy; or

NOTE: You can compute the increase in emission as either the difference in old versus new potential to emit, or as the difference between baseline actual emissions and projected actual emissions. [See 18 AAC 50.502(e) and (f) to calculate the difference in actual emissions.²⁵]

²⁴ 18 AAC 50.990

²⁵ 18 AAC 50.502(e) and (f) Actual Emissions Calculations

- In a sulfur dioxide special protection area²⁶, adding an emission unit with a rated capacity of 10 million Btu per hour or more.

5.2.2 Requested Permits

A permit requested by the owner or operator (regardless of a change in the emission rate) for the following:

- Designation of an emission unit as a Clean Unit (“CU”) under the major NSR regulations;
- Designation of a project as a Pollution Control Project (“PCP”) under the major NSR regulations;
- Request to establish a Plant-wide Applicability Limit (“PAL”) under the major NSR regulations;
- Request to establish offsets;
- Establishment of an Owner Requested Limit (“ORL”); or,
- Request to revise or rescind a condition of a Title I (i.e., NSR) permit.

²⁶ See Appendix Maps A-1 through A-3

5.3 How to Determine if Your Source Still Needs a Permit

The following steps describe Flowchart 5-1 and provide the basic framework for making a determination of whether a permit or permit revision is necessary before beginning construction of the proposed modification.

STEP 1

For each individual pollutant, are you proposing a “major modification”²⁷ subject to Major NSR permitting under [18 AAC 50.306](#) – [18 AAC 50.311](#)? If you are, then the major source preconstruction permitting requirements must be satisfied before beginning actual construction. If you are NOT proposing a “major modification” for a given pollutant listed, then proceed to STEP 2.

STEP 2

a) Minor Permits

Calculate the increase in emissions from your entire stationary source as a result of the modification. If the modification will result in an increase in emissions above the levels specified below in Table 5, a Minor Permit or permit revision is required before construction.

Depending on the type of emission unit being modified, you may calculate an emissions increase in one of two ways; 1) actual increase and net emissions increase, 2) or change in potential to emit.

1) The change in actual emissions is calculated as the difference between baseline actual emissions and projected actual emissions. Baseline actual emissions can be any two year period during the last 10 years. For a permit to be needed, the change must also be a net emissions increase greater than the permitting threshold. See the definitions of these terms in 18 AAC 50.502(h). [These terms are defined for the PSD program in 40 C.F.R. 52.21.]

²⁷ See 40 C.F.R. 51.165 or 40 C.F.R. 51.166

2) A change in Potential to Emit means a change in the maximum capacity of stationary sources to emit a pollutant under its physical and operational design.

NOTE: Netting at Clean Units. Emissions changes that occur at a Clean Unit must not be included in calculating a significant emissions increase (that is, must not be used in a “netting analysis”) unless such use occurs before the effective date of the plan requirements adopted to implement this paragraph or after the Clean Unit designation expires; or, unless the emissions unit reduces emissions below the level that qualified the unit as a Clean Unit. However, if the Clean Unit reduces emissions below the level that qualified the unit as a Clean Unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a Clean Unit and the emissions unit’s new emission limitation if such reductions are surplus, quantifiable, and permanent.

Table 5-1

Pollutant	Permitting Thresholds for “Existing Sources”
PM-10	10 tpy
SO ₂	10 tpy
NO _x	10 tpy
CO	100 tpy for a stationary source located within 10 kilometers of a CO nonattainment area

b) Title V

If you have a Title V source, you will also need a revision to your Title V operating permit.

If your stationary source was not a Title V source before the modification, you will need to determine whether your stationary source becomes a major source with respect to [40 CFR Part 71](#) after the modification. 40 CFR Part 71 applies to major sources that emit or have the potential to emit 100 tpy or more of any air pollutant.

If the emissions increase causes the total emissions from your stationary source to exceed Part 71 emission thresholds, you may be issued a Minor permit authorizing construction and operation, but you must submit a complete Title V application within 12 months of commencing operation of the modified stationary source.

STEP 3

Are you requesting any of the following:

- Designating an emission unit as a Clean Unit (“CU”) under the major NSR regulations;
- Designating a project as a Pollution Control Project (“PCP”) under the major NSR regulations;
- Establishing a Plant-wide Applicability Limit (“PAL”) under the major NSR regulations;
- Establishing offsets;
- Establishing an Owner Requested Limit (“ORL”); or,
- Revising or rescinding a condition of a Title I (i.e., NSR) permit?

See 18 AAC 50.508.

If you are requesting one of these changes, you will need a Minor permit. Go to STEP 4.

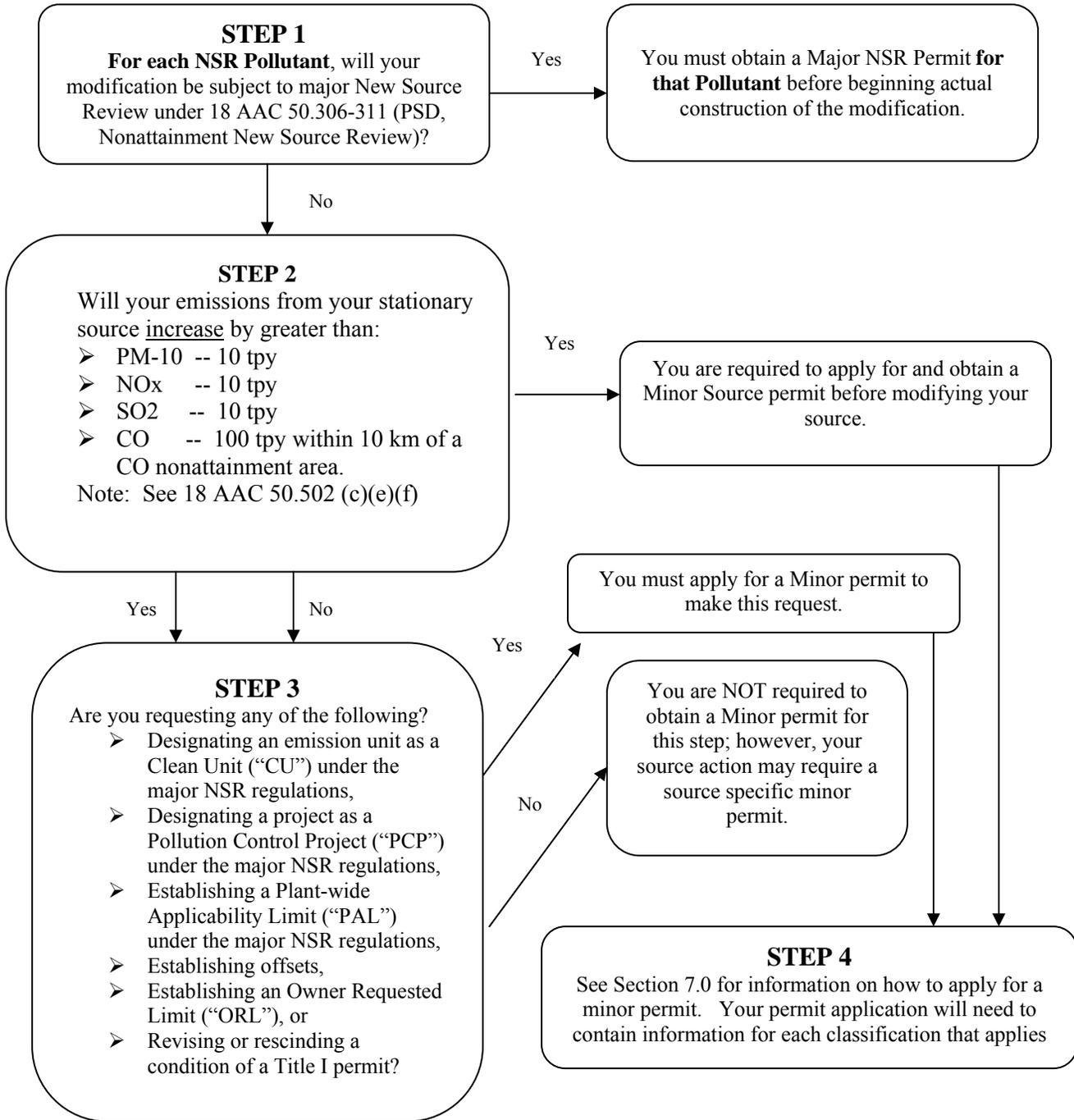
STEP 4

If

- 1) You need a Minor Permit under STEP 2a, or;
- 2) You are requesting a Permit Action under STEP 3

Go to Section 7.0 for information on how to apply for a Minor Source permit. You will need to provide information for each classification that applies.

Flowchart 5-1. Modifications and Requested Permits for an Existing Stationary Source



NOTE: If you need a Major NSR Permit for one pollutant **AND** a Minor Permit for another your permit application request will be processed using Major Source issuance procedures. Applications for minor pollutants still only need to include the information required by the minor permit program.

6.0 Relocating an Existing Stationary Source

6.1 Who Should Use This Section of the Transition Plan?

If you are relocating an existing stationary source you should use this section to determine if you need an air quality permit before construction/operation at the new location.

6.2 What Has Changed?

18 AAC 50.502 redefine what activities require an air quality permit if a source relocates. You should review these new regulations to determine if you are required to obtain an air quality permit before construction at your new location.

6.3 How to Determine if Your Source Still Needs a Permit

The following steps describe Flowchart 6-1 and provide the basic framework for making a determination of whether you need to obtain a permit before relocating an existing stationary source.

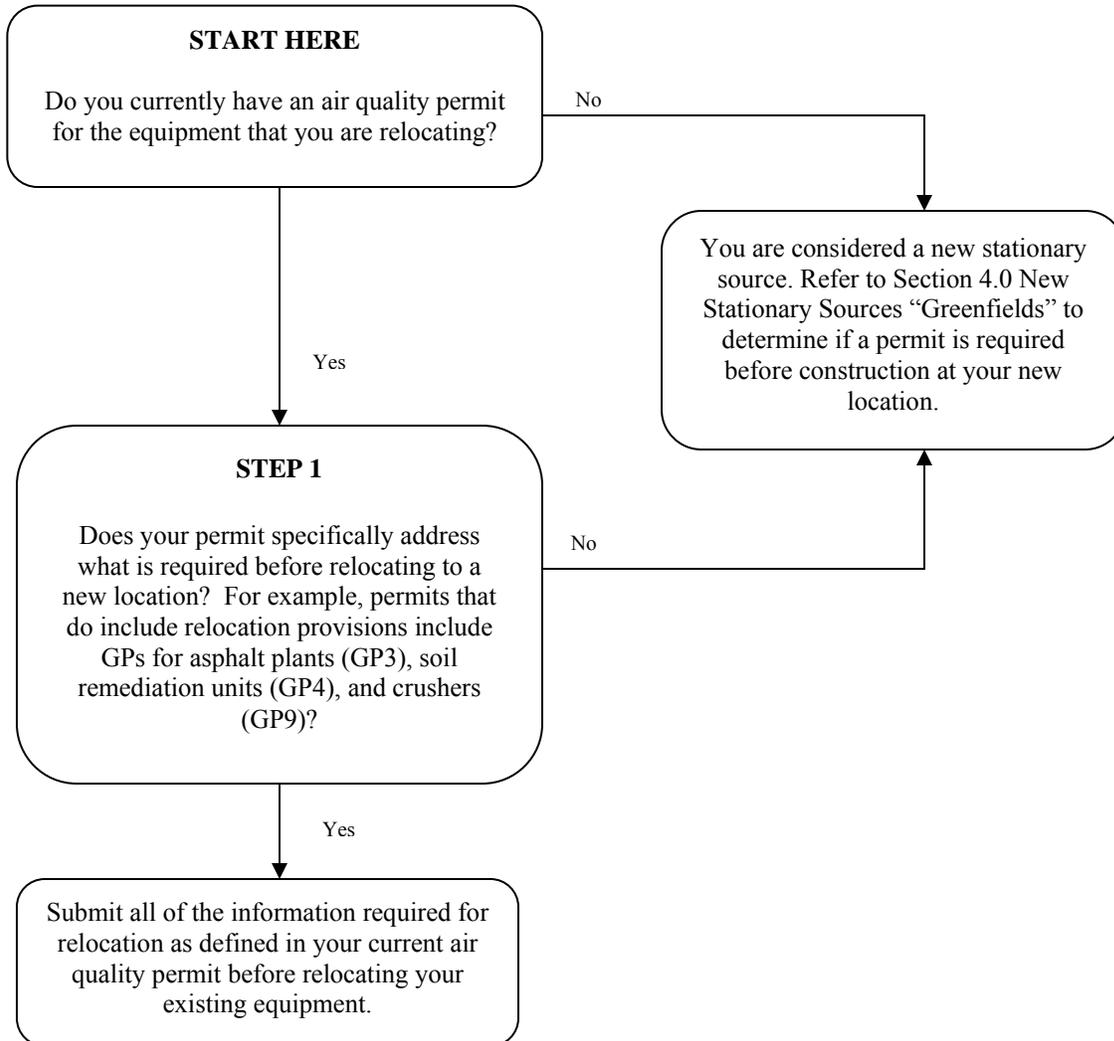
STEP 1

If you have a permit that authorizes you to relocate to a new location upon submitting proper notice to the department, you may continue to operate under your existing permit. For example, General Permits for asphalt plants (GP3), soil remediation units (GP4), and rock crushers (GP9) include specific provisions authorizing the permittee to relocate upon submitting certain documentation to the department. Minor General Permit -1 (MGP-1) is new for oil/gas.

If you do not currently have an air quality permit or your current air quality permit does not specifically address relocation, **then you will need to evaluate your project as a New Stationary Source.** You should refer to Section 4.0 New Stationary Sources

“Greenfields” to determine if you need an air quality permit before construction at your new location.

Flowchart 6-1. Relocating an Existing Stationary Source



7.0 Requesting Minor Permit Actions

There are several possible outcomes resulting from review of your status under the new Minor Permit regulations, and this section describes how to request a change if applicable. Sources may be able to convert their existing Title V permit to a Minor Permit based on emissions. These are sources with potential emissions below the Title V thresholds that need a minor permit for continued operation – they are:

- Asphalt Plants;
- Thermal Soil Remediation Units
- Non-metallic Mineral Processors: “Rock Crushers”
- Incinerators
- Coal Preparation Plants
- Port of Anchorage stationary sources

A request for a Minor Permit action is in many cases less complicated than current Operating Permit requests and if eligible, applicants may be able to apply under “Fast Track” procedures to expedite the permit approval period (see Section 8).

Minor Permit applications and permit action requests will normally fall under one of the following choices:

- Applying for a Minor permit for a new stationary source or minor modification;
- Requesting an Enforceable Limit or other actions to avoid the need for permits;
- Converting to a Minor Source permit;
- Rescinding an existing Operating Permit; or
- Revising or rescinding existing permit conditions.

As mentioned, the requirement to obtain a Minor permit can be met with a source specific permit, GP, or PBR. There are also a variety of permits that owners/operators can request, including New Source Review avoidance options, such as CUs, PCPs, and PALs. In addition, sources can request to establish offsets, changes to Title I permit conditions, or ORLs and PAELs. Section 7.1 discusses each of these permit types further. All

sources making a permit request (new applications/ modifications, conversions, or rescissions etc.) will need to provide certain information, which is referred to as the Minor Permit application. Section 7.2 presents components of a permit application package as it is being developed. An introduction to “on-line” electronic minor permit applications and enforceable limits requests is provided in Section 7.3.

7.1 Types of Minor Permits

7.1.1 Source Specific Minor Permits

A Source Specific Minor Source permit is required if a source does not qualify for other options, such as a GP, PBR, or at the applicants request they wish to request a source specific permit. The provisions in [18 AAC 50.540](#) through [18 AAC 50.544](#) explain the requirements for permit application information, content, and review/issuance for Source Specific Permits. Unlike the previous permit actions, Minor Permits will allow construction and operation (for sources not subject to Title V), so only one permit will need to be obtained.

7.1.2 General Permits (GP)

The provisions for GPs are contained in [18 AAC 50.560](#). General permits are issued for the same or very similar types of sources. There are existing GPs for three of the activities listed in [18 AAC 50.502\(b\)](#) - which specifies the categories of existing stationary sources requiring a Minor Source permit - asphalt plants, soil remediation units, and rock crushers. General permits go through public comment before being issued for the source category. An owner or operator then applies for the permit. There is no additional comment period after application, minimizing the time between submission of the notification/application and approval to construct or operate. The department may write GPs to require either department approval before the source is allowed to operate, or simple notification by the owner or operator without department approval. If there is no department approval the owner or operator has the responsibility

to be sure they qualify under the permit and not be in violation for operating without a permit.

7.1.3 Permit-by-rule (PBR)

Like GPs, PBRs are issued for the same or very similar types of sources. In a PBR the permit conditions are directly stated in regulation. The department may develop other PBRs when deemed necessary.

The previous permit by rule for portable oil and gas operations has been replaced by a general minor permit with the same content.

<http://www.alaskacoast.state.ak.us/Projects/pcpq3.html>

7.1.4 Owner Requested Permits (ORL)

There are several Minor Permits listed in [18 AAC 50.508](#) that an owner/operator can request. These include several of the avoidance procedures incorporated into the new NSR Reform package (CUs, PCPs, and PALs). As with the previous permit program, a source can also request an Enforceable Limit or permit revision for the following:

- An ORL to avoid classification as a major source under Title V or Major NSR;
- A limit to provide offsetting emissions; and,
- A change to an existing permit term in a Title I (i.e., NSR) permit.

NOTE: An ORL or PAEL to avoid a classification as a major or minor source is also available separately through 18 AAC 50.225/230. The Minor Permit types are discussed separately below.

7.1.5 Requesting a Permit Rescission

Certain stationary sources may no longer be required to have a permit under the revised regulations and may request rescission of their existing permit. These include existing permittees that are not subject to Title V and do not contain activities listed in [18 AAC 50.502\(b\)](#). In addition, GPs for dry cleaners, Dc boilers, and Ka/Kb storage tanks are no longer regulated by ADEC. Some boilers may still require a permit and it is important for sources to determine their PTE to evaluate if the source requires a Title V permit.

Provided your stationary source is not subject to Title V, you may request rescission of your GP or existing permit.

NOTE: You must comply with your existing permit until the department confirms your rescission request. If your request is denied, the department will respond explaining why your source does not qualify. Also as mentioned previously, while you may not be required to hold a permit at this time, your source will be considered an existing stationary source and if you make a modification to your stationary source you are required to evaluate the need to apply for and obtain a Minor or Major Source permit before construction.

Clean Unit Designation (CU)

One of the options available to NSR major stationary sources under the revised regulations is the CU. Once a unit has been designated as a Clean Unit (CU), the owner or operator may make changes to the unit without triggering an additional major or minor new source review as long as the unit is not changed in a way that loses its Clean Unit status. In order to qualify as a CU, the applicant must demonstrate that the unit is equipped with state-of-the-art emissions control technology (add-on control technology, pollution prevention techniques, or work practices) that are comparable to Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER). The requirements necessary to attain Clean Unit Status are provided at [40 C.F.R. 52.21\(y\)](#).

An emission unit may also be designated as a Clean Unit in a Major construction permit through BACT or LAER review. See 40 C.F.R. 52.21(x).

Pollution Control Project (PCP)

Except for a project that may be designated as a PCP without a permit under 18 AAC 50.509, the provisions of [40 C.F.R. 52.21\(z\)](#) applies to Pollution Control Projects. Under the revised regulations, NSR major stationary sources may avoid major or minor new source review for certain work practices and the installation of qualifying pollution

control equipment if they are determined by the department to be environmentally beneficial. The revised regulation includes a list of activities (e.g., switching from coal to natural gas) that are presumed to be environmentally beneficial (see [40 CFR 52.21\(b\)\(32\)\(i\)](#) through (v)). If you are undertaking a project on this list, you may begin actual construction immediately after sending notification (not an application) to the department, unless a permit or a Notice of MACT Approval under [18 AAC 50.321](#) is otherwise required under this chapter for the project²⁸. However, if your project is not listed, but you believe it would qualify as a PCP, you may request a case-by-case PCP determination²⁹. The case-by-case notification must contain the information required under [40 C.F.R. 52.21\(z\)\(3\)](#). You may not begin actual construction before the department issues a permit or approval for the project.

Plantwide Applicability Limit (PAL)

Under the revised regulations, NSR major stationary sources may also request an optional approach known as a Plantwide Applicability Limit (PAL). This permit action will provide the source the ability to make changes without triggering major or minor review provided the source emissions remain below the PAL level³⁰. The PAL may be established if the request meets the requirements at [40 C.F.R. 52.21\(aa\)](#). If requested by the department, an application for a PAL permit must include a demonstration that emissions under the PAL will not cause or contribute to a violation of ambient air quality standards.

Offset Source

1. An owner or operator may request a Minor Source permit for establishing actual emission reductions from an existing stationary source to offset an increase in allowable non-attainment air pollutant emissions at a 1) new major stationary source, 2) major modification, or 3) PAL major modification. Emission reductions can be created by various physical or operational limitations, such as

²⁸ 18 AAC 50.509

²⁹ 18 AAC 50.509. Also See 18 AAC 50.508(a)(2)

³⁰ 18 AAC 50.508(a)(3)

shutting down an existing unit or reducing emissions through pollution prevention.

Owner Requested Limit (ORL)

The regulations for ORLs are now contained in [18 AAC 50.225 and 18 AAC 50.508\(a\)\(5\)](#). Owner requested limits are taken to reduce a source's potential to emit or actual emissions, to avoid classification under Title V or Major NSR or minor permitting. Such limits could be on hours of operation, fuel oil consumption in an internal combustion diesel engine, or daily gallons of throughput at gasoline bulk plants.

Preapproved Emission Limit (PAEL)

The provisions for PAELs are now contained in [18 AAC 50.230](#). PAELs are available for two types of sources, diesel engines and gasoline distribution facilities who limit throughput in order to be re-categorized as Bulk Gasoline Plants. Enforceable limit requests become effective the day after the department receives a complete request. The requirements to limit NO_x from diesel engines are found in [18 AAC 50.230\(c\)](#) and the limit for Volatile Organic Compounds (VOCs) emitted from gasoline distribution facilities is found in [18 AAC 50.230\(d\)](#).

Revising or Rescinding Title I Permit Conditions

An owner or operator with an existing permit issued under Title I of the Clean Air Act³¹ (NSR permits) may be eligible to revise or rescind the terms and conditions of the permit. Such requests can be processed as Minor Permits. The request should include the information listed in [18 AAC 50.540\(m\)](#).

³¹ See definition of Title I permit in 18 AAC 50.990(109).

7.2 Minor Source Permit Applications and Enforceable Limit Requests (Electronic submissions scheduled availability Oct – Dec 2004)

All sources requesting a Minor Permit or Enforceable Limit need to submit their requests to the department. Depending on the source category, requests could be as simple as a permit rescission requiring only information pertaining to the emission unit being removed, or a more complex source specific permit application for a new Minor Source which may require modeling. This section presents the components that make up a Minor Source permit application. Minor Permit applications and permit action requests can be downloaded from the department's link at <http://www.state.ak.us/dec/air/ap/applic.htm>. Application forms are available in pdf and Word formats. The documents in Word format may be filled out using Microsoft Word, and submitted on CD. The electronic "on-line" application process is explained in Section 7.3.

Once electronic permit applications and permit action requests are available the permitting process will be expedited. We expect most applicants to electronically submit their requests "on-line" in lieu of mailing "hard-copies" to the department. For this reason, nomenclature used in this section is geared towards electronic applications and permit action requests. Previously utilized application forms, are now referred to as application "screens." A collection of interrelated screens have been developed to create a "continuous application" for applicants to complete as they progress through the application process.

Section [18 AAC 50.540](#) outlines information required to include in permit applications and enforceable limit requests. This information varies depending on the type of Minor Source permit action. The "MINOR PERMIT CATEGORIES" found in TABLE 7-1 illustrates the types of Minor Sources needing Minor Permits and the regulatory requirements governing their issuance and use and the variety of permit actions which will be available "on-line."

The first step to determine the components that need to be included in your permit application is to find your source category. Next, determine your permit request: applying for a Minor Permit or minor modification, converting an existing permit to a Minor Permit, requesting a rescission or enforceable limit etc.

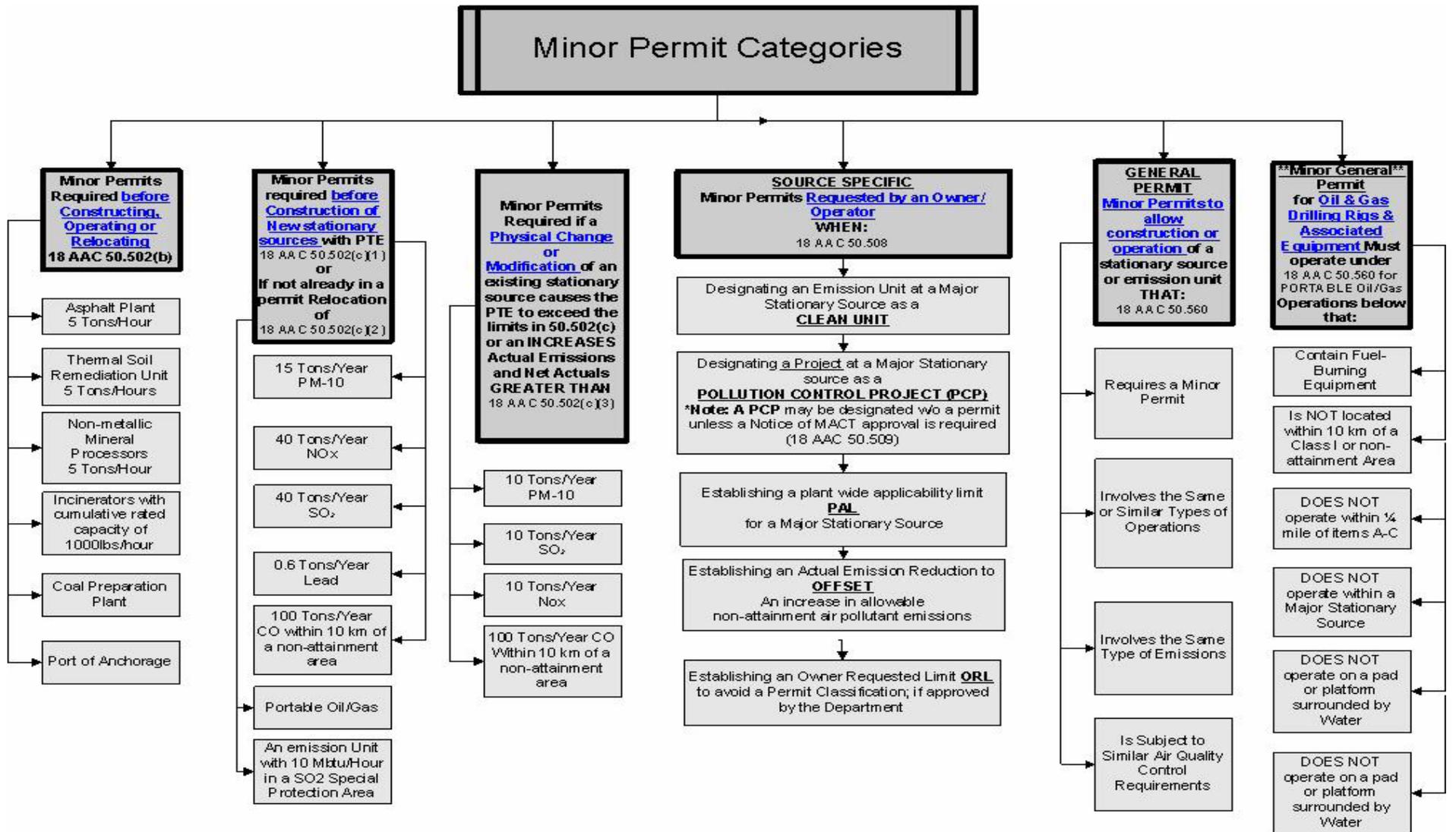
The applicable electronic application screens will “pop up” automatically in response to how questions are answered. As applicants progress through the introductory screens into the permit application screens, their applications will be finalized by completing the fee and certification screen. Sources without Internet access or those who choose to submit their permit action requests to the Department using paper copies must contact the department to request an application package for the applicable permit action for their source. All are encouraged to begin application requests for Minor Permits using electronic options when available. Those with Internet access who choose to apply using paper copies; they can download an application package from the ADEC WEB Page.

NOTE: When “on-line” applications are available, the department may require their use to qualify for “Fast Track” (30-day) permitting. Applicants who submit applications using paper forms may experience higher fees than those who apply electronically “on-line.”

NOTE: If your new stationary source or minor modification triggers Part 71 requirements, you will be issued a Minor Source permit authorizing construction and operation, but you will be required to submit a complete Title V application within 12 months of commencing operation of your stationary source.

NOTE: You must comply with your existing permit until the new Minor Source permit of Enforceable Limit is approved. If your request is denied, the department will respond explaining why you did not qualify as a minor source.

Table 7-1



7.3 Minor Source “On-line” Permit Application/Permit Action Process (Not available at this time)

The new Minor Permit Program will incorporate a system whereby applicants can request permit actions “on-line” at <http://www.state.ak.us/dec/air/ap/applic.htm> .The “on-line” electronic applications and permit action request process is designed to be more expeditious and more user-friendly than applications previously submitted in paper format. Applicants will be guided to the proper permit application screens by answering a series of questions. Applicants will simply click the appropriate radial button or check box, fill in a text box, or attach information in response to prompted questions (e.g. maps, etc.). The “on-line” system will automatically lead the applicant through the process using a series of screens within a “continuous application” required for each requested permit action.

Minor Source electronic permit applications and enforceable limit requests can be accessed from the ADEC Division of Air Quality, [Air Permits Program Home Page link http://www.state.ak.us/dec/air/ap/mainair.htm](http://www.state.ak.us/dec/air/ap/mainair.htm). If applicants should require additional assistance, they can contact the department by using the phone contact list in the appendix of this Transition Plan.

8.0 Permit Application Review (“On-line” feature unavailable at this time)

8.1 Review Procedures

The rule revisions include two administrative procedures for source specific Minor Source permit issuance, a procedure referred to as “Fast Track” which does not require a 30-day comment period and a procedure for those applicants requiring a full 30-day comment period. Once “on-line” applications are available, the “Fast Track” process will be available to applicants applying electronically; however, this system is presently not fully developed. Applicants who apply for a Minor Source permit via “hardcopy” will not be eligible for review under the “Fast Track” procedures. Applicants who are unable to apply electronically or who wish to continue applying using paper “Hardcopy” format may print the appropriate application from [ADEC’s web page](#) or contact the department for the appropriate permit action request.

Applications will be processed under one of the two following procedures:

“Fast Track” Process - The “Fast Track” procedures are designed to reduce the review time and costs for applicants and the department. For “on-line” applicants who qualify for a Minor Permit, “Fast Track” provides the advantage of applicants receiving a permit within 30 days of receipt of a complete application and if a member of the public does not request a comment period within 15-days after acceptance of the complete permit application.

“Permits Requiring a Comment Period” (“Non-Fast Track”) – For all minor permit applications that do not qualify under “Fast Track,” they will be processed using the procedures described in 18 AAC 50.542(d). The department’s goal is to issue permit which require a comment period within 105 days from the receipt of a complete application or permit action request. This time period includes the required 30-day public comment period, but does not include time necessary to hold a public hearing.

NOTE: *Regardless of which permitting process is used, “Fast Track” or “Non-Fast Track,” the key to obtaining a permit in an expeditious manner is to submit an administratively complete application (proper completion of screens and fees) and a technically complete application (i.e., all applicable regulatory requirements fulfilled and all necessary calculations and modeling provided).*

8.2 Determining Which Procedure Applies to Your Request ("On-line" feature unavailable at this time)

The new "Fast Track" procedures of [18 AAC 50.542\(b\)](#) are available to stationary sources classified under [18 AAC 50.502](#), with some exceptions. The "Fast Track" review process is discussed first, then Minor Permits requiring a comment period.

8.2.1 "Fast Track" Process

Once available, the "Fast Track" review process will be for those who opt to use the electronic "on-line" services to submit permit application or permit action requests. Determining whether your application will qualify under the "Fast Track" process requires an initial screening that can be performed by the applicant, but also requires a second level screening performed by the department. The checklist below will assist you in determining if you initially qualify for "Fast Track" permitting.

Completeness Checklist 8-1.

Applicant Screening Checklist (to be completed by the applicant)	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Will your new stationary source or modification emit greater than 100 tons per year of carbon monoxide (CO) within 10 kilometer of a CO nonattainment area ?
<input type="checkbox"/> YES <input type="checkbox"/> NO	Will your new stationary source or modification be located in a sulfur dioxide special protection area ³² ?
<input type="checkbox"/> YES <input type="checkbox"/> NO	Will your new stationary source or modification be located in the Nikiski Industrial Area ³³ ?
<input type="checkbox"/> YES <input type="checkbox"/> NO	Will your new stationary source or modification be located on an offshore platform or other location surrounded by open water?
<input type="checkbox"/> YES <input type="checkbox"/> NO	Is your permit request classified under 18 AAC 50.508 (i.e., Clean Unit, PCP, PAL, Offset Source, ORL, changes to a Title I (NSR) permit)?
<input type="checkbox"/> YES <input type="checkbox"/> NO	Are you applying for a permit via "hardcopy"?

³² 18 AAC 50.990; Also See Appendix – Maps A-1 through A-3

³³ 18 AAC 50.990

**** If you answered NO to all of these questions, you can submit a “Fast Track” application. If you select the “Fast Track” option, the system will not accept an application unless it is administratively complete. Once the complete application is submitted, the department will review your Minor Source submission request and notify you within 20 days if your application qualifies for “Fast Track.”

Completeness Checklist 8-2.

Department Review Checklist To Determine Completeness/Eligibility	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Did the department receive a request for public comment within 15 days of posting the notice of application on the Alaska Online Public Notice System?
<input type="checkbox"/> YES <input type="checkbox"/> NO	Has the applicant submitted an ambient demonstration that conforms to an approved modeling protocol?
<input type="checkbox"/> YES <input type="checkbox"/> NO	Do the modeling results show compliance with criteria in (See 18 AAC 50.540(c)(2))?

8.2.2 “Minor Permits Requiring a Comment Period”

Below are “best estimate” time-lines the departments would like to achieve for permit issuance. If possible, these time-lines may be expedited and vice versa, elongated based on the complexity of the Minor Source application or permit action request.

Day 1-15

Within 15 days after an application is submitted under the “Non-Fast Track” process, the department will conduct both an administrative and technical completeness review.

If the application is not complete, the department will notify the applicant of the deficiencies and allowed to submit the necessary information. If the application is complete the applicant will be notified. Depending on the complexity of the information required, the applicant will be allowed a sufficient amount of time to provide requested information. If the requested information is not provided in the specified amount of time, the department may deny your application.

Day 15-45

Within 30 days of determining the application complete or of receiving additional information that is necessary for issuing the permit, the department will review the application in accordance with the “Approval Criteria” at [18 AAC 50.542\(f\)](#) and make a preliminary decision to approve or deny the application.

Day 45-75

The department will give notice of its preliminary decision using the Alaska “On-line” Public Notice System and other means necessary to inform the public and allow for a 30-day public comment period.

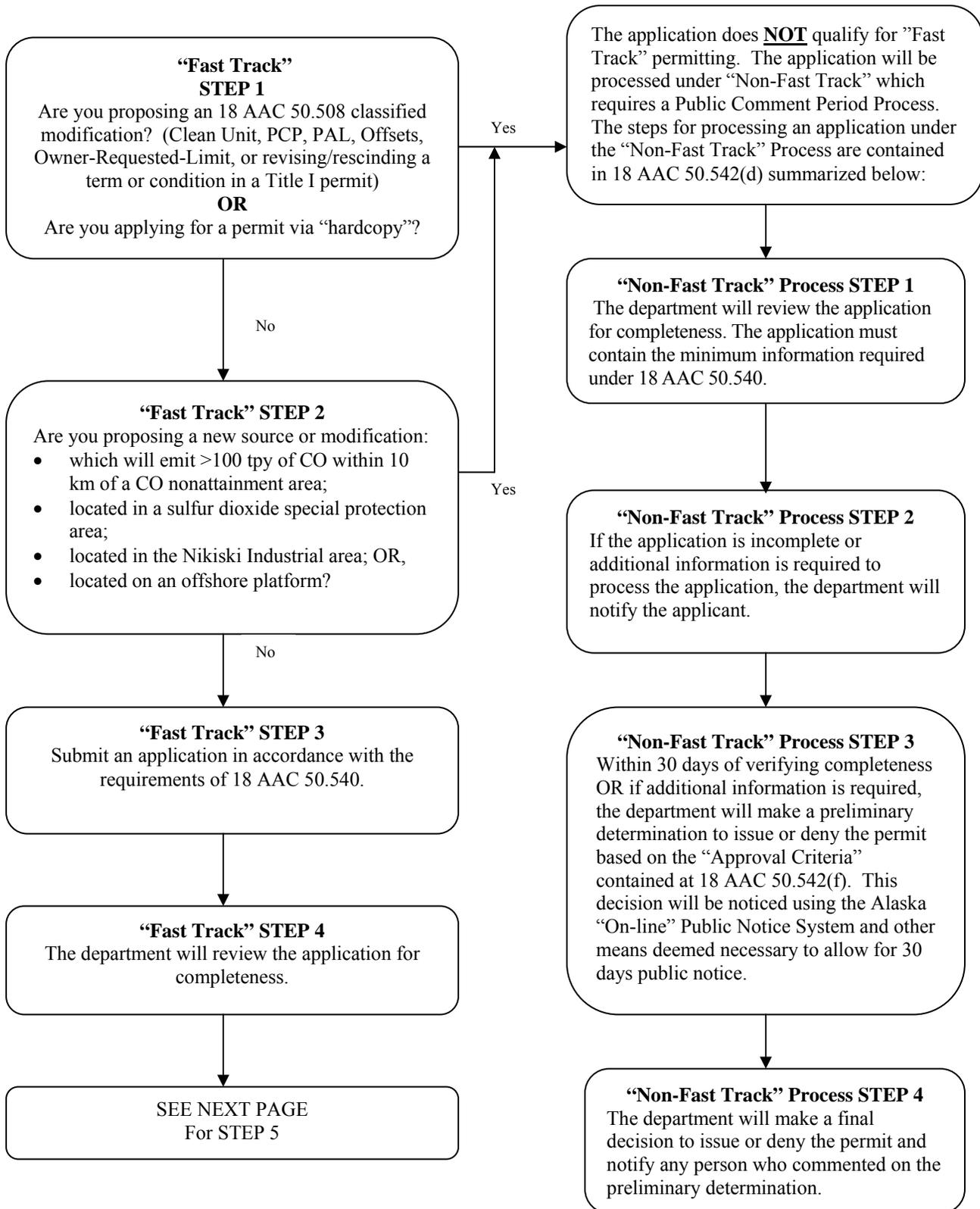
Day 75-105

The department will evaluate all comments received from the public and make a final decision to issue a permit or deny the application.

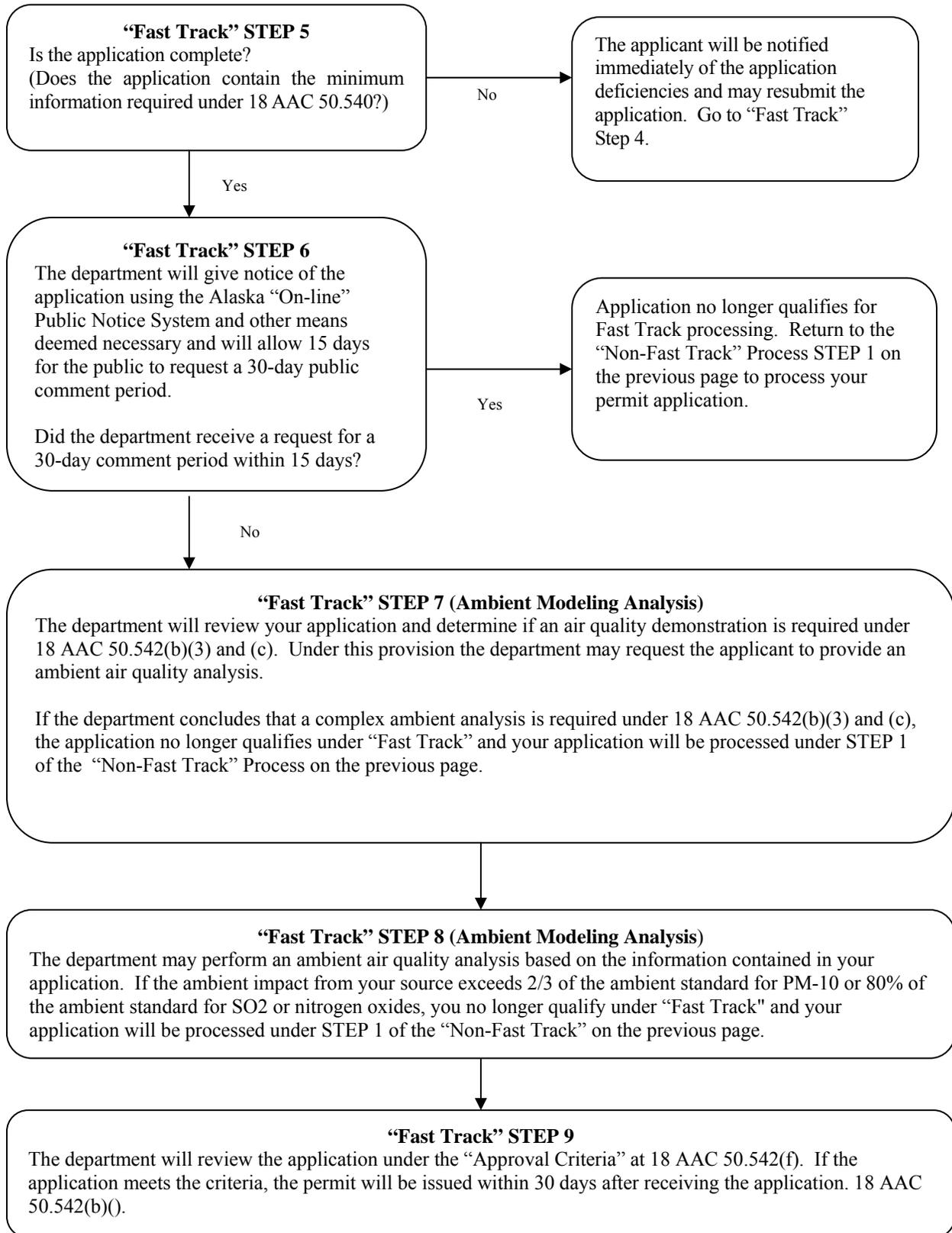
NOTE: At any time during the process if the department determines that additional information is necessary to process the application (e.g., incorrect engineering calculations or regulatory conclusions), the applicant will be notified and allowed a sufficient amount of time to submit the requested information. The time necessary to obtain additional information is not included in the timeline described above.

NOTE: If as a result of public comment the department determines a public hearing is necessary, additional time will be required. The time necessary to hold a public hearing does not include the timeline above.

Flowchart 8-1. Permit Issuance Determination



Flowchart 8-1. Permit Issuance Determination (continued)



APPENDIX

REFERENCE INFORMATION

Glossary of Key Terms

AIR QUALITY STANDARDS - Federal and state government- prescribed levels of a pollutant in the outside air that cannot be exceeded during a specified period of time in a specified geographical area.

ATTAINMENT AREA - A geographic area in which levels of a criteria air pollutant meet the health-based primary standard (national ambient air quality standard, or NAAQS) for the pollutant. An area may have an acceptable level for one criteria air pollutant, but may have unacceptable levels for others. Thus, an area could be both attainment and nonattainment at the same time. Attainment areas are defined using federal pollutant limits set by EPA.

BEGIN ACTUAL CONSTRUCTION – means, in general, start of on-site physical construction of a permanent nature or other activities in preparation for a planned modification to a facility. Examples include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures.

BASELINE ACTUAL EMISSIONS – Baseline Actual Emissions has the meaning given in 40 C.F.R. 52.21(b)(48) 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.”

CLEAN AIR ACT - The original Clean Air Act was passed in 1963, but our national air pollution control program is actually based on the 1970 version of the law. The 1990 Clean Air Act Amendments were the most far-reaching revisions of the 1970 law.

CLEAN UNIT – Clean Unit means any emissions unit that has been issued a major NSR permit that requires compliance with BACT or LAER, is complying with such BACT/LAER requirements, and qualifies as a Clean Unit pursuant to 40 C.F.R. 52.21(x); or any emissions unit that has been designated as a Clean Unit and qualifies as a Clean Unit pursuant to regulations approved into the State Implementation Plan in accordance with 40 C.F.R. 51.165(c) or 40 C.F.R. 51.166(u).

CODE OF FEDERAL REGULATIONS (C.F.R) - regulations published by the Executive departments and agencies of the federal government. The Code of Federal Regulations (CFR) is revised annually as a set of paperback books, and is available in libraries. Title 40 of the CFR contains all federal rules and regulations relating to Protection of the Environment.

CRITERIA POLLUTANTS - six pollutants (ozone, carbon monoxide, total suspended particulates, sulfur dioxide, lead, and nitrogen oxide) determined by the US EPA to be hazardous to human health. The term "criteria pollutants" comes from the requirement that EPA must describe the characteristics and potential health and welfare effects of these pollutants. It is on the basis of these criteria that air quality standards are established.

DISPERSION MODELING - analysis of a facility's air emission data using computer programs to estimate the affects of emissions on the surrounding air.

EMISSION FACTOR - number that describes the relationship between the amount of raw material processed in an emission unit and the amount of pollution produced from the emission unit. For example, an emission factor for a gas-fired boiler would be pounds of NOx produced per million cubic feet of gas burned.

EMISSION LIMIT - restriction on the amount of a particular pollutant that can be released from an emission unit or emission facility over a given period of time. Emission limits are commonly expressed as a concentration (grains per dry standard cubic foot) or rate (pounds per hour).

“FAST TRACK” – one of the options for Minor permit application review under the new Minor Permit Program. The department will issue a Minor Source permit within 30 days of receiving a complete application under the “Fast Track” provisions provided a public comment period is not requested within 15-days after acceptance of permit application. Sources applying via “hard copy” are not eligible for processing their permit request under “Fast Track” provisions.

GREENFIELD STATIONARY SOURCE – means a stationary source that is constructed at an entirely undeveloped site. This term can include new or relocated emission units located at an undeveloped new site.

GENERAL PERMIT – A General Permit allows construction or operation of a stationary source or emission unit that involves the same or similar types of operation, same type of emissions; and is subject to similar air quality control requirements.

HAZARDOUS AIR POLLUTANTS (HAPS) – are chemicals that cause serious health and environmental effects. Health effects include cancer, birth defects, nervous system problems and death due to massive accidental releases such as occurred at the pesticide plant in Bhopal, India. Hazardous air pollutants are released by *sources* such as chemical plants, dry cleaners, printing plants, and motor vehicles (cars, trucks, buses, etc.).

MAJOR NEW SOURCE REVIEW (NSR) - federal program that contains the Nonattainment Area and Prevention of Significant Deterioration programs and that applies to certain facilities with the potential to emit air pollution of 100 or 250 tons per year.

MINOR SOURCE – means a stationary source that is not subject to the Major Source provisions of the New Source Review, Hazardous Air Pollutants, or Title V permit programs. The requirements for Minor Permits are contained in Article 5.

NONATTAINMENT AREA – means a geographic area in which the level of a criteria air pollutant is higher than the level allowed by the federal standards. A single geographic

area may have acceptable levels of one criteria air pollutant but unacceptable levels of one or more other criteria air pollutants; thus, an area can be both attainment and nonattainment at the same time.

PERMIT-BY-RULE - Like GPs, PBRs are issued for the same or very similar types of sources. In a PBR the permit conditions are directly stated in regulation. The department may develop other PBRs when deemed necessary.

POTENTIAL TO EMIT (PTE) – 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 of 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.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) - US EPA program that requires air emission permits to restrict emissions for new or modified sources in places where air quality meets primary and secondary ambient air quality standards. PSD is the part of NSR that applies in attainment areas.

PROJECTED ACTUAL EMISSIONS – 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 t threshold.

STATE IMPLEMENTATION PLAN (SIP) - a detailed description of the programs a state will use to carry out its responsibilities under the Clean Air Act. State implementation plans are collections of the regulations used by a state to reduce air pollution. The Clean Air Act requires that EPA approve each state implementation plan. Members of the public are given opportunities to participate in review and approval of state implementation plans.

LIST OF ACRONYMS

AAAQS	Alaska Ambient Air Quality Standards
AAC	Alaska Administrative Code
ACMP	Alaska Coastal Management Program
ADEC	Alaska Department of Environmental Conservation
AQIA	air quality impact analysis
AS	Alaska Statutes
CAA	Clean Air Act
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
CPA	Current Permit Applicant
CPQ	Coastal Project Questionnaire
CZM	Coastal Zone Management
CU	Clean Unit
CUD	Clean Unit Designation
EPH	Existing Permit Holder
FR	Federal Register
GP	General Permit
HAP	Hazardous Air Pollutant
hr	hour
I.C.	internal combustion
km	kilometer
lb	pound
MACT	Maximum Achievable Control Technology
ug/m ³	microgram per cubic meter
mg/m ³	milligram per cubic meter
MMBtu/hr	million British thermal unit per hour
NESHAP	National Emissions Standard for Hazardous Air Pollutants
NO ₂	nitrogen dioxide

NO _x	nitrogen oxide
NSPS	New Source Performance Standards
NSR	New Source Review
NSS	New Stationary Source
O ₃	ozone
ORL	Owner Requested Limit
PAL	Plantwide Applicability Limits (under federal NSR)
PAEL	Pre-approved emission limit (formerly PAL, pre-approved limits)
Pb	lead
PBR	Permit-by-rule
PCP	Pollution Control Project
PM	particulate matter
PM-10	particulate matter = 10 microns and below
ppm	parts per million
ppmv	parts per million by volume
PSD	Prevention of Significant Deterioration
PTE	Potential to emit
REL	Relocating Stationary Source
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO ₂	sulfur dioxide
SO _x	oxides of sulfur
tpy	tons per year
U.S.C	United States Code
VOC	volatile organic compound

**Alaska Department of Environmental Conservation
Division of Air Quality
Contacts Information**

Juneau Office

ADEC

Air Permits Program

410 Willoughby Ave Ste 303

Juneau, Alaska 99801

(907) 465-5100

Fax: (907) 465-5129

Anchorage Office

ADEC

Attn: Tom Turner

Air Quality Program Development

555 Cordova Street (3rd Floor)

Anchorage, Alaska 99501

(907) 269-7676

Fax: (907) 269-7508

Useful Websites

Alaska References

Alaska Department of Environmental Conservation, Division of Air Quality – The home page for ADEC, Division of Air Quality. Contains quick links to ADEC regulations, EPA rules, and air permitting information.

http://www.state.ak.us/dec/divs_contacts/index.htm#air -

ADEC Air Permits Home Page – The home page for the permitting section within ADEC. This page provides quick links to Electronic Permitting and the Instruction Manual, Minor Source FAQs, permit application guidance documents, draft and final permits, and air dispersion modeling information.

<http://www.state.ak.us/dec/air/ap/mainair.htm>

ADEC Permitting Page – This is the link to the permitting section including contacts and phone numbers, description and links to types of air permits available, and links to forms including excess emissions forms and open burning information.

<http://www.state.ak.us/dec/air/ap/permit.htm>

Air Permit Application Page – This is the direct link air quality permit application forms. <http://www.state.ak.us/dec/air/ap/applic.htm>

Alaska Coastal Management Program – This link assists Minor General Permit -1 applicants determine if they are proposing to operate within the ACMP boundaries and provides access to the Coastal Zone Questionnaire that must be completed for this type of minor permit application.

<http://www.alaskacoast.state.ak.us/Projects/pcpq3.html>

Coastal Project Questionnaire – This is a direct link to the Coastal Project Questionnaire.

<http://www.alaskacoast.state.ak.us/Projects/CPQ.dot>

Air Permits Section Staff – This is a direct link to air permits section staff members.

<http://www.state.ak.us/dec/air/ap/aqmstaff.htm>

Federal EPA References

EPA's Technology Transfer Network (TTN) – This is the link to the EPA TTN bulletin board. This site contains links to all EPA documents related to air quality including links to regulations, policy documents, and emission factors. <http://www.epa.gov/ttn/>

AP-42 – This links directly to EPA’s AP-42 emission factor guidance document. This website is useful in helping to estimate emissions from stationary sources.

<http://www.epa.gov/ttn/chief/ap42/>

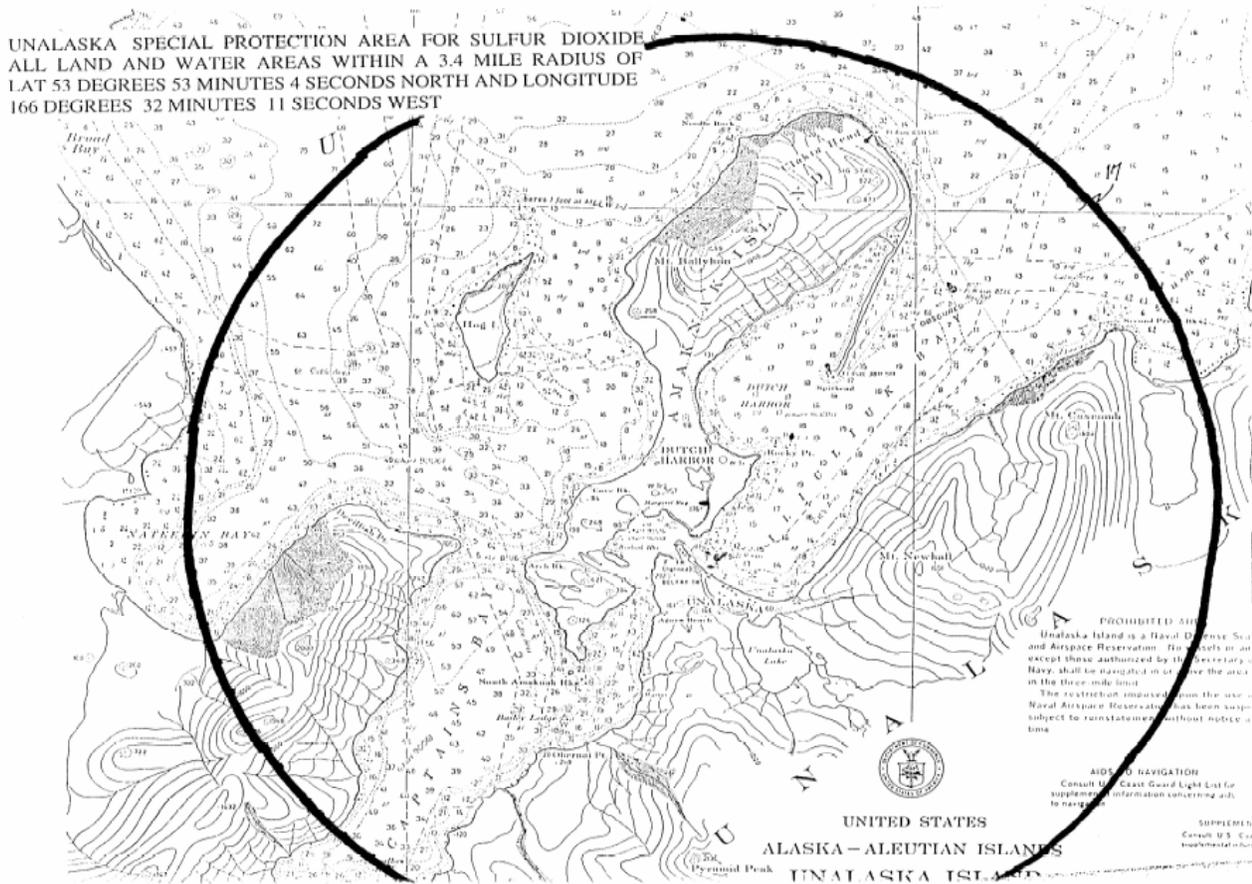
Code of Federal Regulations (CFR) – This links directly to the CFR main page. The CFR is the codification of the general and permanent rules published in the Federal Register. This page allows you to search or browse the most current version, as well as past versions of the CFR. Protection of the Environment is Title 40.

<http://www.gpoaccess.gov/cfr/index.html>

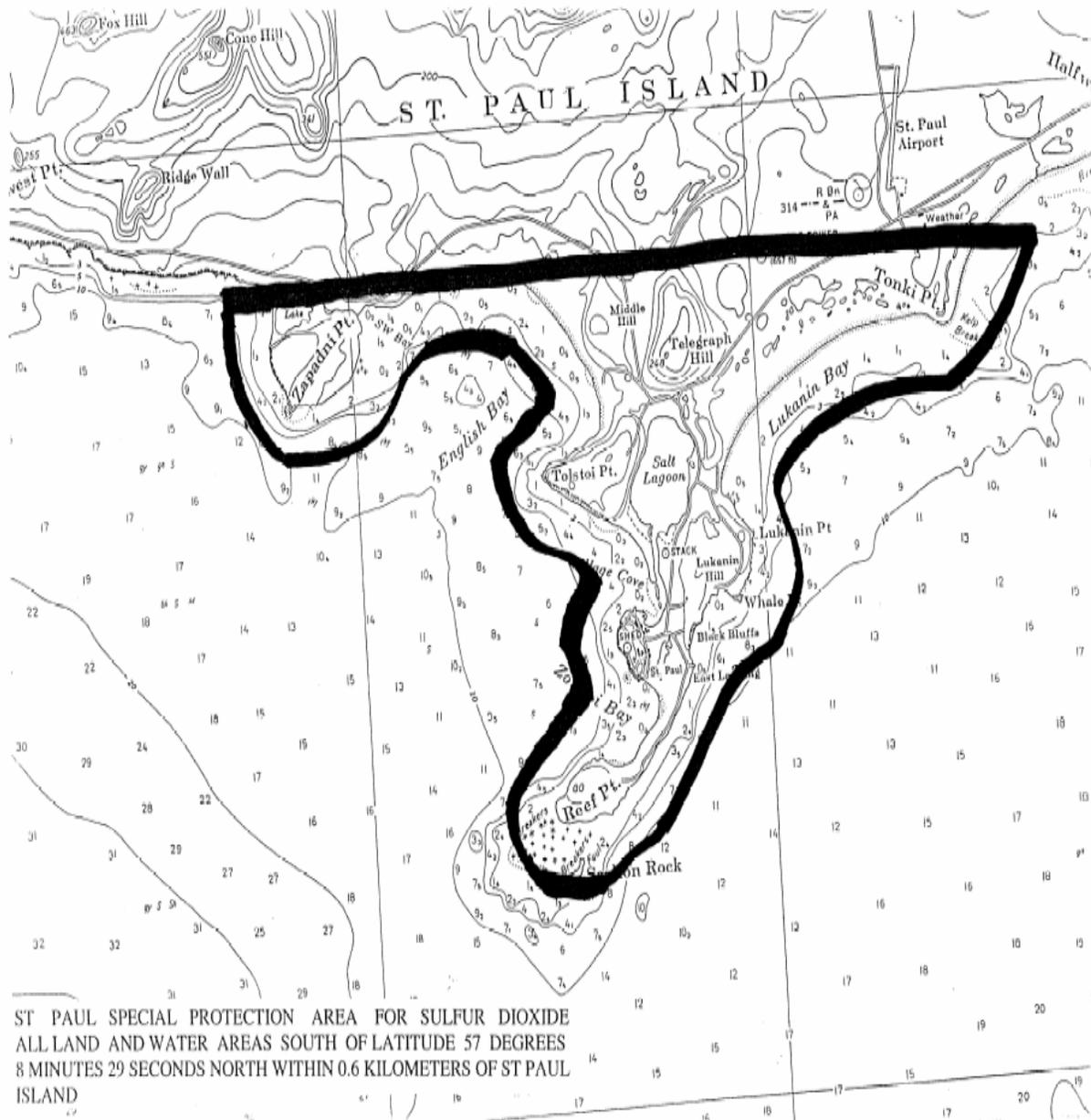
EPA Region 10 – This link is to EPA Region 10 Air Quality website. EPA Region 10 is the region with works with ADEC to implement the Clean Air Act Requirements.

<http://yosemite.epa.gov/R10/AIRPAGE.NSF/webpage/Air+Quality>

Map A-1. Map of Unalaska SO₂ Special Protection Area



Map A-2. Map of St. Paul Island SO₂ Special Protection Area



Map A-3. Port of Anchorage



“Port of Anchorage” is defined as the area bordered on the west by Knik Arm; on the north by the latitude of the northern terminus of Tidewater Road as of January 1, 1992; on the east by the longitude of the northwest corner of the Government Hill Elementary School building; and on the south by Ship Creek.