

Response to Public Comments
Regulation Changes to Title 18, Chapter 50 of the Alaska Administrative Code
Adoption by Reference Updates and Standard Conditions Rulemaking
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The department proposed regulation hygiene to the Air Quality Control regulations in 18 AAC 50 to address the following goals:

- update the dates of federal rules adopted by reference in 18 AAC 50.035, 18 AAC 50.040, and 18 AAC 50.990.
- update the adoption by reference of revised Standard Conditions for air permits in 18 AAC 50.346.
- add a new Standard Condition for air permits and associated form in 18 AAC 50.346.
- update the air quality nonattainment designations in 18 AAC 50.015.
- adopt clarifications to existing regulations to fix typos, to correct cross-references, and resolve internal regulation conflicts in 18 AAC 50.302, 18 AAC 50.311, 18 AAC 50.400, 18 AAC 50.403, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, 18 AAC 50.544, 18 AAC 50.508, and 18 AAC 50.990.
- make additional changes necessary to clarify the regulations in 18 AAC 50.055, 18 AAC 50.215, 18 AAC 50.306, 18 AAC 50.502, 18 AAC 50.540, 18 AAC 50.542, and 18 AAC 50.544.

Public Comment Process:

The department issued public notice of the proposed regulations on June 28, 2010, and accepted public comments from June 28, 2010, through August 3, 2010. The Department held a public hearing on July 29, 2010. One commentator attended the public hearing, primarily to ask for clarification on the proposed rules so he could prepare comments. He submitted one official comment as part of the public hearing. The public hearing was transcribed.

This document responds to comments received during the comment period.

The Department received written comments from the following:

- A) Alan Schuler, State of Alaska Department of Environmental Conservation (ADEC); July 13, 2010; e-mail with suggested language document attached. (Comments labeled Alan Schuler)
- B) Donna Celia, HMM Consulting LLC (HMM); July 30, 2010; e-mail with comment letter attached, signed by S. Phillip Austin, Timothy Burke, and Donna M. Celia. (Comments labeled HMM)
- C) Shannon Donnelly, ConocoPhillips Alaska Inc. (CPAI); August 3, 2010; e-mail with comment letter attached, signed by Brad Thomas. (Comments labeled CPAI)

- D) Alan Schuler, ADEC; August 3, 2010; e-mail with suggested language revisions. (Comments labeled Alan Schuler)
- E) Don Mark Anthony, Alyeska Pipeline Service Company (APSC); August 3, 2010; e-mail with comment letter attached, signed by Don Mark Anthony. (Comments labeled APSC)
- F) Karla Kolash, North Slope Borough (NSB); August 3, 2010; e-mail with comment letter attached, signed by Edward S. Itta, Mayor. (Comments labeled NSB)
- G) Marilyn Crockett, Alaska Oil and Gas Association (AOGA); August 3, 2010; e-mail with comment letter attached, signed by Marilyn Crockett. (Comments labeled AOGA)

The Department received oral comments during the public hearing from the following:
Sims Duggins, AE Com Consulting.

Alan Schuler Comments:

E-mail that accompanied Comments Alan Schuler-1 and Alan Schuler-2:

To Whom It May Concern,

The proposed changes to the owner requested limit (ORL) provisions in 18 AAC 50.508 is helpful, but it's still difficult to determine when applicants should submit an ORL under 18 AAC 50.508 and when they should submit an ORL under 18 AAC 50.225. Additional revisions to both citations are needed in order to clarify when a given provision should be used. I recommend the attached language.

Thank you for considering this request.

Comment Alan Schuler-1:

18 AAC 50.225 is amended to read:

18 AAC 50.225. Owner-requested limits. (a) The owner or operator of an existing or proposed stationary source may request an enforceable limit on the ability to emit air pollutants **in order to avoid all permitting obligations under AS 46.14.130**. A limitation approved under this section is an enforceable limitation for the purpose of determining

Response Alan Schuler-1:

The department agrees to address this comment as a clarifying revision in response to the proposed change in 18 AAC 50.508(3) found in Comment Alan Schuler-2.

Response Alan Schuler-1: Revised Regulations—

The regulations have been revised to reflect this change, with the deletion of the words “in order”.

Comment Alan Schuler-2:

18 AAC 50.508(3) – as numbered and worded in the June 25, 2010 proposal – should read:

(3) establishing an owner requested limit (ORL) at a stationary source **that requires a permit under AS 46.14.130** to avoid **an additional** permit classification under AS 46.14.130; if the department approves an owner requested limit on the source's ability to emit air pollutants, a limitation approved under an ORL is an enforceable limitation for purposes of determining

Response Alan Schuler-2:

The department agrees that the intent of an owner requested limit under this section is to avoid a classification at a source which will continue to require a permit under other classifications in spite of the owner requested limit. The language proposed by the commentator is somewhat awkward, and the department has revised the proposed regulations to meet the intent of the comment more clearly. Because the department has decided not to renumber section 18 AAC 50.508 as originally proposed (see Response Alan Schuler-3) this paragraph will remain 18 AAC 50.508(5).

Response Alan Schuler-2: Revised Regulations—

18 AAC 50.508(5) now reads:

(5) establishing an owner requested limit (ORL) to avoid one or more permit classifications under AS 46.14.130 at a stationary source that will remain subject to at least one permit classification; a limitation approved under an ORL is an enforceable limitation for purposes of determining...

Comment Alan Schuler-3:

To Whom It May Concern,

The Air Permits Program Title I group fears that the proposed renumbering of 18 AAC 50.508 will create confusion for both industry and staff. We have numerous permit decisions that reference the existing sub-sections. These references will become erroneous if the proposed changes become effective, which will create confusion and potential misunderstandings as to the basis of our past permit decisions.

The Title I group understands that the renumbering was partly developed to accommodate the Title I – Title V permit interface proposed as 18 AAC 50.508(b). The permit interface is needed. However, is there a way to adopt this interface without renumbering the 18 AAC 50.508 sub-sections? Could the permit interface be established under a new section, for example 18 AAC 50.510?

Response Alan Schuler-3:

The department agrees with this comment and recognizes that the proposed renumbering of 18 AAC 50.508 would result in confusion for currently permitted sources. Therefore the addition of 18 AAC 50.508(b) will be moved to a new section of the regulations and the numbering of the remaining subsections of 18 AAC 50.508 will revert to the current format.

Response Alan Schuler-3: Revised Regulations—

The proposed change to 18 AAC 50.508 has been moved to a new section, 18 AAC 50.510, and the rest of 18 AAC 50.508 has been renumbered. Additionally, references that were changed as a result of the proposed change have been corrected back to the current correct reference and as a result will not appear in the final regulations revisions package. See also Response AOGA-8 for 18 AAC 50.510 rewording.

HMH Consultants Comments:

Comment HMH-1: Spelling correction.
SC IX, Page 5, Condition 3.1(d)(i)

“Within twelve months after the preceding ~~observations~~ observation;

Response HMH-1:

This comment was addressed as part of Response AOGA-33.

Response HMH-1: Revised Regulations—

The change has been made to the SC as part of Response AOGA-33.

Comment HMH-2: Unclear sentence; consider revising.
SC IX, Page 5, Condition 3.1(d)(ii)

As written, this sentence is very confusing. We suggest changing the language to read, “For an emission unit with intermittent operations, during the next scheduled operation or once every twelve months, whichever is greater.” We believe that this modification conveys the same meaning more clearly than the language in the draft regulation.

Response HMH-2:

This comment was addressed as part of Response AOGA-33.

Comment HMH-3: Contest to renumbering of subparts to 18AAC50.508.
Air Quality Control Regulations, Page 13, 50.508

The Department has proposed removing 508.1 and 508.2, both of which were repealed in 2008. This causes the remaining subparts to be re-numbered in consecutive order from 1 to 4. There are many facilities that currently hold ORLs that were issued under 508.5. These documents do not expire. When the regulations are modified in such a way that it causes the subparts to be renumbered, it will mean that regulatory citations within the ORL documents already issued will be incorrect. As time goes on, fewer and fewer people presently engaged in the decision to modify the regulations will be present at the Department to explain the inconsistency.

Federal regulations regularly change. Subparts and portions of rules get permanently removed; however, the numbered section remains within the document, often signified with the word *[Reserved.]*. This prevents inconsistency between regulatory citations in various documents produced over time by the EPA. Furthermore, in the event that regulatory additions are made, place holders offer space for insertion of additional rules and language—without causing renumbering throughout the whole document. The DEC should reconsider removing 508.1 and 508.2.

Response HMH-3:

Please see Response Alan Schuler-3.

Response HMM-3: Revised Regulations—

Please see Response Alan Schuler-3: Revised Regulations.

Comment HMM-4: Re-iteration of Emission Standards
Standard Operating Permit Condition V, Page 4

The Department has added Conditions 1.1 through 1.3 in order to incorporate the enforcement of the emission standards for insignificant units into the body of the permit. It does, however, re-iterate language *verbatim* that will have already been used in the state requirements section of the permit—a redundancy that can be avoided without losing the enforceability or the meaning. We suggest removing sub-conditions 1.1 through 1.3, and modifying Condition 1 to read:

“...and for emission units at the stationary source that are insignificant as defined in 18 AAC 50.326(d)-(i) that are not listed in this permit, the Emission Standards provided in Conditions <reference State Requirement conditions for visible emissions, particulate matter, and sulfur>.”

Response HMM-4:

The changes proposed to Standard Permit Condition V combine all of the applicable State requirements for fuel burning equipment and industrial process insignificant emission units (IEUs) into a single condition for ease of understanding, compactness, and logical order. Previously each State requirement applicable to IEUs was spelled out in a separate permit condition with an associated condition for monitoring, record keeping and reporting (MR&R). The commenter makes the suggestion that the State standards in sub-conditions 1.1 through 1.3 be removed as they are redundant with State requirements typically spelled out elsewhere in the State emission standard section of an operating permit.

Not all operating permits include these referenced redundant state emission standards. For example, the Tesoro Nikiski Terminal does not contain significant emission units that are also fuel burning equipment or industrial processes. For ease of application, the department decided to include both emission standards and obligations for certification in lieu of specific monitoring, recordkeeping and reporting in this standard condition.

For the reasons stated, the department does not adopt this suggested modification.

Response HMM-4: Revised Regulations—

The regulations will not be revised.

Comment HMM-5: Minor correction
Standard Condition, Condition IX, Page 15

The last sentence of the second paragraph should read: “If a client conducts an emission unit surveillance at any time, that surveillance can re-set the date for which the next periodic surveillance is due.”

Response HMM-5:

This comment mirrors Comment AOGA-54. The department agrees to use the corrected text as proposed.

Response HMM-5: Revised Regulations—

The language in SC IX has been revised.

Comment HMM-6: Availability of complete Standard Conditions to the public
General Comment

The department reinforces its ability to use conditions other than the Standard Conditions at by inserting the following phrase into each Standard Condition:

“The department will use standard permit condition III in each construction or operating permit unless the department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.”

This policy is clarified in the introduction to several of the Standard Conditions with a description of circumstances where emission unit or stationary source specific conditions more adequately meet 18 AAC 50. In the past, minor modifications, as well as major ones, have been made to the Standard Conditions. The facility operator should be able to identify the ways in which the conditions of the permit differ from the Standard, and he should be able to understand and concur with the determination that his facility requires such a condition. For this reason, HMM Consulting suggests making a complete copy of the Standard Conditions available on the Department website.

Response HMM-6:

The Standard Conditions are all available on the Division’s website at <http://dec.alaska.gov/air/ap/stdreg.htm>. The department updates the page when new standard conditions are adopted.

Response HMM-6: Revised Regulations—

No changes required.

North Slope Borough Comments:

Comment NSB-1:

Adoption by Reference Update - Sections 18 AAC 50.035(b) and 18 AAC 50.040

The North Slope Borough (NSB) supports the adoption by reference of updated Prevention of Significant Deterioration, New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) requirements, including the Greenhouse House Gas (GHG) Tailoring Rule.

Response NSB-1:

The department acknowledges the comments from the NSB.

Response NSB-1: Revised Regulations—

No change required.

Comment NSB-2:

Addition of Section 18 AAC 50.215(f) and Revision of Section 50.540(c)(2)(B)

The addition of section 18 AAC 215(f) to "clarify modeling requirements" allows DEC to grant approval to applicants to use alternative modeling procedures and demonstration thresholds "at [the DEC's] discretion". The NSB does not support the use of discretionary provisions in the regulations that allow DEC unlimited authority to approve alternative modeling practices. DEC must clearly specify under what exact circumstances DEC will grant approval for the use of alternative modeling practices. Without more specific criteria it is impossible to assure consistency and ensure all applicable modeling requirements are met. The provision, as proposed, allows for unconstrained discretion on the part of DEC and must be more clearly defined in the codified rules.

Similarly, the proposed revision to Section 18 AAC 50.540(c)(2)(B) allows for the exclusion of an ambient analysis of sulfur dioxide from portable oil and gas operations if DEC grants such an exclusion, in writing. The NSB does not support this discretionary provision allowing sources to avoid demonstrating attainment of the air quality standards for SO₂ without further details specifying how DEC will evaluate which sources are exempt from such a requirement. Without this information, NSB cannot be assured that DEC will be ensuring adequate protection of the air quality standards.

In general, the NSB does not support the use of discretionary measures in the state rules that allow DEC sole discretion to grant a variance from certain requirements. DEC must clearly specify the criteria that will be used to determine which sources will be allowed under alternative provisions. Only with this level of specificity can the NSB properly evaluate the allowances that are proposed with these two regulatory changes.

Response NSB-2:

The department disagrees that the proposed regulatory provisions grant the department "unlimited authority" in regards to modeling practices. While the provisions grant the department discretion, that discretion is bounded by 18 AAC 50.215(b), (c), and (e). The department nevertheless agrees that revisions are warranted. The department will specifically address each citation separately.

18 AAC 50.215(f)

In addition to the general modeling constraints listed in 18 AAC 50.215(b), (c), and (e), the proposed language in 18 AAC 50.215(f) is further limited to:

- 1) An ambient demonstration conducted in support of a *minor permit* application under 18 AAC 50.540(c)(2);
- 2) A screening-level analysis, per 18 AAC 50.542(c); and
- 3) The geographic areas not precluded under 18 AAC 50.542(a)(1).

“Screening” techniques are discussed in Section 2.2 and 4.2.1 of the *Guideline on Air Quality Models* (Guideline), which the department has adopted by reference in 18 AAC 50.040(f). Screening-level assessments regard “relatively simple estimation techniques that generally use preset, worst-case meteorological conditions to provide conservative estimates of the air quality impact of a specific source, or source category.” The very nature of a screening assessment generally precludes their use in a complex (e.g., multi- emission unit) analysis. Applying these techniques in a multi-unit analysis can be difficult, and the compounding effects of summing multiple conservative results typically leads to gross overestimates of the ambient impact – which typically do not demonstrate compliance with the given standard. The technique in 18 AAC 50.542(c)(2) is, therefore, essentially limited to fairly simple assessments.

While 18 AAC 50.542(c) is limited to screening-level assessments, this limitation could be high-lighted in 18 AAC 50.215(f). 18 AAC 50.542(c) includes language in sub-paragraph (1)(B) that further clarifies the screening-level nature of these assessments. The sub-paragraph states a screening ambient air quality analysis must “use a model and *screening meteorological data* approved by the department...” (emphasis added). The proposed version of 18 AAC 50.215(f) did not include this citation or clarification. The department has therefore included similar language in the adopted version of 18 AAC 50.215(f).

An analysis conducted under 18 AAC 50.215(f) must also demonstrate compliance with either the thresholds established in 18 AAC 50.542(c)(2)(A) or the significant impact levels established in Table 5 of 18 AAC 50.215(d). The department does *not* have discretionary authority to revise these thresholds or to establish alternative significant impact levels.

The department included the phrase, “at [the department’s] discretion” to clarify that the department has the final say in determining whether this screening-level approach may be used, not the applicant. The use of professional judgment by the reviewing authority is consistent with the Guideline (e.g., see Section 1.0c, 8.2.3b, and 8.2.3d). Under no circumstance though, would the use of department discretion trump the public’s ability to comment on a preliminary decision issued under 18 AAC 50.542(d).

18 AAC 50.540(c)(2)(B)

In reviewing the NSB’s comments, the department realized that the proposed revision to sub-paragraph 18 AAC 50.540(c)(2)(B) is redundant with the language in 18 AAC 50.540(c)(2). 18 AAC 50.540(c)(2) already grants the department authority to make a finding in writing that the stationary source or modification does not need an ambient analysis. Therefore, there is no need to repeat this provision for a given pollutant in a sub-paragraph.

Response NSB-2: Revised Regulations—

18 AAC 50.215(f) now reads: A person conducting a **screening-level** modeling analysis under 18 AAC 50.540(c)(2) for a non fast-track minor permit application may seek department approval to use the procedures and demonstration thresholds described in 18 AAC 50.542(c)(2), except when modeling a stationary source subject to 18 AAC 50.542(a)(1). **The analysis would need to use a model and screening meteorological data approved by the department.** The department may grant approval to use such procedures and demonstration thresholds at its discretion.

The department has removed the proposed changes to 18 AAC 50.540(c)(2)(B) from the revision package.

Comment NSB-3

Proposed Revisions to Standard Condition IX - Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Sources

DEC is proposing changes to Standard Condition IX to "clarify requirements" for Method 9 observations for sources. These changes will *reduce* periodic monitoring requirements. The NSB does not support the relaxation of these periodic monitoring requirements without assurance that the proposed revisions will not adversely affect the ability to demonstrate compliance for these sources. These provisions are meant to provide for increased flexibility for permit holders but DEC must provide an analysis of how these changes will impact its ability to monitor compliance for these sources. As proposed, these changes allow for less frequent monitoring and longer timeframes for completing monitoring. DEC must determine whether a decrease in compliance assurance may result from the proposed increase in flexibility for sources.

Response NSB-3:

The department proposes to clarify terms and language used in SPC IX only to the extent that the original terms were unclear, required typographical correction, or where monitoring, record-keeping or reporting terms appeared to contradict department rules, regulations or policy guidance. The department makes every effort to provide SPC's that are clear, concise, and fulfill the requirement of regulation. The department does acknowledge that it reduces periodic monitoring in the event a dual fuel unit burns liquid fuel and for intermittently operated emission units. The "one-size fits all" approach in IX for periodic monitoring in the prior version of SPC IX required substantially more monitoring per hour of operation of an intermittent unit infrequently operated and for a dual fuel unit that infrequently uses liquid fuels. Although the NSB's assertions are laudable, the department accepts that a decrease in compliance assurance activities is warranted based on the limited use designation of the unit.

To avoid ambiguity regarding what constitutes and intermittently used unit, the department has added a definition to distinguish that universe of fuel burning equipment.

Response NSB-3: Revised Regulations—

The language in SC IX has been revised to include a definition to distinguish that universe of fuel burning equipment.

CPAI and APSC Comments:

CPAI and APSC submitted comments that were substantively the same; only the lead-in letter language differed. Therefore they were responded to together.

CPAI Letter:

CPAI has reviewed the comments being submitted by AOGA and we fully support and endorse the AOGA comments on needed changes to the proposed regulations.

CPAI also respectfully submits the following comments that apply to the regulations and Standard Permit Conditions. Some of our comments are not necessarily directly associated with the June 25, 2010 proposed revisions. However, we have carefully reviewed 18 MC 50 in its entirety and we wish to take this opportunity to comment on additional revisions to 18 MC 50 that we consider to be important. Of note, we have included comments regarding Standard Permit Conditions XI and XIV, which the Department has not proposed to be updated.

APSC Letter:

Please consider the following comments regarding the June 25, 2010 proposed changes to 18 AAC 50 Alaska Air Quality Control Regulations and updates to the Standard Permit Conditions under 18 AAC 50. These comments mirror the comments provided by ConocoPhillips Alaska, Inc. (CPAI). As noted by CPAI, some of the comments address several sections of 18 AAC 50 including standard permit conditions which are not being proposed for revision at this time. However, due their significance, Alyeska concurs with the importance of supporting the comments for consideration by the Department in this rulemaking. If the Department is limited by their ability to incorporate the changes at this time, Alyeska requests a subsequent rulemaking that addresses the revision requests.

In addition to these comments, Alyeska fully supports the comments submitted by the Alaska Oil and Gas Association (AOGA) as they apply to the proposed regulations and standard permit conditions.

Comment CPAI-1/APSC-1:

Delete (repeal) 18 MC 50.015(b)(2)(A).

Basis: The Mendenhall Valley area of Juneau is no longer designated by the federal administrator as "nonattainment" for PM-10. See 75 FR 41379 - 41381, dated July 16, 2010.

Comment Duggins-1:

From transcript, page 5: "...So at this—in this form, I do have one comment. I guess that I would make, and then some questions. The comment that I have would be related to section 18 AAC 50.015(b). And this is not a proposed change to the rules. But I note that under (b)(2), it states that PM10 Mendenhall Valley in Juneau is a nonattainment area. But very recently, in fact since—probably before—since after these rules were issued for public comment, the EPA has determined that the Mena Hall Valley of Juneau is no longer a nonattainment for PM10. So the question that I have is, is it appropriate to comment to remove that now because it is a little bit

outside of the scope I guess, of the proposed changes? If so then I guess I am making the comment now. There was a Federal Register published on July 16, 2010, that changed the designation of Mendenhall Valley for nonattainment to attainment....”

Response CPAI-1/APSC-1/Duggins-1:

The department does not agree with the proposed repeal. Although the Mendenhall Valley has monitored attainment for the PM₁₀ standard, it has not yet been reclassified from non-attainment to a maintenance area by EPA. Therefore it is premature to repeal the designation at this time. When EPA has reviewed, reclassified, and published notice of the change of designation, the department will revise 18 AAC 50.015(b)(2)(A) accordingly.

Response CPAI-1/APSC-1/Duggins-1: Revised Regulations—

The regulations will not be revised.

Comment CPAI-2/APSC-2:

The Department included in the proposed June 25, 2010 revisions to the rules corrections to some typographical errors found in the regulations. The following are additional corrections to typographical errors in 18 MC 50 that we have identified -

- a) **18 AAC 50.035(c)(2)** - "ASTM D 1266-98, Standard Test Method for Sulfur in Petroleum Products (Lamp Method)"
- b) **18 AAC 50.220(c)(3)** - "standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific ~~source~~ emission unit type, corrected to standard conditions"
- c) **18 AAC 50.326(i)** - "Applications - insignificant emission units: administratively insignificant ~~sources~~ emission units...."
- d) **18 AAC 50.345(m)** - "before conducting any source tests, the permittee shall submit a plan to the department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance and must specify how the ~~source~~ emission unit will operate during the test and how the permittee will document that operation...."
- e) **18 AAC 50.502(b)** - "If a stationary source or modification ~~may require~~ requires permits under more than one section in this chapter, the owner or operator may file a single permit application..."
- f) **18 AAC 50.502(e)** - "For the purposes of (c)(3)(B) of this section... "
- g) **18 AAC 50.502(h)(3)(A)** - " ... net emissions increase within the meaning of 40 C.F.R. 52.21 (b)(3), (23), and (40), or to a major stationary source;... "

Basis: In addition to the typographical errors, the term "source" should be changed to "emission unit" where appropriate based on the rule changes that occurred on 10/1/04.

Response CPAI-2/APSC-2:

The suggested corrections in Comments CPAI-2 a) – e) and g)/APSC-2 a) – e) and g) address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package. Additionally, the typos in comments 2 a) and 2 g) are not found in the official version of the regulations found at

[http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=\[group+title18chap50!3A\]/doc/{t72382}/hits_only](http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[group+title18chap50!3A]/doc/{t72382}/hits_only) which is the official version of the regulations. Therefore it is unnecessary for them to be corrected.

The department agrees that Comment CPAI-2 f)/APSC-2 f) is a typo that can be corrected to clarify the regulations.

Response CPAI-2/APSC-2: Revised Regulations—

The typo in Comment CPAI-2 f)/APSC-2 f) has been corrected in the regulations. No other changes will be made to the regulations as a result of these comments.

Comment CPAI-3/APSC-3:

PM-10 standard in 18 AAC 50.010(1)(A) - we note that the PM2.5 standards added to the Alaska Air Quality Regulations under 18 AAC 50.010(1)(8) on April 1 include a reference to 40 CFR 50, Appendix N, "Interpretation of the National Ambient Air Quality Standards for PM2.5". We suggest that the Department do the same for the PM-10 standard to aid in interpretation of how to determine if the "expected number of days in a calendar year with a 24-hour average concentration above 150 micrograms per cubic meter is less than or equal to one day" by citing 40 CFR 50, Appendix K, "Interpretation of the National Ambient Air Quality Standards for Particulate Matter", adopted by reference in 18 AAC 50.035(b). Compare, for example, the language of the PM-10 24-hr standard in 40 CFR 50.6 to the standard as stated in 18 AAC 50.010(1)(A). We base this comment on the assumption that the State's intention is to establish the PM-10 24-hr standard to be equivalent to the National Ambient Air Quality Standard for PM-10 in 40 CFR 50.6.

Basis: This change should make it less likely that a reader who is unfamiliar with the rules would not understand that additional information regarding compliance with the standard is found in an appendix of 40 CFR 50 that otherwise is not readily obvious should be reviewed. For example, Appendix K of 40 CFR 50 includes a provision that states that the PM-10 24-hr standard of 150 micrograms per cubic meter is not to be exceeded more than once per year on average over 3 years. See also footnote 5 to the table found at <http://www.epa.gov/air/criteria.html#5>.

Response CPAI-3/APSC-3:

The suggested correction in Comment CPAI-3/APSC-3 addresses topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-3/APSC-3: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-4/APSC-4:

The regulations typically include documentation of a subsection that has been repealed. See, for example, 18 AAC 50.322. However, such is not the case for 18 AAC 50.325, which was repealed in 2004, but there is no record of the change in the regulations. We believe that the following text should be inserted into the regulations at 18 AAC 50.325 –

"18 AAC 50.325. Operating Permits: Classifications. Repealed.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; repealed 10/1/2004, Register 171)"

Basis: We gathered the citation information for this comment from 18 AAC 50, dated 5/3/2002 and note that 50.325 was repealed with the regulations published 10/1/2004.

Response CPAI-4/APSC-4:

The suggested correction in Comment CPAI-4/APSC-4 addresses a topic that was not proposed in the regulation package under consideration. Additionally, the omission noted in this comment is not found in the official version of the regulations found at [http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=\[group+title18chap50!3A\]/doc/{t72382}/hits_only?](http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[group+title18chap50!3A]/doc/{t72382}/hits_only?) which is the official version of the regulations. Therefore it is unnecessary for it to be corrected.

Response CPAI-4/APSC-4: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-5/APSC-5:

18 AAC 50.326(g) and 50.326(h) - The first two sentences under 18 AAC 50.326(h) state the following - "This subsection lists emission units or activities that may be insignificant *on the basis of size or production rate*. Insignificant emission units and activities listed in this subsection that are subject to a standard under 18 AAC 50.050 - 18 MC 50.090 must be listed on the permit application." (emphasis added) Note the following –

- **18 AAC 50.326(h)** addresses insignificant emission units (IEUs) classified on a case-by-case basis, not on the basis of size or production rate.
- **18 AAC 50.326(g)** addresses IEUs on the basis of *size or production rate*.
- The emission unit types listed in 18 AAC 50.326(h) for consideration as insignificant on a case-by-case basis (i.e., certain ponds and lagoons, and coffee roasters) would never be subject to a standard under 18 AAC 50.050 - 50.090, but emission unit types under 18 AAC 50.326(g) are potentially subject to these standards.

Based on these facts, it is clear that the two sentences at the beginning of 18 AAC 50.326(h) should be deleted and moved to the beginning of 18 AAC 50.326(g).

Response CPAI-5/APSC-5:

The suggested correction in Comment CPAI-5/APSC-5 addresses topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-5/APSC-5: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-6/APSC-6:

18 AAC 50.346(a) & (b) -In considering the a) and b), below, recall that types of construction permits are listed under 18 AAC 50.302. Construction permits under 18 AAC 50.302 and minor permits under 18 AAC 50.502 and 50.508 are considered Title I permits as defined in 18 AAC 50.990, but 18 AAC 50.345 and 50.346 do not use the term "Title I".

- a) The language of this subsection (18 AAC 50.346) states that the permit conditions presented in the subsection apply to "a construction permit or Title V permit". By contrast, the language in 18 AAC 50.345 states that the permit conditions presented in that subsection apply to "construction, *minor* and operating permits" (emphasis added). This implies that the "other permit conditions" found in 18 AAC 50.346 are not intended for use in minor permits; however, the Department also uses the conditions in 18 AAC 50.346 in minor permits. Was there an original intent to not include the conditions of 18 AAC 50.346 in minor permits? If so, then the language in 18 AAC 50.346 should be clarified to state that the conditions in 18 AAC 50.346 will not be used by the Department in minor permits. Compare the presentation of 18 AAC 50.345(a) to that of 18 AAC 50.346(a). Also, note that 18 AAC 50.544(a)(5) (Minor Permits: content) states that the Department will include in each minor permit issued under 18 AAC 50.542, "the standard permit conditions in 18 AAC 50.345, as applicable", but does not indicate that the conditions in 18 AAC 50.346 will be included in a minor permit.
- b) The titles of the permit conditions in this subsection (18 AAC 50.346) are inconsistent. Some are called "Standard Permit Conditions" while others are called "Standard *Operating* Permit Conditions" (emphasis added). This implies that conditions that do not include the word "Operating" in the title are intended only to be included in construction permits and that conditions that do include the word "Operating" in the title are intended only to be included in Title V permits. If this was not the original intent of the rule, then the titles for the conditions outlined in 18 AAC 50.346 should be corrected to be consistently called "Standard Permit Conditions". Again, it has been our experience that the Department includes conditions labeled as "Standard Operating Permit Conditions" in construction permits as well as Title V permits.

Response CPAI-6/APSC-6:

The department acknowledges that there is a lack of clarity in the language in 18 AAC 50.346. However, addressing the comments would require potential revisions to the regulations that are beyond the scope of the current proposed regulations and would require additional public comment period. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-6/APSC-6: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-7/APSC-7:

18 AAC 50.540(k) - We suggest that the following change be made to this subsection in order to provide additional clarity in the same vein as 18 AAC 50.540(j)

"An application for a minor permit revising or rescinding terms or conditions of a Title I permit under 18 AAC 50.508(a)(4) must include ... "

Response CPAI-7/APSC-7:

The department agrees with the comment and considers this a clarifying revision to 18 AAC 50.540(k).

Response CPAI-7/APSC-7: Revised Regulations—

The regulations have been revised to include the proposed change, pursuant to the additional numbering change made as a result of Response Alan Schuler-3.

Comment CPAI-8/APSC-8:

18 AAC 50.990(42) - The definition for **Good Engineering Practice (GEP) Stack Height** presented here states that for stacks with a height of 213 feet or less, the GEP height is the "actual physical height of the stack". Typically, "GEP Stack Height" is used to define the limit of the maximum height of a flue gas stack and, in the case of existing flue gas stacks that exceed the GEP stack height, any air pollution dispersion modeling studies for such stacks must use the GEP stack height rather than the actual stack height. Determination of the GEP height is based on a number of factors as described in 40 CFR 51.100(ii), none of which is associated with the actual physical height of the stack. Section 6.2.2 of 40 CFR 51 Appendix W, adopted by reference in 18 AAC 50.040(f), describes how air quality impacts associated with cavity or wake effects due to the nearby building structures should be determined for stacks found to be "less than GEP height". Using the "actual physical height of the stack" to define GEP height does not make sense in this context since the physical height of the stack is to be compared to the GEP height, not treated as the GEP stack height. Further, we do not see any purpose for the state regulations to define GEP height to be any different than the height defined by federal regulation under 40 CFR 51.100(ii). As such we propose that the definition found in 18 AAC 50.990(42) be changed as follows:

"(42) "good engineering practice stack height"

- (A) for stack heights exceeding 213 feet, has the meaning given in 40 C.F.R. 51.100(ii), as revised as of July 1, 2007 and adopted by reference; ~~or~~
- (B) for all other stack heights, means the actual physical height of the stack;"

Response CPAI-8/APSC-8:

The suggested corrections in Comment CPAI-8/APSC-8 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-8/APSC-8: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-9/APSC-9:

Standard Permit Condition IX - Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units

Standard Permit Condition (SPC) IX.4.1a prescribes specific information to be reported on the Visible Emissions Field Data Sheet (reporting form) regarding visible emissions. These items should be included on the reporting form as designated fields. Failing to include these fields introduces another potential for a Permittee to miss a minor detail for reporting. We request that the reporting form be updated to include all relevant and required information and that the Department add the Visible Emissions Field Data Sheet and the Visible Emissions Observation Record to SPC IX. We believe the forms attached to this letter include the appropriate information that matches SPC IX.4.1 a.

Response CPAI-9/APSC-9:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed and will include the following replacement reporting form inserted as department-provided VE forms:

VISIBLE EMISSION OBSERVATION FORM

This form is designed to be used in conjunction with EPA Method 9, "Visual Determination of the Opacity of Emissions from Stationary Sources." Temporal changes in emission color, plume water droplet content, background color, sky conditions, observer position, etc. should be noted in the comments section adjacent to each minute of readings. Any information not dealt with elsewhere on the form should be noted under additional information. Following are brief descriptions of the type of information that needs to be entered on the form: for a more detailed discussion of each part of the form, refer to "Instructions for Use of Visible Emission Observation Form."

Note: items marked ● are required by Reference 9; other items recommended.

- Stationary Source Name: full company name, parent company or division or subsidiary information, if necessary.
- Address: street (not mailing or home office) address of facility where VE observation is being made.
Phone (Key Contact): number for appropriate contact.
Source ID Number: number from agency files, etc.
- Process Equipment, Operating Mode: brief description of process equipment (include type of facility) and operating rate, % capacity, and/or mode (e.g. charging, tapping, shutdown).
- Control Equipment, Operating Mode: specify type of control device(s) and % utilization, control efficiency.
- Describe Emission Point: for identification purposes, stack or emission point appearance, location, and geometry; and whether emissions are confined (have a specifically designed outlet) or unconfined (fugitive).
- Height Above Ground Level: stack or emission point height relative to ground level; can use engineering drawings, Abney level, or clinometer.
- Height Relative to Observer: indicate height of emission point relative to the observation point.
- Distance from Observer: distance to emission point; can use rangefinder or map.
- Direction from Observer: direction plume is traveling from observer.
- Describe Emissions and Color: include physical characteristics, plume behavior (e.g., looping, lacy, condensing, fumigating, secondary particle formation, distance plume visible, etc.), and color of emissions (gray, brown, white, red, black, etc.). Note color changes in comments section.
- Visible Water Vapor Present?: check "yes" if visible water vapor is present.
- If Present, is Plume...: check "attached" if water droplet plume forms prior to exiting stack, and "detached" if water droplet plume forms after exiting stack.
- Point in Plume at Which Opacity was Determined: describe physical location in plume where readings were made (e.g., 1 ft above stack exit or 10 ft. after dissipation of water plume).
- Describe Plume Background: object plume is read against, include texture and atmospheric conditions (e.g., hazy).
- Background Color: sky blue, gray-white, new leaf green, etc.
- Sky Conditions: indicate cloud cover by percentage or by description (clear, scattered, broken, overcast).
- Wind Speed: record wind speed; can use Beaufort wind scale or hand-held anemometer to estimate.
- Wind Direction From: direction from which wind is blowing; can use compass to estimate to eight points.
- Ambient Temperature: in degrees Fahrenheit or Celsius.
Wet Bulb Temperature: can be measured using a sling psychrometer
RH Percent: relative humidity measured using a sling psychrometer; use local US Weather Bureau measurements only if nearby.
- Source Layout Sketch: include wind direction, sun position, associated stacks, roads, and other landmarks to fully identify location of emission point and observer position.
Draw North Arrow: to determine, point line of sight in direction of emission point, place compass beside circle, and draw in arrow parallel to compass needle.
Sun's Location: point line of sight in direction of emission point, move pen upright along sun location line, mark location of sun when pen's shadow crosses the observer's position.
- Observation Date: date observations conducted.
- Start Time, End Time: beginning and end times of observation period (e.g., 1635 or 4:35 p.m.).
- Data Set: percent opacity to nearest 5%; enter from left to right starting in left column. Use a second (third, etc.) form, if readings continue beyond 30 minutes. Use dash (-) for readings not made; explain in adjacent comments section.
Comments: note changing observation conditions, plume characteristics, and/or reasons for missed readings.
Range of Opacity: note highest and lowest opacity number.
- Observer's Name: print in full.
Observer's Signature, Date: sign and date after performing VE observation.
- Organization: observer's employer.
- Certified By, Date: name of "smoke school" certifying observer and date of most recent certification.

Response CPAI-9/APSC-9: Revised Regulations—

The listed forms will be included in SPC IX.

Comment CPAI-10/APSC-10:

Revise **SPC XI.1** as follows:

"1. Sulfur Compound Emissions. ~~In accordance with 18 AAC 50.055(c),~~ †The permittee shall not cause or allow sulfur compound emissions, expressed as S02, from EU ID(s) *<insert identification of emission units>* to exceed 500 ppm averaged over three hours."

Basis: We propose to delete the reference to 18 AAC 50.055(c) from the standard condition since the permit condition includes a citation below the condition making the reference in the condition unnecessary.

Response CPAI-10/APSC-10:

The suggested corrections in Comment CPAI-10/APSC-10 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-10/APSC-10: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-11/APSC-11:

11) Add a new condition **SPC XI.2** as follows that applies to sources that burn distillate fuels. We have provided two versions of the new condition. We request that each version be added to SPC XI.

The intent of this first version of the condition is that it would be used for Permittees that prefer to simplify the condition and who will rely on continuous use of distillate fuel for the diesel/liquid fired emission units. For this option, existing Conditions 2 through 4 would not be included in a permit.

"2. Sulfur Compound Emissions - Distillate Fuel (exclusively). The permittee shall certify annually under *<insert annual compliance certification condition>* that only distillate fuel was combusted at the stationary source. Such fuels include No.1 and No.2 diesel fuel and blends, arctic grade diesel fuel, low sulfur diesel fuel, ultra low sulfur diesel fuel, jet fuel, and kerosene."

The intent of this second version of the condition is that it would be used as an option in conjunction with the existing MR&R conditions for Permittees that prefer to have more than one compliance option. For this option, new Condition 2 would be included along with existing Conditions 2 through 4.

"2. Sulfur Compound Emissions - Distillate Fuel (with other options). In lieu of complying with the monitoring, recordkeeping, and reporting requirements of conditions 2 and 3, or 4 [**See note below**], the permittee may certify annually under *<insert annual compliance certification condition>* that only distillate fuel was combusted at the stationary source. Such fuels include No.1 and No.2 diesel fuel and blends, arctic grade diesel fuel, low sulfur diesel fuel, ultra low sulfur diesel fuel, jet fuel, and kerosene."

Basis: Compliance with the sulfur compound emission limit of 18 AAC 50.055(c) is assured when the sulfur content of diesel/liquid fuel is less than 0.75 percent by weight and distillate fuels all have less than 0.5 wt% sulfur. Our proposed change is also consistent with the move to low sulfur diesel (LSD) and ultra low sulfur diesel (ULSD) by the entire country. (**NOTE:** The numbers we reference in the proposed second version of the condition above are the current condition numbers, not the resulting numbers after the addition of a new condition.)

Response CPAI-11/APSC-11:

The suggested corrections in Comment CPAI-11/APSC-11 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-11/APSC-11: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-12/APSC-12:

12) Combine a revised version of **SPC XI.2.2** with **SPC XI.2.1 b(i)** as shown below and delete **SPC XI.2.2**. Proposed changes to the version of SPC XI.2.2 that we suggest be incorporated into SPC XI.2.1 b(i) are shown with double underline (inserts) and strikeout.

"(i) test the fuel for sulfur content using an appropriate method listed in 18 AAC 50.035(b)-(c) or 40 C.F.R. 60.17 incorporated by reference in 18 AAC 50.040(a)(1) or another method approved in writing by the department; or"

Basis: 1) Combining these two conditions will help to improve the clarity and flow of the permits.

2) It is our understanding that EPA indicated to the Department in their review of the Alaska Title V program that phrases such as "or another method approved in writing by the department" cannot be included in Title V permits. Our proposed revision is based on language that the Department has been using in Title V permits, except that we have suggested that the language allow for the use of any method listed in 18 AAC 50.035 or 40 CFR 60.17 in contrast to the language that the Department has been including in Title V permits that requires a method to be listed in 18 AAC 50.035 and 40 CFR 60.17. We do not agree that an approved testing method should have to be included in both citations to make it acceptable for use.

Response CPAI-12/APSC-12:

The suggested corrections in Comment CPAI-12/APSC-12 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-12/APSC-12: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-13/APSC-13:

13) Revise **SPC XI.2.3** as follows:

"2.3 If a shipment load of fuel contains greater than 0.75% sulfur by weight, the permittee shall calculate SO₂ emissions in PPM using either ~~condition~~ the Material Balance Calculation shown in Section <insert cross reference to standard permit condition XII - SO₂ material balance calculation> or Method 19 of 40 C.F.R. 60, Appendix A-7, adopted by reference in 18 AAC 50.040(a)."

Basis: 1) We believe it is appropriate to use the term "shipment" instead of "load" in this condition since SPC XI.2.1 and XI.3.2.b use the term "shipment". Further, we assume it is not the Department's intent to require that if a shipment of fuel includes more than one truckload of fuel that the fuel in each truck would have to be tested before it is delivered to a holding tank.

2) The Department includes SPC XII as a standalone section of Title V permits. Our proposed change is to incorporate the language that is used in the Title V permits to cross reference SPC XII instead of the reference to a permit condition number.

Response CPAI-13/APSC-13:

The suggested corrections in Comment CPAI-13/APSC-13 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-13/APSC-13: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-14/APSC-14:

14) Revise **SPC XI.3** as follows:

"3. **Sulfur Compound Emissions - Reporting.** The Permittee shall report ~~in accordance with this condition XI.3.~~ as follows:

3.1 If SO₂ emissions are calculated under condition XI.2.3 to exceed 500 ppm, the permittee shall report under condition <insert cross reference to standard permit condition III- Excess Emissions and Permit Deviation Reports>. Include the calculation performed under condition XI.2.3 in the report. ~~When reporting under this~~

~~condition XI. 3.1, include the calculation under condition *<insert cross reference to standard permit condition XII—SO₂ material balance calculation>*.~~

3.2 The Permittee shall include in the operating report required by condition *<insert cross reference to standard permit condition VII - operating reports>*
< >

c. ~~for fuel with a sulfur content greater than 0.75%, the calculated~~ the SO₂ emissions in PPM calculated under condition X1.2.3, if applicable."

Basis: These revisions are proposed as suggestions to improve the clarity of these conditions.

Response CPAI-14/APSC-14:

The suggested corrections in Comment CPAI-14/APSC-14 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-14/APSC-14: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-15/APSC-15:

15) Delete **SPC X1.4.1** and **X1.4.2** and replace them in their entirety as follows:

"4. Sulfur Compound Emissions - North Slope - Monitoring, Record Keeping, and Reporting. For liquid fuel from a North Slope topping plant, the permittee shall obtain from the topping plant the results of a monthly fuel sulfur analysis.

~~4.1 The permittee shall include in the operating report required by condition *<insert cross reference to standard permit condition VII—operating reports>* a list of the sulfur content measured for each month covered by the report.~~

~~4.2 The permittee shall report under condition *<insert cross reference to standard permit condition III—excess emissions and permit deviation reports>* if the sulfur content for any month exceeds 0.75%.~~

4.1 If the fuel contains greater than 0.75% sulfur by weight, the permittee shall calculate SO₂ emissions in PPM using either the Material Balance Calculation shown in Section *<insert cross reference to standard permit condition XII - SO₂ material balance calculation>* or Method 19 of 40 C.F.R. 60, Appendix A-7, adopted by reference in 18 AAC 50.040(a).

4.2 The permittee shall report as follows:

a. If SO₂ emissions are calculated under condition XI.4.1 to exceed 500 ppm, the permittee shall report under condition *<insert cross reference to standard permit*

condition III - excess emissions and permit deviation reports>. Include the calculation performed under condition XI.4.1 in the report.

b. Include in the operating report required by condition <insert cross reference to standard permit condition VII – operating reports>:

(A) a list of the sulfur content measured for each month covered by the report; and

(B) the SO₂ emissions in PPM calculated under condition XI.4.1, if applicable."

Basis: We propose to revise and enhance these conditions to match the recordkeeping and reporting requirements of SPCs X1.2.3 and X1.3 for fuel supplied by a third-party vendor. The current condition language for fuel from a North Slope topping plant implies that an excess emission has occurred if the fuel sulfur content exceeds 0.75 percent. A fuel sulfur value greater than 0.75 percent does not, by itself, necessarily constitute an excess emission. This fact is reflected in the requirements of SPCs X1.2.3 and X1.3. The limit is 500 ppm SO₂ in the exhaust of an emission unit, not 0.75 percent sulfur in the fuel. With our proposed edits, if an excess emission has not occurred because the calculated SO₂ emissions do not exceed 500 ppm even with a fuel sulfur content of greater than 0.75 percent, the Department will still be provided information in the operating report to justify the fact that there was no excess emission.

Response CPAI-15/APSC-15:

The suggested corrections in Comment CPAI-15/APSC-15 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-15/APSC-15: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment CPAI-16/APSC-16:

16) Revise the citation to SPC XIV.1 as follows:

"[18 AAC 50.040(j)(7), 18 AAC 50.326(b),~~12/1/04~~]
[18 AAC 50.346(b)(7)]
[40 CFR 71.10(d)(1),~~7/1/04~~]"

Basis: 1) Remove the dates from the citation for consistency with the current practice by the Department's Operating Permits Division to exclude the dates from the permit condition citations. If the Department feels that it is appropriate to retain the dates, then they should be updated to match the current adoption dates of the regulations included in these citations.

2) Add the citation to 18 AAC 50.346(b)(7) which specifically lists the standard permit conditions prepared by the Department and adopted by reference.

Response CPAI-16/APSC-16:

The suggested corrections in Comment CPAI-16/APSC-16 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response CPAI-16/APSC-16: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

AOGA Comments:

Comment AOGA-1:

- 1) 18 AAC 50.040(c) – Consider changing the date of 40 C.F.R. Part 63 that is adopted by reference from **75 Fed Reg. 9648 (March 3, 2010)** to **75 Fed. Reg. 37732 (June 30, 2010)**. This is the date that recent corrections to 40 CFR 63 Subpart ZZZZ were published in the Federal Register.

Response AOGA-1:

The department agrees with this comment. The regulations will reference the Federal Register publication date of the correction to 40 CFR 63 Subpart ZZZZ.

Response AOGA-1: Revised Regulations—

The regulations have been changed to reflect the publication date of the correction to 40 CFR 63 Subpart ZZZZ.

Comment AOGA-2:

- 2) **18 AAC 50.240(c) Excess Emissions** – revise the second sentence of this rule to include a “discovery provision” as follows:

“(c) ...other excess emissions must be reported within 30 days after the end of the month during which the emissions occurred or were discovered ~~or as part of the next routine emission monitoring report~~, whichever is sooner.”

Basis: 1) A “discovery provision” is included 18 AAC 50.235(a)(2) for unavoidable emissions in excess of a technology-based emission standard. Regarding excess emissions that present a potential threat to human health or safety, 18 AAC 50.240(c) includes neither a discovery or occurrence provision. The rule simply states a requirement to report these types of excess emissions “as soon as possible”. However, Standard Permit Condition (SPC) III.1.1a includes both a discovery and occurrence provision for these types of excess emissions – requiring reporting “as soon as possible *after the event commenced or is discovered*” (emphasis added). We believe the clarifying language of SPC III is appropriate and necessary, because “as soon as possible” must, by necessity, account for discovery of an event. Reporting cannot possibly be expected to be sooner than sometime after excess emissions that present a potential threat to human health or safety are discovered.

We assert that reporting any type of excess emissions (i.e., in addition to those that present a potential threat to human health and safety or are unavoidable) that have not been discovered is also impossible. The Department has stated in the past that Part 70 requires “prompt” reporting of permit deviations. We do not refute this, but it is not possible to be prompt (defined as “to act quickly as occasion demands”) if the need to act quickly has not been ascertained due to an undiscovered permit deviation. It is not reasonable or practical to assume, and it

should not be expected, that a permit deviation, including excess emissions, will always be discovered within days of its occurrence.

Therefore, we suggest that it was a simple oversight to not include a discovery provision in the second sentence of 18 AAC 50.240(c) when it was originally written and we request that it be added as part of this rulemaking in association with the Department's proposed revisions to SPC III. See also basis #1) to our comment 12).

2) The term "emission monitoring report" is not used anywhere else in the rules. Based on the language in 18 AAC 50.345(j), which requires certification of excess emissions reports "either upon submittal or with an operating report", we believe that the intention of the rule is for submittal to be done with an "operating report". However, although reporting an excess emission as part of the next routine emissions monitoring report (assumed to mean next routine "operating report") might seem reasonable at first glance, including this requirement could be unreasonable based strictly on when an excess emission occurs and is discovered. If it is discovered near the deadline for submittal of an operating report, the time allowed by this provision could be very short. Further, it seems that the deadline of "30 days after the end of the month during which the emissions occurred" was included in the rule with the intent of providing a minimum of 30 days to report "other excess emissions". The secondary deadline in the rule negates this intent and should be removed.

Response AOGA-2:

The suggested corrections in Comment AOGA-2 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response AOGA-2: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment AOGA-3:

3) **New 18 AAC 50.302(c)** – Revise this new subsection as follows:

“(c) Terms and conditions ~~initially~~ established in a PSD permit described under 18 AAC 50.302(a)(1) and identified in the PSD permit as solely necessary to meet a Title V requirement associated with an integrated review conducted under 18 AAC 50.306(c)(3) are considered Title V terms and conditions upon incorporation into a Title V permit. Subsequent revisions to such terms and conditions may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. ~~incorporation of those terms and conditions into a Title V permit. Subsequent changes to such terms and conditions will therefore only need to be made within the Title V permit, not the PSD permit. The mechanism for requesting~~

~~such changes shall be through the applicable Title V operating permit modification or amendment provisions of 18 AAC 50.326 rather than the +Minor Permit Title I revision provisions of 18 AAC 50.508(6)508(a)(4).”~~

Basis: We found the proposed language to be unclear and repetitive to some extent. We have proposed a condensed version of the language that we believe meets the intent of the rule.

However, if the Department disagrees with our proposed revisions, or elects to make additional or other changes to the language we wish to point out the corrections highlighted on the last line of the originally proposed language shown above. The context of this paragraph pertains to revisions that are not required for PSD permits, but can instead be made to Title V permits. However, the concluding sentence appears to inadvertently cite the “Minor Permit provisions of 18 AAC 50.508(6)” instead of the Title I (PSD in this case) permit revision provisions, which are the subject of this new subsection, and which are now found in 18 AAC 50.508(a)(4) under the proposed new rules.

See also our related comments 4) and 8).

Response AOGA-3:

The department addresses the first part of the comment in Response AOGA-4. The department agrees with the proposed change for the last section of 18 AAC 50.302(c) and will make the change.

Response AOGA-3: Revised Regulations—

The regulations have been changed in accordance with Response AOGA-4 and Response AOGA-3.

Comment AOGA-4:

- 4) In reviewing the proposed new subsection under 18 AAC 50.302(c), we considered suggesting that the Department revise the language of 50.302(c) to include all types of construction permits under 18 AAC 50.302(a)(1) – (3) (i.e., in addition to PSD permits under 18 AAC 50.306, also refer to other types of construction permits under 50.311 (new source review/ nonattainment area) and 50.316 (major source of hazardous air pollutants), as cited under 50.302(a)(1) – (3)). However, in considering the possibility for this change, we determined that 50.311 and 50.316 are not currently written to allow integrated review of a 50.311 or 50.316 construction permit with a 50.326 (Title V) permit. That is, a provision similar to that found in 50.306(c)(3) for PSD permits is not found under 50.311 or 50.316.

We suggest and request that the Department consider adding a construction permit/Title V permit integrated review provision to 50.311 and 50.316 in a future rulemaking action. In addition, we suggest that if these integrated review provisions are added, that the Department also amend the new language in 18 AAC 50.302(c) to reference all

construction permits listed in 50.302(a)(1) – (3) and not just the PSD construction permits under 50.302(a)(1).

Response AOGA-4:

The commentator has correctly pointed out that the proposed language for 18 AAC 50.502(c), in the regulation changes is specific to PSD permits. The department recognizes that the language should include non attainment area major source permits (18 AAC 50.311) and hazardous air pollutants major source permits (18 AAC 50.316). Therefore, the department will replace the reference to ‘PSD permit’ with ‘Permit listed in 50.302(a)(1)-(3)’ in 18 AAC 50.302(c) to include all permits listed under 18 AAC 50.302. However, this change does not address the provision for integrated review for permits other than PSD permits because our current regulations do not have language similar to 18 AAC 50.306(c)(3) for permits under 50.311 and 50.316. The department recognizes that it is a deficiency in the current regulations. However, adding new language to 18 AAC 50.311 and 18 AAC 50.316, similar to 18 AAC 50.306(c)(3), is not part of the proposed regulation changes, the department will defer this to a future regulation revision.

Response AOGA-4: Revised Regulations—

The regulations in 18 AAC 50.302(c) have been changed to reflect “a permit listed in 18 AAC 50.302(a)(1)-(3)” instead of “PSD permit”. Additional regulation changes will not be made at this time.

Comment AOGA-5:

- 5) **18 AAC 50.306(b)(3)** – The proposed rule states that the owner or operator must comply with 40 C.F.R. 52.21(b)(50)(vi) with revisions as noted. However, 18 AAC 50.040(h)(4)(C)(i) states that §52.21(b)(50) is not adopted. It appears that 18 AAC 50.040(h)(4)(C)(i) should be revised to adopt §52.21(b)(50) as revised in 75 FR 31514 per proposed 18 AAC 50.040(h).

Response AOGA-5:

AOGA correctly noted that 40 C.F.R. 52.21(b)(50) is not adopted by reference and therefore, should not be referred to in 18 AAC 50.306(b)(3). The department examined several potential solutions, but ultimately decided to drop the proposed language in 18 AAC 50.306(b)(3). The department originally proposed sub-paragraph (3) to eliminate a forward regulation phrase in the federal language. However, the forward regulation phrase only pertains to rulemakings prior to January 1, 2011. Since this window will soon be past, the concern will soon be moot.

Response AOGA-5: Revised Regulations—

The department has dropped the proposed changes to 18 AAC 50.306(b)(3) and has renumbered the remaining provisions.

Comment AOGA-6:

- 6) **18 AAC 50.326(e)** – 18 AAC 50.326(e)(15) states that the insignificant emission unit threshold for a regulated air pollutant not listed in (e)(1) through (14) is 0.5 tpy. CO₂e becomes a regulated air pollutant on January 2, 2011 under the “PSD Tailoring Rule”. An insignificant emission threshold of 0.5 tpy would be extremely low for CO₂e. Unless the Department makes changes to the regulations to include a new threshold for CO₂e, Permittees could be preparing a large number of off permit change notifications.

Response AOGA-6:

The suggested corrections in Comment AOGA-2 address topics that were not proposed in the regulation package under consideration. The department will retain the comments for potential inclusion in a future regulation revisions update package.

Response AOGA-6: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment AOGA-7:

- 7) We suggest that citations in the regulations that point to the definitions found in 18 AAC 50.990 not list the specific definition citation. For example, under **18 AAC 50.502(b)(6)**, instead of citing the definition for “a Port of Anchorage stationary source” found in 18 AAC 50.990(78), we suggest that the citation simply state “as defined in 18 AAC 50.990”. In so doing, it would allow the Department to add new definitions to 18 AAC 50.990 in alphabetical order instead of adding new definitions to the end of the subsection. See also our comment 11).

Response AOGA-7:

The department does not agree with the proposed change. Adding new definitions at the end of the definitions section is proper per the Department of Law Regulations Drafting manual.

Response AOGA-7: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comment AOGA-8:

- 8) **18 AAC 50.508(b)** - Revise this new subsection as follows:

“(b) Terms and conditions ~~initially~~ established in a ~~Title I~~ minor permit described under 18 AAC 50.502(b) – (f) or 18 AAC 50.508(a) and identified in the ~~Title I~~ minor permit as solely necessary to meet a Title V operating permit requirement to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 CFR 71.7(d) incorporated by reference under 18 AAC 50.040(j)(5) are considered Title V terms and conditions upon incorporation into a Title V permit. Subsequent revisions to such terms and conditions may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. ~~incorporation of those terms and conditions into a Title V permit. Subsequent~~

~~changes to such terms and conditions will therefore only need to be made within the Title V permit, not the original Title I permit. The mechanism for requesting such changes shall be through the applicable Title V operating permit modification or amendment provisions of 40 C.F.R. 71.7 as incorporated by reference under 18 AAC 50.040(j)(5) rather than the Title I revision provisions of 18 AAC 50.508(6)508(a)(4)."~~

Basis: 1) See the basis to our comment 2).

2) Also, we believe it is more appropriate for this rule to refer to “minor permits” under 50.502 and 50.508 instead of “Title I permits” because the context of this new subsection to 18 AAC 50.508 is minor permits. Minor permits are a subset of the various types of “Title I permits”, as defined in 18 AAC 50.990. See also our comment 4) as it relates to other types of Title I permits that should potentially be addressed through a future rulemaking under the similar new provision found in 18 AAC 50.302(c).

Response AOGA-8:

The department agrees with the comment. However, the department will further clarify the language further by referencing minor permits issued under 18 AAC 50.542.

Response AOGA-8: Revised Regulations—

The regulations have been revised as follows, pursuant to the additional numbering change noted in Response Alan Schuler-3:

18 AAC 50.510 Terms and conditions established in a minor permit issued under 18 AAC 50.542 and identified in the minor permit as solely necessary to meet a Title V operating permit requirement to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 C.F.R. 71.7(d) incorporated by reference under 18 AAC 50.040(j)(5) are considered Title V terms and conditions upon incorporation into a Title V permit. Subsequent revisions to such terms and conditions may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326.

Comment AOGA-9:

9) **18 AAC 50.542(a)(1)(C)** – the citation here should be changed to “18 AAC 50.990(60)” or to “18 AAC 50.990”, per our comment 7).

Response AOGA-9:

The department agrees to fix the typo in the citation in 18 AAC 50.542(a)(1)(C). However, the department does not agree with the proposed change to re-alphabetize the definitions in 18 AAC 50.990. See Response AOGA-7.

Response AOGA-9: Revised Regulations—

The regulations are revised to correct the typo. No change will be made to the definitions numbering in 18 AAC 50.990.

Comment AOGA-10:

10) **18 AAC 50.544(a)(4)** – the period at the end of the sentence here should be changed to a semi-colon. This change will be identical to the change proposed by the Department for 18 AAC 50.544(a)(5).

Response AOGA-10:

The department agrees with the proposed change. The correction will be made.

Response AOGA-10: Revised Regulations—

The regulations have been corrected.

Comment AOGA-11:

11) **18 AAC 50.990** – We suggest that the definitions found in this section be reorganized to maintain an alphabetical listing in the subsection. As currently drafted, the definitions are in alphabetic order through 50.990(123). It would be less confusing to the general reader if the definitions now found in (124) through (130) were inserted into the list of definitions in alphabetical order. However, in order to make this feasible, the air regulations would have to be revised so that any citation to the definitions in 18 AAC 50.990 would not include the specific list number in the citation. See, for example, our proposed edit presented in comment 7).

Response AOGA-11:

The department does not agree with the proposed change. See Response AOGA-7.

Response AOGA-11: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Comments AOGA-12—AOGA-15 (Standard Permit Condition III – Excess Emissions and Permit Deviation Reports):

Comment AOGA-12:

12) Revise **Standard Permit Condition (SPC) III.1.1** and create a **new SPC III.1.2** to read as follows:

“1.1 **Excess Emissions**. Except as provided...
<...>

c. report all other excess emissions ~~and permit deviations~~

(i) within 30 days ~~of~~after the end of the month ~~in~~during which the emissions occurred **or were discovered**, ~~or; except as provided in condition III.1.1e(iv); or~~

(ii) ~~for a permit deviation not classified as also resulting in also defined as excess emissions under III.1.1(a) 18 AAC 50.990, then report the earlier of:~~

- (A) ~~within 30 days of after the end of the month in during which the deviation is discovered; or~~
- (B) ~~no later than the date required by for submittal of the next Annual Compliance Certification, Condition <insert cross link to ACC reporting date condition>; or~~
- (iii) ~~Or~~, if a continuous or recurring excess emissions is not corrected within 48 hours of discovery, within 72 hours of discovery unless the department provides written permission to report under condition III.1.1c(i); ~~and~~
- (iv) ~~for failure to monitor, as required in other applicable conditions of this permit.~~

1.2 Permit Deviations. For a permit deviation not ~~classified as also resulting in also defined as excess emissions under III.1.1(a)~~ 18 AAC 50.990, then report the earlier of:

- a. according to the required deadline for failure to monitor, as specified in conditions <insert cross link to standard permit condition IX.5.2b and/or IX.11.1b, as applicable>; or
- b. no later than 30 days after the end of the month during which the deviation is discovered, or the date for submittal of the next Annual Compliance Certification, Condition <insert cross link to ACC reporting date condition>, covering the period when the event occurred, whichever is sooner.”

Basis: 1) We request that the language in SPC III.1.1c(i) match the language found in the rules under 18 AAC 50.240 (including the requested revision to 50.240 to include a discovery provision per our comment 2). Please note that the Department has also included a discovery provision in SPC III.1.1c(iii) for continuous or recurring excess emissions. We believe this further justifies our assumption that exclusion of a discovery provision from 18 AAC 50.240 was an oversight when the rule was written per our comment 2).

2) We agree with the concept that the Department has proposed for revisions to SPC III.1.1c. We propose to take the same general concept and break the condition into two conditions, the first addressing the reporting requirements for “other” excess emissions, and the second to address the reporting requirements for permit deviations that are not excess emissions. In our proposed edits above, we have shown how we propose to reorganize the Department’s proposed language and we have also shown where we propose to edit the language after splitting it into two conditions using double underlines.

3) We believe it is appropriate for the new SPC III.1.2 (originally SPC III.1.1c(ii)) to clarify that permit deviations that are not also considered to be any type of “excess emissions” are allowed to be reported under this

provision (e.g., late, missing, or incomplete reports, etc.). We suggest citing the definition in 18 AAC 50.990(34) as part of the permit condition.

4) Spelling out which conditions of the permit are subject to the requirement of our proposed SPC III.1.2a (originally SPC III.1.1c(iv)) provides greater clarity for the Permittee and a permit that is more enforceable. We believe that the conditions that the Department is referring to that have non-standard reporting deadlines are those found in Standard Operating Permit Condition IX for Visible Emissions and Particulate Matter Monitoring as identified in our comment above.

5) The provision in our proposed condition III.1.2b (originally III.1.1c(ii)(B)) that requires that a permit deviation is to be potentially reported as part of the annual compliance certification report should be revised to state that this applies to deviations that are discovered during the compliance review and that occurred during the period covered by the compliance certification. The deadline associated with an annual compliance review should only pertain to a deviation that is discovered during the review. For example, if a deviation is discovered in March of a certain year that follows the period covered by an annual compliance certification, it should be subject to the regular “30-day” deadline, not the certification report deadline since it would not have occurred during the period covered by the certification report.

6) The remainder of our proposed edits are to provide additional clarity to the condition.

Response AOGA-12:

The department followed the guidance of 18 AAC 50.240 when developing the original SPC III, and thus lays out the development of the condition:

(a) 18 AAC 50.240(c) requires that the owner, operator or permittee report excess emissions that present a potential threat to human health or safety or that the owner, operator or permittee believes to be unavoidable must be reported as soon as possible. This is presented as conditional language in SPC III.1.1(a)(i)-(ii).

(b) In the case of a technology-based emission standard, excess emissions are to be reported within two working days after the event occurred or was discovered, consistent with 18 AAC 50.240(a) as set forth in SPC III.1.1(b).

And finally (c), 18 AAC 50.240(c) defines “other” excess emissions which must be reported within 30 days after the end of the month during which the emissions occurred or as part of the next routine emission monitoring report, whichever is sooner.

The department agrees with the editorial changes suggested to SPC III.1.1(c) to replace “of” with “after” and “in” with “during” as the exact text of the rule in 18 AAC 50.240 is thus brought into the condition text. The department accepts these edits and will make the suggested change.

As discussed below, the department does not agree to add a discovery provision as presented by the commenter in SPC III.1.1(c) by adding the text “or were discovered” as that change would conflict with 18 AAC 50.240(c). The rule contains the requirement to notify “within 30 days after the end of the month during which the emission occurred.”

The proposed discovery clause is inconsistent with the regulation. Making substantive changes to 18 AAC 50.240 are outside the scope of this proposed rulemaking and would require due process to promulgate as a separate regulation package. The department cannot, in good faith promulgate a standard condition revision at further variance from the plain language of the underlying regulatory provisions.

Although the department proposed to add a discovery clause for permit deviations, the department has decided to remove this clause. As explained below, relaxing the notification timeframe for permit deviations can be construed as a relaxation of prompt beyond the minimum required for Federal approvability of the State’s operating permit program. Further, having divergent notice deadlines for certain additional types of events adds unnecessary complexity to this permit element.

Background

Permit deviations, including excess emissions are required to be reported within a “prompt” timeframe as set forth in 40 CFR 71.6(a)(3)(iii)(B) (adopted by reference in 18 AAC 50.040(j)(4) except for those provisions in 40 CFR 71.6(a)(3)(iii)(B)(1)-(4) which are replaced by this SPC) and the department lays out the underlying definition of “prompt” to be within 30 days of the end of the month in which the deviation occurred. The responsibility is thus on the owner, operator or permittee to conduct sufficient reasonable inquiry and due diligence to discover other excess emissions within this stipulated timeframe defined as prompt.

Since the permitting program places the Air Quality Control responsibilities upon the emitter (permittee), it is incumbent for each permittee to know the compliance status of their activities and to provide prompt notice. Further the department is authorized to run an operating permit program no less stringent of that set out in 40 CFR 70 for EPA’s approval of Alaska’s Operating Permit Program. Although EPA allows for other types of permit deviations to be reported up to six months after the occurrence, EPA does not base that notification upon discovery in 40 CFR 71.6(a)(3)(iii), but instead upon occurrence.

For an approvable operating permit program, EPA does provide latitude for each agency to define “prompt” for permit deviation notification. As discussed above, the department elected to define prompt as 30 days after the month in which the event occurred. Notwithstanding that latitude, the greatest duration allowed for an approvable program is up to six months after the occurrence of the permit deviation. See 40 CFR 70.6(a)(3)(iii). In the real world, in the event where a client has not exercised the degree of diligence necessary, discovery occurs months or years after the occurrence. For such a scenario, the suggested change would create a permit content defect that fails to meet the minimum federal program requirements. This provides further basis to reject the commentator’s requested change to add a clause for notification after discovery.

Although the department acknowledges the apparent inconsistencies between 18 AAC 50.235 and 240 discovery clauses and EPA's expectation for prompt notification, as mentioned above, changes to the underlying regulations are outside the scope of this standard permit condition rulemaking.

In the event a client discovers a permit deviation after the notification due date, the department intends to continue its historical practice to consider the circumstances of the event in order to select the proper course of action.

The commenter also proposed a general re-arrangement of excess emissions and permit deviations in SPC III.1.1(c)(ii)-(iv) to separate the two applicable requirements into separate terms. The department acknowledges the improved clarity provided by this general re-arrangement and agrees to make the change as proposed in the strike-out terms, and addition of new condition SPC III.1.1.2 and re-numbering of the additional subparagraphs. In addition, the department agrees to add the excess emission definition of 18 AAC 50.990(34) to the citations box for the excess emission notification term.

Comment AOGA-13:

13) Revise the notes to **SPC III.1** as follows:

- “1. The permit will include condition ~~III.1.1e(iii)~~**III.1.2a** only if the permit also contains another condition which has an emission unit specific schedule for reporting the failure to monitor emissions.
2. Construction permits will not include ~~condition III.1.2~~the phrase “and permit deviations” in ~~condition III.1.1e~~, but where necessary will use stationary source specific conditions for reporting failure to test or monitor.”

Basis: 1) Our proposed change to Note 1 is simply to point out the need to update the permit condition number in the note.

2) Note 2 should be revised to clarify for the permit writers that since construction permits do not include the phrase “and permit deviations”, the standard conditions that specifically address the permit deviation reporting requirements (i.e., proposed SPC III.1.1c(ii) and (iv) or SPC III.1.2 as proposed above) are also not applicable to construction permits. (Note: we believe that missing a deadline for reporting like the one found in original SPC III.1.1c(iv) or SPC III.1.2a proposed above is a permit deviation, not an excess emission.)

Response AOGA-13:

The department agrees that the text change above clarifies the intent of the condition and will make the suggested change.

Comment AOGA-14:

Statement of Basis for SPC III.1

- 14) Delete the proposed new version of the **Factual Basis for SPC III.1** and reinsert the version revised as of August 20, 2008, with a few edits as follows:

“Factual Basis: <...>

In accordance with 40 CFR 71.6(a)(3)(iii)(C), a deviation means any situation in which an emission unit fails to meet a permit term or condition. **Aa** deviation is not always a violation. For a situation lasting more than 24 hours, which constitutes a deviation, each 24-hour period is considered a separate deviation. “Deviation” as defined in 40 CFR 71 means both “excess emission” and “permit deviation” as used in this permit, which includes:

1. a situation where emissions exceed an emission limitation or standard;
2. a situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
3. a situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit (including indicators of compliance revealed through parameter monitoring);
4. a situation in which any testing, monitoring, recordkeeping or reporting required by this permit is not performed or not performed as required;
5. a situation in which an exceedance or an excursion, as defined in 40 CFR Part 64, occurs; and,
6. failure to comply with a permit term that requires submittal of a report.

In accordance with 18 AAC 50.990~~(34)~~ “excess emissions” means “emissions of an air pollutant in excess of any applicable emission standard or limitation”, which is the situation described in item 1 above in the definitions from 40 CFR 71. **These definitions shall**~~shall~~**should** be considered in determining an “excess emissions” or “permit deviation” when reporting an occurrence using the ADEC notification form.

The reports themselves and the other monitoring records required under this permit provide monitoring of whether the Permittee has complied with the condition. Please note that there may be additional federally required excess emission reporting requirements.

~~<Insert section cross reference>, Notification Form~~

~~The department modified the notification form, deviating from standard permit condition IV, to more adequately meet the requirements of Chapter 50, Air Quality Control. The modification consisted of updating the current Department e-mail address in the report form used for submission of this form due to recent changes at the Department.”~~

Basis: We believe the information regarding the definitions of permit deviations and excess emissions included in the existing SPC III Statement of Basis is useful and pertinent to the context of the factual basis for a Statement of Basis. The list provides some direction as to what defines a permit deviation versus excess emissions and other important reminders and statements are also included in the 2008 version of the text (e.g., a continuous deviation lasting more than 24-hours is a separate deviation for each 24 hours that it continues). In addition, 18 AAC 50 does not include a definition of a permit “deviation” other than that stated in 40 CFR 71.6(a)(3)(iii)(C), so it is useful to include that information here as well as the citation to the definition of “excess emissions” found in 18 AAC 50.990.

Regarding our proposed deletion of the paragraph that addresses the Notification Form, please see basis #1) to our comment 15), below.

We understand that the Department has deleted the language found in the August 20, 2008 version of the Statement of Basis for Standard Permit Condition III on the basis that 40 CFR 71.6(a)(3)(iii)(C) has not been adopted by state regulation. Based on our reading of 18 AAC 50,

- 40 CFR 71.6(a) is adopted by reference under 18 AAC 50.040(j)(4) “except as provided in 18 AAC 50.326”.
- 18 AAC 50.326(j)(3) states that “prompt reporting of permit deviations is subject to the department’s Standard Permit Condition III, adopted by reference in 18 AAC 50.346, instead of 40 C.F.R. 71.6(a)(3)(iii)(B)(1) – (B)(4); the provisions of 40 C.F.R. 71.6(a)(5) – (7) are replaced by the standard permit conditions of 18 AAC 50.345.” Here, 40 CFR 71.6(a)(3)(iii)(B)(1) – (B)(4) are to be replaced by other provisions of the rules, but we have not identified language here or anywhere else in 18 AAC 50.326 that excludes or replaces 40 CFR 71.6(a)(3)(iii)(C). However, 40 CFR 71.6(a)(3)(iii)(C) begins with the phrase “For purposes of paragraph (a)(3)(iii)(B)...” We assert that this phrase by itself does not exclude 40 CFR 71.6(a)(3)(iii)(C) on the basis that 50.326(j)(3) includes instructions to replace §71.6(a)(3)(iii)(B) with a standard permit condition. Instead, it means that the introductory phrase “For purposes of paragraph (a)(3)(iii)(B)...” in §71.6(a)(3)(iii)(C) would indirectly be read to mean “For purposes of the standard permit conditions of 18 AAC 50.345...”.

Finally, we do not believe that the language in the 2008 version of the Statement of Basis is in conflict with the requirement in AS 46.14.120(c) to “comply with the terms and conditions of a permit”. The Department has expressed concern that this requirement is in conflict with the statement in 40 CFR 71.6(a)(3)(iii)(C) that “a deviation is not always a violation”. We point out that the full context of the statement in 40 CFR 71.6(a)(3)(iii)(C) is as follows – “...deviation means *any situation* in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation.” (emphasis added) Therefore, we have proposed to edit the Statement of Basis language to include the full context from

40 CFR 71.6(a)(3)(iii)(C). In this context, the definition seems to be stating that a violation is always a permit deviation, but a deviation can also occur in situations that are not permit violations, and is not in conflict with AS 46.14.120(c).

Response AOGA-14:

The department does not agree with the commenters suggested edit to revert to an older version of the Statement of Basis for this SPC. The department has not asserted that 18 AAC 50.040(j)(3) does not adopt 40 CFR 71.6(a)(3)(iii)(C) anywhere in this proposed change. Since this federal text conflicts with Alaska Statute, the department elected to delete the prior text to avoid misleading permittees regarding permit deviations and violations under Alaska Law. Under AS 46.14.120(c) and 18 AAC 50.345(c) the permittee is required to comply with the terms and conditions of a permit or modifying order. Thus every deviation is a violation under State rules. The older version of the Statement of Basis erred in this description, which is why it was replaced with the current version. Based upon the above rationale, the department will not adopt any of the proposed edits.

Comment AOGA-15:

- 15) If the Department does not agree that the requested revisions in comment 14) can be done, then please make the following edits to the **Factual Basis for SPC III.1**. If the Department agrees to make the revisions requested in comment 14), but intends to include additional text such as that proposed in the June 25, 2010 rules amendment package, then please revise the **Factual Basis for SPC III.1** in conjunction with our previous comment, as follows:

~~“...The Department adopted this condition as Standard Permit Condition III under 18 AAC 50.346(c) pursuant to AS 46.14.010(e). The Department made a correction to the Standard Operating Permit Condition III to allow identical reporting methodology for both Excess Emissions and Permit Deviations reports which use identical forms and should have identical submissions methods. The Department also made an allowance to submit permit deviations not classified as excess emissions within 30 days of the end of the month that the deviation is discovered since the deviation cannot be reported absent discovery, or no later than the next ACC report since reasonable inquiry should lead to a discovery of any permit deviations. Beyond as noted above, the The Department has previously determined that the standard conditions adequately meetmeets the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate th~~at~~ that unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meets the requirements of 40 C.F.R. 71.6(a)(3).~~

~~<Insert section cross reference>, Notification Form~~

~~The Department modified the notification form contained in Standard Permit Condition IV in a revised rulemaking dated August 20, 2008 to more adequately meet the requirements of Chapter 50, Air Quality Control. The rulemaking for these changes took effect November 9, 2008. The modification consisted of correcting~~

~~types and moving “Failure to Monitor/Report” and “Recordkeeping Failure” to Section 2—permit deviations. The department modified the standard condition to allow both excess emissions and permit deviations to be reported online via the Departmental online submission system.~~

Basis: 1) Discussions in a Statement of Basis regarding what has been changed relative to the SPC language should be reserved for a Title V permit template developed by the Department and not used as standard language in the Statement of Basis for the SPC. For example, the language we have struck out above for the second and third paragraphs of the factual basis of the Statement of Basis for SPC III is no longer pertinent because SPC III is being modified as part of this rules amendment package to address the very changes that the struck out language states the Department changed in an issued Title V permit compared to the SPC language. In other words, the conditions in a Title V permit issued by the Department will no longer be different from the language found in this revised SPC III in the way that is stated in the proposed text for the factual basis of the “standard” Statement of Basis language.

2) Use of the phrase “previously determined” implies to us that the Department has already made up its mind that a stationary source-specific condition could not possibly be better suited to meet the requirements of 18 AAC 50. We request that the language in the Statement of Basis simply state that a determination has been made for the stationary source’s permit that the Standard Permit Condition meets the requirements of 18 AAC 50 and that a stationary source-specific condition was not developed for the permit. In addition, in stating this conclusion the phrase “as modified” should not be used as the SPC itself is now modified by these updates.

Response AOGA-15:

The department agrees that the text change above clarifies the intent of the revised SPC statement of basis and will make the suggested change. The text to be deleted was inserted in an interim change to the SPC to highlight those temporary edits which needed to be explained with regards to the interim change to the SPC and can now be deleted.

Response AOGA-12—AOGA-15: Revised Regulations—

The discussed and agreed to changes have been made to Standard Permit Condition III – Excess Emissions and Permit Deviation Reports.

Comments AOGA-16—AOGA-19 (Standard Operating Permit Condition V – Insignificant Emission Units):

Comment AOGA-16:

16) Revise **SPC V.1** as follows:

1. For EU ID(s) < *include emission unit identification for any insignificant emission units listed in the permit that qualify for this condition* > listed in

Table A that have actual or potential emissions less than the significance thresholds in 18 AAC 50.326(e) or have a size or production rate less than the thresholds in 18 AAC 50.326(g), and for emission units at the stationary source that are insignificant as defined in 18 AAC 50.326(d)-(i) that are not listed in this permit, the following apply:

Basis: SPC V.1.4.d refers to EU that are subject to operating limits in the permit. Such EU cannot be insignificant “as defined in 18 AAC 50.326(d)-(i)” as indicated in 50.326(d)(1)(B). The suggested change is intended to clarify the intent of the standard condition to allow such units to be treated as insignificant EU, while not contradicting 50.326(d)(1)(B).

Response AOGA-16:

The suggested change advanced in the comment would allow emission units listed in the permit in Table A that have “actual or potential” emissions less than either of the emission rate basis (18 AAC 50.326(e)) or size/production rate basis (18 AAC 50.326(g)) to be treated in a streamlined fashion as other IEUs. The commentator claims that the additional text clarifies the condition to set forth the streamlined MR&R, while not contradicting 18 AAC50.326(d)(1)(B).

Title V permits developed by the department include all emission units in Table A that:

- are significant,
- have Federal requirements (18 AAC 50.326(d)(1)(A),
- have emission unit-specific requirements developed under certain specific permitting criteria (18 AAC 50.326(d)(1)(B); or
- that have stationary source or emission unit specific emission limitations (18 AAC 50.326(d)(1)(C)).

No emission unit having applicable requirements under those regulations can be considered insignificant, regardless of actual or potential emissions, or regardless of size or production rates.

Our basis for developing SPC V was to address those IEUs that are categorically insignificant and not to extend the umbrella of reduced MR&R to significant emission units that may not have sufficient operations to emit beyond the emission rate or category basis. The designation of an IEU should be made at the time of application, and an emission unit should not change category during the life of the permit except as set forth under proposed condition SPC V.1.4(c) which is brought forward from the previous MR&R condition.

Not advanced in the proposal by the commenter is the need to thus track changes in emission unit status for IEUs under SPC V.1.4(c) which as proposed by the department only requires reporting of a change in status. The proposal would require development of MR&R suitable for a significant emission unit, such as an emergency generator, that may change status during the term of a permit due to increased operations.

Rather than overly-complicate the IEU standard permit condition to umbrella other unit types, these exceptions are better handled case-by-case. In recent Title V permits, using BPXA SIPE (AQ0170TVP02) as an example, the department has allowed reduced MR&R for

significant emission units in the State standard section (e.g. AQ0170TVP02 Visible Emissions Condition 1.3) while retaining the designation of that unit as a significant emissions unit, so as not to confuse the issue with respect to compliance, monitoring and reporting. The department believes that this permit-specific modification of the significant emission unit terms is a more appropriate location to address the MR&R streamlining envisioned under the guidelines of Topic #3 of ADEC Policy and Procedure 04.02.103 of October 8, 2004.

For the reasons delineated above, the department does not accept this proposed change as advanced by the commenter.

Comment AOGA-17:

17) Revise **SPC V.1.4c** to clarify the language as follows:

“c. The Permittee shall report in the operating report required by Condition *<insert cross reference to Operating Reports standard permit condition>* if an emission unit ~~is~~ has historically been classified as insignificant because of actual emissions less than the thresholds of 18 AAC 50.326(e) and current actual emissions become greater than any of those thresholds;”

Basis: A change in the status of an emission unit from IEU to non-IEU is based on a change in the actual emissions of a unit comparing current actual emissions to the thresholds in 18 AAC 50.326(e) despite what historical actual emissions may have been. We believe that adding the words “historical” and “current” help to clarify the time period for the actual emissions being considered when making the determination of a change in IEU status. We also believe this language more adequately meets the requirements of 18 AAC 50 than the language found in Standard Permit Condition V under 18 AAC 50.346(b)(4).

Response AOGA-17:

The department agrees with the commenter that the text adds clarity. The department will edit the SPC V consistent with the suggested change as advanced in the comment.

Comment AOGA-18:

18) Revise **SPC V.1.4d** to clarify the appropriate condition references to be inserted into this condition as follows:

“d. No other monitoring, recordkeeping or reporting is required, except as provided in Conditions *<refer to condition(s) that state the MR&R required for EU(s) subject to operating limits>*.

Response AOGA-18:

The department uses the SPCs as the basis for developing Title V and other permits as set forth in 18 AAC 50.346. As such, the italicized text in the SPC is used in each permit to cross-link additional conditions specific to an individual permit requiring additional MR&R for IEUs. As such, the text proposed by the commenter will help clarify for the permit staff which

additional conditions are to be cross-linked and the department has adopted the suggested change.

Comment AOGA-19:

Statement of Basis for SPC V

- 19) Revise the second grouping of **Optional Text for the Statement of Basis for SPC V**, as follows:

“(Optional text) Condition V1.4(a) requires certification For EU ID(s) <>, as long as they do not exceed the operational limits ~~of their hours of operation~~ as stated in Condition <refer to condition(s) that state pertinent operational limits>, they are considered insignificant emission units and no monitoring is required in accordance with Department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04 for ~~standby~~ small emission units subject to operating limits”.

Basis: We have made corrections that apply to the subject/title of “Topic #3” of the 10/8/04 policy and procedure document referenced by the text, additional clarifications, including instructions for permit writers, and a change to refer to the more general term of “operational limits” as this language could refer to emission units subject to limits other than just a limit on the hours of operation (e.g., a fuel consumption limit, etc.).

Response AOGA-19:

The department agrees with the commenter and the suggested change as advanced in the comment and will make the edit to the revised SPC V.

Response AOGA-16—AOGA-19: Revised Regulations—

The discussed and agreed to changes have been made to Standard Operating Permit Condition V – Insignificant Emission Units.

Comments AOGA-20—AOGA-26 (Standard Operating Permit Condition VII – Operating Reports):

Comment AOGA-20:

- 20) Revise **SPC VII.1** as follows:

“1. Operating Reports. During the life of this permit¹, the permittee shall submit an original and ~~two copies~~ one copy of an operating report by August 1 for the period January 1 to June 30 of the current year and by February 1 for the period July 1 to December 31 of the previous year ~~<or as in the case of BPXA or other applicants, a revised (e.g. quarterly) schedule may be implemented at the request of the applicant>~~.

- Basis:* 1) We understand from communication we have had with the Department that only one copy of each operating report is needed in addition to an original report.
- 2) It does not seem necessary or appropriate to name specific permittees in the Standard Permit Conditions. Please use more generic language as proposed.
- 3) In addition, the instructions found in the italicized text added to the SPC are already included in Note 2 of the SPC (under “the following applies to this standard permit condition” at the end of the SPC) directing the permit writer that “The reporting schedule may be modified to allow for quarterly reporting as a permittee-specific condition.” As such, it may not be necessary to include the new italicized text in the condition.

Response AOGA-20:

The department agrees with the suggested change for comment 20(1) and will make that change. One copy as well as one original shall be provided to the department.

The text in the SPC which appears in reference to comment 20(2) and 20(3) are both guidance for the permit writer, as it can be overlooked that one ADEC permittee has requested that all permits include quarterly reporting, a fact which can be easily overlooked without specific notification. The department must balance the needs of new staff or contractor support unfamiliar with the specific unique process requirements of individual permittees versus the appropriateness of naming an individual permittee in a SPC.

To balance these opposing requirements, the department will accept the removal of the text in comment 20(2) but leave the remainder of the guidance in the condition despite the further guidance contained below in the SPC as commented in comment 20(3).

Comment AOGA-21:

21) Revise **SPC VII.1.1** as follows:

“1.1 The operating report must include..., for the period covered by ~~this~~ the report.”

Response AOGA-21:

This comment being solely editorial in nature was accepted by the department, and the change has been made.

Comment AOGA-22:

22) Please revise **SPC VII.1.2** to clarify the context of the condition. The condition begins with a conditional statement “if...not reported...either” then goes on with the apparent intent to provide two options to the permittee as to what to do “if...not reported”. However, the second option under VII.1.2b is confusing because it states “when...already reported”. This is contrast to the opening conditional statement about information not

reported. Although the intent of the condition is unclear, we propose here an alternative that may make sense if it meets the intent of the Department.

“1.2 ~~If~~ When excess emissions or permit deviations that occurred during the reporting period are not ~~reported~~ included with the operating report under condition VII.1.1, ~~either the permittee shall identify~~

~~a. the permittee shall identify~~

~~a.(i)~~ the date of the deviation (etc.)

~~<...>~~

1.3~~b~~. When excess emissions...have already been reported..., the permittee shall cite the date...”

Basis: In addition to the basis provided in the comment above, SPC VII.1.1 requires that the operating report include all information required to be in operating reports. Some conditions, but not all, in Title V permits that address submittal of excess emissions and permit deviations (EE/PD) reports include a requirement to include a copy of the EE/PD report with the operating report. The apparent intent of SPC VII.1.2 is to capture those conditions that do not have a requirement to include a copy of the EE/PD reports with the operating report. We propose the language change above to clarify this intent.

Response AOGA-22:

The department agrees that the text change above clarifies the intent of the condition and will make the suggested change.

Comment AOGA-23:

23) Revise **SPC VII.1.3** as follows:

“1.3 The operating report must include, for the period covered by ~~this~~ the report...”

Response AOGA-23:

This comment being solely editorial in nature was accepted by the department, and the change has been made.

Comment AOGA-24:

24) Revise **SPC VII.1.4** to set the font to bold for the introductory text “Transition from expired to renewed permit”. The Department generally uses this method to set apart the introductory text making the condition easier to read.

Response AOGA-24:

This comment being solely editorial in nature was accepted by the department, and the change has been made.

Comment AOGA-25:

25) Add the following instruction to **the Notes at the end of SPC VII:**

“3. Condition VII.1.4 should not be used for initial Title V permits.”

Basis: This instruction is currently found in the proposed changes to the Factual Basis for SPC VII. Because it is an instruction to permit writers, we believe it is better suited for the notes at the end of the SPC. See also our comment 26).

Response AOGA-25:

This comment being primarily editorial in nature was accepted by the department as it provides additional clarity to the permit writer, and the change has been made.

**Comment AOGA-26:
Statement of Basis for SPC VII**

26) Revise the **Factual Basis for SPC VII** as follows:

~~“... For initial Title V permits, Condition VII.1.4 should be deleted. <Include the following paragraph in the Statement of Basis for renewal Title V permits only.> For subsequent renewal permits, the condition specifies...~~

<...>

~~This condition was further modified to delete the provision for electronic records consultation with the ADEC Compliance Technician because that provision is already allowed in the Submittals Condition of the general Recordkeeping and reporting Section. This change more adequately meets the requirements of 18 AAC 50 streamlines the permit to remove redundant conditions.~~

Basis: 1) The instruction to delete Condition VII.1.4 would be better located in the permit writer notes found in the SPC below Condition VII.1.4 per our comment 24). However, an instruction to permit writers regarding the use of the subject paragraph in a permit Statement of Basis is appropriate and should be included with the <appropriate formatting>, as shown here.

2) Delete the word “subsequent” for clarity. The proposed Statement of Basis language applies to all renewal permits, not just subsequent renewal permits.

3) See basis #1 to our comment 14) as it pertains to our requested removal of the last paragraph of the Statement of Basis for SPC VII.

Response AOGA-26:

This comment being primarily editorial in nature was accepted by the department as it provides additional clarity to the permit writer and the change has been made.

Response AOGA-20—AOGA-26: Revised Regulations—

The discussed and agreed to changes have been made to Standard Operating Permit Condition VII – Operating Reports.

Comments AOGA-27—AOGA-57 (Standard Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units):

Comment AOGA-27:

27) Revise the **title page of SPC IX** as follows or, preferably, promulgate a new SPC that addresses flares separately per our comment 42):

“Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units and Flares”

Basis: This SPC addresses flares as well as liquid fired emission units.

Response AOGA-27:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-28:

28) **Bold** the **introductory text to SPC IX.1** and revise as follows:

“1. **Industrial Process and Fuel-Burning Equipment Visible Emissions.** The Permittee shall ~~comply with the following:~~ not cause or allow visible emissions, excluding condensed water vapor, emitted from EU ID(s) <insert EU ID numbers> listed in Table <insert Table of Emission Units designation> to reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes.

~~1.1 Do not cause or allow visible emissions, excluding condensed water vapor, emitted from EU ID(s) <insert EU ID numbers> listed in Table <insert Table of Emission Units designation> to reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes.~~

~~1.2 For EU ID(s) <insert EU ID numbers>, monitor, record, and report in accordance with Conditions 3–5.~~

1.13 For EU ID(s) <insert EU ID numbers>, burn only gas as fuel. Monitoring for these emission unit(s) shall consist of a ~~certification~~ statement in each operating report under Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas during the period covered by the report. Report under Condition <refer to excess emission/permit deviations condition number> if any fuel is burned other than gas.

- 1.2 For any of EU ID(s) <insert EU ID numbers> that has actual emissions less than the thresholds in 18 AAC 50.326(e), monitor, record and report in accordance with Condition <refer to condition number for Standard Permit Condition V.1.4>. Otherwise, monitor, record, and report in accordance with Conditions 3 through 5.
- 1.34 For each of EU ID(s) <insert EU ID numbers>, as long as ~~they do~~ the emission unit does not exceed the limits in Condition(s) <insert number(s) of Condition(s) that state EU(s) operating limits>, monitoring shall consist of an annual compliance certification under Condition <refer to Annual Compliance Certification condition number> with the ~~opacity~~ visible emissions standard in accordance with <refer to the condition in the permit that incorporates Standard Permit Condition V.1.4.a>. Otherwise, determine if actual emissions for that unit are below the thresholds in 18 AAC 50.326(e) and comply with Condition 1.2.
- 1.45 For EU ID(s) <insert EU ID numbers>, use **only** gas as primary fuel. Monitoring for these emission unit(s) shall consist of a ~~certification statement~~ statement in each operating report required in Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired ~~only~~ gas as the primary fuel during the period covered by the report. If ~~operating operation~~ operating operation on a back-up liquid fuel occurred during the period covered by the report, the Permittee shall monitor, record, and report according to Condition 15.
- 1.56 For EU ID(s) <insert EU ID numbers>, monitor, record, and report in accordance with Condition 6.”

Basis: 1) We propose that SPC IX.1 be revised to state the applicable limit that applies to the source, in the same manner that is done in SPC IX.7 to simplify the condition. This change results in a subsequent renumbering of all subconditions under SPC IX.1.

NOTE: References to condition numbers in the basis statements below and in edits to condition IX.3 further below are intended to be to the original condition numbers, not the new condition numbers that will result from the deletion of conditions, except as noted.

2) Delete Condition IX.1.2 and replace it with a revised version of the condition in proposed new Condition IX.1.2 shown above. See basis #4) below for additional information.

3) (Conditions IX.1.3 and IX.1.5) - The Department’s compliance inspectors have commented to Permittees about permit conditions that include language that requires a Permittee to certify compliance with a permit limit or operating requirement. The conundrum that such language raises is that if a deviation from the limit or operating requirement has occurred, then the permit condition forces a Permittee to either improperly certify compliance per the required permit

condition, or to further deviate from the requirement of the permit by not certifying compliance with the limit or requirement. For example, in the extremely unlikely event that any fuel other than gas is burned in emission units that are identified in a permit as gas-fired units only, a Permittee would be unable to include a “certification” in the operating report that only fuel gas had been fired, although this is a requirement of the permit condition. Our proposed language provides the information needed to determine compliance with the requirement to burn only gas as fuel by requiring that the operating report include a statement as to whether or not fuel gas was used exclusively by the Permittee during the reporting period for the affected emission units. The “certification” portion that is desirable to the Department is required by other conditions in the Title V permits that incorporate the requirements of 18 AAC 50.205 and 18 AAC 50.326(j). These rules require that a Permittee certify “that the statements and information in and attached to (a report submitted to the Department) are true, accurate, and complete.” (emphasis added).

4) (Proposed new subCondition IX.1.2, as a revision to the original subCondition IX.1.2, but moved to a new location) - This subcondition should be revised to specifically address any emission units that typically have actual emissions based on a small number of annual operating hours, that are subject to an operating limit, but which have an operating time threshold above which they are no longer an IEU that is less than the operating time limit. This is an appropriate supplement to the condition since the existence of operational limits does not necessarily mean an emission unit is an IEU in all cases, as presumed under Condition IX.1.4. For example, a 1500 hp emergency generator that has an annual operating time limit of 200 hours is an IEU based on actual emissions (and using AP-42 emission factors) only if it operates 110 hours or less in a year, which is less than the operating time limit.

5) (Condition IX.1.4) - We believe that our proposed changes to this condition clarify that the operating time limit triggers for additional MR&R apply to each individual emission unit, not to the sum of the operating hours of all of the emission units referenced by the condition.

6) (Condition IX.1.4) - This condition applies to emission units that are subject to operating limits, but which otherwise would be classified as insignificant. We believe that the sentence in the condition pertaining to the required certification for MR&R should refer to the certification requirement found in SPC V.1.4.a that applies to the emission units addressed by the condition when they are classified as insignificant emission units (IEUs). The cross reference should be specifically made to SPC V.1.4.a and not SPC V.1.4 since SPC V.1.4.a specifically states the certification requirement.

7) (Condition IX.1.4) - We request that this condition [and Condition IX.7.3 per our comment 43)] include an alternate compliance method if the affected emission units exceed any annual operating limits. We believe this is an oversight

of Standard Permit Condition IX. We have added our proposed alternative, which is to comply with Condition IX.1.2 since exceedance with an operational limit does not necessarily mean that actual emissions are above the IEU thresholds. Actual emissions are the test that is used to determine IEU status under 18 AAC 50.326(e), not potential emissions. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the proposed standard permit condition language.

8) (Condition IX.1.4) –The correct title of the standard that applies to Permittees is “visible emissions standard”, not “opacity standard”. The opacity is the measured parameter used to assess compliance with the visible emissions standard.

9) (Condition IX.1.5) – in addition to basis #3) above, the additional proposed edits to this condition help to clarify the language of the condition.

Responses AOGA-28:

Response to AOGA-28 Basis 1): The department agrees to merge the standard into SPC IX.1 instead of a subparagraph 1.1.

Response to AOGA-28 Basis 2): The department rejects the revision. Regarding IEUs vs. listed emission units, the department finds the language redundant with the IEU SPC. The residual is fundamentally the same as the original Condition IX.1.2 (now 1.1). Stylistically, it makes more sense to list the most prevalent and important of the periodic MR&R approaches at the top of the subparagraph list, so the department retained the Condition as new condition IX.1.1.

Response to AOGA-28 Basis 3): The department recognizes and appreciates the confusion regarding semantics and agrees to update the reporting statement text.

Response to AOGA-28 Basis 4): This proposed text is inconsistent with the IEU SPC condition and confuses the compliance status absent an ever changing actual emission bank. Rather than develop potentially conflicting provisions, it is far superior for the department to rely upon the IEU designations provided in the application and impose periodic MR&R under SPC IX than to create a logistical log-jam for intermittently operated units. To avoid further complicating a challenging set up “what-if” scenarios, the department rejects adding a new category of possibly IEUs with concomitant monitoring scheme complications. If necessary, such scenarios can and should continue to be worked out case-by-case depending upon the actual emission history of the unit in question.

Response to AOGA-28 Basis 5): The department agrees the trigger is unit specific, not based upon the sum of all units, and has changed the provision accordingly.

Response to AOGA-28 Bases 6) - 8): With regards to Basis 8, the department agrees that the editorial changes add clarity and has accepted these editorial streamlining and general comments as proposed.

With regards to Basis 7, the department does not agree with the proposed modification to SPC IX.1.4 as the EUs with operating limits are not allowed to exceed those limits (18 AAC 50.345(c)). In practice these operating limits normally stem from either (e.g.) an ambient condition, or an owner-requested limit to cap emissions. Providing a method to allow a unit to violate an operational limitation imposed in construction or minor permitting is not supported by the department. The department accepts the editorial-only changes to Condition SPC IX.1.4 but rejects the edits including and after “Otherwise, determine if actual emissions...”

Response to AOGA-28 Basis 9): The department agrees that the editorial changes add clarity and accepted the edits.

Comment AOGA-29:

29) Bold the introductory text to **SPC IX.2** and revise as follows:

“**2. Incinerator Visible Emissions.** The Permittee shall not cause or allow visible emissions, excluding condensed water vapor, through the exhaust of EU ID(s) <insert EU ID numbers>, to reduce visibility by more than 20 percent averaged over any six consecutive minutes.~~comply with the following:~~”

~~2.1 Do not cause or allow visible emissions, excluding condensed water vapor, through the exhaust of EU ID(s) <insert EU ID numbers>, to reduce visibility by more than 20 percent averaged over any six consecutive minutes.~~

2.**12** Use Stationary Source-specific VE MR&R for incinerators.)”

Basis: We propose that SPC IX.2 be revised to state the applicable limit that applies to the source, in the same manner that is done in SPC IX.7 to simplify the condition. This change results in a subsequent renumbering of all subconditions under SPC IX.2.

Response AOGA-29:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-30:

30) Revise the title just before **SPC IX.3** as follows:

“*Liquid Fuel-fired Emission Units ~~Sources~~ (EU IDs <insert EU ID numbers>)*”

Basis: Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions.

Response AOGA-30:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-31:

31) Revise **SPC.IX.3** as follows:

- “3. **Visible Emissions Monitoring.** When required by any of conditions 1.1 through 1.3, or in the event of replacement during the permit term, the ~~The~~ Permittee shall observe the exhaust of EU ID(s) *<insert EU ID numbers>* for visible emissions using either the Method 9 Plan under Condition 3.1 or the Smoke/No-Smoke Plan under Condition 3.2. The Permittee may change visible-emissions plans for an emission unit at any time unless prohibited from doing so by Condition 3.3.

Basis: The intent of our proposed revision to this condition is to clarify that the requirements of condition 3 are triggered by any of conditions 1.1 through 1.3 (numbering based on our proposed revisions in our comment 28). Otherwise, this condition does not apply.

Response AOGA-31:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-32:

32) Revise **SPC IX.3.1.a(i) and (ii)** as follows:

- “(i) For any significant liquid fuel-fired emission units replaced during the term of this permit, observe the exhaust of the replacement unit for 18 minutes within 30 days of startup.
- (ii) For each existing emission unit ~~that exceeds the operational threshold in~~ triggers visible emissions monitoring under Condition ~~IX.1.4~~ 1.2 or 1.3 **[these are the new subcondition numbers per our proposed revisions stated in our comment 28), above]**, observe ...”

Basis: 1) Our proposed edits to condition IX.3.1.a(i) are intended to clarify the language by stating that initial testing after replacement of an emission unit is limited to significant emission units that fire liquid fuel. Gas-fired emission units are not subject to the MR&R found in conditions IX.3 through IX.5.

2) For condition IX.3.1.a(ii), see our comment 28) where we propose to create a new version of condition IX.1.2, which would also be appropriately referenced by this condition. Consequently, this condition would also need to be changed to

more generically refer to emission units that trigger a requirement to conduct MR&R under conditions IX.3 through IX.5.

Response AOGA-32:

The department agrees that the editorial change regarding liquid fuel fired emission units adds clarity and has accepted this comment as proposed. Regarding IEU and significant emission units, the applicant is responsible to sort out the universe of insignificant emission units from all other activities. Those flares and liquid fuel fired fuel burning equipment classified as significant become subject to SPC IX and those liquid fuel fired fuel burning equipment classified as IEUs are subject to SPC V. The suggested edits proposed blur this distinction and confuse which SPC applies to an IEU. Therefore, the department rejects the “significant” clause proposed.

Comment AOGA-33:

33) Revise **SPC IX.3.1a, c and d** and create a new **SPC IX.3.1e** as follows:

- a. First Method 9 Observation. Except as provided in Conditions 3.1e and 3.4, for EU ID(s)...
- b. Monthly Method 9 Observations. <...>
- c. Semiannual Method 9 Observations. After observing emissions for three consecutive operating months under Condition 3.1a(i), unless a six-minute average is greater than 15 percent and one or more observations are greater than 20 percent, perform 18-minute observations within six months after the preceding observation.
 - ~~(i) within six months after the preceding observation; or~~
 - ~~(ii) for an emission unit with intermittent operations, during the next scheduled operation immediately following six months after the preceding observation.~~
- d. Annual Method 9 Observations. After at least two semiannual 18-minute observations, unless a six-minute average is greater than 15 percent and one or more individual observations are greater than 20 percent, perform 18-minute observations within twelve months after the preceding observation.
 - ~~(i) Within twelve months after the preceding observations; or~~
 - ~~(ii) For an emission unit with intermittent operations, during the next scheduled operation immediately following twelve months after the preceding observation.~~
- e. For intermittently operated emission units <insert EU ID numbers>, the permittee may perform 18-minute observations within twelve months after the preceding observation, or during the next scheduled operation if the scheduled operation is not within 12 months after the preceding observation, and Conditions 3.1a - 3.1d do not apply.

Basis: The intent of these proposed edits is to remove the tiered monitoring requirements for liquid fuel fired emission units that operate intermittently. We find keeping track of intermittent engine monitoring schedules established by the tiered monitoring approach found in the current condition to cause an unnecessary risk of noncompliance, without a meaningful effect on air quality or compliance with the underlying standard. The Department has agreed to include a condition similar to our proposed condition SPC IX.3.1e in Title V permits issued to Alyeska Pipeline Service Company (see, for example, permit no. AQ0072TVP02 for Pump Station 1).

Response AOGA-33:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed, although the department replaced the word “may” with the word “shall” and other minor edits as in “... the permittee shall ~~may~~ perform an 18-minute observations within twelve months...” in sub-paragraph (e). In addition, for intermittently operated emission units, the periodic MR&R exception clause in 3.1(e) was modified for conditions 3.1(b)-(d) instead of 3.1(a)-(d). Justification--the initial observation applies irrespective of whether the listed unit is intermittently operated. In the same spirit, the 3.1(e) exception was removed from the Condition 3.1(a) proposal.

Comment AOGA-34:

34) Revise **SPC IX.3.1e** as follows for clarity and to correct the condition reference:

“fe. ... then increase or maintain the 18-minute observation frequency for that emission unit to ~~at least monthly intervals~~ a monthly interval as described in Condition 3.1b, until the criteria in Condition ~~3.1b~~ 3.1c for semiannual monitoring are met.

Basis: We believe it is the Department’s intent to require monthly observations for engines that would normally operate during the month, as indicated in the language of SPC IX.3.1b which includes a provision for monthly monitoring only if the engine operates in a given month. As written in the standard permit language, SPC IX.3.1e requires the Permittee to revert back to at least monthly Method 9 observations but does not include the “if operated” provision. By making the change we have proposed, SPC IX.3.1e now refers back to Condition 3.1b to redefine the monthly monitoring requirement (just as it also refers to Condition 3.1c to redefine the semiannual monitoring) thereby maintaining consistency in the requirements of Conditions 3.1b and 3.1e. We believe that these changes more adequately meet the requirements of 18 AAC 50 than does the current standard permit condition language.

Response AOGA-34:

The department agrees that the editorial change adds clarity and has accepted this comment except the department retained the “**at least** monthly intervals” clause.

Comment AOGA-35:

35) Revise **SPC IX.3.4** as follows:

“3.4 In the case of renewal permits, the permittee shall ~~have the option to continue an established monitoring frequency rather than re-starting the cycle of monitoring from the beginning as in Condition 3.1a. The permittee shall state the intention of using make note of this option in the first Operating Report...~~” [**DELETE ENTIRE SENTENCE**].

Basis The requirement to document the intent to continue using the previously established monitoring frequency is no longer needed if the language is changed as proposed to make it a requirement to continue using the established frequency instead of an option. We are confident that Permittees not want to restart the monitoring cycle with each permit renewal.

Response AOGA-35:

The department does not agree to make the change as shown in the commenter’s edits. Instead, the department added the following editorial change to the end of Condition IX.3 as “The Permittee may, for each unit, elect to continue the visible emission monitoring schedule in effect from the previous permit at the time a renewed permit is issued, if applicable.” This change more adequately reflects the department’s intent to allow a Permittee to continue an established monitoring schedule “if applicable”. The department agrees that “We are confident that Permittees will not want to restart the monitoring cycle with each permit renewal.” however not all Permittee activities are applicable to continue an existing tier of monitoring as would be the case with new EUs added in the renewal cycle. The placement of the added text at the end of Condition IX.3 more closely meets the intent of the department’s proposed change and is the location of this text in most recently-issued ADEC permits including AQ0209TVP03, AQ0208TVP03, AQ0170TVP02, AQ0066TVP02, among others.

Comment AOGA-36:

36) Remove the bold formatting from the following highlighted text in **SPC IX.4**. In addition, revise **SPC IX.4** as shown.

“4. **Visible Emissions Recordkeeping.** When required by any of conditions 1.1 through 1.4, or in the event of replacement of any of EU ID(s) <insert EU ID numbers> during the permit term, the**The Permittee shall keep records as follows:**”

Basis: The intent of our proposed revision to this condition is to clarify that the requirements of condition 4 are triggered by any of conditions 1.1 through 1.4. Otherwise, this condition does not apply.

Response AOGA-36:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-37:

37) Revise **SPC IX.4.1** as follows:

- “a The observer shall record:
- (i) the name of the stationary source, emission unit and location, ~~stationary source~~ emission unit type, observer's name and affiliation, and the date on the Visible Emissions Field Data Sheet in <insert Visible Emissions Field Data Sheet Section number>;
 - (ii) the time, estimated distance to the emissions location, sun location, approximate wind direction, estimated wind speed, description of the sky Condition (presence and color of clouds), and plume background, ~~and operating rate (load or fuel consumption rate or best estimate if unknown)~~ on the sheet at the time opacity observations are initiated and completed;
- <...>
- (v) the minimum number of observations required by the permit; each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15-second period.
- b. To determine...
- c. eCalculate and record the highest 6-minute and 18-minute consecutive-minute averages observed.”

Basis: 1) Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions. It seems more relevant to us to record the emission unit type than the stationary source type on the visible emissions field data sheet if the person reviewing the submitted form does not have the permit readily available to determine the type of emission unit observed and 2) it is an emission unit whose emissions are observed, not the entire stationary source. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the current standard permit condition language.

2) The production/operating rate entry is not a requirement of Reference Method 9, and should not be included in the permit language or on the Visible Emission Observation form. This information is not critical to the outcome or interpretation of a Method 9 or smoke/no-smoke observation since the visible emissions standard applies regardless of the production/operating rate of an emission unit.

3) The six-minute observation results are used to determine if the Method 9 monitoring frequency can be reduced (see, for example, SPC IX.3.1c, 3.1d, and 3.1e). Therefore, the six-minute average should also be recorded. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the current standard permit condition language.

- 4) Our other proposed changes are punctuation changes to make the conditions easier to understand.

Response AOGA-37:

The department agrees to the editorial changes which add clarity and has accepted these editorial changes as proposed, but it does not accept the request to remove the requirement to annotate the "...operating rate (load or fuel consumption rate or best estimate if unknown)" as this data element is essential for the compliance inspector or VE observer to compare the operating condition of the EU under observation with regards to characterizing the actual discharge into ambient air (18 AAC 50.220(b)). The department (and permittee) needs to be able to note that an EU was online in a normal operational mode that characterizes actual operations at the stationary source and not (for example) idling offline with no load applied which would not be a true representation of the EU's visible emissions characteristics.

Comment AOGA-38:

- 38) Delete **SPC IX.4.2.g**.

Basis: The operating rate (load or fuel consumption) is not pertinent to the outcome or interpretation of a Method 9 or smoke/no-smoke observation since the visible emissions standard applies regardless of the production/operating rate of an emission unit.

Response AOGA-38:

The department does not agree to the editorial change as proposed for the reason set forth in response to Comment AOGA-37. For example, the actual operating rate or load is a necessary element of understanding compliance with the VE standards of 18 AAC 50.070. For this reason and those cited above, the department will not make this change.

Comment AOGA-39:

- 39) Remove the bold formatting from the following highlighted text in **SPC IX.5**. In addition, revise **SPC IX.5** as shown.

"5. Visible Emissions Reporting. When required by any of conditions 1.1 through 1.4, or in the event of replacement of any of EU ID(s) <insert EU ID numbers> during the permit term, theThe Permittee shall report visible emissions as follows:"

Basis: The intent of our proposed revision to this condition is to clarify that the requirements of condition 5 are triggered by any of conditions 1.1 through 1.4. Otherwise, this condition does not apply.

Response AOGA-39:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-40:

- 40) **SPC IX.5.1, SPC IX.11.3, and SPC IX.14.1** - Please use a consistent term to describe the Operating Report in the standard permit conditions. In these three conditions it is called the “Stationary Source Operating Report”. The SPC VII uses the term “Operating Report.” We suggest that the same term be used throughout SPC IX.

Response AOGA-40:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed. The department will adopt the consistent term “operating report” for the purposes of these conditions.

Comment AOGA-41:

- 41) **SPC IX.5.2b and SPC IX.11.1b** are examples of conditions that require a non-standard reporting deadline for a “failure to monitor.” Please include a reference to these conditions, and any other such conditions, if applicable to the stationary source, in SPC III.1.1c(iv) per our comment 12).

Response AOGA-41:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-42:

- 42) Delete **SPC IX.6** regarding visible emissions observations for flares.

Basis: The various members of our organization were unable to come to a consensus on the definition of a “qualifying flare event” that is workable for each company. There is simply no uniformity of the various situations as they apply to flare operations by the companies. Therefore, we believe it is not appropriate to include a “Standard Permit Condition” for flare visible emissions and request instead that each Permittee subject to a requirement to monitor flares for visible emissions be allowed to work with the Department to develop a source-specific (or Permittee-specific) condition that will be used in the permits for that Permittee. This should not be overly burdensome for the Department as there are a relatively small number of Permittees that are required to include a flare Method 9 provision in their permits, much smaller than the number of Permittees affected by the more general requirement to monitor liquid fuel fired units for visible emissions.

Response AOGA-42:

The SPC provides a boilerplate starting point for inclusion of VE MR&R for flares in permits where such a condition is applicable to an EU. The department already allows individual permittees to propose terms to the department under 18 AAC 50.346, “...*unless the department determines that emission unit-specific or stationary source-specific conditions more adequately*

meet the requirements of this chapter or that no comparable condition is appropriate for the stationary source or emission unit". To remove the option of flare SPC will do a disservice to those clients who prefer to accept the generic approach and add to the time necessary to negotiate site specific terms for every source with flaring activities. Absent a compelling argument why the general SPC is not applicable to a specific emission unit at an individual stationary source, the department will continue to use SPC IX.6. Thus, the department does not agree that the change adds clarity and has not accepted this proposal.

Comment AOGA-43:

43) Revise **SPC IX.7** as follows:

~~"7.1 For EU ID(s) <insert EU ID numbers>, monitor, record and report in accordance with Condition 9—11.~~

7.1~~2~~ For EU ID(s) <insert EU ID numbers>, burn only gas as fuel. Monitoring for these emission unit(s) shall consist of a certification statement in each operating report under Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas during the period covered by the report. Report under Condition <refer to excess emission/permit deviations condition number> if any fuel is burned other than gas.

7.2 For any of EU ID(s) <insert EU ID numbers> that has actual emissions less than the thresholds in 18 AAC 50.326(e), monitor, record and report in accordance with Condition <refer to condition number for Standard Permit Condition V.1.4>. Otherwise, monitor, record, and report in accordance with Conditions 9 through 11.

7.3 For each of EU ID(s) <insert EU ID numbers>, as long as ~~they do~~ the emission unit does not exceed the limits in Condition(s) <insert number(s) of Condition(s) that state EU(s) operating limits>, monitoring shall consist of an annual compliance certification under Condition <insert Annual Compliance Certification condition number> with the particulate matter standard in accordance with <refer to the condition in the permit that incorporates Standard Permit Condition V.1.4.a>. Otherwise, determine if actual emissions for that unit are below the thresholds in 18 AAC 50.326(e) and comply with Condition 7.2.

7.4 <...>

7.5 For EU ID(s) <insert EU ID numbers>, use **only** gas as primary fuel. Monitoring for these emission unit(s) shall consist of a certification statement in each operating report required in Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas as the primary fuel during the period covered by the report. If operating operation on a back-up liquid fuel occurred during the period covered by the report, the Permittee shall monitor, record, and report according to Condition 15 <insert VE & PM MR&R for Dual Fuel-Fired Sources condition number>."

Basis: See various bases to our comment 28).

Response AOGA-43:

See responses to each basis listed for Comment 28. The department agrees to analogous changes to SPC IX Condition 7 as agreed to for SPC IX Condition 1. The department agrees with the editorial-only changes which add clarity and has accepted these editorial-only comments as proposed. The department does not agree to delete condition SPC IX.7.1 and append it to the end of the new Condition SPC IX.7.2 proposed above as the condition loses visibility for what are the significant EUs subject to the PM standard. A better reorganization would be as follows:

“7.1 For EU ID(s) <insert EU ID numbers>, monitor, record and report in accordance with Condition 9 – 11. For any of EU ID(s) <insert EU ID numbers> that has actual emissions less than the thresholds in 18 AAC 50.326(e) except as provided in 18 AAC 50.326(d), monitor, record and report in accordance with Condition <refer to condition number for Standard Permit Condition V.1.4>.”

Further, the department does not agree with the proposed modification to SPC IX.7.3 as the EUs with operating limits are not allowed to exceed those limits (18 AAC 50.345(c)). In practice these operating limits normally stem from either (e.g.) an ambient condition, or an owner-requested limit to cap emissions to avoid threshold based standards or pre-construction review. Providing a method to allow a unit to violate an operational limitation imposed in an owner requested limit, construction or minor permitting is not supported by the department. As mentioned above under response to Comment AOGA-32, the department has elected in general not to have duplicate language or inconsistent language regarding IEUs and IEU classification. SPC V covers IEUs, visible emissions and particulate matter. All other liquid fuel burning equipment activities and flares will be covered under SPC IX.

Comment AOGA-44:

44) Revise the title just before **SPC IX.9** as follows:

“*Liquid Fuel-fired Emission Units Sources* (EU IDs <insert EU ID numbers>)”

Basis: Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit condition.

Response AOGA-44:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-45:

45) Revise **SPC IX.9, SPC IX.9.1, and SPC IX.9.2b** as follows:

“9. The Permittee shall conduct source tests on diesel engines and liquid-fired turbines, <identify emission units>, to determine the concentration of particulate matter (PM) in the exhaust of a source an emission unit as follows: in accordance with Condition 9.”

- 9.1 Except as allowed under Condition 9.4, within ~~Within~~ six months...
- 9.2 <...>
- a. <...>
- b. for a ~~source~~ an emission unit with an exhaust..."

- Basis:* 1) Please use the term "emission unit" instead of "source" as appropriate throughout the standard permit condition.
- 2) Other changes to SPC IX.9 are proposed for clarity and consistency.
- 3) The exception stated in SPC IX.9.4 should be identified in SPC IX.9.1 to make the reader immediately aware of the exception that applies.

Response AOGA-45:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-46:

46) Revise **SPC IX.9.4** as follows (grammatical):

"9.4 The automate PM source test requirements in Conditions 9.1 and 9.2 **isare** waived for ..."

Response AOGA-46:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-47:

47) Bold the introductory text to **SPC IX.11** as follows:

"11. Particulate Matter Reporting for Diesel Engines and Liquid-Fired Turbines. The Permittee shall report..."

Response AOGA-47:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-48:

48) Revise **SPC IX.12** as follows:

a) **"12. Particulate Matter Monitoring for Liquid Fuel-Fired Boilers and Heaters. ..."**

12.1 Except as allowed under Condition 12.3, cConduct a PM source test according to the requirements set out in *<insert Standard Source Test Section>* no later than ...”

- Basis:* 1) Our proposed edit to SPC IX.12 will help to further clarify the type of emission units that the condition applies to, as is done in SPC IX.9.
- 2) The exception stated in SPC IX.12.3 should be identified in SPC IX.12.1 to make the reader immediately aware of the exception that applies.

b) “12.2 During each one-hour PM source test run, observe the exhaust for 60 minutes in accordance with Method 9 and calculate the average opacity measured during each one-hour test run. Submit a copy of these observations with the source test report.”

- Basis:* Change proposed for consistency with SPC IX.9.3. It does seem appropriate to include a copy of the Method 9 observations conducted during a PM source test.

- c) “12.3 The PM source test requirement in Condition ~~12~~ 12.1 is waived for an emission unit if:
- a. a PM source test on that unit during the most recent semiannual reporting period on that unit shows has shown compliance with the PM standard during this permit termsince permit issuance, or
 - b. ~~if a follow-up visible emission observation conducted using Method 9 during the 90 days shows~~ take corrective action and conduct two 18-minute visible emissions observations in a consecutive six-month period to show that the excess visible emissions described in Condition ~~3.1e-12.1~~ no longer occur.”

- Basis:* 1) The source test requirement is stated in SPC IX.12.1, not SPC IX.12. We suggest that the cross-reference link be corrected in condition 12.3.
- 2) We do not understand the reference in SPC IX.12.3a to a PM source test conducted “during the most recent semiannual reporting period” with an indication that such a test could show compliance since permit issuance. Further, it appears that this condition makes reference to operating reports submitted semi-annually. We believe that the operating reports are not intended to show compliance retroactively back to the date that the permit was issued. Our proposed edit is to make the language of this condition consistent with the language of SPC IX.9.4.
- 3) SPC IX.12.3.b is confusing and inconsistent as currently written. We believe that the condition should refer to the six-month corrective maintenance period and the excess visible emissions threshold described in SPC IX.12.1. Furthermore, SPC IX.3.1e referenced in the condition as currently written does

not describe “excess visible emissions”. Again, it seems more logical to refer to Condition 12.1 here.

Response AOGA-48:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-49:

49) Revise **SPC IX.13** as follows:

“**13. Particulate Matter Recordkeeping for Liquid Fuel-Fired Boilers and Heaters.** The Permittee shall report as follows:”

Basis: Our proposed edit to SPC IX.13 will help to further clarify the type of emission units that the condition applies to, as is done in SPC IX.9.

Response AOGA-49:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-50:

50) Revise **SPC IX.14.1** as follows:

“14.1 In each ~~stationary source~~ operating report required by Condition <insert *Operating Report condition number*>, include for the period covered by the report”

Basis: 1) Please use a consistent term to describe the Operating Report in the permit language per our comment 40).

2) We request that all conditions describing the required contents of the operating report specifically state that the data to be reported is only that recorded during the reporting period. The Department typically has included the requested language in other conditions, but not this one.

Response AOGA-50:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-51:

51) Change the reference to Condition 3.1e in **SPC IX.14.1.a** to instead reference Condition 12.1. As described in basis #3 to comment 48)c), it appears that Condition 12.1 should be referenced here, not Condition 3.1e.

Response AOGA-51:

The department agrees to correct the typographical error referencing observations and has accepted this comment as proposed.

Comment AOGA-52:

52) Revise the title just before **SPC IX.15** as follows:

“VE and PM MR&R for dual Fuel-Fired Emission Units Sources EU IDs ____”

Basis: Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions.

Response AOGA-52:

The department agrees that the editorial change adds clarity and has accepted this comment as proposed.

Comment AOGA-53:

53) Revise **SPC IX.15** as follows:

“15. The Permittee shall monitor, record and report the monthly hours of operation when operating on a back-up liquid fuel.

15.1 ~~If~~For any of EU ID(s) *<insert EU ID numbers>* ~~do~~ that does not exceed 400 hours of operations per calendar year ~~per source~~ on a back-up liquid fuel, monitoring of compliance for visible emissions and particulate matter is not required for that emission unit and m. Monitoring shall consist of an annual ~~compliance~~ certification of compliance with Conditions 1 and 7 under Condition *<insert Annual Compliance Certification condition number>* with ~~Conditions 1.1 and 7.~~

15.2 For any of EU ID(s) *<insert EU ID numbers >*, notify the Department and begin monitoring the affected emission unit according to Condition 15.3 no later than 15 days after the end of a calendar month in which the cumulative hours of operation for the calendar year exceed any multiple of 400 hours on back-up liquid fuel. If the observation exceeds the limit in Condition 1, monitor as described in Condition 9 or 12, as applicable by type of emission unit. If the observation does not exceed the limit in Condition 1, no additional monitoring is required until the cumulative hours of operation exceed each subsequent multiple of 400 hours on back-up liquid fuel during a calendar year^{<new footnote 1>} ~~EU ID(s) *<insert EU ID numbers>* are subject to the liquid fuel monitoring requirements described in Conditions 3 and 9 if operations exceed 400 hours per calendar year per emission unit on a back-up liquid fuel.~~

- 15.3 When required to do so by Condition 15.2, observe the exhaust, following 40 C.F.R. 60, Appendix A-4, Method 9, adopted by reference in 18 AAC 50.040(a), for 18 minutes to obtain 72 consecutive 15-second opacity observations. The Permittee must notify the department and begin monitoring the affected emission unit according to Conditions 3 and 9 no later than 15 days after the end of a calendar month in which the cumulative hours of operation for the calendar year exceed 400 hours on a back-up liquid fuel.
- 15.4 Keep records and report in accordance with Conditions 4, 5, 10, 11, 13 and 14, as applicable by type of emission unit.
- 15.54 Report under Condition <insert Excess Emissions and Permit Deviations condition number> if the Permittee fails to comply with Conditions 15.2, 15.3, or 15.4.

<New footnote 1 to Condition 15.2> “If the requirement to monitor is triggered more than once in a calendar month, only one Method 9 observation is required to be conducted by the stated deadline for that month.”

Basis: 1) This condition implements the requirement to conduct Method 9 observations (with the potential for PM source tests) as stated in the Department’s Policy and Procedure no. 04.02.103, Topic #2, wherein permit staff are to clarify in permits that emission units using liquid fuel as a backup fuel to replace gas fuel are not subject to the liquid fuel monitoring requirements of the standard permit condition until annual operations of the emission unit exceed 400 hours per calendar year on liquid fuel. At issue here is that the Standard Permit Condition requires periodic (i.e., ongoing monthly, semi-annual, and annual) monitoring per the standard protocol found in Condition 3.1 for an emission unit that typically does not operate on backup liquid fuel. Only under very unusual circumstances would such an emission unit continue to operate regularly on backup liquid fuel such that it would be operating at times that would be required under the standard protocol.

We propose that for dual fuel fired equipment that operate on liquid fuel as a backup that monitoring be triggered only with each subsequent 400 hours of operation on backup fuel. Thus, the monitoring requirement for such emission units should be kept separate from the standard period protocol found in condition 3.1 of the Standard Permit Condition.

2) We have proposed revisions to SPC IX.15.1 with the intent of making the condition more specific to each individually affected emission unit and to otherwise clarify the language.

3) We have combined the text in current SPC IX.15.2. and 15.3 into a single condition 15.2 with references to the appropriate particulate matter monitoring that could apply under SPC IX.9 or 12, and separated out the visible emissions monitoring requirements into a new version of SPC IX.15.3 that does not include the periodic monitoring schedule found in SPC IX.3, which we do not believe is

applicable to dual fuel-fired emission units as stated in basis #1) above. We believe the periodic monitoring language in Condition 3 would be difficult to implement as written under either the Method 9 or smoke/no-smoke plans. As such, we believe it is appropriate to simply require a single Method 9 observations as described under the new version of Condition 15.3 proposed above each time the 400 hour operating time threshold has been exceeded on back-up liquid fuel.

4) We have also proposed a new Condition 15.4 so clarify the applicable recordkeeping and reporting requirements that apply to dual fuel-fired emission units for visible emissions and particulate matter emissions.

5) Finally, our proposed new footnote to SPC IX.15.2 is intended to make it clear that the monitoring for dual fuel-fired emission units need only be completed once per month. With the triggers that apply to each multiple of 400 hours of operation in a calendar year as proposed in Condition 15.2 above, if a dual fired emission unit happens to operate for 1200 consecutive hours on backup fuel (unlikely, but possible), then the second multiple of 400 hours (i.e., 800 hours) and the third multiple of 400 hours (i.e., 1200 hours) will each occur during the second month of operation. During such a month, the footnote would allow the Permittee to conduct just one Method 9 observation during the second month, instead of two.

Response AOGA-53:

The department agrees that the multiples of 400 hours per calendar year better suit emission units the infrequently and intermittently use liquid fuels as back-up. Due to the unique nature of these dual fuel units, the department has accepted this proposal.

Comment AOGA-54:

54) Revise the **2nd paragraph of page 15 of SPC IX** as follows:

“...If a ~~client~~ Permittee conducts an emission unit surveillance at any time, that surveillance can re-set the date for which the next periodic surveillance **is** due.

Response AOGA-54:

The department accepts the correction of the typographical error that the commentator proposed.

Statement of Basis for SPC IX

Comment AOGA-55:

55) Revise the **Factual Basis of Conditions 1 and 3-5, 6 & 15** as follows:

“**Factual Basis basis: ~~Factual basis:~~** Condition 1 prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.055(a)(1).

Condition ~~2~~ **Error! Reference source not found.** prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.050(a).

MR&R requirements are listed in Conditions 3 through 5, 6, and 15 of the permit.

These conditions have been adopted into regulation as Standard Conditions. ~~The department added a provision that clarifies the option to continue an established monitoring frequency for renewal permits.~~

<...>

These conditions detail a stepwise process for monitoring compliance with the State's visible emissions and particulate matter standards for liquid and gas fired emission units ~~sources~~....

Reasonable action thresholds are established in these conditions that require the Permittee to progressively address potential visible emission problems from ~~sources~~ emission units either through maintenance programs and/or more rigorous tests that will quantify whether a specific emission standard has been exceeded.

[NOTE: Delete the following four paragraphs which describe the requirements that apply to flares, per our comment 42). The Statement of Basis language for flare visible emissions monitoring should be customized according to the applicable requirements that result from the Permittee-specific conditions developed that are acceptable to the Permittee and the Department. See our proposed edits, below, to the language that immediately follow the “Flare” heading in the Statement of Basis text.]

~~Condition 6 ... Thus, the Condition sets out a protocol to collect actual field data to determine compliance with the 20 percent opacity standard for flares.~~

~~A recent department analysis of industry flaring operations indicates that 49 percent of the gas flared (by volume) is for pilot/purge, 25 percent is for flaring less than one hour, and 26 percent is for flaring that lasts more than one hour. Pilot/purge flaring constitutes half of all flaring by volume and is continuous in nature and can be observed at any time. This type of flaring has not caused violations of the opacity standard in the past and can be checked at any time by agency inspectors. The remaining half of the flaring volume is split evenly between less than and greater than a one hour duration. Therefore, the monitoring scheme in this condition addresses the half of the non-continuous flaring operations that are scheduled and for which a certified observer can reasonably be located onsite.~~

~~Since it is impractical to require facilities to have a certified Method 9 opacity reader on site for unpredictable emergency flaring, the monitoring protocol requires Method 9 readings only during scheduled flare events. Scheduled events such as those generated by maintenance activities and well testing of greater than~~

~~one hour in duration will be observed. These one hour events are currently quantified and reported to the Alaska Oil and Gas Conservation Commission for other reasons and thus provides a confirming information record of the occurrence of these events. Only those events as defined in the Condition need to be monitored. If no events meeting this definition occur during the life of the permit then no monitoring is required.~~

~~Since only flaring that is scheduled and exceeds one hour is required to be observed, operators will have time to provide certified Method 9 readers onsite. Most oil and gas production facilities in Alaska are located at remote sites, so it is not reasonable to self monitor all or even a large sample of the flaring that occurs. Data collected from planned events will help the department refine this monitoring scheme during future permit cycles. Process upsets and emergency events that may or may not exceed one hour occur randomly and do not lend themselves easily to periodic monitoring. At this time, the department will rely on stationary source excess emission reports, citizen complaints, and agency inspections for information concerning these short term and emergency events.~~

Gas Fired:

Monitoring – The monitoring of gas fired ~~sources~~ emission units for visible emissions is waived, i.e. no source testing will be required. The department has found that natural gas fired equipment inherently has negligible PM emissions. However, the department can request a source test for PM emissions from any smoking equipment.

Reporting – The Permittee must ~~annually certify that only gaseous fuels are used in the equipment.~~ state in each operating report whether only gaseous fuels were used in the equipment during the reporting period.

Liquid Fired:

<...>

Reporting - The Permittee is required to report: 1) emissions in excess of the federal and the **s**State visible emissions standard and 2) deviations from permit Conditions. The Permittee is required to include copies of the results of all visible emission observations with the ~~stationary source~~ operating report.

Dual Fuel-Fired Emission Units ~~Sources~~:

For EU ID(s) <insert EU ID numbers>, as long as they operate only on gas, monitoring consists of ~~an annual certification~~ a statement in each operating report to indicate whether that only gaseous fuels were used in the equipment during the reporting period. When any of these ~~sources~~ emission units operates on a backup liquid fuel for more than 400 hours in a calendar year, monitoring as detailed in Condition 15 is required for that ~~sources~~ emission unit in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 2, 10/8/04. When any of these ~~sources~~ emission units operates on a backup liquid fuel for ~~less than~~ 400 hours or less in a calendar year, monitoring for that ~~sources~~ emission unit consists of an annual certification of compliance with the opacity standard. The

400-hour trigger for additional monitoring applies to each individual unit and not as a combined total for all units.

Insignificant Sources Emission Units Subject to Operating Limits:

For EU ID(s) *<insert EU ID numbers>* no visible emissions monitoring is required because when these sources emission units are insignificant sources emission units based on actual potential emissions and have due to permit Condition(s) *<insert Condition numbers>* that limit either their hours of operation or fuel consumption. As long as the sources emission units do not exceed these limits, they are insignificant by emissions rate as specified in 18 AAC 50.326(e) and no monitoring is required in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04. The Permittee must annually certify compliance under Condition *<insert Annual Compliance Certificate Condition>* with the ~~opacity~~ visible emissions standard. If the emission units exceed the limit(s), the Permittee must comply with condition *<insert the condition that requires the Permittee to confirm that actual emissions are below the IEU thresholds>*.

Insignificant Emission Units Based on Actual Emissions:

For EU ID(s) *<insert EU ID numbers>* no visible emissions monitoring is required if these emission units are insignificant based on actual emissions below the insignificant emission unit thresholds of 18 AAC 50.326(e). For such units, the Permittee must comply with the MR&R requirements for insignificant emission units under *<insert a link to insignificant emission units standard condition V.1.4>*

Flares:

Monitoring for flares (EU ID(s) *<insert EU ID numbers>*) *<insert language here that states the applicable requirements of the Permittee-specific condition for flare visible emissions monitoring.>*~~requires Method 9 observations of scheduled flaring events lasting more than one hour.~~ The Permittee must report the results of these observations to the department.”

- Basis:* 1) In general, the changes that we have proposed for the Statement of Basis that corresponds to SPC IX are necessary to make the Statement of Basis consistent with the SPC requirements either as proposed by the Department and/or in accordance with the proposed changes we have requested for SPC IX. We have also requested higher level changes such as corrections to terms such as “sources” to “emission units”, “opacity standard” to “visible emissions standard”, “stationary source operating report” to “operating report”, etc., as discussed in other comments found in this document. Other important points of our comments on the Statement of Basis to SPC IX are presented in the following list of bases.
- 2) The language discussing provisions added or changed in the permits compared to the standard permit condition is no longer necessary due to the modifications that the Department has made with these revisions to the standard permit conditions.

- 3) For gas fired units and the dual fuel-fired units, the Statement of Basis proposed by the Department for “reporting” states that the Permittee must annually certify that only gaseous fuels are used. However, the Department has changed the requirement so the Statement of Basis language needs to also be changed to match the reporting requirement of SPC IX.1.3 (1.2 now). We have also commented to change the text to remove the “certify” language per basis #2) of our comment 28).
- 4) The visible emissions standard is a State requirement, not a federal requirement.
- 5) For the dual fuel-fired units, the Statement of Basis refers to “Topic #2 of the Policy and Procedure” document and then describes the operating hour range when no monitoring is required as being “less than 400 hours”. According to the procedure document, the correct range is “400 hours or less”.
- 6) For the insignificant emission units subject to operating limits, one of the changes we proposed was to change the phrase “are insignificant emission units based on actual emissions due to (operational limits)” by replacing the word “actual” to “potential” because the operating limits establish the potential emissions at a level below the IEU threshold for units that fit the description provided in the Statement of Basis. In addition, Topic #3 of the department Policy and Procedure No. AWQ 04.02.103 uses the term “potential emissions”.

Response AOGA-55:

The department has made several changes to the Statement of Basis text in this section to remain consistent with changes agreed to or as modified in response to comments AOGA-28 through AOGA-53. Regarding editorial changes that add clarity for unchanged text, the department has accepted these edits as proposed. Since the department did not concur to delete the flare SPC text, the department does not accept the edit to delete the basis discussion for flares. See the department’s response to Comment AOGA-42.

Comment AOGA-56:

- 56) Revise the **last sentence of the Factual Basis for SPC IX.2** to correct the reference as follows:

“The Permittee is required to monitor, record, and report according to Condition ~~2.2~~ 2.1.”

Basis: The correction is a fallout from our proposed change to Condition 2, as stated in our comment 29).

Response AOGA-56:

The department agrees to correct the reference as proposed.

Comment AOGA-57:

57) Revise the **Factual Basis of SPCs IX.7 and IX.9-11, 12-14 & 15** as follows:

“**Factual Basis**: Condition 7 requires the Permittee to comply with the sState PM (also called grain loading) standard applicable to fuel-burning equipment. The Permittee shall not cause or allow fuel-burning equipment to violate this standard.

<...>

The Permittee must establish by actual visual observations, which ~~must~~ may be supplemented by other means, such as a defined Stationary Source Operation and Maintenance Program that the stationary source is in continuous compliance with the State's emission standards for particulate matter.

These conditions detail a stepwise process for monitoring compliance with the State's particulate matter standards for liquid- and gas-fired ~~sources~~ emission units.

Equipment types covered by these conditions are internal combustion engines, turbines, heaters, and boilers. Initial monitoring frequency schedules are established along with subsequent reductions or increases in frequency depending on the results of the self-monitoring program.

Gas Fired:

Monitoring – The monitoring of gas-fired ~~sources~~ emission units for particulate matter is waived, i.e. no source testing will be required. The department has found that natural gas-fired equipment inherently has negligible PM emissions. However, the department can request a source test for PM emissions from any smoking equipment.

Reporting – The Permittee must state in each operating report whether ~~certify annually that~~ only gaseous fuels ~~are~~ were used in the equipment during the reporting period.

Liquid Fired:

<...>

Reporting - The Permittee is required to report: 1) incidents when emissions in excess of the opacity threshold values have been observed, 2) and results of PM source tests. The Permittee is required to include copies of the results of all visible emission observations with the ~~stationary source~~ operating report.

Dual Fuel-Fired Emission Units ~~Sources~~:

For EU ID(s) *<insert EU ID numbers>*, as long as they operate only on gas, monitoring consists of ~~an annual certification~~ a statement in the operating report to indicate whether ~~that~~ only gaseous fuels were used in the equipment during the reporting period. When any of these ~~sources~~ emission units operates on a backup liquid fuel for more than 400 hours in a calendar year, monitoring as detailed in Conditions 9 and 12 is required for that ~~source~~ emission unit in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 2, 10/8/04. When

any of these ~~sources~~ emission units operates on a backup liquid fuel for ~~less than~~ 400 hours or less in a calendar year, monitoring for that ~~source~~ emission unit consists of an annual certification of compliance with the particulate matter standard. The 400-hour trigger for additional monitoring applies to each individual unit and not as a combined total for all units.

Insignificant ~~Sources~~ Emission Units Subject to Operating Limits:

For EU ID(s) *<insert EU ID numbers>*, no monitoring is required because these ~~sources~~ emission units are insignificant ~~sources~~ emission units based on potential actual emissions. EU ID(s) *<insert EU ID numbers>* must not exceed operational ~~hour~~ limit(s) as required by Condition(s) *<insert Conditions that apply>*. As long as they operate within these limits, they are considered insignificant ~~sources~~ by emissions as specified in 18 AAC 50.326(e) and no monitoring is required in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04. The Permittee must annually certify compliance under Condition *<insert condition reference to Annual Compliance Certification condition number>* with the particulate matter standard. If the emission units exceed the limit(s), the Permittee must comply with condition *<insert the condition that requires the Permittee to confirm that actual emissions are below the IEU thresholds>*.

Insignificant Emission Units Based on Actual Emissions:

For EU ID(s) *<insert EU ID numbers>* no monitoring is required if these emission units are insignificant based on actual emissions below the insignificant emission unit thresholds of 18 AAC 50.326(e). For such units, the Permittee must comply with the MR&R requirements for insignificant emission units under *<insert a link to insignificant emission units standard condition V.1.4>*.

<...>

Basis: 1) See basis #1, #3, #4, and #6 to our comment 55).

2) The proposed change to the third paragraph of the factual basis (changing “must be supplemented” to “may be supplemented”) is based on the similar language used in the fourth paragraph of the factual basis for conditions 1, 3 - 5, 6, and 15. Use of supplemental means for establishing that a stationary source is in continuous compliance with the emissions standards for visible emissions and particulate matter is optional, and not a requirement of the permits.

Response AOGA-57:

The department has made several changes to the Statement of Basis text in this section to remain consistent with changes agreed to or as modified in response to comments AOGA-28 through AOGA-53. Regarding editorial changes that add clarity for unchanged text, the department has accepted these edits as proposed. Since the department did not concur to delete the flare SPC text, the department does not accept the edit to delete the basis discussion for flares. See also the Department’s response to Comments AOGA-28, AOGA-43, and AOGA-55.

Response AOGA-27—AOGA-57: Revised Regulations—

The discussed and agreed to changes have been made to Standard Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units.

Comment AOGA-58 (Standard Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust):

58) Revise **item “i.” of the list on page 2 stating the types of emission units and stationary sources that the condition applies to** as follows:

“i. ~~unpaved~~ dirt roads under the control of the operator...”

Basis: The regulations specifically state that “dirt” roads are subject to the requirements of this condition. Refer to Table 7 under 18 AAC 50.346(c). We agree that *dirt* roads are likely to generate fugitive dust. However, other types of unpaved roads should not necessarily be globally categorized as such (e.g., ice roads/pads on the North Slope that are “unpaved” but do not generate fugitive dust). We believe it is appropriate for the Department to make a case-by-case determination of the potential for fugitive dust from unpaved roads other than dirt roads, as provided under the provisions of item “j” of the list, which states that the condition applies to “other emission units the department finds are likely to generate fugitive dust.”

Response AOGA-58:

ADEC’s intent was to modify the list of “i.” in SPC X as adopted in 18 AAC 50.346(c) to include those roads likely to generate fugitive dust. Certainly no one would disagree that “dirt” roads can be a source of fugitive dust, but the department will not attempt to advance the same determination to an “ice road.” Instead the department will more specifically categorize those types of unpaved roads of concern.

Numerous gravel roads throughout the State under the control of the operator can also be a source of fugitive dust and in some noted cases, a serious source of public complaint. For example, the Delong Mountain Transportation System and permanent roads within the North Slope oil field are surfaced with gravel. Notwithstanding their potential to emit fugitive dust, clients were willing to argue that gravel roads were outside the scope of this standard condition. To forestall such posturing, the department intended to expand the scope for this condition to cover other unpaved roads as potential sources of fugitive dust.

For that reason, and to incorporate the true intent of the change to the SPC X, the department will modify the condition to refer to as follows:

“i. dirt or gravel roads under the control of the operator...”

To avoid the confusion regarding inconsistent terminology of Table 7 with the SPC X as modified, the department will also modify Table 7 text to match that of item “i.”

Thus for the reasons delineated above, the department does not accept the proposed change but does modify the Condition as noted above.

Comments AOGA-59—AOGA-65 (Standard Permit Conditions XV – Emission Inventory Reporting):

Comment AOGA-59:

59) Delete **SPC XV and 18 AAC 50.346(8)**.

Basis: The requirements of 40 CFR 51 Subpart A are not Part 71 applicable requirements as defined in 40 CFR 71.2. The air emissions reporting requirements under Part 51 Subpart A apply to States, not emissions units at a Part 71 source. See 40 CFR 51.1 and 51.321.

If, through legal review, the Department can document an adequate legal basis for including SPC XV as a Title V permit condition, then we request that the Department address comments 60) through 65), below, before adopting this SPC into regulation.

Response AOGA-59:

The department recognizes that the air emissions reporting requirements under 40 CFR Part 51 Subpart A apply to States; however, States rely on information provided by point sources to meet the reporting requirements of Part 51 Subpart A. In the past, the department has made information requests to point sources, to which the point source is obligated to reply under 18 AAC 50.200. The information requests occur on a routine basis as established by Part 51 Subpart A and consume significant staff resources. To increase governmental efficiency and reduce costs associated with information requests that occur on a routine basis, it has been determined that a standard permit condition best fulfills the need to gather the information needed to satisfy the requirements of Part 51 Subpart A.

The department will revise the language in the Statement of Basis for the Permit Conditions to remove the inference that the Part 51 Subpart A reporting requirements are applicable to the point source and instead will reference 18 AAC 50.200. The department will address AOGA comments 60) through 65) before adopting this Standard Permit condition into regulation.

Comment AOGA-60:

60) **SPC XV** implements a reporting procedure for emission unit identification, including emissions data, that state agencies are required to report to EPA under 40 CFR 51, Subpart Q and according to the reporting requirements of 40 CFR 51, Subpart A, which was amended as recently as December 17, 2008 (see 73 FR 76552). In this change, the reporting requirements in Table 2a of Appendix A to Subpart A of 40 CFR 51 was revised to include additional and revised reporting requirements. We ask that the Department clarify in SPC XV and/or SPC XVI under which version of 40 CFR 51, Subpart A Permittees are required to report.

Response AOGA-60:

We agree that clarification is needed. The department will clarify to which version of 40 CFR 51, Subpart A Permittees are required to report.

Comment AOGA-61:

- 61) It would be appropriate that the rules under 18 AAC 50.040 be revised to include a new provision to document which version of 40 CFR 51, Subpart A is adopted by reference. This adoption may need to be specific to the relevant portions of 40 CFR 51 pertaining to air emissions reporting requirements as the rules already include in 18 AAC 50.040(h) and (i) the adopted versions of 40 CFR 51.166 and 40 CFR 51.165, respectively, which are part of 40 CFR 51 Subpart I.

Response AOGA-61:

The objectives of Standard Permit Conditions XV and XVI are to ensure complete reporting of Air Emissions Inventory Information. The department agrees to document the version of 40 CFR 51, Subpart A to be utilized when providing the data elements requested. However, due to the limitations of the public notice specifying the changes to the regulations, we are not able to include a reference to Appendix A to Subpart A of 40 CFR 51 in 18 AAC 50.040 at this time. The department will retain the comment for potential inclusion in a future regulation revisions update package.

Comment AOGA-62:

- 62) Revise **SPC XV.1.3** as follows:

- “1.3 Include in the report required by this condition, the required data elements contained within the form in *<insert section of emission inventory form>* or those contained in Table 2A of Appendix A to Subpart A of 40 CFR 51 Appendix A adopted by reference in 18 AAC 50.040, for each stack associated with an emission unit. ~~and:~~
- a. ~~For each stack associated with an emission unit, include the following information:~~
- ~~(i) The EU ID number associated with the stack, stack type, stack height, stack diameter, exit gas temperature, exit gas velocity, actual exit gas flow rate, latitude, longitude, accuracy, and datum.”~~

Basis: 1) The first revision is important because 40 CFR 51 Appendix A is not the same as Appendix A to Subpart A of 40 CFR 51. (40 CFR 51 Appendix A is currently reserved for future use.)

2) The second revision is proposed to simplify the condition. The struck out language of SPC XV.1.3a is repetitive as these items are listed on the form referenced by SPC XV.1.3 and in Table 2A of 40 CFR 51 Appendix A.

3) See also our comment 66).

Response AOGA-62:

The department agrees with AOGA's recommended revisions. The language in Standard Permit Condition XV 1.3 will be revised to correct reference to Appendix A of Subpart A of Part 51 and to simplify the language of the condition.

Comment AOGA-63:

- 63) Revise the **citation found at the conclusion of SPC XV** to refer to "Appendix A to Subpart A of 40 CFR 51" instead of "40 CFR 51 Appendix A". See basis #1 of comment 62).

Response AOGA-63:

See Response AOGA-62.

Comment AOGA-64:

- 64) Revise the **Legal Basis in the Statement of Basis for SPC XV** to clarify the statement as follows:
"This condition requires the Permittee to submit emissions data ~~for~~ to the State..."

Response AOGA-64:

The department agrees with this comment. The department will revise to clarify the legal basis in the Statement of Basis for Standard Permit Condition XV.

Comment AOGA-65:

- 65) Revise the 2nd paragraph of the **Factual Basis in the Statement of Basis for SPC XV** as follows:
"To ensure... Title V stationary sources classified as Type A in Table 1 of Appendix A to Subpart A of 40 CFR 51 ~~Appendix A Table 1~~ are required to submit with each annual report all the data elements required for the Type B source triennial reports (see also Table 2A of Appendix A to Subpart A of 40 CFR Part 51). All Type A sources are also classified as Type B sources. However the department has streamlined ~~this~~ the reporting requirements so Type A sources only need to submit ~~one~~ a single type of report every ~~third~~ year instead of both an annual report and a separate triennial report every third year."

Basis: 1) See basis #1 to comment 62).

- 2) Also, we have provided corrections to the text regarding the stated intent of the required reporting for Type A sources.

Response AOGA-65:

The department agrees with AOGA's recommended revisions. The language in Standard Permit Condition XV will be revised to correct reference to Appendix A of Subpart A of Part 51 and to simplify the language of the condition.

Response AOGA-59—AOGA-65: Revised Regulations—

The discussed and agreed to changes have been made to Standard Permit Conditions XV – Emission Inventory Reporting.

Comments AOGA-66—AOGA-68 (Standard Permit Condition XVI – Emission Inventory Reporting Form):

Comment AOGA-66:

66) Delete SPC XVI and 18 AAC 50.346(9).

Basis: See the basis to our comment 59).

If, through legal review, the Department can document an adequate legal basis for including SPC XV as a Title V permit condition, then we request that the Department address comments 67) through 68), below, before adopting this SPC into regulation.

Response AOGA-66:

See response to Comment 59. The department will address comments 67) through 68), below, before adopting this SPC into regulation.

Comment AOGA-67:

67) We have found that there are a number of differences between the requirements of Table 2a of Appendix A to Subpart A of 40 CFR 51, dated July 1, 2009, and the “ADEC Reporting Form” found in this SPC. See, for example, our comment 68). Since SPC XV.1.3 requires that Permittees report the required elements in the ADEC Reporting Form *or* those contained in Table 2a of Appendix A to 40 CFR 51 Subpart A, we request that the form be made consistent with whatever version of Table 2a that the Department wants Permittees to use for reporting purposes. See also our comment 59). If the Department intends to periodically change the version of 40 CFR 51 that is adopted by reference in the regulations, perhaps it would be best not to create an “ADEC version” of a form that contains the reporting requirements that will have to be monitored with each new adoption date of the regulations and potentially revised to maintain consistency with the required reporting elements. Instead, for information that the Department would like to ask Permittees to include in the reports that is not listed in Table 2a of Appendix A to 40 CFR 51 Subpart A (e.g., ADEC Stationary Source ID, etc.), the Department might consider revising SPC XV.1.3 to include list of additional “Alaska-specific” items that are to be reported in addition to those required under 40 CFR 51.30(a) and (b), assuming the list of additional items is not too cumbersome for a permit condition.

Response AOGA-67:

The department recognizes the need to ensure that the required elements in the ADEC Reporting Form or those contained in Table 2a of Appendix A to Subpart A of 40 CFR 51 be made consistent the version of Table 2a that the department wants Permittees to use for

reporting purposes. Table 2a of Appendix A to Subpart A of 40 CFR 51 has reporting requirements for annual and triennial reporting for point sources that meet specific pollutant thresholds. To ensure that the department's electronic system reports collect the information required by both Type A and Type B point sources as defined in Table 1 of Appendix A to 40 CFR 51, the department has streamlined the differing reporting requirements between Type A and Type B sources into one combined report. Type A sources are a subset of the Type B sources; Type A sources will be required to submit one report every third year instead of both an annual report and triennial report. Type B sources are included in the annual reporting cycling to ensure point sources are maintaining and collecting the data required and to increase the efficiency of data collection efforts.

Comment AOGA-68:

68) Revise the **3rd page of the Emission Inventory Reporting Form** as follows:

Stack Description:	
	<...>
	Location Description:
	<u>Accuracy (m): Method Accuracy Description (MAD) Codes (as defined in 40 CFR 51.50)</u>
	Datum:

Basis: 1) The requirement of Table 2a of Appendix A to Subpart A of 40 CFR 51 (dated July 1, 2009) is to report the Method Accuracy Description (MAD) Codes as defined in 40 CFR 51.50, not the “accuracy in meters”.

2) The “datum” is not required by 40 CFR 51, but is part of the MAD code. Refer to the definition of the Method Accuracy Description code found in 40 CFR 51.50, dated July 1, 2009.

Response AOGA-68:

The department recognizes that Table 2A of Appendix A to Subpart 51 cites only the requirement for Method, Accuracy, Description (MAD) codes. Method accuracy description (MAD) codes include a set of six different elements used to define the accuracy of latitude/longitude data for point sources, and include codes for the measure of accuracy (in meters) of the latitude/longitude coordinates as well as the Horizontal Reference Datum Code.

To ensure that the elements required for data reporting of point source information is met, the department will retain the separate reporting line for the stack unit Latitude/Longitude, Horizontal Reference Datum Code, Horizontal Accuracy Measure, and Horizontal Collection Method Code.

Response AOGA-66—AOGA-68: Revised Regulations—

No changes will be made to the regulations as a result of these comments.

Additional Revisions:

- The proposed changes to the following subsections have been eliminated due to the renumbering of proposed 18 AAC 50.508(b) to 18 AAC 50.510:
 - 18 AAC 50.311(b)(1)(C)(i)
 - 18 AAC 50.400(e)
 - 18 AAC 50.400(k)
 - 18 AAC 50.403(7)
 - 18 AAC 50.410(f)
 - 18 AAC 50.540(j)
 - 18 AAC 50.542(d)(1)(D)
 - 18 AAC 50.542(f)(7)
 - 18 AAC 50.542(f)(8)
 - 18 AAC 50.542(f)(9)
 - 18 AAC 50.544(g)
 - 18 AAC 50.544(h)
 - 18 AAC 50.544(i)

- An Editor's note has been added to 18 AAC 50.990 to address a printing error in 40 C.F.R. 51.166(b)(49).

- A revision to 18 AAC 50.215(a) which proposed to adopt by reference an update to the department's Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program has been deleted from this package. The updated adoption by reference was completed in an additional regulations revision that was public noticed after this package. The revised adoption by reference update was included in the regulations package that was adopted by the department on August 20, 2010. The Department of Law review of the regulations revisions is underway, and the package will go into effect before these proposed revisions. Therefore the proposed revision to 18 AAC 50.215(a) is no longer a part of this regulation rulemaking package.