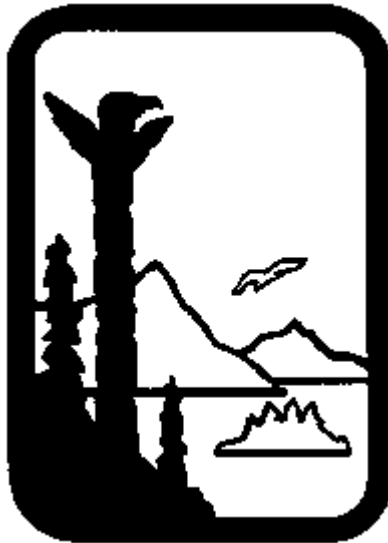


**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



18 AAC 50

AIR QUALITY CONTROL

Public Comment Draft

August 25, 2011

**Comment Period Ends
September 30, 2011, 5:00 p.m.**

**Sean Parnell
Governor**

**Larry Hartig
Commissioner**

18 AAC 50.035(a)(7) – (8) are repealed:

(7) Repealed __/__/____;

(8) Repealed __/__/____.

...

18 AAC 50.035(a) is amended by adding two new paragraphs to read:

(9) the department’s *Title V Standard Application and Forms*, dated {*adoption date of the regulations*}; and

(10) *AERSCREEN User’s Guide*, EPA-454/B-11-011, dated March 2011.

...

The lead-in language of 18 AAC 50.035(b) is amended to read:

(b) The following procedures and methods set out in 40 C.F.R., revised as of **December 21, 2010** [JULY 1, 2009], are adopted by reference:

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 4/1/2010, Register 193; am __/__/____, Register __)

Authority:	AS 46.03.020	AS 46.14.020	AS 46.14.140
	AS 46.14.010	AS 46.14.030	Sec. 30, ch. 74, SLA 1993

The lead-in language of 18 AAC 50.040(a) is amended to read:

(a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), as revised as of **May 20, 2011** [OCTOBER 8, 2009], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(a)(2) is amended by adding new subparagraphs to read:

(RR) Subpart LLLL (Standards of Performance for New Sewage Sludge Incinerator Units);

(SS) Subpart MMMM (Emissions Guidelines and Compliance Times for Existing Sewage Sludge Incinerator Units);

...

The lead-in language of 18 AAC 50.040(b) is amended to read:

(b) The following provisions of 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants), as revised as of **October 13, 2010** [JULY 1, 2009], are adopted by reference as they apply to a Title V source:

...

The lead-in language of 18 AAC 50.040(c) is amended to read:

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), as revised as of **May 20, 2011** [JULY 30, 2010], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(c) is amended by adding a new paragraph to read:

(36) Subpart EEEEEEE (National Emission Standards for Hazardous Air

Pollutants: Gold Mine Ore Processing and Production Area Source Category).

...

The lead-in language of 18 AAC 50.040(d) is amended to read:

(d) The provisions of 40 C.F.R. Part 82, as revised as of **May 31, 2011** [JULY 1, 2009], are adopted by reference to the extent that they apply to a Title V source.

...

The lead-in language of 18 AAC 50.040(e) is amended to read:

(e) The requirements of 40 C.F.R. 52.70 - 40 C.F.R. 52.96, as revised as of **March 11, 2011** [JULY 1, 2009], as they apply to a Title V source and for purposes of a Title V permit, are adopted by reference.

...

The lead-in language of 18 AAC 50.040(f) is amended to read:

(f) The provisions of 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models (Revised)), as revised as of **July 1, 2010** [JULY 1, 2009], are adopted by reference.

...

The lead-in language of 18 AAC 50.040(g) is amended to read:

(g) The following provisions of 40 C.F.R. Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants), as revised as of **July 1, 2010** [JULY 1, 2009], are adopted by reference:

...

18 AAC 50.040(h)(4)(C)(i) is repealed:

(i) repealed __/__/____;

...

The lead-in language of 18 AAC 50.040(i) is amended to read:

(i) From the following provisions of 40 C.F.R. 51.165 (Permit Requirements), as revised as of **December 20, 2010** [JULY 1, 2009], text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

...

18 AAC 50.040(i)(1)(B)(i) is repealed:

(i) repealed __/__/____;

...

18 AAC 50.040 is amended by adding a new subsection to read:

(k) The provisions of 40 C.F.R. Part 64, as revised as of July 1, 2010, are adopted by reference to the extent that they apply to a Title V source.

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am __/__/____, Register __)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

The lead-in language of 18 AAC 50.215(b) is amended to read:

(c) Except as provided in (c) [AND (e)] of this section,

...

The lead-in language of 18 AAC 50.215(c) is amended to read:

(c) [EXCEPT AS PROVIDED IN (e) OF THIS SECTION, A] A person may substitute or modify [AN] a refined air quality model referenced in (b)(1) of this section only after

...

18 AAC 50.215(d) is amended to read:

(d) Table 5 establishes the significant impact level (SIL), expressed as micrograms per cubic meter, for each pollutant and averaging period [TIME]. If the ambient impacts from emissions from a stationary source or modification are less than the concentrations in Table 5, the emissions are not considered to cause or contribute to a violation of an ambient air quality standard or maximum allowable increase for a Class II area. The comparison of a modeled impact to the SIL shall be conducted as follows:

(1) for the PM-2.5 SIL or the 1-hour sulfur dioxide SIL,

(A) compare the highest modeled concentration when using either 1-year of meteorological data or screening meteorological data; or

(B) the highest multi-year average concentration when using a multi-year meteorological data set; and

(2) for all other pollutants and averaging periods, use the highest modeled concentration.

...

18 AAC 50.215(e) is amended to read:

(e) A person may use the **AERSCREEN** [SCREEN3] dispersion model **as an allowed screening technique under Section 4.2.1 of 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models), adopted by reference in 18 AAC 50.040(f), for estimating the ambient impacts from on-shore sources** [WITHOUT MEETING THE REQUIREMENTS OF (c) OF THIS SECTION], if the analysis conducted with **AERSCREEN** [SCREEN3] is consistent with EPA's **AERSCREEN User's Guide** [*SCREEN3 MODEL USER'S GUIDE AND SCREENING PROCEDURES FOR ESTIMATING THE AIR QUALITY IMPACT OF STATIONARY SOURCES, REVISED*], adopted by reference in 18 AAC 50.035(a). (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 10/29/2010, Register 196; am __/__/____, Register __)

Authority: AS 46.03.020 AS 46.14.140 Sec. 30, ch. 74, SLA 1993
AS 46.14.030 AS 46.14.180

18 AAC 50.220(c)(3) is amended to read:

(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 **emission unit** [SOURCE] type, corrected to standard conditions.

(Eff. 1/18/97, Register 141; am 10/1/2004, Register 171; am __/__/____, Register __)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.140
AS 46.14.010 AS 46.14.030 Sec. 30, ch. 74, SLA 1993

18 AAC 50.225(b)(6) is amended to read:

(6) citation to each requirement that the person seeks to avoid [, INCLUDING] **and** an explanation of why the requirement would apply in the absence of the limit and how the limit allows the person to avoid the requirement, **including a calculation of the potential emissions from the entire source and how the proposed limit affects those emissions;**

...

18 AAC 50.225 is amended by adding a new section to read:

(i) If an owner or operator requests a limit under this section for a stationary source which already has one or more limits approved under this section, the owner or operator shall provide a copy of the existing limits with the information provided under (b) of this section. This copy is required regardless of whether the new limit will apply to emission units regulated under the existing limits. If the department makes a preliminary decision to approve the new limit, the department will combine the new limit and the existing limits into a single limit and process this single limit in accordance with (d) – (g) of this section. The existing limits remain in effect until the effective date of the new limit, unless revoked earlier in accordance with (h) of this section.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 1/29/2005, Register 173; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am __/__/____, Register __)

Authority: AS 46.14.020 AS 46.03.020 AS 46.14.140
AS 46.14.030 AS 46.14.120

18 AAC 50.302(b) is amended to read:

(b) If a stationary source or modification **requires** [MAY REQUIRE] permits under more than one section in this chapter, the owner or operator may file a single permit application, and the department will issue a single permit incorporating all applicable construction permit requirements.

(Eff. 10/1/2004, Register 171; am 12/9/2010, Register 196; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.140
AS 46.14.010 AS 46.14.120 Sec. 30, ch. 74, SLA 1993
AS 46.14.020

18 AAC 50.326(c) is amended to read:

(c) **Applications.** For the purposes of 40 C.F.R. 71.5(a)(1)(i) and (ii), a timely application is one that satisfies AS 46.14.150, and 40 C.F.R. 71.5(a)(1)(i) - (ii) do not apply. Application fees must be paid in accordance with 18 AAC 50.400 – 18 AAC 50.430. To establish confidentiality for information submitted to the department, the owner and operator must satisfy the requirements of AS 46.14.520, and 40 C.F.R. 71.5(a)(3) does not apply. The requirements of 18 AAC 50.205 apply to a permit application, report, or compliance certification under this section, and 40 C.F.R. 71.5(d) does not apply. **An applicant for an operating permit, modification or revision to an operating permit, or renewal of an existing operating permit shall use the Title V Standard Application and Forms, adopted by reference in 18 AAC 50.035(a)(9).** The owner or operator of an existing Title V source who is planning a modification that requires a Title I permit as well as an operating permit modification may request either

...

The lead-in language of 18 AAC 50.326(i) is amended to read:

(i) **Applications – insignificant emission units: administratively insignificant emission units [SOURCES].** The following emission units might have significant emissions, but are considered administratively insignificant emission units for the purpose of operating permit applications:

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am __/__/____, Register ____)

- Authority:** AS 46.03.020 AS 46.14.140 AS 46.14.190
- AS 46.14.010 AS 46.14.150 AS 46.14.220
- AS 46.14.020 AS 46.14.170 AS 46.14.230
- AS 46.14.120 AS 46.14.180 AS 46.14.515
- AS 46.14.130

18 AAC 50.345(m) is amended to read:

(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 **emission unit** [SOURCE] will operate during the test and how the permittee will document that operation. The permittee shall submit a complete plan within 60 days after receiving a request under (k) of this section and at least 30 days before the scheduled date of any test unless the department agrees in writing to some other time period. Retesting may be done without resubmitting the plan.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008; am __/__/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.140
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020		

The lead-in language of 18 AAC 50.400(a) is amended to read:

18 AAC 50.400. Permit administration fees. (a) The permittee, owner, or operator of a Title V source described under 18 AAC 50.326 shall pay to the department the annual permit administration fees listed in this subsection. Permittees will be invoiced in July for each period from July 1 through the following June 30. Each annual permit fee is one-fifth of the [TOTAL ORIGINAL PERMIT COST OR] total cost of permit renewal. **For an initial Title V permit, the annual permit fee is collected starting the first July after the permit is issued.** [AN ANNUAL PERMIT FEE LISTED IN THIS SUBSECTION FOR AN ORIGINAL PERMIT IS APPLICABLE FOR FIVE YEARS FOLLOWING THE DATE OF THE APPLICATION FOR THE ORIGINAL PERMIT. AN ANNUAL PERMIT FEE LISTED IN THIS SUBSECTION FOR RENEWAL OF A PERMIT IS COLLECTED IN SUBSEQUENT YEARS AFTER THE FEE FOR AN ORIGINAL PERMIT UNDER 18 AAC 50.410(J) IS PAID IN FULL OR AFTER A RENEWAL PERMIT IS ISSUED. IF A TITLE V SOURCE HAS BEEN ISSUED A TITLE V PERMIT BEFORE JANUARY 29, 2005, THE PERMITTEE, OWNER, OR OPERATOR SHALL PAY THE APPLICABLE ANNUAL FEE FOR PERMIT RENEWAL.] The following permit administration fees apply to Title V sources:

...

18 AAC 50.400(i) is amended to read:

(i) Except as provided in (j)(20) of this section, the fee for department **review of a request for** [APPROVAL OF] open burning under 18 AAC 50.065 is \$200.

...

18 AAC 50.400(j)(19) is amended to read:

(19) department **review** [APPROVAL] of a modeling protocol;

...

18 AAC 50.400(j)(20) is amended to read:

(20) department **review of a request for** [APPROVAL OF] open burning under 18 AAC 50.065, if the department determines that smoke incursion into a public place, into an airport, into a Class I area, into a nonattainment area for carbon monoxide or PM-10, or into a maintenance area for carbon monoxide or PM-10 is likely;

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 12/1/2004, Register 172; am 1/29/2005, Register 173; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 7/1/2010, Register 194; am __/__/____, Register __)

Authority: AS 37.10.050 AS 44.46.025 AS 46.14.140
AS 37.10.052 AS 46.03.020 AS 46.14.240
AS 37.10.058

18 AAC 50.540(k)(3)(C) is amended to read:

(C) the underlying ambient demonstration, **if any** [IF REQUIRED UNDER (C)(2) OF THIS SECTION]; and

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 12/9/2010, Register 196; am __/__/____, Register __)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.990(92) is repealed:

(92) repealed __/__/____;

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 12/9/2010, Register 196; am __/__/____, Register __)

Authority:	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993

18 AAC 50.990 Editor's Note is deleted:

[EDITOR'S NOTE: THE JULY 1, 2009 VERSION OF 40 C.F.R. 51.166(B)(49) CONTAINS A PRINTING ERROR. THE CORRECT DEFINITION FOR "REGULATED NSR POLLUTANT" MAY BE FOUND IN 73 FED. REG. 28347 (MAY 16, 2008).]