

Regulation Hygiene Regulation Explanation of Proposed Changes

These changes are considered to be non-controversial and will address the following goals:

1. Update incorporations by reference
2. Adopt clarifications to existing regulations which fix typos, incorrect references, and internal regulation conflicts
3. Make changes to regulations to eliminate confusion with or misinterpretations of the regulations.

Proposed Changes:

015 Editor's note—The word “maintenance” is being added to the editor's note for clarity.

030(10)—The effective dates of the Minor Permit Application Forms adopted by reference are being corrected to reflect the dates on which each revision was approved.

035(a)(3)—The adoption by reference date for AP-42 is updated to December 2006, the last date on which the Environmental Protection Agency (EPA), updated the publication.

035(b)—The adoption by reference date for 40 CFR is updated to July 1, 2007, the date on which the most recent annual updates to 40 CFR were compiled and published by the EPA. They are available in published form on the internet at this time.

040(a)—The adoption by reference date for 40 CFR Part 60 is updated to July 1, 2007, the date on which the most recent annual updates to 40 CFR Part 60 were compiled and published by the EPA. They are available in published form on the internet at this time.

040(b)—The adoption by reference date for 40 CFR Part 61 is updated to May 16, 2007, the date on which the most recent update to 40 CFR Part 61 was published in the Federal Register (FR) by the EPA. The May 16, 2007, update is available on the internet at this time. The annual update to 40 CFR 61 has not yet been published to the internet.

040(c)—The adoption by reference date for 40 CFR Part 63 is updated to July 16, 2007, the date on which the most recent update to 40 CFR Part 63 was published in the FR by the EPA. The July 16, 2007, FR publication postdates the July 1, 2007, publication of the 40 CFR 63 and contains updated information necessary for the regulation hygiene rulemaking. Therefore, the date is updated accordingly.

040(c)(24)—The paragraph is being repealed due to the vacature of Appendix A (Test Methods) by the D.C. Circuit Court on June 8, 2007.

040(d)—The adoption by reference date for 40 CFR Part 82 is updated to July 1, 2007, the date on which the most recent annual updates to 40 CFR Part 82 were compiled and published by the EPA. They are available in published form on the internet at this time.

040(e)—The adoption by reference date for 40 CFR Part 52.70 - 40 CFR 52.96 is updated to July 1, 2007, the date on which the most recent annual updates to 40 CFR Part 52.70 – 40 CFR Part 52.96 were compiled and published by the EPA. They are available in published form on the internet at this time.

040(f)—The subsection is being revised to incorporate the latest revision to the Guideline on Air Quality Models (for AERMOD) and to update the date of adoption by reference of 40 CFR Part 51, Appendix W to July 1, 2007, the date on which the most recent annual updates to 40 CFR Part 51 were compiled and published by the EPA. They are available in published form on the internet at this time.

040(g)—The adoption by reference date for 40 CFR Part 62 is updated to July 1, 2006, the date on which the most recent annual updates to 40 CFR Part 62 were published by the EPA. The 2007 annual update to 40 CFR 62 has not yet been published to the internet.

040(g)(4)—The CISWI Definition Rule is being repealed because the definition was vacated by the D.C. Circuit Court on June 8, 2007.

040(h)—The adoption by reference date for 40 CFR Part 51.166 and 40 CFR 52.21 is updated to July 1, 2007, the date on which the most recent annual updates to 40 CFR Part 51.166 and 40 CFR Part 52.21 were compiled and published by the EPA. They are available in published form on the internet at this time.

040(h)—Paragraphs (17), (18), and (19) regarding clean unit and pollution control projects are being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

040(h)—Paragraph (20) is being revised to allow for use of mass balance for calculating compliance with a sulfur dioxide PAL.

040(i)—The adoption by reference date for 40 CFR 51.165 is updated to July 1, 2007, the date on which the most recent annual updates to 40 CFR Part 51.165 were compiled and published by the EPA. They are available in published form on the internet at this time.

040(i)—Paragraphs (7), (8), and (9) regarding clean unit and pollution control projects are being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

040(i)(10)—Paragraph (10) is being revised to allow for use of mass balance for calculating compliance with a sulfur dioxide PAL.

040(j)—The adoption by reference date for 40 CFR Part 71 is updated to July 1, 2007, the date on which the most recent annual updates to 40 CFR Part 71 were compiled and published by the EPA. They are available in published form on the internet at this time.

050(b) Table 4—Numbers 1,000 and greater require commas.

055(a)(9)(D)—The subparagraph is being updated to say “stationary source” specific rather than “facility” specific to comply with the Clean Air Act.

090(b)—Subsection (b) is being reworded to address changes in DOT requirements for marking tank vehicles.

215(a)—The subsection is being repealed and readopted to incorporate language changes and to indicate adoption by reference of EPA’s *Meteorological Monitoring Guidance for Regulatory Modeling Applications* in 18 AAC 50.035(a)(4).

215(b)(1)—The paragraph is being corrected to address a typo; 18 AAC 50.030 is being corrected to 18 AAC 50.040(f).

215(c)—The subsection is being revised for clarity.

215(d) Table 5—Numbers 1,000 and greater require commas.

225(b)—A new paragraph (7) regarding requirements for applying for an Owner Requested Limit is being added to the subsection. Therefore, the entire subsection is being repealed and readopted to comply with Department of Law requirements. When a new paragraph is added into the middle of an existing subsection, thereby requiring renumbering of existing paragraphs (i.e. renumbering (7) and (8) to (8) and (9)), it is necessary to repeal and readopt the subsection.

306(b)(1)(A)—The subparagraph is being revised to add (b)(48)(ii)(c) [baseline actual emission for MACT] and (i)(1)(x) [PM subject] to the list defining “administrator” as meaning “federal administrator” in the listed parts of the Code of Federal Regulations.

306(b)—Paragraphs (2) and (3) on Clean Unit applicability are being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

306(c)—The subsection is being corrected to address a typo; 40 C.F.R. 52.166(f) is being corrected to 40 C.F.R. 51.166(f).

400(d)—The subsection is being corrected to address a typo; correct typo of “and” to “an”.

400(e)(3)-(f)— Paragraph (e)(3) and subsection (f) with reference to pollution control projects are being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

400(g)—The subsection is being reworded for clarity.

400(m)—Paragraph (6) regarding clean unit designation is being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

500—Article 5 Section Headings—Heading 509 regarding pollution control projects is being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

502(c)—The subsection is being reworded for clarity. Sub-subparagraphs (c)(3)(A)(ii) and (c)(3)(B)(ii) also are being corrected to address a typo; correct typos of “(i)” to “(ii)”.

502(d)(2)—The paragraph is being corrected to address a typo; correct typo of “an” to “and”.

502(d)(2)(A)—The subparagraph is being revised to add the words “or authorization”.

502(g)—Paragraphs (1) and (2) on clean unit and pollution control projects are being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

502(h)—The subsection is being amended to add a new paragraph (502(h)(5)) with the definition of “beginning actual construction”.

508(1)-(2)—Subsections (1) and (2) on clean unit and pollution control projects are being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

508(5)—The subsection is being corrected to address a typo; correct typo of “for” to “at”.

509—This section regarding pollution control projects is being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

540(f)-(g)—Subsections (f) and (g) regarding clean unit and pollution control projects are being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

542(f)—Paragraphs (4) and (5) regarding clean unit and pollution control projects are being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

542(g)(1)—References to clean unit and pollution control projects are being deleted due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007. due to D.C. Court decision and 13 June 2007, FR.

544(c)—The subsection is being revised for clarity.

544(c)(3)—The paragraph is being revised to include a requirement to keep a copy of maintenance procedures.

544(e)—Subsection (e) regarding pollution control projects is being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

544(h)—The subsection is being reworded for clarity.

546(a)—The subsection is being revised to include the phrase “or at the department’s discretion” for clarity.

990(21)—The definition of clean unit is being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

990(59)—The definition of modification is being revised to the Clean Air Act definition rather than referencing AS 46.14.990 because the definition has been repealed from the statutes.

990(77)—The definition of pollution control project is being repealed due to a D.C. Circuit Court decision; the decision was published in the Federal Register on June 13, 2007.

990(8)(B), (42)(A), (52)(A), (52)(B), (53)(A), (53)(B), (61), (63), and (92)—The adoption by reference dates for 40 CFR sections are updated to the applicable date on which the most recent annual updates to 40 CFR were compiled and published by the EPA. They are available in published form on the internet at this time.