

Alaska Opacity and Excess Emissions Regulations

The Alaska Department of Environmental Conservation (ADEC) has included the Marine Vessel Visible Emission Standards, 18 AAC 50.070, Excess emissions regulations, 18 AAC 50.240, and Cruise Ship Excess Emission Notification Form with the registration materials for your reference. Most operators are familiar with the Marine Vessel Visible Emission Standards. The Excess emissions regulations are pertinent to your vessel operation as well.

It is the responsibility of the vessel operator to prove that an emission was unavoidable according to the requirements and procedures in 18 AAC 50.240. In addition, at times the vessel operator must prove that they took immediate corrective action to minimize the emission. All excess emission reports must include an EPA Method 9 reading or monitoring equipment reports.

If you have any questions regarding the regulations or you want to report excess emissions, please contact Ed White [telephone (907) 465-5138, FAX (907) 465-5138 edward.white@alaska.gov], or Albert Faure [telephone (907) 465-5279, FAX (907) 465-5274 albert.faure@alaska.gov].

18 AAC 50.070 MARINE VESSEL VISIBLE EMISSION STANDARDS

Statute Text

Within three miles of the Alaska coastline, visible emissions, excluding condensed water vapor, may not reduce visibility through the exhaust effluent of a marine vessel by more than 20 percent except as follows:

- (1) while at berth or at anchor, visibility may be reduced by up to 100 percent for periods aggregating no more than
 - (A) three minutes in any one hour; and
 - (B) an additional three minutes during initial startup of a vessel; for purposes of this subparagraph, "initial startup" includes the period during which a vessel is testing equipment in preparation to casting off or weighing anchor;
- (2) during the hour immediately after weighing anchor or casting off, visibility may be reduced under one, but not both, of the following options:
 - (A) visibility may be reduced by up to 40 percent for that entire hour; or
 - (B) visibility may be reduced by up to 100 percent for periods aggregating no more than nine minutes during that hour;
- (3) during the hour immediately before the completion of all maneuvers to anchor or make fast to the shore, visibility may be reduced under one, but not both, of the following options:
 - (A) visibility may be reduced by up to 40 percent for that entire hour; or
 - (B) visibility may be reduced by up to 100 percent for periods aggregating no more than nine minutes during that hour; and

- (4) at any time not covered by (1) - (3) of this section, visibility may be reduced by up to 100 percent for periods aggregating no more than three minutes in any one hour.

History

History: Eff. 1/18/97, Register 141; am 6/21/98, Register 146

Annotations

Authority: [AS 46.03.020](#)

[AS 46.14.010](#)

[AS 46.14.030](#)

Sec. 30, ch. 74,

SLA 1993

18 AAC 50.240 Excess Emissions

Statute Text

- (a) In an enforcement action, the owner, operator, or permittee has the burden of proving that excess emissions were unavoidable. This demonstration is a condition to obtaining relief under (d), (e), and (f) of this section.
- (b) Excess emissions determined to be unavoidable under this section will be excused and are not subject to penalty. This section does not limit the department's power to enjoin the emission or require corrective action.
- (c) 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 to the department as soon as possible. Unless otherwise specified in the facility's permit, other excess emissions 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. If requested by the department, the owner, operator, or permittee shall submit a full written report that includes the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.
- (d) Excess emissions due to startup or shutdown will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that

- (1) the excess emissions could not have been prevented through careful planning and design; and
 - (2) if a bypass of control equipment occurred, the bypass was necessary to prevent loss of life, personal injury, or severe property damage.
- (e) Excess emissions due to scheduled maintenance will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance, or better operation and maintenance practices.
- (f) Excess emissions due to upsets will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that
- (1) the event was not caused by poor or inadequate design, operation, or maintenance or by any other reasonably preventable condition;
 - (2) the event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
 - (3) when the operator knew or should have known that an emission standard or permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the source as necessary to minimize emissions.
- (g) A demonstration under (d), (e), or (f) of this section must be supported by records made at the time the excess emissions occurred.

History

History: Eff. 1/18/97, Register 141

Annotations

Authority:

[AS 46.03.020](#)

[AS 46.14.030](#)

[AS 46.14.140](#)

[AS 46.14.560](#)