

**Alaska Department of Environmental Conservation  
Air Permits Program**

**Public Comment - September 6, 2023  
United States Space Force (USSF)  
Clear Space Force Station (Clear SFS)**

**STATEMENT OF BASIS  
for the terms and conditions of  
Permit No. AQ0318TVP05**

**Prepared by Zachary Boyden  
ADEC AQ/APP (Anchorage)**

## INTRODUCTION

This document sets forth the statement of basis for the terms and conditions of Operating Permit No. AQ0318TVP05.

## STATIONARY SOURCE IDENTIFICATION

Section 1 of Operating Permit No. AQ0318TVP05 contains information on the stationary source as provided in the Title V permit application.

The Clear Space Force Station (Clear SFS) is owned and operated by, United States Space Force (USSF) and United States Space Force (USSF) is the Permittee for the stationary source's operating permit. The SIC code for this stationary source is 9711 - National Security.

The stationary source is located in Denali Borough, near the city limits of Anderson, Alaska. It is 78 miles southwest of Fairbanks. USSF describes the stationary source as Ground-Based Radars and support facilities. It encompasses approximately 11,500 acres, 3,800 of which are under structures, roadways, and other improvements. Clear SFS is divided into three main areas: the Composite Area where most administrative, recreation, and living quarters are located along with the CSP (Central Steam Plant) and Civil Engineering; the Camp Area composed of maintenance shops and Security Police Forces; and the Operations Area for the Solid-State Phased Array Radar System (SPPARS), Long Range Discrimination Radar (LRDR) Power Plant (LPP), and Tech Site. The Central Heat Power Plant (CHPP) has been shut down.

The main stationary emission-generating activities at Clear SFS are fuel combustion sources. Typical fugitive sources at Clear SFS include firefighting training exercises and general miscellaneous chemical usage (e.g., emissions that result from the use of paints). Other fugitive dust sources include activities such as site preparation ("grading"), construction and/or demolition. Stack emissions include units such as combustion sources (e.g., boilers and emergency generators), where emissions are exhausted through a stack/vent to the atmosphere. Air emissions at Clear SFS are generated primarily from operation of the boilers and furnaces, emergency power generators, and water pumps.

## EMISSIONS UNIT INVENTORY AND DESCRIPTION

Under 18 AAC 50.326(a), the Department requires operating permit applications to include identification of all emissions-related information, as described under 40 C.F.R. 71.5(c)(3).

The emissions units at the Clear Space Force Station (Clear SFS) that have specific monitoring, recordkeeping, and reporting requirements are listed in Table A of Operating Permit No. AQ0318TVP05. The USSF replaced EU ID 11 with a newer unit, 11A. The USSF also added EU IDs 209 and 210, emergency generators rated at 60 kW and 300kW, respectively. The Department did not include EU ID 8 because USSF removed this unit.

Table A of Operating Permit No. AQ0318TVP05 contains information on the emissions units regulated by this permit as provided in the application. The table is provided for informational and identification purposes only. Specifically, the emissions unit rating/size provided in the table is not intended to create an enforceable limit.

## EMISSIONS

A summary of the potential to emit (PTE)<sup>1</sup> and assessable PTE as calculated by the Department from the Clear Space Force Station (Clear SFS) is shown in the table below.

**Table D - Emissions Summary, in Tons Per Year (TPY)**

Emissions	NO <sub>x</sub>	CO	PM <sub>10</sub>	SO <sub>2</sub>	VOC	CO <sub>2e</sub> <sup>1</sup>	HAPs	Total <sup>2</sup>
PTE	176.868	49.214	8.498	0.518	7.690	53,624	0.28	242.788
Assessable PTE	176.868	49.214	8.498	0.518	7.690	0	0	242.788

Notes:

1. CO<sub>2e</sub> emissions are defined as the sum of the mass emissions of each individual GHG adjusted for its global warming potential.
2. Total PTE and total assessable PTE shown in the table do not include CO<sub>2e</sub> and HAPs.
3. HAP emissions are a subset of either VOC emissions or PM<sub>10</sub> emissions and are excluded from the assessable emissions total to avoid double counting.

The assessable PTE listed under Condition 83.1 is the sum of the PTE of each individual air pollutant, other than greenhouse gases (GHGs). The emissions listed in Table D are estimates that are for informational use only. The listing of the emissions does not create an enforceable limit for the stationary source.

For criteria pollutants and GHGs, emissions are as provided in the renewal permit for AQ0318TVP04, with the following revisions:

Hours of operation per year (limited) were changed for EU IDs 9, 11A, 12, and 209. The new annual operation limit is 500 hours.

Fuel feed rates for EU IDs 101 – 103 were changed from 207 to 223 gal/hr to match 3250kW engine vendor data. The emission factor for NO<sub>x</sub> was changed from 5.613 to 5.1 g/kW-hr to match vendor data.

Fuel feed rates for EU IDs 201 – 207 were changed from 275 to 218 gal/hr to match vendor data at 100% load, continuous operation. Emission factors were changed from nominal to more conservative selection from vendor.

The kilowatt rating for EU 209 was changed from 60kW to 100kW to match vendor data in Standby operation.

Emission factors for EU 200 were changed to match vendor data in MSS08. Horsepower was calculated by converting from kilowatts electric and using an efficiency loss factor of 90%. Emissions in tons per year had a safety factor of 1.25 included by the Permittee.

Emission factors for EU 210 followed EPA Tier 3 emergency engine NTE values. SO<sub>2</sub> emissions were calculated by mass balance equations. Emissions in tons per year had a safety factor of 1.25 included.

---

<sup>1</sup> *Potential to Emit or PTE* means the maximum capacity of a stationary source to emit a pollutant under its physical or operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source, as defined in AS 46.14.990(22).

The Applicant calculated HAP emissions as provided in the application.

### **BASIS FOR REQUIRING AN OPERATING PERMIT**

In accordance with AS 46.14.130(b), an owner or operator of a Title V source<sup>2</sup> must obtain a Title V permit consistent with 40 C.F.R. Part 71, as adopted by reference in 18 AAC 50.040.

Except for sources exempted or deferred by AS 46.14.120(e) or (f), AS 46.14.130(b) lists the following categories of sources that require an operating permit:

- A major source;
- A stationary source, including an area source, subject to federal New Source Performance Standards (NSPS) under Section 111 of the Clean Air Act or National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the CAA;
- Another stationary source designated by the Federal Administrator by regulation.

The Permittee is required to obtain an operating permit for the Clear Space Force Station (Clear SFS) as specified under 18 AAC 50.326(a) and 40 C.F.R. 71.3(a), because the stationary source is:

- A major source. This stationary source is a major source because
  - as defined in Section 302 of the CAA, it directly emits, or has the potential to emit, 100 TPY or more of any air pollutant subject to regulation; and
  - it is a major stationary source as defined in Part D of Title I of the Act.
- A source, including an area source, subject to a standard, limitation or other requirement under Section 111 of the Act (NSPS) not exempted or deferred under AS 46.14.120(e) or (f);
- A source, including an area source, subject to a standard or other requirement under Section 112 of the Act (NESHAP) not exempted or deferred under AS 46.14.120(e) or (f);
- A source designated by the Federal Administrator by regulation, or the Department under a finding that public health or air quality effects provide a reasonable basis to regulate the source.

### **AIR QUALITY PERMITS**

#### **Permits to Operate**

The last permit to operate issued for this stationary source is Permit to Operate No. 9531-AA001. This permit to operate included all construction authorizations issued through November 9, 1994, and was issued before January 18, 1997 (the effective date of the divided Title I/Title V permitting program). All stationary source-specific requirements established in this permit were included in Operating Permit No. 000318TVP01.

---

<sup>2</sup> *Title V source* means a stationary source classified as needing a permit under AS 46.14.130(b) [ref. 18 AAC 50.990(111)].

## **Title I (Construction and Minor) Permits**

Construction Permit No. 318CPT01. The Department issued this permit on February 1, 2005. The Department established requirements to allow the stationary source to avoid source classification as a HAP major source.

Minor Permit No. AQ0318MSS01. The Department issued this permit on October 11, 2005. The minor permit rescinded Construction Permit No. 318CPT01 and established requirements that revised the coal monitoring requirements of Construction Permit No. 318CPT01 and authorized owner requested limits (ORLs) to avoid source classification as a HAP major source.

Minor Permit No. AQ0318MSS02. The Department issued this permit on August 19, 2010 to authorize the installation and operation of three new 2,500 kW diesel backup generators, EU IDs 101, 102, and 103. This permit also established an ORL of 450 combined total operating hours for EU IDs 101, 102, and 103 in any rolling 12-month period in order to avoid minor permit requirements under 18 AAC 50.502(c)(3) and classification as a Prevention of Significant Deterioration (PSD) major modification.

Minor Permit No. AQ0318MSS03. The Department issued this permit on August 16, 2011. The minor permit rescinded Minor Permit No. AQ0318MSS02 and authorizes the installation and operation of three new 3,490 kW diesel backup generators in place of the previously proposed 2,500 kW diesel backup generators. This permit also included the ORL of 450 combined total operating hours for EU IDs 101, 102, and 103 in any rolling 12-month period in order to avoid minor permit requirements under 18 AAC 50.502(c)(3) and classification as a Prevention of Significant Deterioration (PSD) major modification. The permit additionally requires the use of ultra-low sulfur diesel (ULSD) in EU IDs 101 through 103.

Minor Permit No. AQ0318MSS04. The Department issued this permit on November 5, 2013. The minor permit rescinded Minor Permit No. AQ0318MSS01 and revised the coal monitoring requirements.

Minor Permit No. AQ0318MSS05. The Department issued this permit on July 30, 2014 to authorize removal of three large coal-fired boilers (EU IDs 1 through 3), coal crushing facility (EU ID 40), ash collection system and storage (EU ID 4), and two diesel generators (EU IDs 5 and 10) and installation of three oil-fired boilers (EU IDs 44 through 46) and one diesel generator (EU ID 43).

- Revision No. 1. The Department issued the revision on April 30, 2015. The revision rescinded Minor Permit No. AQ0318MSS05 while including the conditions of the permit and also authorizes installation of two portable oil-fired boilers (EU IDs 47 and 48) and one portable diesel engine (EU ID 49) for emergency use.

Minor Permit No. AQ0318MSS06. The Department issued this permit on June 6, 2017 to revise Minor Permit No. AQ0318MSS03 and increase the allowable operating hours of EU IDs 101 through 103 from a combined 450 hours per year (hr/yr) to a combined 2,100 hr/yr.

Minor Permit No. AQ0318MSS07. The Department issued this permit on August 25, 2017 for the construction of the Long-Range Discrimination Radar Project.

Minor Permit No. AQ0318MSS08. The applicant submitted an application for Minor Permit AQ0318MSS08 on January 04, 2023. The applicant amended this application on April 13, 2023. The application requested the Department establish an ORL and revise AQ0318MSS07 conditions

to permit the use of EU ID 200 as a stationary, emergency power generator not exceeding 575 hours per year, and to install, maintain, and operate a new EU ID 210 stationary emergency power generator not exceeding 300 hours per year. The permit additionally requires the use of ULSD in EU IDs 200 and 210. The Department issued this permit on July 31, 2023.

### **Title V Operating Permits**

Operating Permit No. 000318TVP01. The Department issued this permit on January 21, 2000. The Permittee requested an ORL for fuel consumption limits for each of EU IDs 38 and 39 that corresponds to 500 operational hours. The 500-hour annual limit corresponds to 5,200 gallons for each of EU IDs 38 and 39. These limits allow the Permittee to avoid the need for a construction permit and a PSD review.

Operating Permit No. AQ0318TVP02. The Department issued this permit on September 7, 2006.

Operating Permit No. AQ0318TVP03. The Department issued this permit on October 2, 2012.

- Revision No. 1. Incorporated requirements of Minor Permit AQ0318MSS04 to revise the coal monitoring strategy, updated emission limits and work practices for Hg and CO to reflect the April 24, 2013 revisions to NESHAP Subpart JJJJJ and revised the CAM monitoring approach commensurate with the practice adopted at the source.
- Revision No. 2. Revision to correct the emission inventory reporting timeline error.
- Revision No. 3. Revision to correct a typographical error in calculation of moles of oxygen in Standard Operating Permit Condition XIII – Coal Fired Boilers adopted into 18 AAC 346(c) Table 7 pursuant to AS 46.14.010(e).

Operating Permit No. AQ0318TVP04. The Department issued this permit on June 13, 2018.

- Revision No. 1. The Department issued an administrative amendment to update Table A of the operating permit to include information for installed units. Additionally, the Department corrected a typographical error in Condition 42.4 of the operating permit by including the 5-year tune-up language for EU IDs 300 through 305 since those units are subject to 5-year rather than biennial tune-up requirements.
- Revision No. 2. On August 27, 2020, the Department received an application from the US Air Force (USAF) for an administrative amendment to update the emission unit inventory at the Clear Air Force Station, operating under Title V Permit AQ0318TVP04 Rev. 1. On September 1, 2020 the Department received an updated notification that the USAF wishes to treat the updated emission unit as an off-permit change instead of an administrative amendment to the Title V Permit. The off-permit change indicated that the USAF is planning to add new emission unit (EU) 209, an EPA nonroad Tier 3 certified 60 kW Caterpillar C4.4 emergency diesel engine generator. The Department concurred with the off-permit change.
- Revision No. 3. The United States Air Force submitted a name change request on July 1, 2021 to reflect the name change of the Permittee from United States Air Force (USAF) to United States Space Force (USSF) and the name change of the Stationary Source from Clear Air Force Station (Clear AFS) to Clear Space Force Station (Clear SFS). The Department issued Administrative Amendment 3 effective on June 15, 2021 reflecting the name change of the Permittee and stationary source.

Permit No. AQ0318TVP05. United States Space Force (USSF) submitted an application to renew Operating Permit No. AQ0318TVP04 under a December 1, 2022 cover letter. The Department received the application on December 5, 2022. The Department deemed the application complete on December 13, 2022 and issued Operating Permit No. AQ0318TVP05 on Public Comment - September 6, 2023.

### COMPLIANCE HISTORY

The stationary source has operated at its current location since 1959.

The Department received a source test report for EU ID 40, coal crusher with mechanical vent, on August 7, 2013 that showed an exceedance of the 0.010 gr/dscf particulate matter limit in 40 C.F.R. 60.254(b)(2). The Department and USAF entered a settlement agreement in May 2015, and the Department issued a letter on June 26, 2015 to close the compliance case. Additionally, EU ID 40 has since been decommissioned.

The Department issued a notice of violation (NOV) on May 29, 2015 alleging that USAF violated 18 AAC 50.502(c)(3) and AS 46.14.120(g) by installing a 1.5 MW portable Caterpillar generator and two 10 MMBtu/hr York Shipley steam boilers without first obtaining a required air quality minor permit. The Department and USAF entered a settlement agreement in February 2016, and the Department issued a letter on March 7, 2016 to close the compliance case.

Other than the issues noted above, review of the permit files for this stationary source, which includes the past inspection reports and compliance evaluations, indicates a stationary source generally operating in compliance with its operating permit.

### APPLICABLE REQUIREMENTS FROM PRECONSTRUCTION PERMITS

Incorporated by reference at 18 AAC 50.326(j), 40 C.F.R. Part 71.2 defines “applicable requirement” to include the terms and conditions of any preconstruction permit issued under rules approved in Alaska’s State Implementation Plan (SIP).

Alaska’s SIP includes the following types of preconstruction permits:

- Permit to Operate issued on or before January 17, 1997 (these permits cover both construction and operations);
- Construction permits issued on or after January 18, 1997; and
- Minor permits issued on or after October 1, 2004.

Preconstruction permit terms and conditions include both source-specific conditions and conditions derived from regulatory applicable requirements such as standard conditions, generally applicable conditions, and conditions that quote or paraphrase requirements in regulation.

These requirements include, but are not limited to, each emissions unit- or source-specific requirement established in these permits issued under 18 AAC 50 that are still in effect at the time of issuance of Operating Permit No. AQ0318TVP05.

Table E and Table F below list the requirements carried into Operating Permit No. AQ0318TVP05 to ensure compliance with the preconstruction permit requirements.

#### **Table E - Comparison of Permit to Operate No. 9531-AA001 Conditions to Operating Permit No. AQ0318TVP05 Conditions<sup>1</sup>**

9531-AA001 Condition No.	Description of Requirement	AQ0318TVP05 Condition No.	How Condition was Revised
1	Comply with AAAQS	17	Includes AAAQS, PSD, and ORLs
2	Comply with emission standards	Multiple	Revised into numerous conditions
3	Coal fines limits	Removed	All coal-fired EU IDs have been decommissioned
7	Source testing	92	Standard condition per 18 AAC 50.345(a)
8	Excess emissions report	106	Incorporated SPC III
10	Operating report	107	Incorporated SPC VII
13	Opacity MR&R	2	Incorporated SPC IX

Note:

1. This table does not include all standard and general conditions.

**Table F - Comparison of Minor Permit Nos. AQ0318MSS03 through AQ0318MSS08 Conditions to Operating Permit No. AQ0318TVP05 Conditions<sup>1</sup>**

MSS No.	Condition No.	Description of Requirement	AQ0318TVP05 Condition No.	How Condition was Revised
MSS03	8	ORL for SO <sub>2</sub> under 50.502(c)(3)	24	Edited for clarity.
MSS05	5	ORL for NO <sub>x</sub> under 50.306	33	Not revised.
MSS06	7	ORL for NO <sub>x</sub> under 50.306	26	Not revised.
MSS07	20 – 22	Conditions to uphold AAAQS	19 – 20	Revised to remove EU IDs that have performed these requirements.
MSS07	24 – 25	Limits to uphold AAAQS	21 – 22	Not revised.
MSS07	26 – 30	ORL under 50.502(c)(4)	28 – 32	Removed language circumventing the public review of MR&R requirements.
MSS08	10 – 11	Conditions to uphold AAAQS	23 – 24	Not revised.
MSS08	13	ORL for NO <sub>x</sub> under 50.502(c)(3)(A)	34 – 37	Added references to Operating Report, Excess Emissions Report Conditions.

Note:

1. This table does not include all standard and general conditions.

### NON-APPLICABLE REQUIREMENTS

This section discusses standard conditions that have not been included in the permit and other requirements that are not included for specific reasons.

- 40 C.F.R. 64 Compliance Assurance Monitoring (CAM): None of the emissions units at the stationary source use a control device to achieve compliance with emission limits or standards. Therefore, CAM requirements are not applicable.



- 40 C.F.R. 68 Chemical Accident Prevention Provisions: The Risk Management Plan (RMP) requirements do not apply because the stationary source has no threshold quantities of a regulated substance used in a process as defined in 40 C.F.R. 68.10.

## STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

The Department adopted regulations from 40 C.F.R. 71, as specified in 18 AAC 50.040(j), to establish operating permit regulations. The EPA fully approved the Alaska Operating Permit Program on November 30, 2001, as noted in Appendix A to 40 C.F.R. 70. This Statement of Basis, required under 40 C.F.R. 71.11(b), provides the legal and factual basis for each condition of Operating Permit No. AQ0318TVP05. Additionally, and as required by 40 C.F.R. 71.6(a)(1)(i), the state and federal regulations for each permit condition are cited in the permit.

### Conditions 1 through 4, Visible Emissions Standard and MR&R

**Legal Basis:** These conditions require compliance with the applicable requirements in 18 AAC 50.055(a).

- 18 AAC 50.055(a) applies to the operation of fuel-burning equipment and industrial processes. EU IDs 9, 11A, 12, 38, 39, 43 – 46, 101 – 103, 200 – 210, and 300 – 305 are fuel-burning equipment or industrial processes.

U.S. EPA approved the addition of these standards to the SIP, as noted in 40 C.F.R. 52.70. The Department included permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

**Factual Basis:** Condition 1 prohibits the Permittee from causing or allowing visible emissions in excess of the applicable standard in 18 AAC 50.055(a)(1). MR&R requirements are listed in Conditions 2 through 4 (for liquid fuel-burning equipment) of the permit. These conditions have been adopted into regulation as Standard Permit Condition (SPC) IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid Fuel-Burning Equipment and Flares. The Department has modified these conditions, as follows:

- Made the last two sentences in Condition 2 subconditions (Conditions 2.1 and 2.2) to facilitate cross-referencing of specific statements.

Beyond as noted above, the Department has determined that the standard conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emissions unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions, as modified, meet the requirements of 40 C.F.R. 71.6(a)(3).

The Permittee must establish by visual observations of emissions unit exhaust, which may be supplemented by other means (e.g., a defined stationary source operation and maintenance program), that the stationary source is in continuous compliance with the state emission standards for visible emissions.

These conditions detail a stepwise process for monitoring to determine compliance with the state's visible emissions standard for liquid fuel-burning equipment. Equipment types covered by these conditions are stationary internal combustion engines, turbines, heaters, boilers, and flares. Initial monitoring frequency schedules are established along with subsequent reductions or increases in frequency depending on the results of the self-monitoring program.

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

### **Liquid Fuel- Burning Equipment:**

Monitoring – The emissions unit exhaust must be observed by either the Method 9 Plan or the Smoke/No Smoke Plan as detailed in Condition 2. Corrective actions such as maintenance procedures or more frequent observations may be required depending on the results of the observations.

Recordkeeping - The Permittee is required to record the results of all observations of emissions unit exhaust and record any actions taken to reduce visible emissions.

Reporting - The Permittee is required to report emissions in excess of the state visible emissions standard and deviations from permit conditions. The Permittee is also required to include in the operating report a statement of which visible emissions plan was used for each emissions unit and copies of the results of all visible emission observations.

### **Significant Emissions Units under 18 AAC 50.326(d)(1):**

EU IDs 9, 11A, 12, 208, 209, and 210 do not qualify as insignificant per 18 AAC 50.326(d)(1), because they are subject to requirements in 40 C.F.R. 63 Subpart ZZZZ. These units are otherwise insignificant because actual emissions (for EU IDs 9 and 12) and potential emissions (for EU IDs 11A, 208, 209, and 210) are less than the significant emissions thresholds in 18 AAC 50.326(e). Therefore, the Department has waived the requirement to conduct observations for visible emissions from EU IDs 9, 11A, 12, 208, 209, and 210, but these units are subject to compliance certification requirements in accordance with Department Policy and Procedure No. 04.02.103, Topic #3.

EU IDs 38 and 39 do not qualify as insignificant per 18 AAC 50.326(d)(1), because they are subject to requirements in 40 C.F.R. 63 Subpart ZZZZ. These units are otherwise insignificant because permit conditions limit emissions for each unit to less than the significant emissions thresholds in 18 AAC 50.326(e). Therefore, the Department has waived the requirement to conduct observations for visible emissions from EU IDs 38 and 39, but these units are subject to compliance certification requirements in accordance with Department Policy and Procedure No. 04.02.103, Topic #3.

For EU IDs 303 through 305, no visible emissions monitoring is required because these emissions units are insignificant under 18 AAC 50.326(e) based on potential emissions. The Permittee must annually certify whether or not the emissions units are in compliance with the opacity standard based on reasonable inquiry.

### **Conditions 5 through 11, PM Standard and MR&R**

**Legal Basis:** These conditions require compliance with the applicable requirement in 18 AAC 50.055(b).

- 18 AAC 50.055(b)(1) applies to the operation of fuel-burning equipment and industrial processes. EU IDs 9, 11A, 12, 38, 39, 43 – 46, 101 – 103, 200 – 210, and 300 – 305 are fuel-burning equipment or industrial processes.

This PM standard applies because it is contained in the federally-approved SIP. The Department included permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

**Factual Basis:** Condition 5 prohibits emissions in excess of the applicable state PM standard. MR&R requirements are listed in Conditions 6 through 11 of the permit. These conditions have been adopted into regulation as SPC IX.

The Department has determined that the standard conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emissions unit or stationary source operational or compliance factors indicate that unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions meet the requirements of 40 C.F.R. 71.6(a)(3).

The Permittee must establish by visual observations, which may be supplemented by other means (e.g., a defined stationary source operation and maintenance program), that the stationary source is in continuous compliance with the state's emission standards for PM.

### **Liquid Fuel-Burning Equipment:**

Monitoring – The Permittee is required to either take corrective action or conduct PM source testing, if opacity threshold values are exceeded. For liquid fuel-burning engines and turbines, the Department set opacity threshold values of 15 percent for stack diameters less than 18 inches and 20 percent for stack diameters equal to or greater than 18 inches. These opacity thresholds are based on a study conducted by the Department in an effort to establish a correlation between opacity and PM. The data was collected from diesel engines of various stack sizes and the results are as follows:

- For stacks normalized to 21 inches – 0.05 gr/dscf corresponds to 27% opacity
- For stacks normalized to 18 inches – 0.05 gr/dscf corresponds to 23% opacity
- For stacks normalized to 12 inches – 0.05 corresponds to 16.8 % opacity
- For stacks normalized to 10 inches – 0.05 corresponds to 14.3 %

This means that the trend line for the complete data set predicts that 20% opacity corresponds to a little less than the PM limit for an 18-inch stack. There may be engines that exceed the thresholds but the intent of the standard condition is not to guarantee that each engine that might exceed the PM standard will be tested. The Department expects few, if any, engines to actually be tested under this condition. What the Department does expect is that with the adopted condition in place, operators that find an opacity above or near the testing threshold will take corrective action necessary to reduce PM emissions. This would achieve the desired environmental outcome without the added cost of testing. The Department expects this to be the case with both thresholds.

The method is premised on the fact that a five percent difference in opacity is distinguishable. The conditions mean that if opacity readings as measured using Method 9 – with all of its limitations – exceed the threshold, the Permittee must either take corrective action or conduct a PM source test. The compliance conditions for PM do not draw a legal conclusion about whether the method shows compliance with the visible emissions standard.

Recordkeeping - The Permittee is required to record the results of PM source tests and visible emissions observations conducted during the source tests.

Reporting - The Permittee is required to report incidents when emissions in excess of the opacity threshold are observed and the results of PM source tests. The Permittee is also required to include copies of the results of all visible emission observations taken during PM source testing in the operating report.

### **Significant Emissions Units under 18 AAC 50.326(d)(1):**

EU IDs 9, 11A, 12, 208, 209, and 210 do not qualify as insignificant per 18 AAC 50.326(d)(1), because they are subject to requirements in 40 C.F.R. 63 Subpart ZZZZ. These units are otherwise insignificant because actual emissions (for EU IDs 9 and 12) and potential emissions (for EU IDs 11A, 208, 209, and 210) are less than the significant emissions thresholds in 18 AAC 50.326(e). Therefore, the Department has waived the requirement to conduct observations for particulate matter from EU IDs 9, 11A, 12, 208, 209, and 210, but these units are subject to compliance certification requirements in accordance with Department Policy and Procedure No. 04.02.103, Topic #3.

EU IDs 38 and 39 do not qualify as insignificant per 18 AAC 50.326(d)(1), because they are subject to requirements in 40 C.F.R. 63 Subpart ZZZZ. These units are otherwise insignificant because permit conditions limit emissions for each unit to less than the significant emissions thresholds in 18 AAC 50.326(e). Therefore, the Department has waived the requirement to conduct observations for particulate matter from EU IDs 38 and 39, but these units are subject to compliance certification requirements in accordance with Department Policy and Procedure No. 04.02.103, Topic #3.

For EU IDs 303 through 305, no visible emissions monitoring is required because these emissions units are insignificant under 18 AAC 50.326(e) based on potential emissions. The Permittee must annually certify whether or not the emissions units are in compliance with the opacity standard based on reasonable inquiry.

### **Condition 12 through 15, Sulfur Compound Emissions Standard and MR&R**

**Legal Basis:** This condition requires compliance with the sulfur compound emissions standard under 18 AAC 50.055(c).

- 18 AAC 50.055(c) applies to the operation of fuel-burning equipment and industrial processes. EU IDs 9, 11A, 12, 38, 39, 43 – 46, 101 – 103, 200 – 210, and 300 – 305 are fuel-burning equipment or industrial processes.

The sulfur compound standard applies because it is contained in the federally-approved SIP. The Department included permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

**Factual Basis:** The Permittee may not cause or allow the affected equipment to violate the applicable sulfur compound standard. Sulfur dioxide comes from the sulfur in the fuel (e.g., fuel oils).

#### **Liquid Fuels:**

For the liquid fuel-burning equipment, EU IDs 9, 11A, 12, 38, 39, 43, and 200 – 210, the MR&R conditions are SPCs XI and XII adopted into regulation pursuant to AS 46.14.010(e). Sulfur dioxide comes from the sulfur in the liquid, hydrocarbon fuel (e.g., diesel or No.2 fuel oil). Fuel sulfur testing will verify compliance. Fuel containing no more than 0.00075 percent sulfur by weight will always comply with the emission standard. For fuels with a sulfur content higher than 0.00075 percent, the condition requires the Permittee to use the equations in Section 13, or Method 19 of 40 C.F.R. 60, Appendix A-7, adopted by reference in 18 AAC 50.040(a)(3), to calculate the sulfur-dioxide concentration to show that the standard is not exceeded.

The Department has determined that the standard permit conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emissions unit or stationary source operational or compliance factors indicate the unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions, as modified, meet the requirements of 40 C.F.R. 71.6(a)(3).

### **Condition 16 through 37, Preconstruction Permit Requirements**

**Legal Basis:** The Permittee is required to comply with all stationary source-specific requirements that were carried forward from previous SIP-approved Permits to Operate (PTO) issued on or before January 17, 1997 and operating permits issued between January 18, 1997 and September 30, 2004, and with all stationary source-specific requirements in EPA PSD permits, SIP-approved construction permits, SIP-approved minor permits, and owner requested limits (ORLs) established under 18 AAC 50.225. These requirements include Best Available Control Technology (BACT) limits to ensure compliance with the attainment or maintenance of ambient air quality standards or maximum allowable ambient concentrations, and owner requested limits. Requirements from the permits listed above apply because they were originally developed through case-by-case action under a federally-approved SIP or approved operating permit program.

**Factual Basis:** Conditions 16 through 37 reflect the emissions unit- or stationary source-specific requirements that are in effect from Title I Minor Permits AQ0318MSS03 through AQ0318MSS08. The Air Quality Permits section and Table E through Table F in the SOB describe which emissions units were authorized and how the terms and conditions have been revised, rescinded, and replaced in the Title I permits issued for the stationary source and how they are carried forward into the Title V permit. Background information details for these requirements are found in the corresponding Technical Analysis Report (TAR) for the Title I permits.

Conditions 23 and 24 are Ambient Air Quality Protection Requirements established in Minor Permit No. AQ0318MSS08, limiting the fuel combusted in EU IDs 200 and 210 to ultra-low sulfur diesel (ULSD). MR&R requirements are included in Condition 24.

Condition 25 is an ORL established in Operating Permit No. AQ0318TVP01, to avoid classification as PSD major modification. The condition requires limiting the fuel burned by EU IDs 38 and 39 to no more than 5,200 gallons. MR&R requirements are included in the condition.

Condition 26 is an ORL established in Minor Permit No. AQ0318MSS06, to avoid classification under 18 AAC 50.306. The condition requires limiting NO<sub>x</sub> emissions from EU IDs 101, 102, and 103 to no more than 45 TPY by limiting the combined 12-month consecutive hours to 2,100 hours. MR&R requirements are included in the condition.

Condition 27 is an ORL established in Minor Permit No. AQ0318MSS03, to avoid classification under 18 AAC 50.502(c)(3) for SO<sub>2</sub>. The condition requires limiting sulfur content burned from EU IDs 101, 102, and 103 to no more than 15 ppmw. MR&R requirements are included in the condition.

Conditions 28 through 32 are an ORL established in Minor Permit No. AQ0318MSS07, to avoid classification under 18 AAC 50.502(c)(4) for SO<sub>2</sub>. The conditions require limiting SO<sub>2</sub>

emissions from EU IDs 300 through 305 to less than 40 TPY by limiting the sulfur fuel content of the fuel used to no more than 15 ppmw. MR&R requirements are included in the condition.

Condition 33 is an ORL established in Minor Permit No. AQ0318MSS05, to avoid PSD permitting under 18 AAC 50.306 for SO<sub>2</sub>. The condition requires limiting SO<sub>2</sub> emissions for EU IDs 44 through 46 to no more than 0.22 TPY by limiting the fuel burned to ULSD. MR&R requirements are included in the condition.

Conditions 34 through 37 are an ORL established in Minor Permit No. AQ0318MSS08, to avoid classification under 18 AAC 50.502(c)(3) for NO<sub>x</sub>. The conditions require limiting NO<sub>x</sub> emissions from EU IDs 200 and 210 to less than 10 TPY by limiting the 12-month consecutive hours to 575 and 300 hours, respectively. MR&R requirements are included in the conditions.

### Condition 38, Insignificant Emissions Units

**Legal Basis:** The Permittee is required to meet the state emission standards in 18 AAC 50.055 for all industrial processes and fuel-burning equipment regardless of size. 18 AAC 50.050(a) and 50.055 are contained in the federally-approved SIP. The Department also added permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

**Factual Basis:** The condition requires insignificant emissions units to comply with the state emission standards for visible emissions, particulate matter emissions, and sulfur-compound emissions. Insignificant emissions units are not generally listed in operating permits unless specific monitoring, recordkeeping, and reporting are necessary to ensure compliance with the state emission standards. However, the Permittee may not cause or allow insignificant emissions units at the stationary source to violate these standards whether or not they are listed in the operating permit.

The Department finds that the insignificant emissions units at this stationary source do not require specific monitoring, recordkeeping and reporting to ensure compliance under these conditions.

Condition 38.4.a requires certification that the insignificant emissions units did not exceed state emission standards during the previous year and did not emit any prohibited air pollution, based on reasonable inquiry.

The Department used the language in SPC V, adopted by reference under 18 AAC 50.346(b)(4), for the permit condition.

### Conditions 39 through 44, NSPS Subpart A Requirements

**Legal Basis:** The EPA approved Alaska's Part 70 Program granted on November 30, 2001 (40 C.F.R. 70 Appendix A). The Department is the permitting authority for the Part 70 program. As the permitting authority, the Department requires compliance with all permit conditions. Although the EPA has not delegated to the Department the authority to administer the New Source Performance Standard (NSPS) program, NSPS requirements are included in the definition for "applicable requirement" under 40 C.F.R. 71.2, which has been adopted by the Department under 18 AAC 50.040(j)(1).

The NSPS provisions under Subparts Dc and IIII apply to the stationary source. Therefore, the Department requires compliance with those standards in a Part 70 permit issued under the approved program. However, the Department is unable to change the actual wording of the relevant standard to substitute "the Department" for "the Administrator" in those standards.

Since the Department expects access to any permit-related information provided by the Permittee to the EPA, the Department will act on its responsibility as the permitting authority to determine compliance with the standard. To reflect this relationship and for the purposes of this permit, the Department has defined “the Administrator” to mean the “EPA and the Department” for conditions implementing the federal emission standards under Section 4.

Most affected facilities (with the exception of some storage tanks) subject to an NSPS are subject to Subpart A. At this stationary source, EU IDs 44 through 46 are subject to NSPS Subpart Dc and EU IDs 11A, 43, 101 through 103, and 200 through 210 are subject to NSPS Subpart III. Therefore, these units are subject to Subpart A.

Conditions 39.1 through 39.3 – The Permittee has already complied with the notification requirements in 40 C.F.R. 60.7 (a)(1) – (4) for EU IDs 11A and 209. However, the Permittee is still subject to these requirements in the event of a new NSPS affected facility<sup>3</sup> or in the event of a modification or reconstruction of an existing facility<sup>4</sup> into an affected facility.

Condition 39.4 – The requirements to notify the EPA and the Department of any proposed replacement of components of an existing facility (40 C.F.R. 60.15) apply in the event that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility.

Condition 40 – The requirements in 40 C.F.R. 60.7(b) to maintain startup, shutdown, or malfunction records are applicable to all NSPS affected facilities subject to Subpart A.

Condition 41 – The NSPS general recordkeeping requirements under 40 C.F.R. 60.7(f) requires records retention for at least two years of the measurements required to be maintained by this Part. This requirement is satisfied by Condition 102, which requires at least five years of records retention, in accordance with 40 C.F.R. 71.6(a)(3)(ii)(B) adopted under 18 AAC 50.040(j)(4).

Condition 41 – The Permittee is subject to the initial performance test requirements in the event of a new NSPS affected facility, in the event of a modification or reconstruction of an existing facility into an affected facility or at such other times as may be required by EPA.

Condition 42 – Good air pollution control practices in 40 C.F.R. 60.11 are applicable to most NSPS affected facilities subject to Subpart A (EU IDs 44 through 46).

Condition 43 – The condition states that any credible evidence may be used to demonstrate compliance or to establish violations of relevant NSPS standards for EU IDs 44 through 46.

Condition 44 – Concealment of emissions prohibitions in 40 C.F.R. 60.12 are applicable to EU IDs 11A, 43 through 46, 101 through 103, and 200 through 210.

**Factual Basis:** Subpart A contains general requirements applicable to all affected facilities (emissions units) subject to NSPS. In general, the intent of NSPS is to provide technology-based emission control standards for new, modified, and reconstructed affected facilities.

---

<sup>3</sup> *Affected facility* means, with reference to a stationary source, any apparatus to which a standard applies, as defined in 40 C.F.R. 60.2.

<sup>4</sup> *Existing facility* means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type, as defined in 40 C.F.R. 60.2.



### Conditions 45 through 49, NSPS Subpart Dc Requirements

**Legal Basis:** The requirements of 40 C.F.R. 60 are applicable requirements for Title V permitting purposes, as stated in the “applicable requirement” definition under 40 C.F.R. 71.2. The Department has incorporated by reference the requirements of NSPS Subpart Dc, as listed in 18 AAC 50.040(a). Subpart Dc applies to steam generating units for which construction, modification, or reconstruction commenced after Jun 9, 1989 and have maximum design heat input capacities of 29 MW (100 MMBtu/hr) or less, but greater than or equal to 2.9 MW (10 MMBtu/hr). EU IDs 44 through 46 were constructed after June 9, 1989 and have maximum design heat input capacities greater than 10 MMBtu/hr.

**Factual Basis:** The conditions require the Permittee to comply with the Subpart Dc sulfur standard. The Permittee has two options for complying with SO<sub>2</sub> emissions: one is to comply with a sulfur emission limit and the other is to comply with a fuel sulfur limit.

EU IDs 44 through 46 are not subject to the particulate matter standard in 40 C.F.R. 60.43c because each emissions unit maximum design heat input is less than 30 MMBtu/hr.

### Conditions 50 through 56, NSPS Subpart III Requirements

**Legal Basis:** NSPS Subpart III applies to stationary compression ignition internal combustion engines (CI ICE) that commence construction, modification, or reconstruction after July 11, 2005 where the stationary CI ICEs are manufactured after April 1, 2006 for non-fire pump engines and manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006 for fire pump engines.

EU IDs 43, 101 through 103, and 200 through 210 are non-fire pump engines manufactured after April 1, 2006. EU ID 11A is a certified fire pump emergency engine. These EUs meet the applicability criteria of Subpart III under 40 C.F.R. 60.4200(a)(2)(i) and (ii).

**Factual Basis:** These conditions incorporate the Subpart III emissions standards applicable to EU IDs 11A, 43, 101 through 103, and 200 through 210. The Permittee may not cause or allow these emissions units to violate these standards. These conditions also provide MR&R specifically called out for the EUs within the Subpart. The Permittee is required to operate and maintain the stationary CI ICE according to the manufacturer's written instructions or procedures developed by the Permittee that are approved by the engine manufacturer.

Emission standards that apply to Subpart III-affected CI ICE depend on several factors, including, but not limited to, the unit's purpose (whether emergency or non-emergency), model year, displacement in liters/cylinder (L/cyl), and location. Some of this information are provided in Table A of the permit.

The Department added Condition 55 to gap-fill the operating and excess emissions and permit deviation reporting requirements.

The NSPS GAPCP requirements provided in 40 C.F.R. 60.4211(a), as reflected in Condition 51, suffices the State GAPCP requirement under 18 AAC 50.346(b)(5). MR&R requirements are provided in Conditions 54 through 55. Provisions for importing or installing stationary CI ICE in previous model years required under 40 C.F.R. 60.4208 are provided in Condition 56.

The provisions of NSPS Subpart III listed in Conditions 50 through 56 are current as amended through August 10, 2022. Should EPA promulgate revisions to this subpart, the Permittee shall

be subject to the revised final provisions as promulgated and not the superseded provisions summarized in these conditions.

### **Condition 57, NESHAP Subpart A Requirements**

**Legal Basis:** Most sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements are subject to NESHAP Subpart A. This stationary source is subject to 40 C.F.R. 63 Subparts ZZZZ, JJJJJ, and CCCCC, and therefore is subject to the general provisions of Subpart A as specified in the provisions for the applicability of NESHAP Subpart A in Table 8 to NESHAP Subpart ZZZZ, Table 8 to NESHAP Subpart JJJJJ, and in Table 3 to NESHAP Subpart CCCCC.

**Factual Basis:** Subpart A contains the general requirements applicable to all affected sources subject to NESHAP. In general, the intent of NESHAP is to regulate specific categories of stationary sources that emit or have the potential to emit one or more hazardous air pollutants.

### **Conditions 58 through 63, NESHAP Subpart ZZZZ Requirements**

**Legal Basis:** The Department has incorporated by reference the NESHAP requirements for specific industrial activities, as listed in 18 AAC 50.040(c). NESHAP Subpart ZZZZ applies to owners and operators of any existing, new, or reconstructed stationary reciprocating internal combustion engines (RICE), whose construction commenced before June 12, 2006, located at major and area sources of HAP emissions, excluding stationary RICE units being tested at a stationary RICE test cell/stand. Clear Space Force Station (Clear SFS) is an area source that owns and operates RICE units, EU IDs 9, 11A, 12, 38, 39, 43, 101 – 103, and 200 – 210, subject to NESHAP Subpart ZZZZ.

**Factual Basis:** These conditions incorporate the current (as amended through August 10, 2022) NESHAP Subpart ZZZZ requirements applicable to the existing stationary RICE, EU IDs 9, 11A, 12, 38, 39, 43, 101 – 103, and 200 – 210.

EU IDs 9, 12, 38, and 39 are existing, emergency compression ignition (CI) RICE that do not have to meet numerical emission limitations in Subpart ZZZZ, but must meet the work and management practices for stationary emergency CI RICE in Table 2d, Item 4. If any of the engines no longer meet the criteria for an emergency engine, as defined in 40 C.F.R. 63.6675, the emissions unit will need to meet all applicable requirements for non-emergency engines.

The Permittee must comply with the recordkeeping requirements of 40 C.F.R. 63.6655(e), 63.6625(i), and 63.6660, as set out in Condition 61. The reporting requirements are provided in Condition 63. The Permittee is required to include reports of deviations from NESHAP Subparts A and ZZZZ requirements with the semiannual operating reports, per 40 C.F.R. 63.6650(f). The Department also added an excess emissions and permit deviation gap-fill reporting requirement in Condition 63.2.

Per 40 C.F.R. 63.6645(a)(5), initial notification is not required for existing stationary CI RICE that are not subject to any numerical emission standards. In addition, the fuel requirements under 40 C.F.R. 63.6604 are not applicable per 63.6604(d).

EU IDs 11A, 43, 101 through 103, and 200 through 210 are new CI RICE and must comply with the requirements of 40 C.F.R. 60 Subpart IIII as required by 40 C.F.R. 63.6590(c) and (c)(1). There are no other requirements under Subpart ZZZZ for these units.

The provisions of NESHAP Subpart ZZZZ listed in Conditions 57 through 61 are current as amended through August 10, 2022. Should EPA promulgate revisions to this subpart, the Permittee shall be subject to the revised final provisions as promulgated and not the superseded provisions summarized in these conditions.

### **Conditions 64 through 68.7, NESHAP Subpart JJJJJ**

**Legal Basis:** NESHAP Subpart JJJJJ is a federal rule that took effect on May 20, 2011. This subpart applies to owners and operators of industrial, commercial, or institutional boiler as defined in 40 C.F.R. 63.11237 that is located at, or is part of, an area source of HAP emissions. The Clear Space Force Station (Clear SFS) is an area source of HAP emissions that operates boilers (EU IDs 44 through 46 and 300 through 305) subject to the provisions of NESHAP Subpart JJJJJ under 40 C.F.R. 63.11194(a)(1) and (b) for existing industrial boilers whose construction or reconstruction commenced on or before June 4, 2010.

**Factual Basis:** These conditions incorporate the Subpart JJJJJ work or management practices applicable to EU IDs 44 through 46 and 300 through 305. The Permittee is required to operate and maintain the emissions units according to the manufacturer's emission-related operation and maintenance instructions which provides for the maintenance and operation of the emissions units in a manner consistent with good air pollution control practice for minimizing emissions.

The Generally Available Control Technology (GACT) work or management practice standard applicable to EU IDs 44 through 46 are those of new oil-fired units with a heat input capacity of greater than 10 MMBtu/hr, and a heat input capacity of greater than 5 MMBtu/hr for EU IDs 300 through 302, as set forth in Condition 66.3. The GACT work or management practice standard applicable to EU IDs 303 through 305 are those of new oil-fired units with a heat input capacity of less than 5 MMBtu/hr, as set forth in Condition 66.5. As such, biennial tune-ups for EU IDs 44 through 46 and 303 through 305 (greater than 5 MMBtu/hr) and tune-ups every 5 years for EU IDs 300 through 302 (less than 5 MMBtu/hr) are required.

Minor Permit AQ0318MSS05 requires the use of ultra-low sulfur diesel (ULSD) in EU IDs 44 through 46. Therefore, in accordance with 40 C.F.R. 63.11210(f), these units are not subject to the PM emission limit in Table 1 of Subpart JJJJJ.

Recordkeeping and reporting requirements that apply to EU IDs 44 through 46 and 300 through 305 are provided in Conditions 67 and 69.

The provisions of NESHAP Subpart JJJJJ listed in Conditions 57.2 and 64 through 68.7 are current as amended through September 14, 2016. Should EPA promulgate revisions to this subpart, the Permittee shall be subject to the revised final provisions as promulgated and not the superseded provisions summarized in these conditions.

### **Conditions 70 through 73, NESHAP Subpart CCCCC Requirements**

**Legal Basis:** The requirements of 40 C.F.R. 63 are applicable requirements for Title V permitting purposes, as stated in item 4 of the “applicable requirement” definition under 40 C.F.R. 71.2. The Department has incorporated by reference the requirements of NESHAP Subpart CCCCC, as listed in 18 AAC 50.040(c). The affected source to which this subpart applies is each gasoline dispensing facility (GDF) that is located at an area source of HAP emissions. The affected source includes each gasoline cargo tank during the delivery of

product to a GDF and also includes each storage tank. At Clear SFS, which is an area source, EU IDs 104 and 105 are gasoline storage tanks that meet the applicability criteria.

**Factual Basis:** NESHAP Subpart CCCCCC establishes emission limitations and management practices for HAP emissions from the loading of gasoline storage tanks at GDFs. This subpart also establishes requirements to demonstrate compliance with the emission limitations and management practices.

EU IDs 104 and 105 are existing gasoline storage tanks with a monthly throughput of less than 10,000 gallons. As such, the Permittee is subject only to the work practices standards in 40 C.F.R. 63.11116 and the general duties to minimize emissions in 40 C.F.R. 63.11115. The Permittee is not required to submit notifications or reports but is required to have records available within 24 hours of a request by the EPA or the Department to document the stationary source's gasoline throughput.

#### **Condition 74, Asbestos NESHAP**

**Legal Basis:** The requirements of 40 C.F.R. 61 are applicable requirements for Title V permitting purposes, as stated in item 4 of the "applicable requirement" definition under 40 C.F.R. 71.2. The condition requires the Permittee to comply with asbestos demolition or renovation requirements in 40 C.F.R. 61, Subpart M and associated general provisions under Subpart A, as adopted by reference under 18 AAC 50.040(b)(1) and (2)(F). The asbestos demolition and renovation requirements apply if the Permittee engages in asbestos demolition or renovation. ADEC received delegation for §61.145 and §61.154 of Subpart M (Asbestos), along with other sections and appendices which are referenced in §61.145, as §61.145 applies to sources required to obtain an operating permit under Alaska's regulations. ADEC has not received delegation for Subpart M for sources not required to obtain an operating permit under Alaska's regulations.

**Factual Basis:** Because these regulations include adequate monitoring and reporting requirements and because the Permittee is not currently engaged in such activity, simply citing the regulatory requirements is sufficient to ensure compliance with these federal regulations.

#### **Conditions 75 through 77, Protection of Stratospheric Ozone, 40 C.F.R. 82**

**Legal Basis:** The requirements of 40 C.F.R. 82 are applicable requirements for Title V permitting purposes, as stated in item 12 of the "applicable requirement" definition under 40 C.F.R. 71.2.

Condition 75 requires compliance with the applicable requirements in 40 C.F.R. 82, as adopted by reference under 18 AAC 50.040(d). The requirements apply if the Permittee engages in the recycling or disposal of certain refrigerants. The condition requires the Permittee to comply with the standards for recycling and emission reduction of refrigerants in 40 C.F.R. 82, Subpart F.

Conditions 76 and 77 also require compliance with the applicable requirement adopted under 18 AAC 50.040(d). Condition 76 prohibitions apply to all stationary sources that use substitutes for ozone-depleting compounds. Condition 77 prohibitions apply to all stationary sources that use halon for extinguishing fires and inert gas to reduce explosion risk. These conditions prohibit the Permittee from causing or allowing violations of these requirements.

**Factual Basis:** These conditions incorporate applicable 40 C.F.R. 82 requirements. Because these regulations include adequate monitoring and reporting requirements and because the Permittee is not currently engaged in such activity, simply citing the regulatory requirements is sufficient to require compliance with this federal regulation.

### **Condition 78, NESHAP Applicability Determinations**

**Legal Basis:** This condition requires the Permittee to determine rule applicability of NESHAP, and requires record keeping for those determinations if required by the source classification.

**Factual Basis:** The Permittee has conducted an analysis of the stationary source and determined that it is not a major HAPs stationary source based on emissions. This condition requires the Permittee to notify the Department and EPA if the stationary source becomes an affected source subject to a standard promulgated by EPA under 40 C.F.R. 63 and to keep records of applicability determinations and make those records available to the Department.

### **Conditions 79 through 81, Standard Terms and Conditions**

**Legal Basis:** These are standard conditions required for all operating permits under 18 AAC 50.345(a) and (e)-(g). As stated in 18 AAC 50.326(j)(3), the standard permit conditions of 18 AAC 50.345 replace the provisions of 40 C.F.R. 71.6(a)(5) – (7).

**Factual Basis:** These are standard conditions that apply to all permits.

### **Condition 82, Administration Fees**

**Legal Basis:** This condition requires compliance with the applicable fee requirements in 18 AAC 50.400-403. As stated in 18 AAC 50.326(j)(1), the provisions of 18 AAC 50.400 through 50.430 are applicable and 40 C.F.R. 71.9 is not applicable.

**Factual Basis:** Paying administration fees is required as part of obtaining and holding a permit with the Department or as a fee for a Department action. The regulations in 18 AAC 50.400-403 specify the amount, payment period, and the frequency of fees applicable to a permit action.

### **Conditions 83 and 84, Emission Fees**

**Legal Basis:** These conditions require compliance with the applicable fee requirements in 18 AAC 50.410-420. The regulations specify the time period for the assessable emissions and the methods the Permittee may use to calculate assessable emissions. As stated in 18 AAC 50.326(j)(1), the provisions of 18 AAC 50.400 through 50.430 are applicable and 40 C.F.R. 71.9 is not applicable.

**Factual Basis:** The Department used the language in SPC I, adopted by reference under 18 AAC 50.346(b), for the permit. SPC I requires the Permittee to pay fees in accordance with the Department's billing regulations. The billing regulations set the due dates for payment of fees based on the billing date.

SPC I also allows the Permittee to recalculate the stationary source's assessable emissions based on previous actual annual emissions. According to AS 46.14.250(h)(1), assessable emissions are based on each air pollutant. Therefore, fees shall be paid on any pollutant emitted whether or not the permit contains any limitation for that pollutant.

This standard condition specifies that, unless otherwise approved by the Department, calculations of assessable emissions must be based on actual emissions for the previous calendar year. Since each current year's assessable emissions are based on the previous year, the Department will not give refunds or make additional billings at the end of the current year if the estimated emissions and current year actual emissions do not match.

As indicated in Condition 84.3, if the stationary source has not commenced construction or operation on or before March 31<sup>st</sup>, the Permittee may submit a waiver letter certified by the responsible official under 18 AAC 50.205 indicating that the assessable emissions for the source is zero for the previous fiscal year.

The Department has modified Condition 83 by deleting the phrase “in quantities 10 tons per year or greater” to match the revision made in 18 AAC 50.410 effective September 7, 2022. Beyond as noted, the Department has determined that the standard conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3).

### **Condition 85, Good Air Pollution Control Practice**

**Legal Basis:** This condition requires compliance with the requirements in 18 AAC 50.346(b)(5) and applies to all emissions units, **except** those subject to an emission standard in 40 C.F.R. 60, 61, or 63, those subject to continuous emission or parametric monitoring requirements, and insignificant emissions units; i.e., except EU IDs 11A, 43 – 46, 101 – 103, and 200 – 210.

**Factual Basis:** The condition requires the Permittee to comply with good air pollution control practices for all units.

The Department adopted this condition under 18 AAC 50.346(b) as SPC VI pursuant to AS 46.14.010(e). Records kept in accordance with Condition 85.2 for units subject to GAPCP need to be maintained for 5 years in accordance with Condition 102 even if a unit is no longer subject to this condition.

Maintaining and operating equipment in good working order is fundamental to preventing unnecessary or excess emissions. Standard conditions for monitoring compliance with emission standards are based on the assumption that good maintenance is performed. Without appropriate maintenance, equipment can deteriorate more quickly than with appropriate maintenance. If appropriate maintenance is not applied to the equipment, the Department may have to apply more frequent periodic monitoring requirements (unless the monitoring is already continuous) to ensure that the monitoring results are representative of actual emissions.

The Permittee is required to keep maintenance records to show that proper maintenance procedures were followed, and to make the records available to the Department. The Department may use these records as a trigger for requesting source testing if the records show that an adequate maintenance schedule is not maintained.

### **Condition 86, Dilution**

**Legal Basis:** This condition reiterates 18 AAC 50.045(a), which prohibits the Permittee from using dilution as an emission control strategy. 18 AAC 50.045 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2.

**Factual Basis:** The condition prohibits the Permittee from diluting emissions as a means of compliance with any standard in 18 AAC 50.

### **Condition 87, Reasonable Precautions to Prevent Fugitive Dust**

**Legal Basis:** This condition reiterates 18 AAC 50.045(d), which requires a person to use reasonable precautions when handling, storing or transporting bulk materials or engaging in an industrial activity. 18 AAC 50.045 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2.

This requirement applies because the Permittee has an emission unit or activity listed under Table 7 of 18 AAC 50.346(c). The listed emission units and activities in Table 7 are: coal-fired boilers; coal handling facilities; construction of gravel pads or roads that are part of a permitted stationary source or other construction that has the potential to generate fugitive dust that reaches ambient air; commercial/industrial/municipal solid waste, air curtain, and medical waste incinerators; sewage sludge incinerators not using wet methods to handle that ash; mines; urea manufacturing; soil remediation units; or dirt roads under the control of the operator with frequent vehicle traffic.

**Factual Basis:** The Department used the language in SPC X for the permit. The condition requires the Permittee to take reasonable action to prevent particulate matter from being emitted into the ambient air in accordance with 18 AAC 50.045(d).

### **Condition 88, Stack Injection**

**Legal Basis:** This condition reiterates 18 AAC 50.055(g), which prohibits the Permittee from releasing materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack (i.e., disposing of material by injecting it into a stack). 18 AAC 50.055 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2.

Stack injection requirements apply to stacks of emissions units at a stationary source constructed or modified after November 1, 1982.

**Factual Basis:** No specific monitoring for this condition is practical. Compliance is verified by inspections, because the unit or stack would need to be modified to accommodate stack injection.

### **Condition 89, Air Pollution Prohibited**

**Legal Basis:** This condition requires compliance with 18 AAC 50.110. 18 AAC 50.110 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2. The condition prohibits the Permittee from causing any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property. The Department also included permit conditions for MR&R as required by 40 C.F.R. 71.6(a)(3) and 71.6(c)(1).

**Factual Basis:** The Department used the language in SPC II for the permit. This condition spells out how to monitor, record, and report prohibited air pollution. While the other permit conditions and emissions limitations should ensure compliance with this condition, unforeseen emission impacts can cause violations of this standard. These violations would go undetected except for complaints from affected persons. Therefore, to monitor compliance, the Permittee must monitor and respond to complaints.

The Permittee is required to report any complaints and injurious emissions. The Permittee must keep records of the date, time, and nature of all complaints received and summary of the

investigation and corrective actions undertaken for these complaints, and must submit copies of these records upon request of the Department.

### **Condition 90, Technology-Based Emission Standard**

**Legal Basis:** The Permittee is required to take reasonable steps to minimize emissions if unavoidable emergency, malfunction, or non-routine repair activities cause an exceedance of any technology-based emission standard in this permit. This condition requires compliance with the requirement in 18 AAC 50.235. Technology-Based Emission Standard requirements apply because the stationary source contains equipment subject to a technology-based emission standard, such as BACT, MACT, LAER, NSPS or any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors.

**Factual Basis:** The conditions of this permit list applicable technology-based emission standards and require excess emission reporting for each standard in accordance with Condition 106. Excess emission reporting under Condition 106 requires information on the steps taken to minimize emissions. Monitoring of compliance for this condition consists of the report required under Condition 106.

### **Condition 91, Open Burning**

**Legal Basis:** The condition requires the Permittee to comply with the regulatory requirements in 18 AAC 50.065 when conducting open burning at the stationary source. 18 AAC 50.065 is included in the SIP approved by EPA and, therefore, is an applicable requirement, per 40 C.F.R. 71.2. The state open burning regulation in 18 AAC 50.065 applies to the Permittee if the Permittee conducts open burning at the stationary source.

**Factual Basis:** The Permittee may conduct open burning by following the provisions of 18 AAC 50.065 and by following the Department guidelines posted at the website <http://dec.alaska.gov/air/air-permit/open-burn-info>. Condition 91.1 requires the Permittee to keep records to demonstrate compliance with the standards for conducting open burning.

More extensive monitoring and recordkeeping is not warranted because the Permittee does not conduct open burning as a routine part of their business. Also, most of the requirements are prohibitions, which are not easily monitored. Compliance is demonstrated through annual certification required under Condition 108.

### **Condition 92, Requested Source Tests**

**Legal Basis:** The Permittee is required to conduct source tests as requested by the Department. This requirement is under 18 AAC 50.220(a) and 50.345(k), which are included in the SIP approved by EPA.

**Factual Basis:** This condition applies because this is a standard condition to be included in all operating permits, as specified in 18 AAC 50.345(a). Compliance is demonstrated through the submission of the required source test plan and report.

### **Conditions 93 through 95, Operating Conditions, Reference Test Methods, Excess Air Requirements**

**Legal Basis:** Conditions 93 and 95 require compliance with the applicable requirements in 18 AAC 50.220(b) and (c)(3), which are included in the SIP approved by EPA. Condition



94 specifies source test methods, as required by 40 C.F.R. 71.6(a)(3)(i) and 71.6(c)(1). These requirements apply because the Permittee is required by the permit to conduct source tests or a source test may be requested by the Department. The Permittee is required to conduct source tests in the manner set out in Conditions 93 through 95.

**Factual Basis:** These conditions supplement the specific monitoring requirements stated elsewhere in this permit.

### **Condition 96, Test Exemption**

**Legal Basis:** This condition incorporates the source test exemption in 18 AAC 50.345(a) regarding visible emissions observations. 18 AAC 50.345(a) is included in the SIP approved by EPA.

**Factual Basis:** As provided in 18 AAC 50.345(a), the requirements for test plans, notifications and reports do not apply to visible emissions observations by smoke readers, except in connection with required particulate matter testing.

### **Conditions 97 through 100, Test Deadline Extension, Test Plans, Notifications and Reports**

**Legal Basis:** Conditions 98 through 100 require compliance with the applicable requirements in 18 AAC 50.345(m) through (o), which are included in the SIP approved by EPA. Condition 97 contains the requirement in 18 AAC 50.345(l). The requirements in 18 AAC 50.345(l) through (o) constitute standard conditions that must be included in each operating permit, as specified in 18 AAC 50.345(a). These requirements apply because the Permittee is required to conduct source tests as set out by this permit or as requested by the Department.

**Factual Basis:** These standard conditions supplement specific monitoring requirements stated elsewhere in this permit.

### **Condition 101, Particulate Matter Calculations**

**Legal Basis:** This condition requires the Permittee to reduce particulate matter data in accordance with 18 AAC 50.220(f), which is included in the SIP approved by EPA. It applies when the Permittee tests for compliance with the particulate matter standards in 18 AAC 50.050 or 50.055.

**Factual Basis:** The condition incorporates a regulatory requirement for particulate matter source tests. This condition supplements specific monitoring requirements stated elsewhere in this permit.

### **Condition 102, Recordkeeping Requirements**

**Legal Basis:** This condition requires the Permittee to keep records in accordance with 40 C.F.R. 71.6(a)(3)(ii), which the Department adopted by reference under 18 AAC 50.040(j)(4). It also incorporates the general NSPS recordkeeping requirement under 40 C. F. R. 60.7(f), which the Department adopted by reference under 18 AAC 50.040(a)(1).

**Factual Basis:** The condition restates the regulatory requirements for recordkeeping, and supplements the recordkeeping defined for specific conditions in the permit. The records being kept provide evidence of compliance with this requirement.

40 C.F.R. 60.7(f) requires records retention for at least two years of the measurements required to be maintained by this Part while 40 C.F.R. 71.6(a)(3)(ii) requires at least five years of records retention. The five-year records retention requirement in Condition 102 satisfies both 40 C.F.R. 60.7(f) and 40 C.F.R. 71.6(a)(3)(ii).

### **Condition 103, Certification**

**Legal Basis:** All operating permits must contain a requirement to certify permit applications, reports, affirmations, or compliance certification, per 18 AAC 50.345(j). The requirement is a part of the SIP approved by EPA.

**Factual Basis:** The Department used the language in SPC XVII, adopted by reference under 18 AAC 50.346(b)(10), for the permit condition. The requirement in 18 AAC 50.345(j) is a standard condition that must be included in each operating permit, as specified in 18 AAC 50.345(a). 18 AAC 50.345(j) allows the excess emissions reports to be certified with the operating report. However, the Department reminds the Permittee that excess emissions reports must be submitted according to the applicable deadline given in Condition 106 and must not be withheld from the Department until the deadline for submittal of an operating report. This condition supplements the reporting requirements of this permit. The certification statement through electronic signature and options for submittal provide paperless options for reporting without compelling Permittees to any specific means of submission.

### **Condition 104, Submittals**

**Legal Basis:** This condition applies because the Permittee is required to send reports to the Department and supplements the standard reporting and notification requirements of this permit.

**Factual Basis:** The Department used the language in SPC XVII, adopted by reference under 18 AAC 50.346(b)(10), for the permit condition. This condition lists the Department's appropriate address for reports and written notices. This condition states that the Department requires one certified copy of submitted reports (except as otherwise required by the Department or other conditions of the permit) and provides an allowance for either electronic or hard copy document submittals. The condition also directs the Permittee to refer to the submission instructions on the Department's Standard Permit Conditions webpage for additional information regarding document submittals (e.g., the appropriate Department address).

### **Condition 105, Information Requests**

**Legal Basis:** All operating permits must include a condition that requires the Permittee to furnish certain information upon request, per 18 AAC 50.345(i). The requirement is part of the SIP approved by EPA.

**Factual Basis:** The requirement in 18 AAC 50.345(i) is a standard condition that must be included in each operating permit, as specified in 18 AAC 345(a). This condition requires the Permittee to submit information requested by the Department.

### **Condition 106, Excess Emission and Permit Deviation Reports**

**Legal Basis:** This condition requires the Permittee to comply with the requirements in 18 AAC 50.235(a)(2) and 18 AAC 50.240(c). Also, the Permittee is required to notify the Department when emissions or operations deviate from the requirements of the permit.

**Factual Basis:** This condition satisfies two state regulations related to excess emissions: the technology-based emission standard regulation and the excess emission regulation. Although there are some differences between the regulations, the condition satisfies the requirements of each regulation.

The Department used the language in SPC III, adopted by reference under 18 AAC 50.346(b)(2), for the permit condition. In accordance with 18 AAC 50.270, beginning September 7, 2023, the Department requires electronic notification of excess emissions and permit deviations. Therefore, the notification form in SPC IV adopted by reference under 18 AAC 50.346(b)(3), may only be used for the notification requirements upon written Department approval (see Section 14).

### **Condition 107, Operating Reports**

**Legal Basis:** The condition specifies reporting requirements as required by 40 C.F.R. 71.6(a)(3)(iii)(A) which the Department has adopted by reference under 18 AAC 50.040(j)(4).

**Factual Basis:** The Department used the language in SPC VII, adopted by reference under 18 AAC 50.346(b)(6), for the permit condition. The condition restates the requirements for reports listed in regulation. The condition supplements the specific reporting requirements identified elsewhere in the permit.

The condition specifies that for the transition periods between an expiring permit and a renewal permit, the Permittee shall ensure that there is date-to-date continuity between the expired permit and the renewal permit such that the Permittee reports against the permit terms and conditions of the permit that was in effect during those partial date periods of the transition. No format is specified. The Permittee may provide one report accounting for each permit term or condition and the effective permit at that time. Alternatively, the Permittee may choose to provide two reports: one accounting for reporting elements of permit terms and conditions from the end date of the previous operating report until the date of expiration of the old permit, and a second operating report accounting for reporting elements of terms and conditions in effect from the effective date of the renewal permit until the end of the reporting period.

### **Condition 108, Annual Compliance Certification**

**Legal Basis:** This condition requires compliance with the requirements in 40 C.F.R. 71.6(c)(5), which the Department adopted by reference under 18 AAC 50.040(j).

**Factual Basis:** This condition specifies the periodic compliance certification requirements, and specifies a due date for the annual compliance certification.

Condition 108.2 provides clarification of transition periods between an expiring permit and a renewal permit to ensure that the Permittee certifies compliance with the permit terms and conditions of the permit that was in effect during those partial date periods involved in the transition. No format is specified. The Permittee may provide one report certifying compliance with each permit term or condition for each of the effective permits during the certification period, or may choose to provide two reports: one certifying compliance with permit terms and conditions from January 1 until the date of expiration of the old permit, and a second report certifying compliance with terms and conditions in effect from the effective date of the renewal permit until December 31.

The Permittee is required to submit to the Department an annual compliance certification report. The Permittee may submit the required report electronically at their discretion.

### **Condition 109, Emission Inventory Reporting**

**Legal Basis:** This condition requires the Permittee to submit emissions data to the state so the state is able to satisfy the federal requirement to submit emission inventory data from point sources to the EPA as required under 40 C.F.R. 51.15 and 51.321. The emission inventory requirement applies to sources defined as point sources in 40 C.F.R. 51.50. The state must report emissions data as described in 40 C.F.R. 51.15 and the data elements in Tables 2a and 2b to Appendix A of 40 C.F.R. 51 Subpart A to EPA.

**Factual Basis:** The Department used the language in SPC XV, as adopted by reference under 18 AAC 50.346(b)(8), for the permit condition.

The emission inventory data is due to EPA 12 months after the end of the reporting year (40 C.F.R. 51.30(a)(1) and (b)(1)). Permittees have until April 30<sup>th</sup> to compile and submit the data to the Department. To expedite the Department's process of transferring data into EPA's electronic reporting system, the Department encourages Permittees to submit the emission inventory through the Department's electronic emission inventory submission system in the Permittee Portal on the Department's Air Online Services webpage <http://dec.alaska.gov/Applications/Air/airtoolsweb/>. A myAlaska account and profile are needed to gain access to the Permittee Portal. Other options are to submit the emission inventory via mail, email, or fax.

Detailed instructions on completing and submitting the emission inventory and the report form are available at the Point Source Emission Inventory page <http://dec.alaska.gov/Applications/Air/airtoolsweb/PointSourceEmissionInventory> by clicking the Emission Inventory Instructions button. The emission inventory instructions and report form may also be obtained by contacting the Department.

To ensure that the Department's electronic system reports complete information to the National Emissions Inventory, Title V stationary sources are required to submit with each report emissions data described in 40 C.F.R. 51.15 and the data elements in Tables 2a and 2b to Appendix A of 40 C.F.R. 51 Subpart A, as applicable. Title V stationary sources with potential annual emissions greater than or equal to any of the emission thresholds shown in Condition 109.1 for Type A (large) sources, as listed in Table 1 to Appendix A of 40 C.F.R. 51 Subpart A, are required to report emission inventory data every year for the previous calendar year (also known as the inventory year). For triennial inventory years, Type A sources only need to submit one report, not both an annual report and a separate triennial report.

Title V stationary sources with potential annual emissions greater than or equal to any of the emission thresholds for Type B (small) sources shown in Condition 109.2.a (for attainment and unclassifiable areas) and Condition 109.2.b (for nonattainment areas), as listed in Table 1 to Appendix A of 40 C.F.R. 51 Subpart A, are required to report emission inventory data every third year (i.e., triennially) for the previous inventory year. The emission thresholds for nonattainment areas listed in Condition 109.2.b vary depending on the nonattainment status of the area. As of June 9, 2017, Fairbanks and North Pole urban area have been designated by the federal administrator as "serious nonattainment" for PM<sub>2.5</sub>. Therefore, a stationary source located in Fairbanks and North Pole urban area is subject to the triennial reporting requirement

if its potential to emit is greater than or equal to any of the threshold values in Conditions 109.2.b(i), 109.2.b(ii), 109.2.b(iii) (PM<sub>10</sub> only), and 109.2.b(iv).

As of the issue date of this permit, the Clear Space Force Station (Clear SFS) is a Type B stationary source.

### **Condition 110, NSPS and NESHAP Reports**

**Legal Basis:** The Permittee is required to provide the Department a copy of each report submitted to EPA as required for emissions units subject to NSPS or NESHAP federal regulations under 18 AAC 50.326(j)(4). Appendix A to 40 C.F.R. 70 documents that EPA fully approved the Alaska operating permit program effective November 30, 2001.

**Factual Basis:** The condition supplements the specific reporting requirements in 40 C.F.R. 60, 40 C.F.R. 61, and 40 C.F.R. 63. The reports themselves provide monitoring for compliance with this condition.

### **Condition 111, Permit Applications and Submittals**

**Legal Basis:** 40 C.F.R. 71.10(d)(1), adopted by reference by the Department under 18 AAC 50.040(j)(7), requires submission of a copy of each permit application to EPA.

**Factual Basis:** The Department used the language in SPC XIV, adopted by reference under 18 AAC 50.346(b)(7), for the permit condition. The condition directs the applicant to send a copy of each application for modification or renewal of this permit to the EPA. The information may be submitted in electronic format, if practicable. This condition shifts the burden of compliance with 40 C.F.R. 71.10(d)(1) from the Department to the Permittee as allowed under 40 C.F.R. 71.10(d)(1).

### **Conditions 112 through 114, Permit Changes and Revisions Requirements**

**Legal Basis:** The Permittee is obligated to notify the Department of certain off-permit source changes and operational changes under 18 AAC 50.326(j)(4). 40 C.F.R. 71.6(a)(8), (12), and (13), incorporated by reference under 18 AAC 50.040(j), require that these provisions be included in operating permits.

**Factual Basis:** 40 C.F.R. 71.6(a)(12) and (13), as reflected in Conditions 113 and 114, respectively, specify changes that may be made without a permit revision, and 40 C.F.R. 71.6(a)(8) (Condition 112) states permit revisions are not required for some emissions trading and similar programs.

The Permittee did not request trading of emission increases and decreases as described in 40 C.F.R. 71.6(a)(13)(iii); therefore, language addressing these provisions has not been included in this permit as part of Condition 112.

### **Condition 115, Permit Renewal**

**Legal Basis:** The Permittee must submit a timely and complete operating permit renewal application if the Permittee intends to continue source operations in accordance with the operating permit program. The obligations for a timely and complete operating permit application are in 40 C.F.R. 71.5(a) – (c), adopted by reference in 18 AAC 50.040(j)(3), and 18 AAC 50.326(c).

**Factual Basis:** In accordance with AS 46.14.230(a), this operating permit is issued for a fixed term of five years after the date of issuance, unless a shorter term is requested by the permit applicant. The Permittee is required to submit an application for permit renewal by the specific dates applicable to the stationary source as listed in this condition. As stated in 40 C.F.R. 71.5(a)(1)(iii), submission for a permit renewal application is considered timely if it is submitted at least six months but no more than eighteen months prior to expiration of the operating permit. According to 40 C.F.R. 71.5(a)(2), a complete renewal application is one that provides all information required pursuant to 40 C.F.R. 71.5(c) and remits payment of fees owed under the fee schedule established pursuant to 18 AAC 50.400. 40 C.F.R. 71.7(b) states that if a source submits a timely and complete application for permit issuance (including renewal), the source's failure to have a permit is not a violation until the permitting authority takes final action on the permit application.

Therefore, as long as an application has been submitted within the timeframe specified under 40 C.F.R. 71.5(a)(1)(iii) and is complete before the expiration date of the existing permit, then the expiration of the existing permit is extended and the Permittee has the right to operate under that permit until the effective date of the new permit. However, this protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit by the deadline specified in writing by the Department any additional information needed to process the application.

#### **Conditions 116 through 119, National Security**

**Legal Basis:** For the purposes of this rule, a "National Security Emergency" means a situation where extremely quick action on the part of a Military Department or a Department of Defense component is needed, and when timing of such action may make it impracticable to meet one or more requirements of an applicable permit or those related to non-permitted emission units.

**Factual Basis:** Authority for the National Security Emergency comes under Presidential Executive Order 12656 Part 5 Department of Defense, 40 C.F.R. 71.6(g)(1)-(g)(5) and 18 AAC 50.235 and AS 46.14.540.

#### **Conditions 120 through 126, General Compliance Requirements and Schedule**

**Legal Basis:** These conditions require compliance with the applicable requirements in 18 AAC 50.345(b) through (d) and (h) and 40 C.F.R. 71.6(c)(3). As stated in 18 AAC 50.345(a), the requirements in 18 AAC 50.345(b) through (d) and (h) are standard conditions that must be included in all operating permits issued by the Department.

**Factual Basis:** These are standard conditions for compliance required for all operating permits.

#### **Conditions 127 and 128, Permit Shield**

**Legal Basis:** These conditions require compliance with the requirements in 40 C.F.R. 71.6(f), which the Department has adopted by reference under 18 AAC 50.040(j)(4). These requirements apply because the Permittee has requested that the Department shield the stationary source from specific non-applicable requirements listed under this condition.

**Factual Basis:** Table C of Operating Permit No. AQ0318TVP05 shows the permit shield that the Department granted to the Permittee. The permit conditions set forth the requirements

that the Department determined were not applicable to the stationary source at the time of permit issuance. The Department based the determinations on the permit application, past operating permit, Title I permits, and inspection reports. Should any of the shielded requirements become applicable during the permit term, the Permittee is required to take necessary steps to comply with all applicable requirements in a timely manner.