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OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA

MEMORANDUM

TO: Gary Mendivil, AAC Contact
Department of Environmental Conservation

FROM: Scott Meriwether
Special Assistant
907.465.3509 

DATE: October 16, 2014

RE: Filed Permanent Regulations: Department of Environmental Conservation
Regulations re: air quality and regulated "new source review" (NSR) pollutants: 18 AAC 50.040(i); 18 AAC 50.502(h)(5); 18 AAC 50.990(92)

Attorney General File:	JU2013200372 (Part 1)
Regulation Filed:	10/10/2014
Effective Date:	11/9/2014
Print:	212, January 2015

cc with enclosures: Linda Miller, Department of Law
Dean Williams, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

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ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

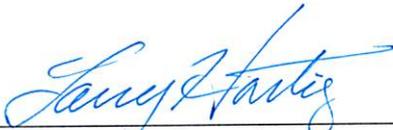
The attached four pages of regulations, dealing with regulated New Source Review (NSR) pollutants are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.14 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: October 9, 2014
Anchorage, Alaska


Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION


I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on October 10, 2014, at 4:17 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Mead Treadwell, Lieutenant Governor

Effective: November 9, 2014.

Register: 212, January 2015

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FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, MEAD TREADWELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Barbara Propes, CHIEF OF STAFF

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Anchorage, on July 2, 2014.



Mead Treadwell
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**MEAD TREADWELL
LIEUTENANT GOVERNOR**

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18 AAC 50.040(i) is amended to read:

(i) From the following provisions of 40 C.F.R. 51.165 (Permit Requirements), as revised as of **July 1, 2013** [JULY 1, 2012], text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

(1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

(i) 40 C.F.R. 51.165(a)(1)(i) ("stationary source");

(ii) 40 C.F.R. 51.165(a)(1)(ii) ("building, structure, facility, or installation");

(iii) 40 C.F.R. 51.165(a)(1)(iii) ("potential to emit");

(iv) 40 C.F.R. 51.165(a)(1)(vii) ("emissions unit");

(v) 40 C.F.R. 51.165(a)(1)(xviii) ("construction");

(B) the following provisions are not adopted, and the terms defined in those provisions have the meaning given in 18 AAC 50.990:

(i) [40 C.F.R. 51.165(a)(1)(xxxvii) ("REGULATED NSR POLLUTANT");

(ii)] 40 C.F.R. 51.165(a)(1)(xxxviii) ("reviewing authority");

ii [(iii)] 40 C.F.R. 51.165(a)(1)(ix) ("fugitive emissions");

(2) **40 C.F.R. 51.165(a)(2)(ii)** [40 C.F.R. 51.165(a)(1)(v) (MAJOR MODIFICATION)];

(3) 40 C.F.R. 51.165(a)(3) [(OFFSET CREDITS)];

- (4) **40 C.F.R. 51.165(a)(5)** [40 C.F.R. 51.165(a)(1)(iv)(C)];
- (5) **40 C.F.R. 51.165(a)(6)** [REPEALED 10/6/2013];
- (6) [40 C.F.R. 51.165(a)(1)(xxviii) (PROJECTED ACTUAL EMISSIONS)];
- (7) REPEALED 7/25/2008;
- (8) REPEALED 7/25/2008;
- (9) REPEALED 7/25/2008;
- (10)] 40 C.F.R. 51.165(f) (Actuals PALs), except as follows:

(A) mass balance calculations as authorized under 40 C.F.R.

51.165(f)(12)(ii)(A) are also acceptable for activities using coating or solvents or for activities emitting sulfur dioxide from the combustion of fuel;

(B) the requirements of 40 C.F.R. 51.165(f)(12)(iii) also apply to owners or operators using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents or from activities emitting sulfur dioxide from the combustion of fuel.

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 10/6/2013, Register 208; am

11 / 9 / 2014, Register 212)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

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18 AAC 50.502(h) is amended by adding a new paragraph to read:

(5) "regulated NSR pollutant" has the meaning given in 40 C.F.R. 52.21(b)(50), adopted by reference in 18 AAC 50.040(h).

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 1/4/2013, Register 205; am 11 / 9 / 2014, Register 212)

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

18 AAC 50.990(92) is repealed:

(92) repealed 11 / 9 / 2014;

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 12/9/2010, Register 196; am 9/17/2011, Register 199; am 9/14/2012, Register 203; am 10/6/2013, Register 208; am 11 / 9 / 2014, Register 212)

Authority:	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280

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AS 46.14.010	AS 46.14.170	AS 46.14.285
AS 46.14.020	AS 46.14.180	AS 46.14.290
AS 46.14.030	AS 46.14.210	AS 46.14.300
AS 46.14.120	AS 46.14.230	AS 46.14.560
AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993