

**ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION**

**Standard Permit Condition III – Excess Emissions and
Permit Deviation Reports**

**Permit Condition for Air Quality Permits
Adopted by Reference in 18 AAC 50.346**

August 25, 2004

Revised {*adoption date of regulations*} [SEPTEMBER 27, 2010]

Standard Permit Condition III – Excess Emissions and Permit Deviation Reports

Stationary Source Categories This Condition Applies [APPLIES] to: All stationary source types.

The **Department** [DEPARTMENT] will use **Standard Permit Condition (SPC)** [STANDARD PERMIT CONDITION] III in each construction or operating permit unless the **Department** [DEPARTMENT] determines that **emissions** [EMISSION] unit- or stationary source-specific conditions more adequately meet the requirements of 18 AAC 50.

The following applies to this standard permit condition:

1. **The permit will include Condition 1.2 only if the permit also contains another condition which has an emissions unit-specific schedule for reporting the failure to monitor emissions.**
2. **Construction permits will not include the phrase “and permit deviations” in Condition 1.3, but where necessary will use stationary source-specific conditions for reporting failure to test or monitor.**

Permit Wording:

1. **Excess Emissions and Permit Deviation Reports. The Permittee shall report excess emissions and permit deviations as follows:**
 - 1.1 **Excess Emissions Reporting.** Except as provided in **Condition** [CONDITION] *<insert cross reference to SPC II -*[STANDARD CONDITION CONCERNING] **Air Pollution Prohibited** [AIR POLLUTION PROHIBITED NUMBER]>, the **Permittee** [PERMITTEE] shall report all emissions or operations that exceed [OR DEVIATE] **emissions standards or limits** from the requirements of this permit, as follows:
 - a. [IN] **In** accordance with 18 AAC 50.240(c), as soon as possible after the event [COMMENCES OR IS]**commenced or was** discovered, report
 - (i) **excess** emissions that present a potential threat to human health or safety; and
 - (ii) excess emissions that the **Permittee** [PERMITTEE] believes to be unavoidable. [;]
 - b. [IN] **In** accordance with 18 AAC 50.235(a), within two working days after the event commenced or was discovered, report an unavoidable emergency, malfunction, or nonroutine repair that causes emissions in excess of a technology-based emission standard.[;]
 - c. **If a continuous or recurring excess emissions is not corrected within 48 hours of discovery, report within 72 hours of discovery**

unless the Department provides written permission to report under Condition 1.3.

d. If requested by the Department, the Permittee shall provide a more detailed written report to follow up on an excess emissions report.

1.2 Permit Deviations Reporting. Report all permit deviations that are not “excess emissions,” as defined under 18 AAC 50.990, according to the required deadline for failure to monitor, as specified in other applicable conditions of this permit (Conditions <insert all permit condition numbers that specifies reporting deadlines for failure to monitor, such as SPC IX.4.2.b and SPC IX.9.1.b>).

1.3 Except as provided in Conditions 1.1 and 1.2, report all other excess emissions and permit deviations within 30 days after the end of the month during which the excess emissions or deviation occurred, or as part of the next routine operating report in Condition <insert cross reference to SPC VII – Operating Reports>, whichever is sooner.

[C. REPORT ALL OTHER EXCESS EMISSIONS AND PERMIT DEVIATIONS

- (I) WITHIN 30 DAYS AFTER THE END OF THE MONTH DURING WHICH THE EMISSIONS OR DEVIATION OCCURRED, EXCEPT AS PROVIDED IN CONDITION] III.1.1C([III]); OR
- (II) IF A CONTINUOUS OR RECURRING EXCESS EMISSIONS IS NOT CORRECTED WITHIN 48 HOURS OF DISCOVERY, WITHIN 72 HOURS OF DISCOVERY UNLESS THE DEPARTMENT PROVIDES WRITTEN PERMISSION TO REPORT UNDER CONDITION] III.1.1C(I); AND
- (III) FOR FAILURE TO MONITOR, AS REQUIRED IN OTHER APPLICABLE CONDITIONS OF THIS PERMIT <SUCH AS SPC IX5.2.B AND SPC IX11.1.B>.]

[1.2] **1.4 Notification Form.** When reporting either excess emissions or permit deviations, the **Permittee** [PERMITTEE] shall report using either the **Department’s online** [DEPARTMENT’S ON-LINE] form, which can be found at **the Division of Air Quality’s Air Online Services (AOS) system webpage Permittee Portal option** [HTTP://WWW.DEC.STATE.AK.US/AIR/AP/SITE.HTM OR HTTPS://MYALASKA.STATE.AK.US/DEC/AIR/AIRTOOLSWEB/], or, if the **Permittee** [PERMITTEE] prefers, the form contained in **Section** [CONDITION] <insert **section number** [STANDARD PERMIT CONDITION CONCERNING] **containing SPC IV - Notification Form** [NOTIFICATION FORM NUMBER]> of this permit. The **Permittee** [PERMITTEE] must provide all information called for by the form that is used. **Submit the report in accordance with the submission instructions on the Department’s Standard Permit Conditions web page.**

[18 AAC 50.235(a)(2), 50.240(c), 50.326(j)(3), & 50.346(b)(2) & (3)]

- [1.3 IF REQUESTED BY THE DEPARTMENT, THE PERMITTEE SHALL PROVIDE A MORE DETAILED WRITTEN REPORT AS REQUESTED TO FOLLOW UP ON AN EXCESS EMISSIONS REPORT.]

[THE FOLLOWING APPLIES TO THIS STANDARD PERMIT CONDITION:

- 1 THE PERMIT WILL INCLUDE CONDITION III.1.1C(III) ONLY IF THE PERMIT ALSO CONTAINS ANOTHER CONDITION WHICH HAS AN EMISSION UNIT SPECIFIC SCHEDULE FOR REPORTING THE FAILURE TO MONITOR EMISSIONS.
2. CONSTRUCTION PERMITS WILL NOT INCLUDE THE PHRASE “AND PERMIT DEVIATIONS” IN CONDITION III.1.1C, BUT WHERE NECESSARY WILL USE STATIONARY SOURCE SPECIFIC CONDITIONS FOR REPORTING FAILURE TO TEST OR MONITOR.]

STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

[THE STATE AND FEDERAL REGULATIONS FOR EACH CONDITION ARE CITED IN OPERATING PERMIT NO. <INSERT OPERATING PERMIT NUMBER>.]

Condition <insert condition reference>, Excess Emission and Permit Deviation Reports

Legal Basis [Applicability]: **This condition requires the Permittee to comply with the requirements in 18 AAC 50.235(a)(2) and 18 AAC 50.240(c).** [THE CONDITION SPECIFIES REPORTING REQUIREMENTS AS REQUIRED BY 40 C.F.R. 71.6(A)(3)(III) AND 71.6(C)(1).] **Also, the Permittee is required to notify the Department** [APPLIES] when [THE] 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** [ADOPTED THIS CONDITION AS STANDARD PERMIT CONDITION] III, **adopted by reference** under **18 AAC 50.346(b)(2)** [18 AAC 50.346(c)], **for the permit condition** [PURSUANT TO AS 46.14.010(e). [THE DEPARTMENT HAS DETERMINED THAT THE STANDARD CONDITION ADEQUATELY MEETS THE REQUIREMENTS OF 40 C.F.R. 71.6(a)(3). NO ADDITIONAL EMISSION 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 MEETS THE REQUIREMENTS OF 40 C.F.R. 71.6(a)(3).]

The Department used the notification form in SPC IV for the notification requirements (see Section <cross-reference section number of the Notification form>).