



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Environmental
Conservation**

OFFICE OF THE COMMISSIONER

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October 30, 2020

Mr. Chris Hladick
U.S. EPA Region 10
Regional Administrator's Office, RA-210
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Subject: SIP Submittal of Standard Conditions, PAEL, and Limited Maintenance Plans SIP Requirements

Dear Mr. Hladick:

This letter provides amendments to Alaska's State Air Quality Control Plan or State Implementation Plan (SIP) that adopt the 2nd 10-year Limited Maintenance Plans for Eagle River and Juneau-Mendenhall Valley, adopted by reference into Alaska Administrative Code (AAC) at 18 AAC 50.030 and amendments to 18 AAC 50, Air Quality Control regulations, with an effective date of November 7, 2020. The provisions being transmitted are the result of two separately public noticed regulations packages; they are being combined in this submittal because they were signed and filed by the Lt. Governor at the same time as well as because some provisions from the latter package superseded provisions from the earlier package. Specific provisions are submitted for EPA approval, while other provisions are included for informational purposes only, to show a complete record of the rulemaking.

On October 8, 2020, the Lt. Governor signed and filed the following changes to the Alaska Department of Environmental Conservation's (DEC) regulations in 18 AAC 50:

- Amend 18 AAC 50.015 to add clarification and update the adoption by reference of federal regulations.
- Amend 18 AAC 50.030 to adopt revisions to the State Air Quality Control Plan by
 - amending Volume II, Section III.D.2 and III.D.3 to adopt the 2nd 10-year PM-10 Limited Maintenance Plans for Eagle River and Juneau;
 - amending 18 AAC 50.030(a)(4) to adopt the Quality Assurance Project Plan for the State of Alaska Air Monitoring and Quality Assurance Program, April 20, 2018
 - adopting new language in 18 AAC 50.030(c) that identifies what triggers contingency measures for nonattainment and maintenance areas statewide; and
 - amending Volume III Appendix to Volume II, Section II.A to incorporate the proposed regulations after public review and comment. This appendix within the State Air Quality Control Plan contains the state's air quality regulations.

Clean Air

- Amend 18 AAC 50.035 to update the adoption by reference of federal regulations.
- Amend 18 AAC 50.040(a) – (k) to update the adoption by reference of federal regulations.
- Amend 18 AAC 50.077 to adopt the current, approved version of the National Fireplace Institute Policy Handbook.
- Amend 18 AAC 50.085, .090, .502, .540, .542, and .990 to update the name of the Port of Alaska.
- Amend 18 AAC 50.205 to correct a cross-reference to Alaska Statutes.
- Amend 18 AAC 50.230 to add a cross-reference; add language requiring electronic notification requirements; and add a new section to establish a new Pre-Approved Emission Limit (PAEL).
- Amend 18 AAC 50.250 to update the adoption by reference of federal regulations.
- Amend 18 AAC 50.311 to update the adoption by reference of federal regulations.
- Amend 18 AAC 50.326 to update the adoption by reference of federal regulations.
- Amend 18 AAC 50.346 to update adoption by reference date of Standard Permit Conditions (SCs); revise language in SCs I – XV; repeal SC XVI, and adopt new SC XVII.
- Amend 18 AAC 50.502 to update the adoption by reference of federal regulations.
- Amend 18 AAC 50.542 to add minor permit public notice submission requirements.
- Amend 18 AAC 50.990 to update definitions.

DEC is submitting the relevant parts of the Adoption Updates-Standard Conditions-PAEL amendments and the 2nd 10-Year Limited Maintenance Plans amendments to EPA for approval today. Note that this SIP submission may include revisions to regulations that have previously been submitted by Alaska to EPA as a SIP revision, and on which EPA has not yet taken final action. By this letter, DEC is withdrawing all previous versions of any regulation that has been revised in this SIP submission and on which EPA has not taken final action, and requests that EPA take action only on the most recent version of such regulation. The previous versions of such regulations are no longer in effect as a matter of state law. Changes to the following revised sections of 18 AAC 50 are being submitted for approval:

- 18 AAC 50.015(b) and Editor's Note
- 18 AAC 50.035(b)
- 18 AAC 50.040(f), (h), and (i)
- 18 AAC 50.077(i)(1) and Editor's Note
- 18 AAC 50.205(b)(1)
- 18 AAC 50.230(b), (c)(2)(D), and new subsection (f)
- 18 AAC 50.250(f)
- 18 AAC 50.311(c)
- 18 AAC 50.502(b)(6) and (h)(2)
- 18 AAC 50.540(c)
- 18 AAC 50.542(d)(1)(B) and (f)(3)
- 18 AAC 50.990(40), (42)(A), (78), (108), (121), and (151).

Additionally, permitting program changes to 18 AAC 50.346 and the Standard Conditions adopted by reference in 18 AAC 50.346 are submitted for approval to the extent that those apply to (1) pollutants for which NAAQS have been established (criteria pollutants) and precursors to those criteria pollutants as determined by the EPA for the applicable geographic area; and (2) any

additional pollutants that are required to be regulated under part C of title I of the CAA, but only for the purposes of meeting or avoiding the requirements of part C of title I of the CAA.

We will submit the documents listed in the enclosures via the EPA's SPeCS system. If requested, we can provide one paper copy and one electronic version of the documents to Christi Duboiski and Kristin Hall of your staff (note that the electronic version would be an exact duplicate of the paper copy).

Alice Edwards is available to your staff to respond to questions or to otherwise assist. She can be phoned at (907) 465-5109. As always, I would be pleased to discuss any of this with you.

Sincerely,



Jason W. Brune, Commissioner

Cc: Krishna Viswanathan, Director, Office of Air and Waste, EPA Region 10
Gina Bonifacino, Office of Air and Waste, EPA Region 10
Christi Duboiski, Office of Air and Waste, EPA Region 10
Kristin Hall, Office of Air and Waste, EPA Region 10
Emma Pokon, Deputy Commissioner, DEC
Alice Edwards, Director, Division of Air Quality
Cindy Heil, Program Manager, ANPMS Program, DEC
Jim Plosay, Program Manager, AP Program, DEC
Jason Olds, Program Manager, Compliance Program, DEC

Enclosure 1
Standard Conditions and PAEL Documents

- Lt. Governor's certified Filing Certificate for Permanent Regulations, including Signed Adoption Order and Memorandum of Filed Permanent Regulations, signed on October 8, 2020, with an effective date of regulations of November 7, 2020;
- Notice of Public Comment Period, signed October 7, 2019;
- Affidavit of Notice of Proposed Adoption of Regulations and Furnishing of Additional Information, signed July 8, 2020;
- Affidavit of Publication for the Public Notice, Anchorage Daily News, signed October 9, 2019;
- Supplemental Notice of Public Comment Period, signed November 21, 2019;
- Affidavit of Supplemental Notice of Proposed Adoption of Regulations and Furnishing of Additional Information, signed July 8, 2020;
- Affidavit of Publication for the Supplemental Public Notice, Anchorage Daily News, signed, November 25, 2019;
- Public Review Draft of 18 AAC 50 regulations which shows the changes made to the regulations, with bold lettering as new language and bracketed language as old language, dated October 7, 2019;
- Affidavit of Anchorage Oral Hearings, signed November 13, 2019;
- Response to Comments, June 22, 2020;
- Affidavit of Agency Record of Public Comment, signed July 8, 2020;
- Adoption Draft of 18 AAC 50 regulations, dated July 22, 2020;
- A copy of the rekeyed regulation amendments prepared by the Department of Law for transmittal to the Lt. Governor for certification and filing, with Register 236, January 2021, handwritten;
- Standard Conditions I –XV and XVII (Standard Condition XVI has been repealed);
- Volume III, Appendix, Section II.A, adopted July 22, 2020;
- Quality Assurance Project Plan for the State of Alaska Air Monitoring and Quality Assurance Program, April 20, 2018

Enclosure 2
Limited Maintenance Plans Documents

- Lt. Governor's certified Filing Certificate for Permanent Regulations, including Signed Adoption Order and Memorandum of Filed Permanent Regulations, signed on October 8, 2020, with an effective date of regulations of November 7, 2020;
- Notice of Public Comment Period, signed April 24, 2020;
- Affidavit of Notice of Proposed Adoption of Regulations and Furnishing of Additional Information, signed July 8, 2020;
- Affidavit of Publication for the Public Notice, Anchorage Daily News, signed April 29, 2020;
- Affidavit of Publication for the Public Notice, Juneau Empire, signed May 11, 2020, 2019;
- Public Review Draft of 18 AAC 50 regulations which shows the changes made to the regulations, with bold lettering as new language and bracketed language as old language, April 24, 2020;
- Affidavit of Cancellation of Oral Hearing, signed July 8, 2020;
- Response to Comments, July 22, 2020;
- Affidavit of Agency Record of Public Comment, signed July 8, 2020;
- Adoption Draft of 18 AAC 50 regulations, dated July 22, 2020;
- A copy of the rekeyed regulation amendments prepared by the Department of Law for transmittal to the Lt. Governor for certification and filing, with Register 236, January 2021, handwritten;
- Volume II Section III: Areawide Pollutant Control Program: Section III.D.2 Eagle River 2nd 10-year PM-10 Limited Maintenance Plan, adopted July 22, 2020;
- Volume III: Appendix III.D.2.2 Anchorage Assembly Resolution No. AR 2020-61 Adopting the Draft Eagle River Second 10-Year PM₁₀ Limited Maintenance Plan, adopted July 22, 2020;
- Volume II Section III: Areawide Pollutant Control Program: Section III.D.3 Juneau's Mendenhall Valley 2nd 10-year PM-10 Limited Maintenance Plan, adopted July 22, 2020;
- Volume III: Appendix III.D.3.4 PM₁₀ Design Values for Juneau's Mendenhall Valley 2nd 10-year PM-10 Limited Maintenance Plan, adopted July 22, 2020.
- Volume III, Appendix, Section II.A, adopted July 22, 2020
- National Fireplace Institute Policy Handbook, November 22, 2019